

CHAPTER 326

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 04-1115

BY REPRESENTATIVE(S) Rhodes, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Wiens, White, Williams T., Butcher, McFadyen, Merrifield, Miller, Rippy, Tochtrop, Weddig, Welker, and Williams S.; also SENATOR(S) Tapia.

AN ACT

CONCERNING THE CONTINUATION OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-25-106 (2) (b), Colorado Revised Statutes, is amended to read:

12-25-106. State board of licensure - subject to termination - repeal of article. (2) (b) This article is repealed, effective July 1, ~~2004~~ 2013.

SECTION 2. Repeal. 24-34-104 (34) (e), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (34) The following agencies, functions, or both, shall terminate on July 1, 2004:

(e) ~~The state board of registration for professional engineers and professional land surveyors in the department of regulatory agencies, created by part 1 of article 25 of title 12, C.R.S.;~~

SECTION 3. 24-34-104 (44), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (44) The following agencies, functions, or both, shall terminate on July 1, 2013:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(g) THE STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS IN THE DEPARTMENT OF REGULATORY AGENCIES, CREATED BY PART 1 OF ARTICLE 25 OF TITLE 12, C.R.S.

SECTION 4. 12-25-106 (3), Colorado Revised Statutes, is amended to read:

12-25-106. State board of licensure - subject to termination - repeal of article. (3) The board shall consist of nine members. Four members shall be professional engineers with no more than two engaged in the same discipline of engineering service or practice, ~~one member shall be a professional engineer and professional land surveyor (PE-PLS), two~~ THREE members shall be practicing professional land surveyors, and two members shall be citizens of the United States and residents of this state for at least one year who have not been engaged in engineering or land surveying.

SECTION 5. 12-25-202 (12), Colorado Revised Statutes, is amended to read:

12-25-202. Definitions. As used in this part 2, unless the context otherwise requires:

(12) "Surveyor quorum of the board" means not less than the ~~two~~ THREE professional land surveyor members of the board ~~a professional engineer and professional land surveyor member of the board~~; and one of the nonengineering, non-land surveyor members of the board.

SECTION 6. 12-25-106 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

12-25-106. State board of licensure - subject to termination - repeal of article. (1) A state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors is hereby created, the duty of which shall be to administer the provisions of this part 1 and part 2 of this article. Duties of the board shall include those provided in ~~section~~ SECTIONS 12-25-107 and ~~section~~ 12-25-207.

(2) (a) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state, unless extended as provided in that section, are applicable to the ~~state board of registration for professional engineers and professional land surveyors~~ created by this section.

SECTION 7. 12-25-101, Colorado Revised Statutes, is amended to read:

12-25-101. General provisions. In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering is declared to be subject to regulation in the public interest. It shall be deemed that the right to engage in the practice of engineering is a privilege granted by the state through the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors, created in section 12-25-106; that the profession involves personal skill and presupposes a period of intensive preparation, internship, due examination, and admission; and that a professional engineer's license is solely such professional engineer's own and is nontransferable.

SECTION 8. 12-25-102 (1), (2), (7), (10), (11), (12), (13), and (14), Colorado Revised Statutes, are amended to read:

12-25-102. Definitions. As used in this part 1, unless the context otherwise requires:

(1) "Board" means the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors, created in section 12-25-106.

(2) "Certificate" means the media issued by the board to evidence ~~registration and~~ licensing of a professional engineer.

(7) ~~"Lawful practice" means the practice of engineering performed pursuant to the provisions of this part 1.~~

(10) (a) "Practice of engineering" means the performance for others of any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical and engineering sciences to such professional services or creative work, including consultation, investigation, evaluation, planning, design, ~~surveying~~, and the observation of construction to evaluate compliance with plans and specifications in connection with the utilization of the forces, energies, and materials of nature in the development, production, and functioning of engineering processes, apparatus, machines, equipment, facilities, structures, buildings, works, or utilities, or any combination or aggregations thereof, employed in or devoted to public or private enterprise or uses.

(b) AN INDIVIDUAL SHALL BE CONSTRUED AS PRACTICING OR OFFERING TO PRACTICE "PROFESSIONAL ENGINEERING" WITHIN THE MEANING AND INTENT OF THIS SECTION IF THE INDIVIDUAL, BY VERBAL CLAIM, SIGN, ADVERTISEMENT, LETTERHEAD, CARD, OR IN ANY OTHER WAY, REPRESENTS HIMSELF OR HERSELF TO BE A PROFESSIONAL ENGINEER; THROUGH THE USE OF ANY OTHER MEANS IMPLIES THAT THE INDIVIDUAL IS LICENSED UNDER THIS PART 1; OR PERFORMS ENGINEERING SERVICES.

(11) "Professional engineer" means an engineer duly ~~registered and~~ licensed pursuant to this part 1.

(12) ~~"Registrant" means an individual duly registered and licensed to practice engineering.~~

(13) ~~"Registration" means formal action by the board to officially license an individual to practice engineering and to make an official record thereof.~~

(14) "Responsible charge" means PERSONAL RESPONSIBILITY FOR THE control and direction of engineering work within a professional engineer's scope of competence. Experience may only be classified as "responsible charge" if the engineer is ~~registered and~~ licensed pursuant to this part 1, unless the work involves an activity exempted pursuant to section 12-25-103.

SECTION 9. 12-25-103 (1) (d), Colorado Revised Statutes, is amended to read:

12-25-103. Exemptions. (1) This part 1 shall not be construed to affect any of the following:

(d) Individuals who perform engineering services under the responsible charge of a ~~registrant~~ PROFESSIONAL ENGINEER;

SECTION 10. The introductory portion to 12-25-104 (1) and 12-25-104 (1) (b) and (1) (c), Colorado Revised Statutes, are amended to read:

12-25-104. Forms of organizations permitted to practice. (1) No partnership, corporation, limited liability company, or joint stock association shall be ~~registered~~ LICENSED under this part 1. No partnership, corporation, limited liability company, or joint stock association shall practice or offer to practice engineering in the state except under the following conditions:

(b) In the case of practice through a partnership, at least one of the partners shall be a professional engineer ~~registered~~ LICENSED under this part 1, and all engineering plans, designs, drawings, specifications, or reports issued by or for the partnership shall bear the seal of said professional engineer partner or a professional engineer in responsible charge of, and directly responsible for, such engineering work when issued.

(c) In the case of the practice of engineering through a joint stock association, limited liability company, or corporation, engineering services or work involving the practice of engineering may be offered through such joint stock association, limited liability company, or corporation if the person in responsible charge of the engineering activities of the joint stock association, limited liability company, or corporation is a professional engineer licensed ~~and registered~~ pursuant to this part 1. All engineering plans, designs, drawings, specifications, or reports ~~which~~ THAT are involved in such practice, issued by or for such joint stock association, limited liability company, or corporation, shall bear the seal and signature of a professional engineer in responsible charge of, and directly responsible for, such engineering work when issued.

SECTION 11. 12-25-106 (4), Colorado Revised Statutes, is amended to read:

12-25-106. State board of licensure - subject to termination - repeal of article. (4) Each professional engineer member of the board shall be a citizen of the United States and a resident of this state for at least one year and shall have been ~~registered or~~ licensed as a professional engineer and practicing as such for at least five years. Professional land surveyor members of the board shall have the qualifications outlined in section 12-25-206.

SECTION 12. 12-25-107 (1) (b), (1) (d), (1) (e) (II) (A), and (2), Colorado Revised Statutes, are amended to read:

12-25-107. Powers and duties of the board. (1) In order to carry into effect the provisions of this part 1, the board shall:

(b) Adopt rules of professional conduct for professional engineers under the provisions of section 24-4-103, C.R.S., which RULES shall be published. Such

publication shall constitute due notice to all ~~registrants~~ PROFESSIONAL ENGINEERS.

- (d) ~~Prepare an annual fiscal year report;~~
- (e) (II) Make available through printed or electronic means the following:
 - (A) ~~The annual fiscal year report prepared by the board;~~

(2) The ~~board~~ DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES may employ at least one investigator qualified to investigate complaints relative to the provisions of this part 1.

SECTION 13. 12-25-112 (2) (b) and (3) (b) (I), Colorado Revised Statutes, are amended to read:

12-25-112. Qualifications for engineer-intern. (2) (b) In order to be admitted to the examination pursuant to paragraph (a) of this subsection (2), the applicant must:

- (I) Have graduated from a board-approved engineering OR ENGINEERING TECHNOLOGY curriculum of four or more years; or
- (II) Have senior status in a board-approved engineering OR ENGINEERING TECHNOLOGY curriculum of four or more years.

(3) (b) In order to be admitted to the examination pursuant to paragraph (a) of this subsection (3), the applicant must:

- (I) ~~Have graduated from a board-approved engineering technology curriculum of four or more years; or~~

SECTION 14. 12-25-113, Colorado Revised Statutes, is amended to read:

12-25-113. Eligibility for professional engineer. To be eligible for licensing ~~and registration~~ as a professional engineer, an applicant shall provide documentation of such applicant's technical competence.

SECTION 15. 12-25-114 (1), (2) (a), (2) (c), (3) (a), (3) (c), (4) (a), and (4) (b) (I), Colorado Revised Statutes, are amended to read:

12-25-114. Qualifications for professional engineer. (1) (a) An applicant may qualify for licensing ~~and registration~~ as a professional engineer by endorsement if such applicant is licensed in good standing in another jurisdiction requiring qualifications substantially equivalent to those currently required of applicants under this part 1 or if, at the time of initial licensure in such jurisdiction, such applicant met the requirements for licensure then in existence under Colorado law.

(b) Upon completion of the application and approval by the board, the applicant shall be licensed ~~and registered~~ as a professional engineer if the applicant is otherwise qualified pursuant to section 12-25-113.

(2) (a) An applicant may qualify for licensing ~~and registration~~ as a professional engineer by graduation, experience, and examination if such applicant passes the principles and practice of engineering examination.

(c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed ~~and registered~~ as a professional engineer if the applicant is otherwise qualified pursuant to section 12-25-113.

(3) (a) An applicant may qualify for licensing ~~and registration~~ as a professional engineer by experience and examination if such applicant passes the principles and practice of engineering examination.

(c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed ~~and registered~~ as a professional engineer if the applicant is otherwise qualified pursuant to section 12-25-113.

(4) (a) A professional engineer who has been duly ~~registered and~~ licensed to practice engineering in this state and who is over sixty-five years of age, upon application, may be classified as a retired professional engineer. Individuals who are so classified shall lose their ~~registration~~ LICENSURE and shall not practice engineering and shall pay a fee to retain retired professional engineer status.

(b) (I) A retired professional engineer shall be reinstated to the status of a professional engineer upon payment of the renewal ~~registration~~ fee. No other fee shall be assessed against such retired professional engineer as a penalty.

SECTION 16. 12-25-115 (1) and (7), Colorado Revised Statutes, are amended to read:

12-25-115. Licenses - certificates. (1) The board, upon acceptance of an applicant who has demonstrated competence in professional engineering and upon receipt of payment of the required fee, shall license and issue a numbered certificate of ~~registration~~ LICENSURE to said applicant.

(7) A ~~registrant~~ PROFESSIONAL ENGINEER shall give immediate notice to the board, in writing, of any change of address.

SECTION 17. 12-25-116 (1) (a) (II), (1) (a) (III), (1) (a) (V), (1) (a) (IX), (1) (b) (I), and (2), Colorado Revised Statutes, are amended to read:

12-25-116. Fees - disposition. (1) Pursuant to section 24-34-105, C.R.S., the board shall charge and collect fees for the following:

- (a) With respect to professional engineers:
- (II) Replacement of a license or a certificate of ~~registration~~ LICENSURE;
- (III) Application for ~~registration~~ LICENSURE by endorsement;

- (V) Issuance of a certificate of ~~registration~~ LICENSURE as a professional engineer;
- (IX) ~~Roster~~ Listing as a retired professional engineer;
- (b) With respect to engineer-interns:
 - (I) ~~Certification as an engineer-intern;~~

(2) All moneys collected by the board shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for expenditures of the board required to perform its duties under this part 1, which expenditures shall be made from such appropriations upon vouchers and warrants drawn pursuant to law. The ~~board~~ DIVISION shall employ, subject to section 13 of article XII of the state constitution, such clerical or other assistants as are necessary for the proper performance of its work.

SECTION 18. 12-25-119, Colorado Revised Statutes, is amended to read:

12-25-119. Prior actions. The board shall take over, assume, and continue all actions and requirements regarding engineers from its predecessor, the state board of registration for professional engineers and land surveyors. There shall be no legal discontinuity, and previously ~~registered~~ LICENSED engineers shall continue their ~~registration~~ LICENSURE as professional engineers.

SECTION 19. 12-25-201, Colorado Revised Statutes, is amended to read:

12-25-201. General provisions. In order to safeguard life, health, and property and to promote the public welfare, the practice of professional land surveying in Colorado is hereby declared to be subject to regulation. It shall be unlawful for any individual to practice professional land surveying in Colorado or to use in connection with such individual's name, or to otherwise assume, or to advertise any title or description tending to convey the impression that such individual is a professional land surveyor, unless such individual has been duly ~~registered~~ LICENSED or is exempted under the provisions of this part 2. The practice of professional land surveying shall be deemed a privilege granted by the state of Colorado based on the qualifications of the individual as evidenced by such individual's licensing. ~~and registration.~~

SECTION 20. 12-25-202 (1), (2), (3), (6) (a) (VIII), (6) (a) (X), (7), (8), and (9), Colorado Revised Statutes, are amended to read:

12-25-202. Definitions. As used in this part 2, unless the context otherwise requires:

- (1) "Board" means the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors, created by section 12-25-106.
- (2) ~~"Certificant" means a land surveyor-intern certified by the board.~~
- (3) "Certificate" means the media issued by the board under seal to evidence

licensing ~~and registration~~ OR ENROLLMENT.

(6) (a) "Professional land surveying" means the application of special knowledge of principles of mathematics, methods of measurement, and law for the determination and preservation of land boundaries. "Professional land surveying" specifically includes:

(VIII) Preparation of land survey plats, condominium plats, monument records, PROPERTY DESCRIPTIONS THAT RESULT FROM THE PRACTICE OF PROFESSIONAL LAND SURVEYING, and survey reports;

(X) SURVEYING TO ESTABLISH BASIC CONTROL FOR ENGINEERING PROJECTS AND geodetic surveying; and

(7) "Professional land surveyor" means an individual who practices professional land surveying and who is currently ~~registered~~ LICENSED with the board after demonstrating competency to practice, as required by section 12-25-214.

(8) ~~"Registrant" means an individual duly registered and licensed to practice land surveying.~~

(9) ~~"Registration" means the formal action by the board to license an individual to practice land surveying and to make an official record thereof.~~

SECTION 21. 12-25-203 (1) (a), Colorado Revised Statutes, is amended to read:

12-25-203. Exemptions. (1) This part 2 shall not be construed to prevent or to affect:

(a) The work of an employee or subordinate of a professional land surveyor ~~holding a certificate of registration under this part 2~~, if such work is performed under the ~~direct supervision of such~~ RESPONSIBLE CHARGE OF THE professional land surveyor;

SECTION 22. 12-25-204, Colorado Revised Statutes, is amended to read:

12-25-204. Forms of organizations permitted to practice. (1) No partnership, corporation, limited liability company, or joint stock association shall be ~~registered~~ LICENSED under this part 2.

(2) No partnership, corporation, limited liability company, or joint stock association shall practice or offer to practice land surveying in this state unless the individual in responsible charge of the land surveying activities of the organization is a professional land surveyor. ~~registered under this part 2~~. All documents, plats, and reports ~~which~~ THAT are involved in such practice, issued by or for such organizations, shall bear the seal and signature of the professional land surveyor ~~registered under this part 2~~ who is in responsible charge of and directly responsible for such land surveying work.

SECTION 23. 12-25-206 (2) and (3), Colorado Revised Statutes, are amended to read:

12-25-206. Board - composition - appointments - terms. (2) A professional land surveyor who is designated as a land surveyor member of the board shall ~~not be licensed and registered as a professional engineer and shall have been registered~~ LICENSED as a land surveyor for at least five years.

(3) The ~~state board of registration for professional engineers and professional land surveyors, created in section 12-25-106,~~ shall have a surveyor quorum of the board, as defined in section 12-25-202 (12). The surveyor quorum shall advise the board concerning issues relating to land surveyors.

SECTION 24. The introductory portion to 12-25-207 (1), 12-25-207 (1) (a) and (1) (b), the introductory portion to 12-25-207 (1) (c), and 12-25-207 (1) (d) (II) (B), (1) (d) (II) (C), (1) (d) (II) (E), (1) (e), and (2), Colorado Revised Statutes, are amended to read:

12-25-207. Powers and duties of the board. (1) ~~In addition to all other powers and duties conferred or imposed upon the board by this article or any other article, ORDER TO CARRY INTO EFFECT THIS PART 2, the board shall adopt and promulgate, under the provisions of section 24-4-103, C.R.S., such rules and regulations as it may deem necessary or proper to carry out the provisions of this part 2 and shall:~~

(a) ~~Adopt rules of conduct for professional land surveyors; PROMULGATE under the provisions of section 24-4-103, C.R.S., which shall be published. Such publication shall constitute due notice to all registrants~~ SUCH RULES AS IT MAY DEEM NECESSARY AND PROPER;

(b) Require each applicant for licensing ~~and registration~~ or certification to demonstrate competence by means of examination and education and may require work examples as it deems necessary and sufficient for licensing ~~and registration~~ or certification;

(c) Keep a record of its proceedings and of all applications for licensing ~~and registration~~ or certification under this part 2. The application record for each applicant shall include:

(d) (II) Make available through printed or electronic means the following:

(B) A list of the names and addresses, of record, of all currently ~~registered~~ LICENSED professional land surveyors;

(C) A list containing the ~~registration~~ LICENSE numbers in numerical sequence and the names of all current and previously ~~registered~~ LICENSED professional land surveyors;

(E) The rules of the board AND SUCH OTHER PERTINENT INFORMATION AS THE BOARD DEEMS NECESSARY.

(e) Provide for and administer written examinations to be given AS OFTEN AS PRACTICABLE at such times and locations as the board shall designate. Written examination papers shall be identified only by numbers and shall be anonymously graded. After review and approval by the board, all examination results shall be

recorded, and each examinee's examination results shall be sent to such examinee by first-class mail. The board shall ensure that the passing score on surveying examinations shall be set to measure the level of minimum competency. The board shall publish and make available to interested applicants a list of the subjects included in the surveying examinations ~~which~~ THAT are developed by the board, such subjects being consistent with and related to the various aspects of surveying.

(2) ~~The board~~ DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES may employ ~~a professional land surveyor~~ AT LEAST ONE INVESTIGATOR to ~~assist in investigating those~~ INVESTIGATE complaints ~~brought to said board~~ relative to the provisions of this part 2.

SECTION 25. 12-25-209.5, Colorado Revised Statutes, is amended to read:

12-25-209.5. Reconsideration and review of board actions. The board, on its own motion or upon application, at any time after the imposition of any discipline as provided in section 12-25-209, may reconsider its prior action and reinstate or restore such license or terminate probation or reduce the severity of its prior disciplinary action. The taking of any such further action, or the holding of a hearing with respect thereto, shall rest in the sole discretion of the board. ~~The registrant~~ PROFESSIONAL LAND SURVEYOR or ~~certificiant~~ LAND SURVEYOR-INTERN in any action before the board shall have the right to appeal any decision of the board to a court of competent jurisdiction.

SECTION 26. 12-25-210 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

12-25-210. Application for licensing or certification. (1) Each application for licensing ~~and registration~~ or certification shall be on a form furnished by the board and shall contain statements made under oath showing the applicant's education and showing a detailed summary of such applicant's surveying experience. Each application shall contain a statement indicating whether ~~or not~~ the applicant has ever been convicted of a felony in this or in any other state, or has ever had a surveyor's license or registration revoked, suspended, or not renewed, or has been reprimanded or fined relative to surveying in this or any other state. Applications ~~which~~ THAT are not complete shall be deemed defective, and the board shall take no action on defective applications except to give notice to the applicant of the defects. A nonrefundable application fee in an amount set by the board shall accompany each application.

(2) ~~When considering applications, personal interviews may be required by the board only if the application fails to demonstrate that the applicant possesses the minimum qualifications necessary to qualify to take the written examination. NO NEW APPLICATION SHALL BE REQUIRED OF AN INDIVIDUAL REQUIRING REEXAMINATION BY THE BOARD, AND SUCH INDIVIDUAL SHALL BE NOTIFIED WHEN THE NEXT EXAMINATION WILL BE HELD.~~

(4) No individual whose license OR ENROLLMENT has been revoked shall be allowed to reapply for licensure or enrollment earlier than two years after the effective date of the revocation.

SECTION 27. 12-25-211, Colorado Revised Statutes, is amended to read:

12-25-211. Eligibility for land surveyor-intern. To be eligible for ~~certification~~ ENROLLMENT as a land surveyor-intern, an applicant shall provide documentation of ~~such~~ THE applicant's technical competence.

SECTION 28. 12-25-212 (1) (a), (1) (b), (2) (a), (2) (c), (3) (b), and (3) (c), Colorado Revised Statutes, are amended to read:

12-25-212. Qualifications for land surveyor-interns. (1) (a) An applicant may qualify for ~~certification~~ ENROLLMENT as a land surveyor-intern by endorsement if ~~such~~ THE applicant is enrolled in good standing in another jurisdiction requiring qualifications substantially equivalent to those currently required of applicants under this part 2 or if, at the time of initial enrollment in such jurisdiction, ~~such~~ THE applicant met the requirements for enrollment then in existence under Colorado law.

(b) Upon completion of the application and approval by the board, the applicant shall be ~~certified~~ ENROLLED as a land surveyor-intern if the applicant is otherwise qualified pursuant to section 12-25-211.

(2) (a) An applicant may qualify for ~~certification~~ ENROLLMENT as a land surveyor-intern by graduation and examination if ~~such~~ THE applicant passes the fundamentals of surveying examination.

(c) Upon passing the examination the applicant shall be ~~certified~~ ENROLLED as a land surveyor-intern if the applicant is otherwise qualified pursuant to section 12-25-211.

(3) (b) In order to be admitted to the examination pursuant to paragraph (a) of this subsection (3), the applicant must:

(I) (A) Have graduated from high school or the equivalent; and

(B) HAVE A CUMULATIVE RECORD OF FOUR YEARS OR MORE OF PROGRESSIVE LAND SURVEYING EXPERIENCE, OF WHICH A MAXIMUM OF ONE YEAR OF EDUCATIONAL CREDIT MAY BE SUBSTITUTED; OR

(II) (A) ~~Have a cumulative record of two years or more of progressive land surveying experience, of which a maximum of one year of educational credit may be substituted.~~ HAVE GRADUATED FROM A BOARD-APPROVED TWO-YEAR SURVEYING CURRICULUM; AND

(B) HAVE A CUMULATIVE RECORD OF TWO YEARS OR MORE OF PROGRESSIVE LAND SURVEYING EXPERIENCE.

(c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be ~~certified~~ ENROLLED as a land surveyor-intern if the applicant is otherwise qualified pursuant to section 12-25-211.

SECTION 29. 12-25-213, Colorado Revised Statutes, is amended to read:

12-25-213. Eligibility for professional land surveyor. To be eligible for licensing ~~and registration~~ as a professional land surveyor, an applicant shall provide documentation of technical competence.

SECTION 30. 12-25-214 (1) (a), (1) (c), (2) (a), (2) (c), (4) (c), (5) (a), (5) (b) (I), and (6), Colorado Revised Statutes, are amended to read:

12-25-214. Qualifications for professional land surveyor. (1) (a) An applicant may qualify for licensing ~~and registration~~ as a professional land surveyor by endorsement and examination if such applicant passes the required examination or examinations pertaining to Colorado law.

(c) Upon passing the examination, the applicant shall be licensed ~~and registered~~ as a professional land surveyor if the applicant is otherwise qualified pursuant to section 12-25-213.

(2) (a) An applicant may qualify for licensing ~~and registration~~ as a professional land surveyor by education, experience, and examination if such applicant passes the principle and practice of surveying examination and the examination pertaining to Colorado law.

(c) Upon passing the examinations and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed ~~and registered~~ as a professional land surveyor if such applicant is otherwise qualified pursuant to section 12-25-213.

(4) (c) Upon passage of the examination pursuant to paragraph (a) of this subsection (4), the applicant shall be licensed ~~and registered~~ as a professional land surveyor if such applicant is otherwise qualified pursuant to section 12-25-213.

(5) (a) A professional land surveyor who has been duly ~~registered and~~ licensed to practice professional land surveying in this state and who is over sixty-five years of age, upon application, may be classified as a retired professional land surveyor. Individuals who are so classified shall lose their ~~registration and~~ LICENSURE, shall not practice professional land surveying, and shall pay a fee to retain retired professional land surveyor status.

(b) (I) A retired professional land surveyor shall be reinstated to the status of a professional land surveyor upon payment of the renewal ~~registration~~ fee. No other fee shall be assessed against such retired professional land surveyor as a penalty.

(6) ~~This section, as amended, is effective January 1, 1995.~~

SECTION 31. 12-25-215 (1) and (6), Colorado Revised Statutes, are amended to read:

12-25-215. Licenses - certificates. (1) The board, upon acceptance of an applicant who has demonstrated competence in professional land surveying and upon receipt of payment of the required fee, shall license and issue a numbered certificate of ~~registration~~ LICENSURE to said applicant.

(6) A ~~registrant~~ PROFESSIONAL LAND SURVEYOR shall give immediate notice to the board, in writing, of any change of address.

SECTION 32. 12-25-216 (1) (a) (II), (1) (a) (III), (1) (a) (V), (1) (b) (I), (1) (b) (V), and (2), Colorado Revised Statutes, are amended, and the said 12-25-216(1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

12-25-216. Fees - disposition. (1) Pursuant to section 24-34-105, C.R.S., the board shall charge and collect fees for the following:

(a) With respect to professional land surveyors:

(II) Replacement of a license, certificate of ~~registration~~ LICENSURE, or renewal card;

(III) Application for ~~registration~~ LICENSURE by endorsement and examination;

(V) Issuance of a certificate of ~~registration~~ LICENSURE as a professional land surveyor;

(IX) LISTING AS A RETIRED PROFESSIONAL LAND SURVEYOR.

(b) With respect to land surveyor-interns:

(I) ~~Certification as a land surveyor-intern;~~

(V) Application for ~~certification~~ ENROLLMENT as a land surveyor-intern by endorsement.

(2) All moneys collected by the board in administering this part 2 shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for expenditures required for the administration of this part 2, which expenditures shall be made from such appropriations upon vouchers and warrants drawn pursuant to law. The ~~board~~ DIVISION shall employ, subject to section 13 of article XII of the state constitution, such clerical or other assistants as are necessary for the performance of its duties.

SECTION 33. 12-25-219, Colorado Revised Statutes, is amended to read:

12-25-219. Prior actions. The board shall take over, assume, and continue all actions and requirements regarding land surveyors from its predecessor, the state board of registration for professional engineers and PROFESSIONAL land surveyors. There shall be no legal discontinuity, and previously ~~registered~~ LICENSED land surveyors shall continue their ~~registration~~ LICENSURE as professional land surveyors.

SECTION 34. 12-25-105 (9), Colorado Revised Statutes, is amended, and the said 12-25-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-25-105. Unlawful practice - penalties - enforcement. (9) ~~Subsequent to a~~

AFTER finding ~~by the board~~ that an individual, partnership, professional association, joint stock company, limited liability company, or corporation has unlawfully engaged in the practice of engineering, the board may jointly and severally assess a fine against such unlawfully engaged party in an amount not less than fifty dollars and not more than ~~seven hundred fifty~~ FIVE THOUSAND dollars FOR EACH VIOLATION PROVEN BY THE BOARD.

(10) AN INDIVIDUAL PRACTICING PROFESSIONAL ENGINEERING WHO IS NOT LICENSED OR EXEMPT SHALL NOT COLLECT COMPENSATION OF ANY KIND FOR SUCH PRACTICE, AND, IF COMPENSATION HAS BEEN PAID, THE COMPENSATION SHALL BE REFUNDED IN FULL.

SECTION 35. 12-25-108 (4) (a), Colorado Revised Statutes, is amended to read:

12-25-108. Disciplinary actions - grounds for discipline. (4) (a) In addition to any other penalty ~~which~~ THAT may be imposed pursuant to this article, any ~~registrant~~ PROFESSIONAL ENGINEER violating any provision of this article or any rule ~~or regulation~~ promulgated pursuant to this article may be fined for each violation proven by the board as follows:

(I) In the first administrative proceeding against a ~~registrant~~ PROFESSIONAL ENGINEER, a fine of not less than fifty dollars and not more than five hundred dollars;

(II) In any subsequent administrative proceeding against a ~~registrant~~ PROFESSIONAL ENGINEER determining that a violation of this article has occurred, a fine of not less than two hundred fifty dollars and not more than ~~two~~ FIVE thousand ~~five hundred~~ dollars FOR EACH VIOLATION PROVEN BY THE BOARD.

SECTION 36. 12-25-205 (1), (2), (3), (7), and (8), Colorado Revised Statutes, are amended to read:

12-25-205. Unlawful practice - penalties - enforcement. (1) It is unlawful for any individual to practice or offer to practice professional land surveying in Colorado without being licensed ~~and registered~~ in accordance with the provisions of this part 2, or for any individual or entity to use or employ the words "land surveyor", "land surveying", or "professional land surveyor" or words of similar meaning or any modification or derivative except as authorized in this part 2.

(2) ~~It is unlawful for any individual to present or attempt to use the certificate of registration number or seal of another, to give any false or forged evidence of any kind to the board or to any member thereof in obtaining or attempting to obtain certification or registration, or to falsely impersonate any other registrant of like or different name.~~ IT IS UNLAWFUL FOR ANY INDIVIDUAL, PARTNERSHIP, PROFESSIONAL ASSOCIATION, JOINT STOCK COMPANY, LIMITED LIABILITY COMPANY, OR CORPORATION TO PRACTICE, OR OFFER TO PRACTICE, LAND SURVEYING IN THIS STATE UNLESS THE INDIVIDUAL IN RESPONSIBLE CHARGE HAS COMPLIED WITH THE PROVISIONS OF THIS PART 2.

(3) It is unlawful for any individual to attempt to use an expired, revoked, suspended, or nonexistent license, ~~and certificate of registration,~~ to practice or offer to practice when not qualified, or to falsely claim that such individual is licensed. ~~and~~

~~registered.~~ IT IS UNLAWFUL FOR AN INDIVIDUAL TO USE IN ANY MANNER A CERTIFICATE OR CERTIFICATE NUMBER THAT HAS NOT BEEN ISSUED TO THE INDIVIDUAL BY THE BOARD.

(7) Any individual practicing professional land surveying, as defined in this part 2, who is not licensed ~~and registered~~ or exempt shall not collect compensation of any kind for such practice, and, if compensation has been paid, such compensation shall be refunded in full.

(8) ~~Subsequent to a~~ AFTER finding by the board that an individual has unlawfully engaged in the practice of professional land surveying, the board may assess a fine against such unlawfully engaged individual in an amount not less than fifty dollars and not more than ~~seven hundred fifty~~ FIVE THOUSAND dollars FOR EACH VIOLATION PROVEN BY THE BOARD.

SECTION 37. The introductory portion to 12-25-208 (1) and 12-25-208 (1) (a), (1) (e) (II), (1) (h), (1) (k), and (4) (a), Colorado Revised Statutes, are amended to read:

12-25-208. Disciplinary actions - grounds for discipline. (1) The board has the power to deny, suspend, revoke, or refuse to renew the license ~~and certificate of registration~~ of, or place on probation, limit the scope of practice of, or require additional training of any professional land surveyor or land surveyor-intern who is found guilty of:

(a) Engaging in fraud, misrepresentation, or deceit in obtaining or attempting to obtain a license ~~and certificate of registration~~ or enrollment;

(e) Violating, attempting to violate, or aiding or abetting the violation or attempted violation of:

(II) Any rule ~~or regulation~~ adopted by the board in conformance with the provisions of this part 2; or

(h) Failing to report to the board any ~~registered~~ professional land surveyor known to have violated any provision of this part 2 or any board order or rule; ~~or regulation;~~

(k) Failing to report to the board any malpractice claim against such ~~registered~~ professional land surveyor or any partnership, limited liability company, corporation, or joint stock association of which such ~~registrant~~ PROFESSIONAL LAND SURVEYOR is a member, ~~that~~ WHICH CLAIM is settled or in which judgment is rendered, within sixty days ~~of~~ AFTER the effective date of such settlement or judgment, if such claim concerned surveying services performed or supervised by such land surveyor;

(4) (a) In addition to any other penalty ~~which~~ THAT may be imposed pursuant to this section, any ~~registrant~~ PROFESSIONAL LAND SURVEYOR violating any provision of this article or any rule ~~or regulation~~ promulgated pursuant to this article may be fined for each violation proven by the board as follows:

(I) In the first administrative proceeding against a ~~registrant~~ PROFESSIONAL LAND SURVEYOR, a fine of not less than fifty dollars and not more than five hundred dollars;

(II) In any subsequent administrative proceeding against a ~~registrant~~ PROFESSIONAL LAND SURVEYOR determining that a violation of this article has occurred, a fine of not less than two hundred fifty dollars and not more than ~~two~~ FIVE thousand ~~five hundred~~ dollars FOR EACH VIOLATION PROVEN BY THE BOARD.

SECTION 38. 12-25-108 (2), Colorado Revised Statutes, is amended, and the said 12-25-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-25-108. Disciplinary actions - grounds for discipline. (2) The board may issue a letter of admonition to a professional engineer or an engineer-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-109 (4). Such letter shall be sent ~~to the registrant~~ by certified mail and shall advise ~~such registrant~~ THE PROFESSIONAL ENGINEER OR ENGINEER-INTERM of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-109 in order to formally adjudicate the conduct or acts on which the letter was based.

(5) THE BOARD MAY ISSUE A LETTER OF CONCERN TO A PROFESSIONAL ENGINEER OR AN ENGINEER-INTERM BASED ON ANY OF THE GROUNDS SPECIFIED IN SUBSECTION (1) OF THIS SECTION WITHOUT CONDUCTING A HEARING AS SPECIFIED IN SECTION 12-25-109 (4) WHEN AN INSTANCE OF POTENTIALLY UNSATISFACTORY CONDUCT COMES TO THE BOARD'S ATTENTION BUT, IN THE BOARD'S JUDGMENT, DOES NOT WARRANT FORMAL ACTION BY THE BOARD. LETTERS OF CONCERN SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO MEMBERS OF THE PUBLIC OR IN ANY COURT ACTION UNLESS THE BOARD IS A PARTY.

SECTION 39. 12-25-208 (2), Colorado Revised Statutes, is amended, and the said 12-25-208 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-25-208. Disciplinary actions - grounds for discipline. (2) The board may issue a letter of admonition to a professional land surveyor or land surveyor-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-209 (4). Such letter shall be sent ~~to the registrant~~ by certified mail and shall advise ~~such registrant~~ THE PROFESSIONAL LAND SURVEYOR OR LAND SURVEYOR-INTERM of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-209 in order to formally adjudicate the conduct or acts on which the letter was based.

(5) THE BOARD MAY ISSUE A LETTER OF CONCERN TO A PROFESSIONAL LAND SURVEYOR OR LAND SURVEYOR-INTERM BASED ON ANY OF THE GROUNDS SPECIFIED IN SUBSECTION (1) OF THIS SECTION WITHOUT CONDUCTING A HEARING AS SPECIFIED IN SECTION 12-25-209 (4) WHEN AN INSTANCE OF POTENTIALLY UNSATISFACTORY CONDUCT COMES TO THE BOARD'S ATTENTION BUT, IN THE BOARD'S JUDGMENT, DOES NOT WARRANT FORMAL ACTION BY THE BOARD. LETTERS OF CONCERN SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO MEMBERS OF THE PUBLIC OR IN ANY COURT ACTION UNLESS THE BOARD IS A PARTY.

SECTION 40. 12-25-105 (4) and the introductory portion to 12-25-105 (6), Colorado Revised Statutes, are amended to read:

12-25-105. Unlawful practice - penalties - enforcement. (4) It is unlawful for any individual to use in any manner an expired, suspended, or revoked license, certificate, or seal, TO PRACTICE OR OFFER TO PRACTICE WHEN NOT QUALIFIED, OR TO FALSELY CLAIM THAT SUCH INDIVIDUAL IS LICENSED.

(6) The practice of PROFESSIONAL engineering in violation of any of the provisions of this part 1 shall be deemed a class 3 misdemeanor and shall be EITHER:

SECTION 41. 12-25-106 (7), Colorado Revised Statutes, is amended to read:

12-25-106. State board of licensure - subject to termination - repeal of article. (7) The director of the division of registrations shall appoint a program ~~administrator~~ DIRECTOR for the board and such other personnel as are deemed necessary for the board to perform its statutory duties, pursuant to section 13 of article XII of the state constitution.

SECTION 42. 12-25-109 (7), Colorado Revised Statutes, is amended to read:

12-25-109. Disciplinary proceedings - injunctive relief procedure. (7) The board, the program ~~administrator~~ DIRECTOR, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing by the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure.

SECTION 43. 12-25-209 (2) and (7), Colorado Revised Statutes, are amended, and the said 12-25-209 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-25-209. Disciplinary proceedings - injunctive relief procedure. (2) Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until dismissed or until notice of hearing and charges are served on a ~~registrant~~ PROFESSIONAL LAND SURVEYOR or ~~certificant~~ LAND SURVEYOR-INTERN or until final agency action is otherwise taken by the board. The board's records and papers shall be subject to the provisions of sections 24-72-203 and 24-72-204, C.R.S., regarding public records and confidentiality.

(7) The board, the program ~~administrator~~ DIRECTOR, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing of the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. The ~~registrant~~ PROFESSIONAL LAND

SURVEYOR or certificant in any action before the board shall have comparable rights of subpoena pursuant to section 24-4-105 (5), C.R.S. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure.

(10) THE COURT OF APPEALS SHALL HAVE INITIAL JURISDICTION TO REVIEW ALL FINAL ACTIONS AND ORDERS THAT ARE SUBJECT TO JUDICIAL REVIEW OF THE BOARD. SUCH PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S.

SECTION 44. 12-25-107 (1) (g), Colorado Revised Statutes, is amended to read:

12-25-107. Powers and duties of the board. (1) In order to carry into effect the provisions of this part 1, the board shall:

(g) Provide for written examinations in the "fundamentals of engineering" and the "principles and practice of engineering". Examinations shall be given AS OFTEN AS PRACTICABLE, at such ~~times and~~ locations as the board shall determine. The board shall ensure that the passing score for any examination shall be set to measure the level of minimum competency. An applicant who fails to pass the prescribed examination may be reexamined at the next regularly scheduled examination.

SECTION 45. The introductory portion to 12-25-108 (1) and 12-25-108 (1) (a), (1) (c), (1) (h), and (1) (k), Colorado Revised Statutes, are amended to read:

12-25-108. Disciplinary actions - grounds for discipline. (1) The board has the power to deny, suspend, revoke, or refuse to renew the license and certificate of ~~registration~~ LICENSURE OR ENROLLMENT of, limit the scope of practice of, or place on probation, any professional engineer or engineer-intern who is found guilty of:

(a) Engaging in fraud, misrepresentation, or deceit in obtaining or attempting to obtain a certificate of ~~registration~~ LICENSURE or enrollment;

(c) A felony THAT IS RELATED TO THE ABILITY TO PRACTICE ENGINEERING; except that the board shall be governed by the provisions of section 24-5-101, C.R.S., in considering such conviction or plea. A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea for the purposes of any hearing under this part 1. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction.

(h) Failing to report to the board any ~~registered~~ professional engineer known to have violated any provision of this part 1 or any board order or rule; ~~or regulation;~~

(k) Failing to report to the board any malpractice claim against such ~~registered~~ professional engineer or any partnership, corporation, limited liability company, or joint stock association of which such professional engineer is a member, that is settled or in which judgment is rendered, within sixty days of the effective date of such

settlement or judgment, if such claim concerned engineering services performed or supervised by such engineer;

SECTION 46. 12-25-110 (1) and (5), Colorado Revised Statutes, are amended to read:

12-25-110. Application for license and certificates. (1) The board shall prescribe and furnish application forms. All applications shall be made under oath and shall be accompanied by the appropriate fee. Each application shall contain a statement indicating whether ~~or not~~ the applicant has ever been convicted of a felony in this or any other state, or has ever had a license ~~or registration~~ to practice engineering revoked or suspended in this or any other state. Applications ~~which~~ THAT are not complete shall be deemed defective and shall not be accepted by the board. The board shall take no action on defective applications, except to give notice to the applicant of defects. The board shall retain all fees submitted with applications, whether or not such applications are acted upon.

(5) No individual whose license or enrollment has been revoked shall be allowed to reapply for licensure OR ENROLLMENT earlier than two years after the effective date of the revocation.

SECTION 47. 12-25-117 (1), Colorado Revised Statutes, is amended to read:

12-25-117. Professional engineer seal. (1) Upon receipt of a certificate of ~~registration~~ LICENSURE, the newly ~~registered~~ LICENSED professional engineer may obtain a seal. A crimp type seal, ~~or~~ a rubber stamp ~~facsimile~~ type seal, or ~~both~~, AN ELECTRONIC TYPE SEAL may be used. The seal shall be of a design approved by the board and shall contain the professional engineer's name and ~~registration~~ LICENSE number and the designation "Colorado ~~registered~~ LICENSED professional engineer". Colorado professional engineers ~~registered~~ LICENSED before July 1, ~~1981~~ 2004, may continue to use their prior existing seals.

SECTION 48. 12-25-217 (1), Colorado Revised Statutes, is amended to read:

12-25-217. Professional land surveying seals. (1) Upon receipt of a certificate of ~~registration~~ LICENSURE, the newly ~~registered~~ LICENSED professional land surveyor may obtain a seal. A crimp type seal, ~~or~~ a rubber stamp ~~facsimile~~ type seal, or ~~both~~, AN ELECTRONIC TYPE SEAL may be used. The seal shall be of a design approved by the board and shall contain the professional land surveyor's name and ~~registration~~ LICENSE number and the designation "Colorado ~~registered~~ LICENSED professional land surveyor". Colorado land surveyors ~~registered~~ LICENSED before July 1, ~~1981~~ 2004, may continue to use their prior existing seals.

SECTION 49. 12-4-110 (4) (c), Colorado Revised Statutes, is amended to read:

12-4-110. Partnerships - professional corporations - limited liability companies - requirements. (4) (c) No identifying media used by any member of such entity shall mislead the public as to the fact that such member is licensed as an architect or as a ~~registered~~ professional engineer.

SECTION 50. 12-4-112 (5), Colorado Revised Statutes, is amended to read:

12-4-112. Exemptions. (5) Nothing in this article shall be construed to prevent the independent employment of a ~~registered~~ LICENSED professional engineer practicing pursuant to part 1 of article 25 of this title.

SECTION 51. 12-23-101 (1.5), Colorado Revised Statutes, is amended to read:

12-23-101. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "Electrical contractor" means any person, firm, copartnership, corporation, association, or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power. A ~~registered~~ LICENSED professional engineer who plans or designs electrical installation shall not be classed as an electrical contractor.

SECTION 52. 13-4-102 (2) (c), Colorado Revised Statutes, is amended to read:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

(c) Review all final actions and orders appropriate for judicial review of the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors as provided in article 25 of title 12, C.R.S.;

SECTION 53. 18-4-515 (2), Colorado Revised Statutes, is amended to read:

18-4-515. Entry to survey property - exception to criminal trespass. (2) Any person who is licensed ~~or registered~~ as a professional land surveyor pursuant to section 12-25-214, C.R.S., or who is under the direct supervision of such a person as an employee, agent, or representative, may enter public or private land to investigate and utilize boundary evidence and to perform boundary surveys if the notice requirement in this subsection (2) is met. The notice of the pending survey shall contain the identity of the party for whom the survey is being performed and the purpose for which the survey will be performed, the employer of the surveyor, the identity of the surveyor, the dates the land will be entered, the time, location, and timetable for such entry, the estimated completion date, the estimated number of entries ~~which~~ THAT will be required, and a statement requesting the landowner to provide the surveyor with the name of each person who occupies the land as a tenant or lessee, whether on a permanent or a temporary basis. Nothing in this subsection (2) shall be deemed to confer liability upon a landowner who fails or refuses to provide such requested statement. At least fourteen days before the desired date of entry the professional land surveyor shall cause such notice to be given to the landowner by certified mail, return receipt requested, and by regular mail. Any landowner may waive the requirement that notice be given by certified mail, return receipt requested, and by regular mail. The waivers described in this subsection (2) may be given orally or in writing.

SECTION 54. 24-1-122 (3) (u), Colorado Revised Statutes, is amended to read:

24-1-122. Department of regulatory agencies - creation. (3) The following boards and agencies are transferred by a **type 1** transfer to the department of

regulatory agencies and allocated to the division of registrations:

(u) State board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors, created by part 1 of article 25 of title 12, C.R.S.;

SECTION 55. 24-30-1305 (4), Colorado Revised Statutes, is amended to read:

24-30-1305. Life-cycle cost - application. (4) The life-cycle cost analysis shall be certified by a licensed architect or ~~registered~~ professional engineer, or by both architect and engineer, particularly qualified by training and experience for the type of work involved.

SECTION 56. 24-33.5-1206.2 (2), Colorado Revised Statutes, is amended to read:

24-33.5-1206.2. Job registration and plan review. (2) Any working plans and hydraulic calculations submitted for review by the administrator shall bear the signature and certification number of either a ~~registered~~ LICENSED professional engineer or a level three or higher engineering technician (fire suppression engineering technology - automatic sprinkler design or fire suppression engineering technology - special hazards system layout), whichever is relevant to the particular job or design, certified by the national institute for the certification of engineering technologists. Such ~~registered~~ LICENSED professional engineer or engineering technician shall certify that he OR SHE has reviewed the plan and design and finds that it meets the applicable standards adopted by the administrator for fire safety, and that it is adequately designed to meet the system requirements.

SECTION 57. 25-5-702 (5), Colorado Revised Statutes, is amended to read:

25-5-702. Definitions. As used in this part 7, unless the context otherwise requires:

(5) "Qualified tramway design engineer" or "qualified tramway construction engineer" means an engineer ~~registered~~ LICENSED by the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors pursuant to part 1 of article 25 of title 12, C.R.S., to practice professional engineering in this state.

SECTION 58. 25-7-111 (1), Colorado Revised Statutes, is amended to read:

25-7-111. Administration of air quality control programs. (1) The division shall administer and enforce the air quality control programs adopted by the commission. In furtherance of such responsibility of the division, the executive director of the department of public health and environment shall establish within the division a separate air quality control agency, the head of which shall be a ~~registered~~ LICENSED professional engineer or shall have a graduate degree in engineering or other specialty dealing with the problems of air quality control. Such person shall also have appropriate practical and administrative experience related to air quality control. Such person shall not be the technical secretary employed pursuant to section 25-7-105 (3). Any potential conflict of interest of such person shall be adequately disclosed prior to appointment and as may from time to time arise. All policies and

procedures followed in the administration and enforcement of the air quality control programs ~~which~~ THAT have been adopted by the commission shall be subject to supervision by the state board of health.

SECTION 59. 25-8-301 (3), Colorado Revised Statutes, is amended to read:

25-8-301. Administration of water quality control programs. (3) The director of said water quality control agency shall be employed pursuant to section 13 of article XII of the state constitution. He OR SHE shall be a ~~registered~~ LICENSED professional engineer or have a graduate degree in engineering or other specialty dealing with the problems of pollution and shall also have appropriate practical and administrative experience related to such problems. Such person shall not be the administrator employed pursuant to section 25-8-202 (4).

SECTION 60. 25-10-103 (16), Colorado Revised Statutes, is amended to read:

25-10-103. Definitions. As used in this article, unless the context otherwise requires:

(16) "~~Registered~~ Professional engineer" means an engineer licensed in accordance with part 1 of article 25 of title 12, C.R.S.

SECTION 61. 25-10-105 (1) (f), (1) (g), (1) (h), and (1) (l), Colorado Revised Statutes, are amended to read:

25-10-105. Minimum standards for individual sewage disposal systems. (1) Rules adopted by local boards of health under section 25-10-104 (2) or (4) or promulgated by the department under section 25-10-104 (3) shall govern all aspects of the performance, location, construction, alteration, installation, and use of individual sewage disposal systems and shall include, as a minimum, provisions regarding the following matters:

(f) Provisions indicating when an individual sewage disposal system must be designed by a ~~registered~~ professional engineer and approved by the local health department;

(g) For systems disposing of effluent into state waters: In cooperation and coordination with the water quality control commission, procedures for obtaining site location approval and discharge permits; general design criteria; adoption of effluent standards; requirement of design by a ~~registered~~ professional engineer; and mandatory review by the local health department of each application for such a system;

(h) For systems disposing of effluent by discharge upon the surface of the ground: Specific performance criteria to ~~insure~~ ENSURE that such surface discharge does not drain from the property on which the system is located, except by permit from the local board of health, and does not otherwise create a hazard to public health or water quality or constitute a nuisance or undue risk of pollution; requirement of design by a ~~registered~~ professional engineer; and mandatory review by the local health department of each application for such a system;

(l) Performance criteria and construction standards for systems that service commercial, business, institutional, or industrial property or multifamily dwellings; requirement of design by a ~~registered~~ professional engineer; and mandatory review by the local health department of each application for such a system;

SECTION 62. 25-10-106 (1) (c), (1) (e), and (1) (h), Colorado Revised Statutes, are amended to read:

25-10-106. Basic rules for local administration. (1) Rules adopted by local boards of health under section 25-10-104 (2) or (4) or promulgated by the department under section 25-10-104 (3) shall govern all aspects of the application for and issuance of permits, the inspection, testing, and supervision of installed systems, the issuance of cease and desist orders, the maintenance and cleaning of systems, and the disposal of waste material, and shall, as a minimum, include provisions regarding the following matters:

(c) Specification of mandatory tests to be performed by the local health department or under the supervision of a ~~registered~~ professional engineer, including percolation tests unless excused or previously performed by a ~~registered~~ professional engineer;

(e) Determination on behalf of the local health department by a sanitarian, an environmental health specialist, or a ~~registered~~ professional engineer after review of the application, site inspection, test results, and other required information, whether the proposed system is in compliance with the requirements of, and the rules adopted under, this article; and the issuance of a permit by the health officer or the health officer's designated representative if the proposed system is determined to be in compliance with the requirements of this article and the rules adopted under this article;

(h) Final inspection of a system to be made by the local health department or its designated ~~registered~~ professional engineer after construction, installation, alteration, or repair work under a permit has been completed, but before the system is placed in use, to determine that the work has been performed in accordance with the permit and that the system is in compliance with this article and the rules adopted under this article;

SECTION 63. 25-10-108, Colorado Revised Statutes, is amended to read:

25-10-108. Performance evaluation and approval of systems employing new technology. (1) Upon application by a systems contractor, a ~~registered~~ professional engineer, or a manufacturer of individual sewage disposal systems, the division may hold a public hearing to determine whether a particular design or type of system, based upon improvements or developments in the technology of sewage disposal and not otherwise provided for in paragraphs (e) to (k) of subsection (1) of section 25-10-105, has established a record of performance reliability that would justify approval of applications for such systems by the health officer without mandatory review by the local board of health. If the division determines, based upon reasonable performance standards and criteria, that such reliability has been established, the division shall so notify each local board of health, and applications for permits for such systems may thereafter be acted upon by the health officer, the health officer's designated representative, or the local board of health's designated

representative, in the same manner as applications for systems described in section 25-10-105 (1) (e). The division shall not arbitrarily deny any person the right to a hearing on an application for a determination of reliability under the provisions of this section.

(2) Except for designs or types of systems that have been approved by the division pursuant to subsection (1) of this section, the local health department may approve an application for a type of system not otherwise provided for in paragraphs (e) to (k) of subsection (1) of section 25-10-105, only if the system has been designed by a ~~registered~~ professional engineer, and only if the application provides for the installation of a backup system, of a type described in said paragraphs or previously approved by the division under subsection (1) of this section, in the event of failure of the primary system. A local health department shall not arbitrarily deny any person the right to consideration of an application for such a system and shall apply reasonable performance standards in determining whether to approve such an application.

SECTION 64. The introductory portion to 32-11-104 (21), Colorado Revised Statutes, is amended to read:

32-11-104. Definitions. As used in this article, unless the context otherwise requires:

(21) "Engineer" means any engineer in the permanent employ of the urban district, or any ~~registered or~~ licensed professional engineer, or firm of such engineers, as from time to time determined by the board:

SECTION 65. 32-11-204 (6) (b), Colorado Revised Statutes, is amended to read:

32-11-204. Regular appointments. (6) (b) Each director appointed pursuant to this subsection (6) shall be a ~~registered~~ professional engineer licensed by the state, an elector of the district, and not an officer in the regular employment of any public body. Each such director shall remain so qualified during his OR HER term of office as director.

SECTION 66. 32-11-205, Colorado Revised Statutes, is amended to read:

32-11-205. Filling vacancies. Upon a vacancy occurring in the board by reason of a director's death, resignation, termination of office as a city ~~councilman~~ COUNCIL MEMBER, county commissioner, or executive officer, or failure to remain a ~~registered~~ professional engineer licensed by the state who is an elector of the district, and is not an officer or in the regular employment of any public body, as the case may be, in contravention of any provision in section 32-11-204 (3) to (6), or for any other reason, the vacancy for the unexpired term of office of such director, upon the creation of such vacancy, shall be filled by the authority appointing him OR HER by the appointment forthwith of a successor director to serve for such unexpired term in the manner provided for such appointing authority in section 32-11-204 for regular appointments, except as otherwise provided in this section.

SECTION 67. 34-33-110 (2) (o), Colorado Revised Statutes, is amended to read:

34-33-110. Application for permit. (2) The permit application shall include the following:

(o) Cross sections, maps, or plans of the land to be affected, including the actual area to be mined, prepared by or under the direction of and certified by a qualified ~~registered~~ LICENSED professional engineer or professional geologist, showing pertinent elevation and location of test borings or core samplings and depicting the following: The nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all coal crop lines and the strike and dip of the coal to be mined, within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings of any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse areas and topsoil preservation areas; the location of all impoundments for waste or erosion control; the location of any settling or water treatment facility; the location of constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

SECTION 68. 34-33-120 (2) (v) (VIII) and (5) (c) (I), Colorado Revised Statutes, are amended to read:

34-33-120. Environmental protection performance standards. (2) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require such operations to:

(v) Place all excess spoil material resulting from surface coal mining and reclamation operations in such a manner that:

(VIII) The design of the spoil disposal area is certified by a qualified ~~registered~~ LICENSED professional engineer in conformance with professional standards; and

(5) (c) Before granting a variance pursuant to this subsection (5), the board or office shall determine that:

(I) The proposed postmining land use of the affected land will be an equal or better economic or public use, after consultation with appropriate land use planning agencies in such matter, and that such use is designed and certified by a qualified ~~registered~~ LICENSED professional engineer in conformance with professional standards established to ensure the stability, drainage, and configuration necessary for the proposed postmining land use; and

SECTION 69. 37-91-104 (1) (k), Colorado Revised Statutes, is amended to read:

37-91-104. Duties of the board. (1) The board shall:

(k) Adopt, and revise as necessary, such rules ~~and regulations~~ regarding the construction, use, and abandonment of monitoring and observation wells, dewatering

wells, and test holes necessary to safeguard the public health of the people of Colorado. All such rules shall be adopted in accordance with article 4 of title 24, C.R.S. The board may require that such wells or holes be designed, constructed, used, or abandoned by a ~~registered~~ LICENSED professional engineer, professional geologist, licensed well construction contractor, or anyone directly employed by or under the supervision of one of these individuals.

SECTION 70. 37-92-202 (1) (a), Colorado Revised Statutes, is amended to read:

37-92-202. Division engineers. (1) (a) The state engineer, with the approval of the executive director of the department of natural resources, shall appoint one division engineer for each division. Each division engineer shall be a ~~registered~~ LICENSED professional engineer and shall have such additional qualifications as may be specified from time to time by the state engineer. The state engineer, with the approval of said executive director, may employ such assistants and staff members as are necessary to enable each division engineer to carry out his OR HER duties.

SECTION 71. 38-50-103 (1), (2) (a), (3), and (4), Colorado Revised Statutes, are amended to read:

38-50-103. Public records - monument records. (1) The state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors, created in section 12-25-106, C.R.S., shall employ personnel at the expense of such board's ~~registrants~~ LICENSED PROFESSIONAL LAND SURVEYORS to maintain a monument record filing system for all monument records filed in accordance with section 38-53-104.

(2) (a) The state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors shall transmit a copy of each monument record accepted for filing, without fee, to the county clerk and recorder for the county in which the monument is located.

(3) Certified copies of monument records of the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors shall be evidence in all courts and places in this state.

(4) No fee shall be charged by the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors for the filing of monument records. The cost of maintaining the monument record files shall be recouped as part of the renewal fee charged to ~~registrants~~ LICENSEES. Such renewal fee shall be calculated to cover the costs of the staff and equipment necessary to maintain the monument record filing system.

SECTION 72. 38-51-102 (5) and (16), Colorado Revised Statutes, are amended to read:

38-51-102. Definitions. As used in this article, unless the context otherwise requires:

(5) "Board" means the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors, created in section 12-25-106, C.R.S.

(16) "Professional land surveyor" means a person ~~registered or~~ licensed pursuant to part 2 of article 25 of title 12, C.R.S.

SECTION 73. 38-51-105 (1) (b), (6), (7) (b) (I), and (10), Colorado Revised Statutes, are amended to read:

38-51-105. Monumentation of subdivisions. (1) (b) A durable cap bearing the ~~registration~~ LICENSE number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each such monument embedded pursuant to this subsection (1).

(6) For any points designated in subsection (1), (2), or (3) of this section ~~which~~ THAT fall on solid bedrock, concrete, stone curbs, gutters, or walks, a durable metal disk or cap shall be securely anchored in the rock or concrete and stamped with the survey point and the ~~registration~~ LICENSE number of the professional land surveyor responsible for the establishment of the monument or marker.

(7) (b) (I) The letters "RM" or "WC" shall be affixed to the monument in addition to the surveyor's ~~registration~~ LICENSE number.

(10) No marker required by this section shall bear the ~~registration~~ LICENSE number of more than one professional land surveyor but may bear the name of an individual surveyor or surveying firm in addition to the required ~~registration~~ LICENSE number.

SECTION 74. 38-51-106 (1) (f), Colorado Revised Statutes, is amended to read:

38-51-106. Land survey plats. (1) All land survey plats shall include but shall not be limited to the following:

(f) A description of all monuments, both found and set, ~~which~~ THAT mark the boundaries of the property and of all control monuments used in conducting the survey. IF ANY SUCH BOUNDARY MONUMENT OR CONTROL MONUMENT IS A PUBLIC LAND SURVEY MONUMENT OR ALIQUOT CORNER, THE PROFESSIONAL LAND SURVEYOR SHALL DESCRIBE THE PHYSICAL EVIDENCE USED TO ESTABLISH OR RESTORE THE MONUMENT.

SECTION 75. 38-51-107, Colorado Revised Statutes, is amended to read:

38-51-107. Required plats. (1) Every professional land surveyor who accepts a monument while performing a monumented land survey shall prepare AND DEPOSIT a plat if such monument is not of record either in the clerk and recorder's office of the county in which the monument lies or in the public office designated by the county commissioners pursuant to section 38-50-101 (2) or if such monument is set pursuant to section 38-51-104.

(2) No plat shall be required to be prepared OR DEPOSITED if the monuments accepted or set are within a platted subdivision ~~which~~ THAT was filed ~~after July 1, 1975~~ IN THE CLERK AND RECORDER'S OFFICE WITHIN THE PREVIOUS TWENTY YEARS.

(3) PLATS REQUIRED PURSUANT TO THIS SECTION SHALL COMPLY WITH SECTION 38-50-101.

SECTION 76. 38-51-110 (3), Colorado Revised Statutes, is amended to read:

38-51-110. Violations. (3) (a) The board may revoke the ~~registration~~ LICENSURE of any professional land surveyor convicted under the provisions of this article.

(b) Any person whose ~~registration~~ LICENSURE is revoked pursuant to paragraph (a) of this subsection (3) shall be entitled to a hearing on such revocation pursuant to article 4 of title 24, C.R.S., and may appeal any decision of the board to a court of competent jurisdiction.

SECTION 77. 38-53-103 (5) and (16), Colorado Revised Statutes, are amended to read:

38-53-103. Definitions. As used in this article, unless the context otherwise requires:

(5) "Board" means the state board of ~~registration~~ LICENSURE for professional engineers and professional land surveyors, created in section 12-25-106, C.R.S.

(16) "Professional land surveyor" means a person ~~registered or~~ licensed pursuant to part 2 of article 25 of title 12, C.R.S.

SECTION 78. 38-53-110 (3), Colorado Revised Statutes, is amended to read:

38-53-110. Violations. (3) (a) The board may revoke the ~~registration~~ LICENSURE of any professional land surveyor convicted under the provisions of this article.

(b) Any person whose ~~registration~~ LICENSURE is revoked pursuant to paragraph (a) of this subsection (3) shall be entitled to a hearing on such revocation, pursuant to article 4 of title 24, C.R.S., and may appeal any decision of the board to a court of competent jurisdiction.

SECTION 79. 43-1-109 (1), Colorado Revised Statutes, is amended to read:

43-1-109. Chief engineer. (1) There is hereby created the office of chief engineer. The chief engineer shall be a ~~registered~~, LICENSED professional engineer with a minimum of ten years' responsible engineering experience, including management and organization in the field of highway engineering.

SECTION 80. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 2004