

CHAPTER 66

GOVERNMENT - STATE

SENATE BILL 05-148

BY SENATOR(S) Shaffer, Anderson, Bacon, Dyer, Gordon, Grossman, and Mitchell;
also REPRESENTATIVE(S) Buescher and Hoppe.

AN ACT

CONCERNING CONTINUATION OF THE FIRE SUPPRESSION PROGRAM OF THE DIVISION OF FIRE SAFETY.

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

SECTION 1. 24-33.5-1209 (2), Colorado Revised Statutes, is amended to read:

24-33.5-1209. Repeal of sections. (2) Sections 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6, concerning programs for fire suppression administered by the division of fire safety and scheduled for termination in accordance with section 24-34-104 ~~(36)~~, are repealed, effective July 1, ~~2005~~ 2014.

SECTION 2. Repeal. 24-34-104 (36) (a), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (36) The following agencies, functions, or both, shall terminate on July 1, 2005:

(a) ~~The fire suppression program of the division of fire safety, created pursuant to sections 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6;~~

SECTION 3. 24-34-104 (45), 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. (45) The following agencies, functions, or both, shall terminate on July 1, 2014:

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

(d) THE FIRE SUPPRESSION PROGRAM OF THE DIVISION OF FIRE SAFETY, CREATED PURSUANT TO SECTIONS 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, AND 24-33.5-1207.6.

SECTION 4. 24-33.5-1204.5 (1) (d), Colorado Revised Statutes, is amended, and the said 24-33.5-1204.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-33.5-1204.5. Powers of the administrator - rules. (1) In addition to any other duties and powers granted by this section or sections 24-33.5-1206.2 and 24-33.5-1206.4, the administrator has the following duties and powers:

(d) To maintain records of all applications, COMPLAINTS, investigations, disciplinary or other actions, and registrants.

(2) (a) THE ADMINISTRATOR SHALL IMPLEMENT A TRACKING SYSTEM, SEPARATE FROM THE INDIVIDUAL RECORDS OF FIRE SUPPRESSION CONTRACTORS AND INSPECTORS, REGARDING THE DISPOSITION OF COMPLAINTS.

(b) THE ADMINISTRATOR SHALL PROVIDE AN ONLINE COMPLAINT FORM AND INTERNET ACCESS TO THE TRACKING SYSTEM IMPLEMENTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).

SECTION 5. 24-33.5-1206.6 (2) (c) and (3), Colorado Revised Statutes, are amended, and the said 24-33.5-1206.6 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-33.5-1206.6. Unlawful acts - civil penalties - disciplinary actions. (2) In addition to the penalties provided in subsection (1) of this section, the administrator may withhold, deny, suspend, or revoke the registration or certification of any registered fire suppression contractor or certified fire safety inspector or applicant therefor if the administrator finds, upon proof, that any such person has committed any of the following:

(c) Engaging in ~~dishonorable, unethical, or unprofessional~~ conduct ~~of a character~~ THAT IS likely to deceive, defraud, or harm the public in the course of professional services or activities;

(3) All fines imposed by the administrator pursuant to this section shall be credited to the ~~fire suppression~~ GENERAL fund. ~~created in section 24-33.5-1207.6.~~

(6) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE ADMINISTRATOR, DOES NOT WARRANT FORMAL ACTION BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, THE ADMINISTRATOR MAY ISSUE A LETTER OF ADMONITION BY CERTIFIED MAIL TO THE FIRE SUPPRESSION CONTRACTOR OR INSPECTOR.

(b) THE LETTER OF ADMONITION SHALL NOTIFY THE FIRE SUPPRESSION CONTRACTOR OR INSPECTOR OF THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY

DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to actions occurring on or after said date.

SECTION 7. 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: April 14, 2005