

## CHAPTER 30

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**PROFESSIONS AND OCCUPATIONS**


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**HOUSE BILL 06-1048**

BY REPRESENTATIVE(S) Vigil, Coleman, Schultheis, White, Berens, Madden, and Penry;  
also SENATOR(S) Takis, Hanna, and Taylor.

**AN ACT**

**CONCERNING THE DISCIPLINE OF PERSONS ENGAGED IN AN OCCUPATION REGULATED BY THE DIVISION  
OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.**

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

**SECTION 1.** 12-2-129, Colorado Revised Statutes, is amended to read:

**12-2-129. Unauthorized practice - penalties.** Any person who violates ~~any provision of this article or violates a cease and desist order issued pursuant to section 12-2-126~~ SECTION 12-2-120 (1), (2), (5), OR (6) (a) commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 2.** 12-4-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION CONTAINING A RELOCATED PROVISION, WITH AMENDMENTS, to read:

**12-4-112. Exemptions.** (7) [Formerly 12-4-113 (1.5)] Nothing in this ~~section~~ ARTICLE shall prohibit a person who is licensed to practice architecture in another jurisdiction of the United States from soliciting work in Colorado. ~~Such~~ THE person shall not perform the practice of architecture in this state without first having obtained a license from the board or having associated with an architect licensed in this state who is associated with the project at all stages of the project.

**SECTION 3.** 12-4-111 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

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

**12-4-111. Discipline.** (2) Grounds for disciplinary action include:

(p) ~~[Formerly 12-4-113 (1) (a)] Sell~~ SELLING or fraudulently ~~obtain~~ OBTAINING or ~~furnish~~ FURNISHING a license or renewal of a license to practice architecture; or

(q) ~~[Formerly 12-4-113 (1) (b)] Engage~~ ENGAGING in conduct ~~which~~ THAT is intended or reasonably might be expected to mislead the public into believing that ~~such~~ THE person is an architect; or

(r) ~~[Formerly 12-4-113 (1) (c) (IV)] Engage~~ ENGAGING in the practice of an architect as a corporation or partnership or group of persons, unless such entity meets the requirements of section 12-4-110.

**SECTION 4.** The introductory portion to 12-4-113 (1), Colorado Revised Statutes, is amended to read:

**12-4-113. Unauthorized practice - penalties.** (1) ~~It is a class 3 misdemeanor for any person, including any corporation, association, or partnership, to:~~ ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ARCHITECTURE WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 5. Repeal of provisions being relocated in this act.** 12-4-113 (1) (a), (1) (b), (1) (c) (IV), and (1.5), Colorado Revised Statutes, are repealed.

**SECTION 6. Repeal.** The introductory portion to 12-4-113 (1) (c) and 12-4-113 (1) (c) (I), (1) (c) (II), (1) (c) (III), and (2), Colorado Revised Statutes, are repealed.

**SECTION 7.** 12-5.5-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-5.5-107. Cease and desist orders - unauthorized practice - penalties.** (5) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AUDIOLOGY SERVICES WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 8.** 12-5.5-205.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-5.5-205.5. Cease and desist orders - unauthorized practice - penalties.** (5) ANY PERSON WHO SELLS OR DIRECTLY OR INDIRECTLY NEGOTIATES TO SELL ANY HEARING DEVICE FOR THE HEARING IMPAIRED WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND

FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 9.** 12-8-127 (1), Colorado Revised Statutes, is amended to read:

**12-8-127. Unauthorized practice - penalties.** (1) Any person practicing WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE barbering, hairstyling, ESTHETICS, MANICURING, or cosmetology ~~or any of the practices thereof, or providing esthetician or manicurist services, acting in any capacity wherein a license is required without a license provided for in this article; any person knowingly employing a barber, hairstylist, cosmetologist, esthetician, or manicurist who has not obtained such license; any person who falsely pretends to be qualified to practice such occupation; any person who permits anyone in such person's employ or under his or her supervision or control to practice barbering, hairstyling, or cosmetology or to practice as an esthetician or a manicurist without a license issued by the director; any person who obtains or attempts to obtain a license for money other than the required fee or other thing of value~~ WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 10.** 12-10-110 (2), Colorado Revised Statutes, is amended to read:

**12-10-110. Violations.** (2) **Criminal penalties.** Any person who engages in ~~a willful violation of this article~~ OR OFFERS OR ATTEMPTS TO ENGAGE IN THE CONDUCT, PROMOTION, OR PERFORMANCE OF LIVE BOXING OR KICKBOXING MATCHES WITHOUT AN ACTIVE LICENSE OR PERMIT ISSUED UNDER THIS ARTICLE commits a class 2 misdemeanor ~~and shall be subject to prosecution by the attorney general or the district attorney of the district in which the violation is alleged to have occurred~~ and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 11.** 12-22-127, Colorado Revised Statutes, is amended to read:

**12-22-127. Unauthorized practice - penalties.** Any person who ~~violates any of the provisions of this part~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE PHARMACY WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, and any person committing a second or subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**SECTION 12.** 12-23-118 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-23-118. Violations - citations - settlement agreements - hearings - fines.** (1) The board may deny, suspend, revoke, refuse to renew, or issue a letter of

admonition in regard to any license or registration issued or applied for under the provisions of this article, may place a licensee or registrant on probation, or may issue a citation to a licensee, registrant, or applicant for licensure for any of the following reasons:

(n) **[Formerly 12-23-119 (1) (b)]** ~~To practice~~ PRACTICING as a residential wireman, journeyman, master, contractor, or apprentice during a period when the licensee's license or the registrant's registration has been suspended or revoked;

(o) **[Formerly 12-23-119 (1) (c)]** ~~To sell~~ SELLING or fraudulently ~~obtain or furnish~~ OBTAINING OR FURNISHING a license to practice as a residential wireman, journeyman, or master or ~~to aid or abet~~ AIDING OR ABETTING therein;

(p) **[Formerly 12-23-119 (1) (d)]** In conjunction with any construction or building project requiring the services of any person regulated by this article, ~~to willfully disregard or violate~~ DISREGARDING OR VIOLATING:

(I) Any building or construction law of this state or any of its political subdivisions;

(II) Any safety or labor law;

(III) Any health law;

(IV) Any workers' compensation insurance law;

(V) Any state or federal law governing withholdings from employee income, including but not limited to income taxes, unemployment taxes, or social security taxes; or

(VI) Any reporting, notification, or filing law of this state or the federal government.

**SECTION 13.** 12-23-119 (2), Colorado Revised Statutes, is amended to read:

**12-23-119. Unauthorized practice - penalties.** (2) Any person who ~~violates any provision of this section~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE THE PROFESSION OF AN ELECTRICIAN WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 1~~ CLASS 2 misdemeanor and shall ~~pay a fine~~ BE PUNISHED as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 14. Repeal.** 12-23-118 (5) (c), the introductory portion to 12-23-119 (1), and 12-23-119 (1) (a), Colorado Revised Statutes, are repealed.

**SECTION 15. Repeal of provisions being relocated in this act.** 12-23-119 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are repealed.

**SECTION 16.** The introductory portion to 12-25-105 (6) and 12-25-105 (7), Colorado Revised Statutes, are amended to read:

**12-25-105. Unauthorized practice - penalties.** (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:

(7) ~~Any individual, partnership, professional association, joint stock company, limited liability company, or corporation who violates any of the provisions of this part 1~~ PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE PROFESSIONAL ENGINEERING WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS PART 1 commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 17.** 12-25-108 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH CONTAINING A RELOCATED PROVISION, WITH AMENDMENTS, 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 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:

(n) ~~[Formerly 12-25-105 (4)] It is unlawful for any individual to use~~ USING in any manner an expired, suspended, or revoked license, certificate, or seal, ~~to practice or offer~~ PRACTICING OR OFFERING to practice when not qualified, or ~~to falsely claim~~ CLAIMING that ~~such~~ THE individual is licensed.

**SECTION 18. Repeal of provision being relocated in this act.** 12-25-105 (4), Colorado Revised Statutes, is repealed.

**SECTION 19.** The introductory portion to 12-25-205 (3.5) and 12-25-205 (4), Colorado Revised Statutes, are amended to read:

**12-25-205. Unauthorized practice - penalties.** (3.5) The practice of professional land surveying in violation of any of the provisions of this part 2 ~~shall be deemed a class 3 misdemeanor and~~ shall be either:

(4) ~~Any individual who violates any of the provisions of this part 2~~ PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE PROFESSIONAL LAND SURVEYING WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS PART 2 commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., ~~in case of damage to others caused by such misdemeanor, the court of jurisdiction shall consider restitution in each case.~~ FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 20.** 12-25-208 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING A RELOCATED PROVISION, WITH AMENDMENTS, 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 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:

(n) ~~[Formerly 12-25-205 (3)] It is unlawful for any individual to attempt ATTEMPTING to use an expired, revoked, suspended, or nonexistent license, to practice or offer PRACTICING OR OFFERING to practice when not qualified, or to falsely claim CLAIMING that such THE individual is licensed; 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. OR~~

(o) USING IN ANY MANNER A CERTIFICATE OR CERTIFICATE NUMBER THAT HAS NOT BEEN ISSUED TO THE INDIVIDUAL BY THE BOARD.

**SECTION 21. Repeal of provision being relocated in this act.** 12-25-205 (3), Colorado Revised Statutes, is repealed.

**SECTION 22.** 12-29.5-108, Colorado Revised Statutes, is amended to read:

**12-29.5-108. Unauthorized practice - penalties.** (1) Any person who ~~violates any of the provisions of section 12-29.5-106 (1) (a) to (1) (i)~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ACUPUNCTURE WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., ~~Any person who subsequently violates any provision of said paragraphs within three years after the date of a conviction for any violation of the said paragraphs commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S.~~ FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

(2) Any person who violates the provision of section 12-29.5-106 (1) (j) by engaging in sexual contact with a patient during the course of patient care commits a class 1 misdemeanor and shall be ~~punished as provided in section 18-1.3-501, C.R.S.~~ REFERRED FOR CRIMINAL PROSECUTION.

(3) Any person who violates the provisions of section 12-29.5-106 (1) (j) by engaging in sexual intrusion or sexual penetration with a patient during the course of patient care commits a class 4 felony and shall be ~~punished as provided in section 18-1.3-401, C.R.S.~~ REFERRED FOR CRIMINAL PROSECUTION.

**SECTION 23.** 12-32-109 (1), Colorado Revised Statutes, is amended to read:

**12-32-109. Unauthorized practice - penalties.** (1) ~~Except as provided in subsections (1.5), (5), (6), and (7) of this section, if Any person association, or corporation WHO practices OR OFFERS OR ATTEMPTS TO PRACTICE podiatry within this state without complying with the provisions of this article, or if any person, association, or corporation otherwise violates any provision of this article, such person or any officer or director of any such association or corporation AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS

6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S. ~~Each day's failure to comply with, or each day's violation of, the provisions of this article shall constitute a separate offense.~~

**SECTION 24.** 12-33-120, Colorado Revised Statutes, is amended to read:

**12-33-120. Unauthorized practice - penalties.** Any person who ~~violates any of the provisions of this article~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE CHIROPRACTIC WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 25.** 12-35-135 (1), Colorado Revised Statutes, is amended to read:

**12-35-135. Unauthorized practice - penalties.** (1) Any person who ~~violates any of the provisions of this article~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE DENTISTRY OR DENTAL HYGIENE WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor ~~and shall be liable to prosecution by the attorney general or the district attorney of the district in which the violation is alleged to have occurred~~ and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 26.** 12-36-106 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants - penalties - repeal.** (5) (k) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A PHYSICIAN ASSISTANT WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 27.** 12-36-129 (1), Colorado Revised Statutes, is amended to read:

**12-36-129. Unauthorized practice - penalties.** (1) ~~Except as provided in subsections (2) and (2.5) of this section, if~~ Any person association, or corporation WHO practices OR OFFERS OR ATTEMPTS TO PRACTICE medicine within this state without complying with the provisions of this article or if any person, association, or corporation otherwise violates any provision of this article, such person or any officer or director of any such association or corporation AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE; and any person committing a second or subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**SECTION 28.** 12-37-108, Colorado Revised Statutes, is amended to read:

**12-37-108. Unauthorized practice - penalties.** Any person who practices or offers or attempts to practice direct-entry midwifery without ~~first complying with the registration requirements of section 12-37-103 and the disclosure requirements of section 12-37-104~~ AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and for the second or any subsequent offense, such person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**SECTION 29.** 12-38-117 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-38-117. Grounds for discipline.** (1) "Grounds for discipline", as used in this article, means any action by any person who:

(w) (I) [**Formerly 12-38-123 (1) (b) (I)**] ~~To represent~~ REPRESENTS himself or herself to an individual or to the general public by use of any word or abbreviation to indicate or induce others to believe that he or she is a licensed practical or professional nurse unless the person is actually licensed as a practical nurse or professional nurse, respectively; OR

(II) [**Formerly 12-38-123 (1) (b) (II)**] ~~To use~~ USES the title "nurse", "registered nurse", "R.N.", "practical nurse", "trained practical nurse", "licensed vocational nurse", "licensed practical nurse", or "L.P.N." unless the person is licensed by the board.

(x) [**Formerly 12-38-123 (1) (c)**] ~~To practice~~ PRACTICES as a practical or professional nurse during a period when ~~his~~ THE PERSON'S license has been suspended or revoked;

(y) [**Formerly 12-38-123 (1) (d)**] ~~To sell~~ SELLS or fraudulently ~~obtain or furnish~~ OBTAINS OR FURNISHES a license to practice as a nurse or ~~to aid or abet~~ AIDS OR ABETS therein.

**SECTION 30.** 12-38-123 (2), Colorado Revised Statutes, is amended to read:

**12-38-123. Unauthorized practice - penalties.** (2) Any person who ~~violates the provisions of this section~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE PRACTICAL OR PROFESSIONAL NURSING WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., ~~Any person who subsequently violates any provision of this section within three years after the date of the first conviction~~ FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**SECTION 31.** 12-38-125 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH CONTAINING A RELOCATED

PROVISION, WITH AMENDMENTS, to read:

**12-38-125. Exclusions - repeal.** (1) No provision of this article shall be construed to prohibit:

(m) ~~[Formerly 12-38-123 (1) (b) (III)] Notwithstanding any provision of this paragraph (b) to the contrary,~~ A person who provides nonmedical support services ~~may use~~ FROM USING the title "Christian Science nurse" when offering or providing services to a member of his or her own religious organization.

**SECTION 32. Repeal of provisions being relocated in this act.** 12-38-123 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are repealed.

**SECTION 33.** 12-38.1-111 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-38.1-111. Grounds for discipline.** (1) The board may suspend, revoke, or deny any certification to practice as a nurse aide or any authority to practice as a medication aide or issue a letter of admonition upon proof that such person:

(s) ~~[Formerly 12-38.1-118 (1) (a)] On or after January 1, 1990, to practice HAS PRACTICED~~ in a medical facility as a nurse aide except as provided ~~pursuant to~~ IN this article;

(t) ~~[Formerly 12-38.1-118 (1) (b)] To use~~ HAS USED any designation in connection with his OR HER name that tends to imply that he OR SHE is a certified nurse aide unless he OR SHE is so certified under this article;

(u) ~~[Formerly 12-38.1-118 (1) (c)] To practice~~ HAS PRACTICED as a nurse aide during any period when his OR HER certificate has been suspended or revoked;

(v) ~~[Formerly 12-38.1-118 (1) (d)] To sell~~ HAS SOLD or fraudulently ~~obtain or furnish~~ OBTAINED OR FURNISHED a certificate to practice as a nurse aide or ~~to aid or abet~~ HAS AIDED OR ABETTED therein.

**SECTION 34.** 12-38.1-118 (2), Colorado Revised Statutes, is amended to read:

**12-38.1-118. Unauthorized practice - penalties.** (2) Any person who ~~violates the provisions of subsection (1) of this section~~ PRACTICES OR OFFERS OR ATTEMPTS NURSING AIDE PRACTICE OR MEDICATION ADMINISTRATION WITHOUT AN ACTIVE CERTIFICATE OR AUTHORITY ISSUED UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, and any person committing a SECOND OR subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**SECTION 35. Repeal of provision being relocated in this act.** 12-38.1-118 (1), Colorado Revised Statutes, is repealed.

**SECTION 36.** 12-39-111 (1), Colorado Revised Statutes, is amended BY THE

ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-39-111. Grounds for discipline.** (1) The board has the power to revoke, suspend, withhold, or refuse to renew any license, to place on probation a licensee or temporary license holder, or to issue a letter of admonition to a licensee in accordance with the procedures set forth in subsection (3) of this section, upon proof that such person:

(l) [**Formerly 12-39-116 (1) (a)**] ~~To practice~~ HAS PRACTICED as a nursing home administrator ~~unless licensed therefor~~ WITHOUT A LICENSE;

(m) [**Formerly 12-39-116 (1) (b)**] ~~To use~~ HAS USED in connection with ~~such~~ THE person's name any designations tending to imply that ~~such~~ THE person is a licensed nursing home administrator, unless ~~such~~ THE person in fact holds a valid license; ~~therefor~~;

(n) [**Formerly 12-39-116 (1) (c)**] ~~To practice~~ HAS PRACTICED as a nursing home administrator during a period when ~~such~~ THE person's license has been suspended or revoked; OR

(o) [**Formerly 12-39-116 (1) (d)**] ~~To sell~~ HAS SOLD, fraudulently ~~obtain, or furnish~~ OBTAINED, OR FURNISHED a license to practice as a nursing home administrator, or ~~to aid or abet~~ HAS AIDED OR ABETTED therein.

**SECTION 37.** 12-39-116 (2), Colorado Revised Statutes, is amended to read:

**12-39-116. Unauthorized practice - penalties.** (2) Any person who ~~violates the provisions of this section~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NURSING HOME ADMINISTRATOR WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND any person who ~~subsequently violates any provision of this section within three years after the date of the first conviction~~ commits a second or subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**SECTION 38. Repeal of provision being relocated in this act.** 12-39-116 (1), Colorado Revised Statutes, is repealed.

**SECTION 39.** 12-40-124, Colorado Revised Statutes, is amended to read:

**12-40-124. Unauthorized practice - penalties.** Any person who ~~violates any of the provisions of~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE OPTOMETRY WITHOUT AN ACTIVE LICENSE ISSUED UNDER this article commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND any person ~~committing~~ WHO COMMITS a second OR ANY SUBSEQUENT offense commits a ~~class 1 misdemeanor~~ CLASS 6 FELONY and shall be punished as provided in ~~section 18-1.3-501~~ SECTION 18-1.3-401, C.R.S. ~~Any person committing a subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.~~

**SECTION 40.** The introductory portion to 12-41-115 (1), Colorado Revised Statutes, is amended, and the said 12-41-115 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-41-115. Grounds for disciplinary action.** (1) The director is authorized to take disciplinary action in accordance with section 12-41-116 ~~if the licensee~~ AGAINST ANY PERSON WHO has:

(r) ~~[Formerly 12-41-121 (1) (a)]~~ Fraudulently ~~obtain, furnish, or sell~~ OBTAINED, FURNISHED, OR SOLD any physical therapy diploma, certificate, license, renewal of license, or record, or ~~to aid or abet~~ AIDED OR ABETTED any such act;

(s) ~~[Formerly 12-41-121 (1) (b)]~~ ~~Advertise, represent, or hold oneself~~ ADVERTISED, REPRESENTED, OR HELD HIMSELF OR HERSELF out, in any manner, as a physical therapist or ~~to practice~~ PRACTICED physical therapy ~~unless licensed~~ WITHOUT A LICENSE or UNLESS otherwise authorized under this article;

(t) ~~[Formerly 12-41-121 (1) (c)]~~ ~~Use~~ USED in connection with ~~such~~ THE person's name any designation tending to imply that ~~such~~ THE person is a physical therapist without being licensed under this article; or

(u) ~~[Formerly 12-41-121 (1) (d)]~~ ~~Practice~~ PRACTICED physical therapy during the time ~~such~~ THE person's license ~~is~~ WAS suspended or revoked.

**SECTION 41.** 12-41-121 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

**12-41-121. Unauthorized practice - penalties.** (2) Any person who ~~commits any act specified in subsection (1) of this section~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE PHYSICAL THERAPY WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

(3) ~~It is necessary to prove in any prosecution under this article only a single act prohibited by this article including, but not limited to, a single holding out, without proving a general course of conduct, in order to constitute a violation.~~

(4) ~~Such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense is committed in the name of the people of the state of Colorado. If the district attorney does not prosecute the offense, the director may request the attorney general to prosecute said offense.~~

**SECTION 42. Repeal of provision being relocated in this act.** 12-41-121 (1), Colorado Revised Statutes, is repealed.

**SECTION 43.** 12-41.5-109 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-41.5-109. Grounds for action - disciplinary proceedings.** (2) The director has the power to revoke, suspend, deny, or refuse to renew a license, place on probation a licensee, or issue a cease and desist order or letter of admonition to a licensee in accordance with subsections (3), (4), (5), and (6) of this section upon proof that such person:

(l) [~~Formerly 12-41.5-112 (1) (a)~~] ~~Practice~~ HAS PRACTICED respiratory therapy ~~unless licensed to do so~~ WITHOUT POSSESSING A VALID LICENSE ISSUED BY THE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE AND ANY RULES ADOPTED under this article;

(m) [~~Formerly 12-41.5-112 (1) (b)~~] ~~Use~~ HAS USED in connection with his or her name any designation that implies that he or she is a certified, registered, or licensed respiratory therapist, unless ~~such~~ THE person is licensed pursuant to this article;

(n) [~~Formerly 12-41.5-112 (1) (c)~~] ~~Practice~~ HAS PRACTICED respiratory therapy as a licensed respiratory therapist during the time that his or her license ~~is~~ WAS suspended, revoked, or expired;

(o) [~~Formerly 12-41.5-112 (1) (d)~~] ~~Sett~~ HAS SOLD, fraudulently ~~obtain, or furnish~~ OBTAINED, OR FURNISHED a license to practice as a licensed respiratory therapist, or ~~aid or abet~~ HAS AIDED OR ABETTED such activity;

(p) [~~Formerly 12-41.5-112 (1) (e)~~] ~~Fail~~ HAS FAILED to notify the director of the suspension, probation, or revocation of any of ~~such~~ THE person's past or currently held licenses, certificates, or registrations required to practice respiratory therapy in this or any other jurisdiction; OR

(q) [~~Formerly 12-41.5-112 (1) (f)~~] HAS knowingly ~~employ~~ EMPLOYED any person who is not licensed in the practice of respiratory therapy in the capacity of a respiratory therapist.

**SECTION 44.** 12-41.5-112 (2), Colorado Revised Statutes, is amended to read:

**12-41.5-112. Unauthorized practice - penalties.** (2) A person who ~~violates any provision of this section~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE RESPIRATORY THERAPY WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 1~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., ~~except that imprisonment shall not be imposed for any such violation~~ FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 45. Repeal of provisions being relocated in this act.** 12-41.5-112 (1) (a), (1) (b), (1) (c), (1) (d), (1) (e), and (1) (f), Colorado Revised Statutes, are repealed.

**SECTION 46. Repeal.** The introductory portion to 12-41.5-112 (1) and 12-41.5-112 (1) (g) and (1) (h), Colorado Revised Statutes, are repealed.

**SECTION 47.** 12-42-113 (1), Colorado Revised Statutes, is amended BY THE

ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-42-113. Grounds for discipline.** (1) "Grounds for discipline", as used in this article, means any action by any person who:

(n) [~~Formerly 12-42-119 (1) (a)~~] ~~Fraudulently obtain, sell, transfer, or furnish~~ OBTAINS, SELLS, TRANSFERS, OR FURNISHES any psychiatric technician diploma, license, renewal of license, or record, or ~~aid or abet~~ AIDS OR ABETS another ~~therein~~ ~~IN SUCH ACTIVITY~~; or

(o) [~~Formerly 12-42-119 (1) (b)~~] ~~Advertise, represent, or hold himself~~ ADVERTISES, REPRESENTS, OR HOLDS HIMSELF OR HERSELF out in any manner as a psychiatric technician or ~~to practice~~ PRACTICES as a psychiatric technician without having a license to practice as a psychiatric technician issued under this article; or

(p) [~~Formerly 12-42-119 (1) (c)~~] ~~Use~~ USES in connection with his OR HER name any designation tending to imply that he OR SHE is a licensed psychiatric technician without having a license issued under this article; or

(q) [~~Formerly 12-42-119 (1) (d)~~] ~~Practice~~ PRACTICES as a psychiatric technician during the time his OR HER license is suspended or revoked. ~~or~~

**SECTION 48.** 12-42-119 (2) and (3), Colorado Revised Statutes, are amended to read:

**12-42-119. Unauthorized practice - penalties.** (2) ~~Such~~ ANY person WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A PSYCHIATRIC TECHNICIAN WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

(3) ~~It is necessary to prove in any prosecution under this article only a single violation of this article or a single holding out without proving a general course of conduct in order to constitute a violation.~~

**SECTION 49. Repeal of provisions being relocated in this act.** 12-42-119 (1) (a), (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are repealed.

**SECTION 50. Repeal.** The introductory portion to 12-42-119 (1) and 12-42-119 (1) (e), Colorado Revised Statutes, are repealed.

**SECTION 51.** 12-43-222 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-43-222. Prohibited activities - related provisions.** (1) A person licensed, registered, or regulated under part 3, 4, 5, 6, or 7 of this article is in violation of this article if such person:

(w) HAS SOLD OR FRAUDULENTLY OBTAINED OR FURNISHED A LICENSE OR REGISTRATION TO PRACTICE AS A SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, PROFESSIONAL COUNSELOR, OR PSYCHOLOGIST OR HAS AIDED OR ABETTED THEREIN.

**SECTION 52.** 12-43-226 (2), Colorado Revised Statutes, is amended to read:

**12-43-226. Unauthorized practice - penalties.** (2) Any person who ~~violates any provision of subsection (1) of this section~~ PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, PROFESSIONAL COUNSELOR, OR PSYCHOLOGIST WITHOUT AN ACTIVE LICENSE OR REGISTRATION ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. Any person who ~~subsequently violates any provision of subsection (1) of this section within three years after the date of a conviction for a violation of subsection (1) of this section~~ COMMITS A SECOND OR ANY SUBSEQUENT OFFENSE commits a ~~class 5~~ CLASS 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**SECTION 53. Repeal.** 12-43-226 (1) and (3), Colorado Revised Statutes, are repealed as follows:

**12-43-226. Unlawful acts.** (1) ~~It is unlawful for any person:~~

(a) ~~To violate the provisions of section 12-43-214, 12-43-216, 12-43-222 (1) (h), or 12-43-222 (1) (t) (IV);~~

(b) ~~To use in connection with such person's name any designation tending to imply that such person is licensed pursuant to this article, or registered as a psychologist candidate pursuant to section 12-43-304, during a period when such person's license or registration has been suspended or revoked;~~

(c) ~~To sell or fraudulently obtain or furnish a license or registration to practice as a social worker, marriage and family therapist, professional counselor, or psychologist or to aid or abet therein.~~

(3) ~~Such misdemeanor or felony shall be prosecuted by the district attorney of the judicial district in which the offense was committed in the name of the people of the state of Colorado.~~

**SECTION 54.** 12-43-702.5 (3), Colorado Revised Statutes, is amended, and the said 12-43-702.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**12-43-702.5. Data base of unlicensed psychotherapists - unauthorized practice - penalties - data collection.** (3) No unlicensed person may practice psychotherapy if such person is not included in the data base required by this section. ~~Any person who violates the provisions of this subsection (3) commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.~~ Notwithstanding the requirements of this section, no unlicensed psychotherapist may use the term "registered", "regulated", "certified", "clinical",

"state-registered", "state-approved", or any other term or abbreviation that would falsely give the impression that the psychotherapist or the service that is being provided is recommended by the state, based solely on inclusion in the data base.

(5) ANY UNLICENSED PERSON WHO PRACTICES PSYCHOTHERAPY WITHOUT FIRST COMPLYING WITH THE RECORDING REQUIREMENTS OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 55.** 12-55.5-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-55.5-108. Cease and desist orders - unauthorized practice - penalties.**

(4) ANY PERSON WHO ENGAGES OR OFFERS OR ATTEMPTS TO ENGAGE IN ACTIVITIES AS AN OUTFITTER WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 56.** 12-55.5-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION CONTAINING RELOCATED PROVISIONS to read:

**12-55.5-107. Penalties - distribution of fines.** (5) [Formerly 12-55.5-107.5 (2)] All fines collected pursuant to this article shall be distributed as follows:

- (a) Fifty percent divided by the court between any federal, state, or local law enforcement agency assisting with an investigation;
- (b) Fifty percent to the division for the cost of administering this article.

**SECTION 57. Repeal of provision being relocated in this act.** 12-55.5-107.5 (2), Colorado Revised Statutes, is repealed.

**SECTION 58. Repeal.** 12-55.5-107.5 (1), Colorado Revised Statutes, is repealed.

**SECTION 59.** 12-58-110 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease and desist orders.** (1) The board may deny, suspend, revoke, or refuse to renew any license or registration issued or applied for under the provisions of this article or place a licensee on probation for any of the following reasons:

- (o) [Formerly 12-58-116 (1) (b)] ~~To practice~~ PRACTICING as a residential,

journeyman, or master plumber during a period when ~~his~~ THE PERSON'S license has been suspended or revoked;

(p) ~~[Formerly 12-58-116 (1) (c)] To sell~~ SELLING or fraudulently ~~obtain or furnish~~ OBTAINING OR FURNISHING a license to practice as a residential, journeyman, or master plumber or ~~to aid or abet therein~~ AIDING OR ABETTING IN SUCH ACTIVITY.

**SECTION 60.** 12-58-116 (2), Colorado Revised Statutes, is amended to read:

**12-58-116. Unauthorized practice - penalties.** (2) Any person who ~~violates any provision of this section~~ ENGAGES IN OR WORKS AT OR OFFERS OR ATTEMPTS TO ENGAGE IN OR WORK AT THE BUSINESS, TRADE, OR CALLING OF A RESIDENTIAL, JOURNEYMAN, MASTER, OR APPRENTICE PLUMBER WITHOUT AN ACTIVE LICENSE, PERMIT, OR REGISTRATION ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

**SECTION 61. Repeal of provisions being relocated in this act.** 12-58-116 (1) (b) and (1) (c), Colorado Revised Statutes, are repealed.

**SECTION 62. Repeal.** The introductory portion to 12-58-116 (1) and 12-58-116 (1) (a), Colorado Revised Statutes, are repealed.

**SECTION 63.** 12-64-114 (2), Colorado Revised Statutes, is amended to read:

**12-64-114. Unauthorized practice - penalties.** (2) Any person who practices OR OFFERS OR ATTEMPTS TO PRACTICE veterinary medicine without ~~a~~ AN ACTIVE license ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S. ~~Each act of such unlawful practice shall constitute a distinct and separate offense.~~

**SECTION 64.** 25-5-706 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**25-5-706. Disciplinary action - administrative sanctions - grounds.** (3) The board may take disciplinary action for any of the following acts or omissions:

(f) OPERATION OF A PASSENGER TRAMWAY BY AN OPERATOR WHOSE LICENSE HAS BEEN SUSPENDED;

(g) FAILURE TO COMPLY WITH AN ORDER ISSUED UNDER SECTION 25-5-707 OR 25-5-716.

**SECTION 65.** 25-5-714, Colorado Revised Statutes, is amended to read:

**25-5-714. Disposition of fees and fines.** (1) All fees collected by the board under the provisions of this part 7 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 incurred in the performance of its duties under this part 7, which expenditures shall be made from such appropriations upon vouchers and warrants drawn pursuant to law.

(2) FINES COLLECTED PURSUANT TO SECTION 25-5-707 SHALL BE DEPOSITED IN THE GENERAL FUND OF THE STATE.

**SECTION 66.** 12-10-107.1 (2) (a), Colorado Revised Statutes, is amended to read:

**12-10-107.1. Grounds for discipline.** (2) (a) Any proceeding to deny, suspend, revoke, or place on probation a license shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S. ~~Any person whose license is denied, suspended, placed on probation, or revoked shall pay for the costs incurred in bringing and conducting such proceeding.~~

**SECTION 67. Repeal.** 12-8-127 (3), Colorado Revised Statutes, is repealed as follows:

**12-8-127. Penalty.** (3) ~~Any person who is found to have committed a violation pursuant to subsection (2) of this section shall pay for the costs incurred in bringing and conducting such administrative proceeding.~~

**SECTION 68. Repeal.** 12-55.5-107 (1.5), Colorado Revised Statutes, is repealed as follows:

**12-55.5-107. Penalties.** (1.5) ~~Any person who is found to have committed a violation pursuant to subsection (1) of this section shall pay for the costs incurred in bringing and conducting such administrative proceeding.~~

**SECTION 69. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Approved: March 27, 2006