

CHAPTER 101

GOVERNMENT - COUNTY

HOUSE BILL 07-1078

BY REPRESENTATIVE(S) Soper, Fischer, Labuda, Todd, and Green;
also SENATOR(S) Bacon.

AN ACT

CONCERNING THE AUTHORITY OF A COUNTY TO LICENSE PERSONS ENGAGING IN THE BUSINESS OF BEING A BUILDING CONTRACTOR WITHIN THE COUNTY.

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

SECTION 1. Part 1 of article 11 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

30-11-125. Licensing program for building contractors - contents of program - requirements - exceptions - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "BUILDING CONTRACTOR" MEANS A BUILDING CONTRACTOR WHO FOR COMPENSATION DIRECTS, SUPERVISES, OR UNDERTAKES ANY WORK FOR WHICH A COUNTY BUILDING PERMIT IS REQUIRED. A COUNTY LICENSING PROGRAM ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL EXCLUDE FROM THE DEFINITION OF "BUILDING CONTRACTOR" ANY PERSON WHOSE SOLE FUNCTION IN THE WORK FOR WHICH A COUNTY BUILDING PERMIT IS REQUIRED IS TO PERFORM LABOR UNDER THE SUPERVISION OR DIRECTION OF A BUILDING CONTRACTOR.

(II) "BUILDING CONTRACTOR" SHALL NOT INCLUDE AN ELECTRICIAN REQUIRED TO BE LICENSED BY THE STATE PURSUANT TO ARTICLE 23 OF TITLE 12, C.R.S., OR A PLUMBER REQUIRED TO BE LICENSED BY THE STATE PURSUANT TO ARTICLE 58 OF TITLE 12, C.R.S.

(b) "COUNTY" MEANS ANY COUNTY OR CITY AND COUNTY IN THE STATE.

(c) "MUNICIPALITY" MEANS ANY HOME RULE OR STATUTORY CITY OR TOWN IN

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

THE STATE.

(d) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

(2) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, ANY COUNTY THAT HAS ADOPTED A BUILDING CODE MAY ESTABLISH A LICENSING PROGRAM TO REQUIRE A PERSON WHO ENGAGES IN THE BUSINESS OF BEING A BUILDING CONTRACTOR WITHIN THE UNINCORPORATED AREAS OF THE COUNTY TO OBTAIN A LICENSE FROM THE COUNTY PRIOR TO ENGAGING IN THE BUSINESS. THE COUNTY MAY DEVELOP THE LICENSING PROGRAM IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, AND ANY SUCH PROGRAM MAY INCLUDE ONE OR MORE OF THE FOLLOWING:

(a) PROCEDURES THAT A BUILDING CONTRACTOR WOULD FOLLOW IN ORDER TO OBTAIN OR RENEW A LICENSE, INCLUDING THE SUBMISSION OF ANY DOCUMENTATION OR INFORMATION AS MAY BE REQUIRED BY THE COUNTY;

(b) A REQUIREMENT THAT THE BUILDING CONTRACTOR ACHIEVE A PASSING GRADE ON A NATIONALLY RECOGNIZED EXAMINATION PROMULGATED BY THE INTERNATIONAL CODE COUNCIL THAT IS COMMONLY USED AND ACCEPTED IN THE INDUSTRY;

(c) SPECIFICATION OF THE DURATION OF THE LICENSE ISSUED BY THE COUNTY;

(d) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, THE IMPOSITION OF A REASONABLE FEE TO BE CHARGED BY THE COUNTY TO A BUILDING CONTRACTOR TO COVER THE COSTS OF ANY TESTING REQUIRED TO BE PERFORMED BY THE COUNTY, THE PROCESSING OF THE APPLICATION, OR ANY OTHER COSTS INCURRED BY THE COUNTY IN CONNECTION WITH THE ISSUANCE OR RENEWAL OF A LICENSE; OR

(e) GROUNDS FOR THE REVOCATION OR SUSPENSION OF A LICENSE ISSUED BY THE COUNTY, GROUNDS FOR THE REVOCATION OR SUSPENSION OF A BUILDING PERMIT ISSUED FOR A PROJECT FOR WHICH THE BUILDING CONTRACTOR IS FOUND NOT TO BE IN COMPLIANCE WITH THE COUNTY'S LICENSING REQUIREMENTS, OR GROUNDS FOR THE IMPOSITION OF ANY LESSER SANCTION, WHICH SHALL BE BASED ON OBJECTIVE STANDARDS AND CRITERIA DEVELOPED FROM THE COUNTY BUILDING CODE, AND PROCEDURES TO BE FOLLOWED BY THE COUNTY IN CARRYING OUT THE REVOCATION, SUSPENSION, OR OTHER SANCTION BASED UPON SUCH GROUNDS, INCLUDING A PROCESS FOR APPEALING ANY SANCTION SO IMPOSED.

(3) ANY COUNTY THAT ESTABLISHES A LICENSING PROGRAM PURSUANT TO THIS SECTION SHALL ISSUE A LICENSE TO A BUILDING CONTRACTOR HOLDING A VALID LICENSE ISSUED BY ANOTHER COUNTY OR MUNICIPALITY IN THE STATE WITHOUT REQUIRING THE BUILDING CONTRACTOR TO TAKE OR ACHIEVE A PASSING GRADE ON ANY EXAMINATION CONDUCTED BY THE COUNTY IF THE LICENSE ISSUED BY SUCH OTHER COUNTY OR MUNICIPALITY REQUIRED THE BUILDING CONTRACTOR TO ACHIEVE A PASSING GRADE ON A NATIONALLY RECOGNIZED EXAMINATION PROMULGATED BY THE INTERNATIONAL CODE COUNCIL COMMONLY USED AND ACCEPTED IN THE INDUSTRY. IN THE CASE OF A BUILDING CONTRACTOR HOLDING A VALID LICENSE ISSUED BY ANOTHER COUNTY OR MUNICIPALITY IN THE STATE, THE

FEE CHARGED BY A SECONDARY COUNTY FOR ISSUANCE OR RENEWAL OF A LICENSE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL BE REASONABLE AND LIMITED TO COSTS INCURRED BY THE SECONDARY COUNTY IN PROCESSING THE APPLICATION AND OTHERWISE ADMINISTERING THE ISSUANCE OR RENEWAL OF A LICENSE REQUIRED BY THIS SECTION.

(4) IF A BUILDING CONTRACTOR APPLYING FOR A LICENSE COMPLIES WITH THE REQUIREMENTS FOR OBTAINING A LICENSE ESTABLISHED BY THE COUNTY, THE COUNTY SHALL ISSUE A PROVISIONAL LICENSE TO THE BUILDING CONTRACTOR NO LATER THAN SEVEN BUSINESS DAYS AFTER THE BUILDING CONTRACTOR HAS SUBMITTED A COMPLETE APPLICATION. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION, ANY FAILURE ON THE PART OF THE COUNTY TO ISSUE A NONPROVISIONAL LICENSE WITHIN FORTY-FIVE DAYS AFTER SUBMISSION OF A COMPLETE APPLICATION TO A BUILDING CONTRACTOR WHO HAS OTHERWISE SATISFIED ALL OTHER REQUIREMENTS FOR OBTAINING A LICENSE SHALL NOT PRECLUDE THE BUILDING CONTRACTOR FROM ENGAGING IN THE BUSINESS OF BEING A BUILDING CONTRACTOR AND APPLYING FOR A BUILDING PERMIT FOR UNINCORPORATED AREAS OF THE COUNTY.

(5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, NO PERSON SHALL ENGAGE IN THE BUSINESS OF BEING A BUILDING CONTRACTOR WITHIN THE UNINCORPORATED AREAS OF ANY COUNTY THAT HAS ADOPTED A LICENSING PROGRAM CREATED PURSUANT TO THIS SECTION UNLESS THE PERSON HOLDS A VALID LICENSE ISSUED OR RECOGNIZED BY THE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

(a) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY LICENSING PROGRAM OPERATED OR ADMINISTERED BY A COUNTY THAT IS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS SECTION. ANY LICENSING PROGRAM OPERATED OR ADMINISTERED BY A COUNTY AS OF THE EFFECTIVE DATE OF THIS SECTION THAT SATISFIES OR IS AMENDED TO SATISFY THE REQUIREMENTS OF THIS SECTION IS HEREBY RATIFIED AS COMPLIANT WITH THE REQUIREMENTS OF THIS SECTION AND NEED NOT BE REESTABLISHED BY THE COUNTY.

(b) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE ANY INDIVIDUAL TO HOLD A LICENSE TO PERFORM REPAIR OR MAINTENANCE WORK ON HIS OR HER OWN PROPERTY, NOR SHALL IT PREVENT A PERSON FROM EMPLOYING AN INDIVIDUAL ON EITHER A FULL-TIME OR A PART-TIME BASIS TO PERFORM REPAIR OR MAINTENANCE WORK ON HIS OR HER OWN PROPERTY WHO IS NOT LICENSED UNDER THE PROVISIONS OF THIS SECTION.

SECTION 2. Effective date. 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 8, 2007, if adjournment sine

die is on May 9, 2007); 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.

Approved: April 9, 2007