

CHAPTER 384

CONSUMER AND COMMERCIAL TRANSACTIONS

SENATE BILL 14-103

BY SENATOR(S) Guzman, Aguilar, Johnston, Kefalas, Nicholson, Schwartz, Steadman, Ulibarri, Carroll;
also REPRESENTATIVE(S) Fischer, Becker, Buckner, Court, Duran, Fields, Ginal, Hamner, Hullinghorst, Melton, Mitsch Bush,
Rosenthal, Salazar, Schafer.

AN ACT

CONCERNING THE PHASE-OUT OF THE SALE OF CERTAIN LOW-EFFICIENCY PLUMBING FIXTURES.

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

SECTION 1. In Colorado Revised Statutes, **add** article 7.5 to title 6 as follows:

ARTICLE 7.5
Water Efficiency

6-7.5-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "LOW-EFFICIENCY PLUMBING FIXTURE" MEANS ANY OF THE FOLLOWING PLUMBING FIXTURES THAT IS NOT A WATERSENSE-LISTED PLUMBING FIXTURE:

- (a) A LAVATORY FAUCET;
- (b) A SHOWER HEAD;
- (c) A FLUSHING URINAL; OR
- (d) A TANK-TYPE TOILET OR TANK-TYPE WATER CLOSET.

(2) "WATERSENSE-LISTED PLUMBING FIXTURE" MEANS A PLUMBING FIXTURE OR PLUMBING FIXTURE FITTING THAT HAS BEEN:

(a) TESTED BY AN ACCREDITED THIRD-PARTY CERTIFYING BODY OR LABORATORY IN ACCORDANCE WITH THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S

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

WATERSENSE PROGRAM OR AN ANALOGOUS SUCCESSOR PROGRAM;

(b) CERTIFIED BY THE BODY OR LABORATORY AS MEETING THE PERFORMANCE AND EFFICIENCY REQUIREMENTS OF THE PROGRAM; AND

(c) AUTHORIZED BY THE PROGRAM TO USE ITS LABEL.

6-7.5-102. Low-efficiency plumbing fixtures. (1) EFFECTIVE SEPTEMBER 1, 2016, A PERSON SHALL NOT SELL A NEW LOW-EFFICIENCY PLUMBING FIXTURE IN COLORADO.

(2) THIS SECTION DOES NOT PREEMPT ANY ACTION OF A CITY, COUNTY, OR CITY AND COUNTY THAT PRESCRIBES ADDITIONAL OR MORE RESTRICTIVE WATER CONSERVATION REQUIREMENTS AFFECTING THE SALE, INSTALLATION, OR USE OF PLUMBING FIXTURES IF THE REQUIREMENTS COMPLY WITH THE STANDARD SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

6-7.5-103. Reports - repeal. (1) BY MARCH 1, 2017, EACH MANUFACTURER THAT SELLS LAVATORY FAUCETS, SHOWER HEADS, FLUSHING URINALS, TANK-TYPE TOILETS, OR TANK-TYPE WATER CLOSETS IN COLORADO SHALL FILE A REPORT WITH THE COLORADO WATER CONSERVATION BOARD CREATED IN SECTION 37-60-102, C.R.S., THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE, AND THE HOUSE OF REPRESENTATIVES COMMITTEE ON AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES, OR THEIR SUCCESSOR COMMITTEES, THAT STATES THE PERCENTAGE, BY CATEGORY, OF ITS SALES IN COLORADO DURING 2016 OF EACH CATEGORY OF SUCH PLUMBING FIXTURES:

(a) THAT ARE LOW-EFFICIENCY PLUMBING FIXTURES; AND

(b) THAT ARE WATERSENSE-LISTED PLUMBING FIXTURES.

(2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

SECTION 2. In Colorado Revised Statutes, 37-96-103, **repeal** (7) as follows:

37-96-103. Requirement of water conservation in landscaping for certain public projects. (7) ~~In all state-owned buildings the construction or renovation of which commences after January 1, 1992, water-efficient plumbing devices shall be installed in accordance with article 1.3 of title 9, C.R.S.; except that:~~

~~(a) Where tank-type water closets are installed, such water closets shall flush with a maximum of one and six-tenths gallons of water.~~

~~(b) Where flushometer valves are used, such flushometer valves shall be the least water-using type found to be safe and reliable.~~

SECTION 3. In Colorado Revised Statutes, 38-35.7-107, **repeal** (1) (a) (I) as follows:

38-35.7-107. Water-smart homes option - repeal. (1) (a) Every person that builds a new single-family detached residence for which a buyer is under contract

shall offer the buyer the opportunity to select one or more of the following water-smart home options for the residence:

(I) ~~Installation of water-efficient toilets, lavatory faucets, and showerheads that meet or exceed the following water-efficient standards: Toilets shall use no more than one and twenty-eight one-hundredths of a gallon per flush, lavatory faucets no more than one and one-half gallons per minute, and showerheads no more than two gallons per minute.~~

SECTION 4. In Colorado Revised Statutes, **amend** 37-60-127 as follows:

37-60-127. Applicability of provisions requiring funding by political subdivisions of the state. No provision of section 37-60-124, 37-60-125, 37-60-126, or 37-96-103 (4) to ~~(7)~~ ~~which~~ (6) THAT requires funding by any political subdivision of the state ~~which~~ THAT is a covered entity as defined in section 37-60-126 (1) (b) ~~shall apply~~ APPLIES to any such political subdivision if ~~such~~ THE entity submits the applicable provision and its requirements, including all costs to the inhabitants of the respective jurisdiction, to the qualified electors of any such political subdivision, and a majority of ~~such~~ THE qualified electors do not approve ~~such~~ THE applicable provision and its requirements.

SECTION 5. In Colorado Revised Statutes, **repeal** article 1.3 of title 9 as follows:

ARTICLE 1.3 Low-flow Plumbing Fixtures

~~**9-1.3-101. Legislative declaration.** The general assembly finds and declares that conservation of potable water by the utilization of low-flow plumbing fittings and fixtures in newly constructed and renovated residential structures and facilities for human use within office, commercial, and industrial buildings is in the best interests of the people of the state of Colorado and that, to such end, the provisions of this article are hereby enacted.~~

~~**9-1.3-102. Control standards – definitions – permits.** (1) Except as specifically provided under section 9-1.3-104, on and after January 1, 1990, no construction or renovation of residential structures or of facilities for human use within office, commercial, or industrial buildings shall be commenced within the state of Colorado which does not comply with the provisions of this article. The provisions of this article shall not apply to any structures or facilities which are served by a septic system.~~

~~(2) For the purposes of this article:~~

~~(a) "Manufactured housing" means housing which is in part or entirely manufactured in a factory. This type of housing is built in single or multiple sections on a chassis which enables it to be transported to its occupancy site or is built in single or multiple sections for assembly at the site, and includes modular homes and panelized homes.~~

~~(b) "Renovation" includes any addition, replacement, or alteration to an existing~~

residential structure or to a facility for human use within an office, commercial, or industrial building, where plumbing fixtures and fittings are installed as part of the renovation. Limited renovation may not be the basis for a comprehensive or broader change in plumbing fixtures.

(c) "Residential structures" includes, but is not limited to, one- and two-family residences, townhouses, condominiums, apartment buildings, hotels and motels, manufactured housing, and mobile homes defined as any wheeled vehicle, exceeding either eight feet in width or thirty-two feet in length, excluding towing gear and bumpers, without motive power, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may be drawn over the public highways by a motor vehicle.

~~(3) No building permit shall be issued on and after January 1, 1990, for the construction or renovation of a residential structure or a facility for human use within an office, commercial, or industrial structure by the local governmental entity with building permit authority unless the fittings and fixtures installed during such construction or renovation conform to the specifications provided in subsection (4) of this section.~~

~~(4) The requisite fixtures and fittings for such construction and renovation shall be:~~

~~(a) Except in the case of flushometer valves, tank-type water closets which flush with a maximum of three and one-half gallons of water;~~

~~(b) Shower heads for bathing which have a maximum flow capacity of three gallons per minute at eighty pounds per square inch; and~~

~~(c) Lavatory faucets and sink faucets which have a maximum flow capacity of two and one-half gallons per minute at eighty pounds per square inch.~~

~~**9-1.3-103. Certification of compliance.** For facilities for human use within office, commercial, and industrial structures, the plumbing contractor or party responsible for the installation of said water flow control fixtures and fittings shall certify to the inspecting governmental entity that the fixtures and fittings conform with the volume and ratio of water flow to gallons per minute stipulated by section 9-1.3-102 (4). In lieu of such certification, the results of tests performed by an approved independent testing laboratory or the manufacturer, using established principles of mechanics, shall be acceptable.~~

~~**9-1.3-104. Waiver of requirements.** The chief building official of the administrative authority shall waive compliance with the requirements of this article upon satisfactory demonstration by a petitioner or the local administrative authority upon its own motion that the water conservation requirements specified in this article are detrimental to the public health or safety. Such waiver shall also be granted if the administrative authority determines that the requisite fixtures and fittings would cause a sewer hydraulic gradient insufficient to handle reduced water flows.~~

~~**9-1.3-105. State-funded construction - best available water-conserving**~~

~~devices. On or after January 1, 1990, any state agency or local governmental entity which commences construction or renovation where plumbing fixtures and fittings are installed as part of the renovation of any building or other structure which is funded wholly or in part with state or federal moneys shall utilize the best available approved devices for the purpose of conserving water in the building being constructed.~~

SECTION 6. Act subject to petition - effective date - applicability.

(1) Sections 2 through 5 of this act take effect September 1, 2016, and the remainder of this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that sections 2 through 5 take effect September 1, 2016.

(2) This act applies to lavatory faucets, shower heads, tank type toilets, and flushing urinals sold on or after September 1, 2016.

Approved: June 6, 2014