

FINAL PROPOSAL
Unauthorized Practice

1 **12-20-407. Unauthorized practice of profession or occupation - penalties -**
2 **exclusions.** (1) (a) [Formerly 12-23-119 (2)] Any A person who practices or offers or
3 attempts to practice the profession of an electrician without an active license issued under
4 this article commits a class 2 misdemeanor and shall be punished as provided in section
5 18-1.3-501 C.R.S.; for the first offense, and, for the second or any subsequent offense, the
6 person commits a class 6 felony and shall be punished as provided in section 18-1.3-401,
7 C.R.S. IF THE PERSON:

8 (I) VIOLATES SECTION 12-100-115 OR 12-100-120 (6)(a); <{Accountancy}>

9 (II) ENGAGES IN OR OFFERS OR ATTEMPTS TO ENGAGE IN THE CONDUCT, PROMOTION,
10 OR PERFORMANCE OF LIVE BOXING MATCHES WITHOUT AN ACTIVE LICENSE OR PERMIT ISSUED
11 UNDER ARTICLE 110 OF THIS TITLE 12;

12 (III) ENGAGES OR OFFERS OR ATTEMPTS TO ENGAGE IN ACTIVITIES AS AN OUTFITTER
13 WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER ARTICLE 145 OF THIS TITLE 12;

14 (IV) ENGAGES IN OR WORKS AT OR OFFERS OR ATTEMPTS TO ENGAGE IN OR WORK AT
15 THE BUSINESS, TRADE, OR CALLING OF A RESIDENTIAL, JOURNEYMAN, MASTER, OR
16 APPRENTICE PLUMBER; A WATER CONDITIONING CONTRACTOR; A WATER CONDITIONING
17 INSTALLER; OR A WATER CONDITIONING PRINCIPAL WITHOUT AN ACTIVE LICENSE, PERMIT, OR
18 REGISTRATION ISSUED UNDER ARTICLE 160 OF THIS TITLE 12; OR

19 (V) PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ANY OF THE FOLLOWING
20 PROFESSIONS OR OCCUPATIONS WITHOUT AN ACTIVE LICENSE, CERTIFICATION, OR
21 REGISTRATION ISSUED UNDER THE PART OR ARTICLE OF THIS TITLE 12 GOVERNING THE
22 REGULATION OF THE PARTICULAR PROFESSION OR OCCUPATION:

23 (A) BARBERING, HAIRSTYLING, ESTHETICS, MANICURING, OR COSMETOLOGY, AS
24 REGULATED UNDER ARTICLE 105 OF THIS TITLE 12;

25 (B) THE PROFESSION OF AN ELECTRICIAN, AS REGULATED UNDER ARTICLE 115 OF THIS
26 TITLE 12;

27 (C) PROFESSIONAL ENGINEERING, AS REGULATED UNDER PART 1 OF ARTICLE 120 OF
28 THIS TITLE 12;

29 (D) PROFESSIONAL LAND SURVEYING, AS REGULATED UNDER PART 2 OF ARTICLE 120
30 OF THIS TITLE 12;

31 (E) ARCHITECTURE, AS REGULATED UNDER PART 3 OF ARTICLE 120 OF THIS TITLE 12;

32 (F) LANDSCAPE ARCHITECTURE, AS REGULATED UNDER ARTICLE 130 OF THIS TITLE
33 12;

34 (G) ACUPUNCTURE, AS REGULATED UNDER ARTICLE 200 OF THIS TITLE 12;

35 (H) AUDIOLOGY, AS REGULATED UNDER ARTICLE 210 OF THIS TITLE 12;

36 (I) CHIROPRACTIC, AS REGULATED UNDER ARTICLE 215 OF THIS TITLE 12;

37 (J) DENTISTRY OR DENTAL HYGIENE, AS REGULATED UNDER ARTICLE 220 OF THIS

1 TITLE 12;

2 (K) DIRECT-ENTRY MIDWIFERY, AS REGULATED UNDER ARTICLE 225 OF THIS TITLE
3 12;

4 (L) PRACTICE AS A HEARING AID PROVIDER OR ENGAGES IN THE PRACTICE OF
5 DISPENSING, FITTING, OR DEALING IN HEARING AIDS, AS REGULATED UNDER ARTICLE 230 OF
6 THIS TITLE 12;

7 (M) MEDICINE, PRACTICE AS A PHYSICIAN ASSISTANT, OR PRACTICE AS AN
8 ANESTHESIOLOGIST ASSISTANT, AS REGULATED UNDER ARTICLE 240 OF THIS TITLE 12;

9 (N) PRACTICE AS A PSYCHOLOGIST, AS REGULATED UNDER PART 3 OF ARTICLE 245
10 OF THIS TITLE 12;

11 (O) PRACTICE AS A SOCIAL WORKER, AS REGULATED UNDER PART 4 OF ARTICLE 245
12 OF THIS TITLE 12;

13 (P) PRACTICE AS A MARRIAGE AND FAMILY THERAPIST, AS REGULATED UNDER PART
14 5 OF ARTICLE 245 OF THIS TITLE 12;

15 (Q) PRACTICE AS A LICENSED PROFESSIONAL COUNSELOR, AS REGULATED UNDER
16 PART 6 OF ARTICLE 245 OF THIS TITLE 12;

17 (R) PRACTICE AS A PSYCHOTHERAPIST, AS REGULATED UNDER PART 7 OF ARTICLE 245
18 OF THIS TITLE 12;

19 (S) PRACTICE AS AN ADDICTION COUNSELOR, AS REGULATED UNDER PART 8 OF
20 ARTICLE 245 OF THIS TITLE 12;

21 (T) PRACTICAL OR PROFESSIONAL NURSING, AS REGULATED UNDER ARTICLE 255 OF
22 THIS TITLE 12;

23 (U) NURSING HOME ADMINISTRATION, AS REGULATED UNDER ARTICLE 265 OF THIS
24 TITLE 12;

25 (V) OPTOMETRY, AS REGULATED UNDER ARTICLE 275 OF THIS TITLE 12;

26 (W) PHARMACY, AS REGULATED UNDER ARTICLE 280 OF THIS TITLE 12;

27 (X) PHYSICAL THERAPY, AS REGULATED UNDER ARTICLE 285 OF THIS TITLE 12;

28 (Y) PODIATRY, AS REGULATED UNDER ARTICLE 290 OF THIS TITLE 12;

29 (Z) PRACTICE AS A PSYCHIATRIC TECHNICIAN, AS REGULATED UNDER ARTICLE 295
30 OF THIS TITLE 12;

31 (AA) RESPIRATORY THERAPY, AS REGULATED UNDER ARTICLE 300 OF THIS TITLE 12;
32 OR

33 (BB) VETERINARY MEDICINE, AS REGULATED UNDER ARTICLE 315 OF THIS TITLE 12.

34 (b) [Formerly 12-58.5-104 (2)] Any A person who conducts private investigations
35 or presents himself or herself as or uses the title "private investigator", "private detective",
36 "licensed private detective", or "licensed private investigator" without an active license
37 issued under this article commits a class 2 misdemeanor and shall be punished as provided
38 in section 18-1.3-501 ~~C.R.S.~~, for the first offense and, for the second or any subsequent
39 offense, commits a class 1 misdemeanor and shall be punished as provided in section
40 18-1.3-501, ~~C.R.S.~~ IF THE PERSON ENGAGES IN ANY OF THE FOLLOWING ACTIVITIES:

1 (I) CONDUCTS PRIVATE INVESTIGATIONS OR PRESENTS HIMSELF OR HERSELF AS A OR
2 USES THE TITLE "PRIVATE INVESTIGATOR", "PRIVATE DETECTIVE", "LICENSED PRIVATE
3 DETECTIVE", OR "LICENSED PRIVATE INVESTIGATOR" WITHOUT AN ACTIVE LICENSE ISSUED
4 UNDER ARTICLE 165 OF THIS TITLE 12;

5 (II) PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING WITHOUT
6 AN ACTIVE REGISTRATION ISSUED UNDER ARTICLE 205 OF THIS TITLE 12;

7 (III) PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE MASSAGE THERAPY WITHOUT
8 AN ACTIVE LICENSE ISSUED UNDER ARTICLE 235 OF THIS TITLE 12 OR KNOWINGLY AIDS OR
9 ABETS THE UNLICENSED PRACTICE OF MASSAGE THERAPY;

10 (IV) PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE OCCUPATIONAL THERAPY
11 WITHOUT AN ACTIVE LICENSE AS REQUIRED BY AND ISSUED UNDER ARTICLE 270 OF THIS TITLE
12 12 FOR OCCUPATIONAL THERAPISTS OR OCCUPATIONAL THERAPY ASSISTANTS;

13 (V) PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE SPEECH-LANGUAGE
14 PATHOLOGY WITHOUT AN ACTIVE CERTIFICATION ISSUED UNDER ARTICLE 305 OF THIS TITLE
15 12; OR

16 (VI) PERFORMS THE DUTIES OF A SURGICAL ASSISTANT OR SURGICAL TECHNOLOGIST
17 WITHOUT BEING REGISTERED UNDER ARTICLE 310 OF THIS TITLE 12.

18 (c) [Formerly 12-37.3-113] A person who practices or offers or attempts to practice
19 as a naturopathic doctor without an active registration issued under this article 250 OF THIS
20 TITLE 12 commits a class 2 misdemeanor and shall be punished as provided in section
21 18-1.3-501. ~~C.R.S.~~

22 (d) [Formerly 12-41-216] ~~Any~~ A person who violates section 12-285-202 or
23 12-285-203 without an active certification issued under this part 2 OF ARTICLE 285 OF THIS
24 TITLE 12 TO PRACTICE AS A PHYSICAL THERAPY ASSISTANT commits a class 2 misdemeanor
25 and shall be punished as provided in section 18-1.3-501. ~~C.R.S.~~

26 (2) THE PENALTIES FOR:

27 (a) ENGAGING IN UNAUTHORIZED ACTIVITIES REGARDING MORTUARIES AND
28 CREMATORIES ARE GOVERNED BY SECTION 12-135-107;

29 (b) VIOLATING ARTICLE 140 CONCERNING NONTRANSPLANT TISSUE BANKS ARE
30 GOVERNED BY SECTION 12-140-107.

31 (c) ENGAGING IN UNAUTHORIZED ACTIVITIES REGARDING PASSENGER TRAMWAYS ARE
32 GOVERNED BY SECTION 12-150-10 (4).

33 (d) ENGAGING IN UNAUTHORIZED ACTIVITIES REGARDING NURSE AIDE PRACTICE ARE
34 GOVERNED BY SECTION 12-260-118 (2).