

**ARTICLE 58 155**  
**PLUMBERS**

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1           **12-155-101. [Formerly 12-58-101] Legislative declaration.** (1) The general  
2 assembly hereby finds that:

3           (a) Improper plumbing can adversely affect the health of the public and that faulty  
4 plumbing is potentially lethal and can cause widespread disease and an epidemic of  
5 disastrous consequences;

6           (b) To protect the health of the public, it is essential that plumbing be installed by  
7 persons who have proven their knowledge of the sciences of pneumatics and hydraulics and  
8 their skill in installing plumbing.

9           (2) Consistent with its duty to safeguard the health of the people of this state, the  
10 general assembly hereby declares that individuals who plan, install, alter, extend, repair, and  
11 maintain plumbing systems should be individuals of proven skill. To provide standards of  
12 skill for those in the plumbing trade and to authoritatively establish what shall be good  
13 plumbing practice, the general assembly hereby provides for the licensing of plumbers and  
14 for the promulgation of a model plumbing code of standards by the ~~examining board of~~  
15 ~~plumbers~~ STATE PLUMBING BOARD, and this article **155** is therefore declared to be essential  
16 to the public interest.

17           (3) The general assembly encourages the ~~examining board of plumbers~~ STATE  
18 PLUMBING BOARD to adopt and incorporate by reference appendix C of the "International  
19 Plumbing Code" (I.P.C.), 2009 edition, promulgated by the International Code Council, first  
20 printing (January 2009), or the graywater provisions within a newer edition of the I.P.C.,  
21 whether the provisions are contained in appendix C or elsewhere.

22  
23           **12-155-102. Applicability of common provisions.** ARTICLES 1 AND 20 OF THIS TITLE  
24 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 155.

25  
26           **12-155-103. [Formerly 12-58-102] Definitions.** As used in this article **155**, unless  
27 the context otherwise requires:

28           (1) "Board" means the state plumbing board CREATED IN SECTION 12-155-104.

29           ~~(1.5)~~ (2) "Gas piping" means any arrangement of piping used to convey fuel gas,  
30 supplied by one meter, and each arrangement of gas piping serving a building, structure, or  
31 premises, whether individually metered or not. "Gas piping" or "gas piping system" does not  
32 include the installation of gas appliances where existing service connections are already  
33 installed, nor does ~~such~~ THE term include the installations, alterations, or maintenance of gas  
34 utilities owned by a public utility certified pursuant to article 5 of title 40, ~~C.R.S.~~, or a public  
35 utility owned or acquired by a city or town pursuant to article 32 of title 31. ~~C.R.S.~~

36           ~~(2)~~ (3) "Journeyman plumber" means any person, other than a master plumber,  
37 residential plumber, or plumber's apprentice, who engages in or works at the actual

1 installation, alteration, repair, and renovation of plumbing in accordance with the standards  
2 AND rules ~~and regulations~~ established by the board.

3 ~~(3)~~ (4) "Master plumber" means a person who has the necessary qualifications,  
4 training, experience, and technical knowledge to properly plan, lay out, and install and repair  
5 plumbing apparatus and equipment including the supervision of such in accordance with the  
6 standards AND rules ~~and regulations~~ established by the board.

7 ~~(4)~~ (5) "Colorado plumbing code" or "the code" means a code established by the  
8 board that consists of standards for plumbing installation, plumbing materials, conservation,  
9 medical gas, sanitary drainage systems, and solar plumbing that could directly affect the  
10 potable water supply.

11 ~~(4.1)~~ (6) "Colorado fuel gas code" means a code adopted by rule ~~by~~ OF the board for  
12 the inspection of plumbing fuel gas pipe installations.

13 ~~(4.5)~~ (7) (a) "Conservation" means efficiency measures that meet national guidelines  
14 and standards and are tested and approved by a nationally recognized testing laboratory,  
15 including:

- 16 (I) Water-efficient devices and fixtures; and
- 17 (II) The use of locally produced materials, when practicable, to reduce transportation  
18 impacts.

19 (b) When conservation conflicts with safety, the board shall give primary  
20 consideration to safety.

21 (c) Nothing in this subsection ~~(4.5)~~ (7) affects the board's authority to establish the  
22 Colorado plumbing code as specified in section ~~12-58-104.5~~ **12-155-106**.

23 ~~(5)~~ (8) (a) "Plumbing" includes the following items located within the building or  
24 extending five feet from the building foundation, excluding any service line extending from  
25 the first joint to the property line: All potable water supply and distribution pipes and piping;  
26 all plumbing fixtures and traps; all drainage and vent pipes; all water conditioning appliances  
27 connected to the potable water system; all building drains, including their respective joints  
28 and connections, devices, receptacles, and appurtenances; all multipurpose residential fire  
29 sprinkler systems in one- and two-family dwellings and townhouses that are part of the  
30 potable water supply; and all medical gas and vacuum systems in health care facilities.

31 (b) Notwithstanding ~~paragraph (a) of this subsection (5)~~ SUBSECTION (8)(a) OF THIS  
32 SECTION, the following is not included within the definition of "plumbing":

33 (I) Installations, extensions, improvements, remodeling, additions, and alterations in  
34 water and sewer systems owned or acquired by counties pursuant to article 20 of title 30,  
35 ~~C.R.S.~~, cities and towns pursuant to article 35 of title 31, ~~C.R.S.~~, or water and sanitation  
36 districts pursuant to article 1 or article 4 of title 32; ~~C.R.S.~~; or

37 (II) Installations, extensions, improvements, remodeling, additions, and alterations  
38 performed by contractors employed by counties, cities, towns, or water and sewer districts

1 ~~which~~ THAT connect to the plumbing system within a property line; or  
2 (III) Performance, location, construction, alteration, installation, and use of on-site  
3 wastewater treatment systems pursuant to article 10 of title 25, ~~C.R.S.~~, ~~which~~ THAT are  
4 located within a property line.

5 ~~(6)~~ (9) "Plumbing apprentice" means any person, other than a master, journeyman,  
6 or residential plumber, who, as his OR HER principal occupation, is engaged in learning and  
7 assisting in the installation of plumbing.

8 ~~(7)~~ (10) "Plumbing contractor" means any person, firm, partnership, corporation,  
9 association, or other organization that undertakes or offers to undertake for another the  
10 planning, laying out, supervising, installing, or making of additions, alterations, and repairs  
11 in the installation of plumbing. In order to act as a plumbing contractor, the person, firm,  
12 partnership, corporation, association, or other organization must either be or employ full-time  
13 a master plumber. "Plumbing contractor" does not include a water conditioning contractor,  
14 a water conditioning installer, or a water conditioning principal.

15 ~~(8)~~ (11) "Potable water" means water ~~which~~ THAT is safe for drinking, culinary, and  
16 domestic purposes and ~~which~~ THAT meets the requirements of the department of PUBLIC  
17 health AND ENVIRONMENT.

18 ~~(8.5)~~ (12) "Qualified state institution of higher education" means:

19 (a) One of the state institutions of higher education established under, specified in,  
20 and located upon the campuses described in sections 23-20-101 (1)(a) and 23-31-101, ~~C.R.S.~~,  
21 limited to the buildings owned or leased by those institutions on ~~said~~ THOSE campuses;

22 (b) The institution whose campus is established under and specified in section  
23 23-20-101 (1)(b), ~~C.R.S.~~, but limited to the buildings located in Denver at 1380 Lawrence  
24 street, 1250 Fourteenth street, and 1475 Lawrence street; and

25 (c) The institution whose campus is established under and specified in section  
26 23-20-101 (1)(d), ~~C.R.S.~~, but limited to current and future buildings owned or leased or built  
27 on land owned on or before January 1, 2015, by the university of Colorado on the campus  
28 described in section 23-20-101 (1)(d). ~~C.R.S.~~

29 ~~(9)~~ (13) "Residential plumber" means any person, other than a master or journeyman  
30 plumber or plumbing apprentice, who has the necessary qualifications, training, experience,  
31 and technical knowledge, as specified by the board, to install plumbing and equipment in  
32 one-, two-, three-, and four-family dwellings, which DWELLINGS shall not extend more than  
33 two stories aboveground.

34 ~~(10)~~ (14) (a) "Water conditioning contractor" means a person that:

35 (I) Undertakes or offers to undertake for another the planning, laying out, supervising,  
36 installing, or making of additions, alterations, or repairs in the installation of water  
37 conditioning appliances in one-, two-, three-, or four-family dwellings, which DWELLINGS  
38 must not extend more than two stories aboveground; and

1 (II) Is required to be registered pursuant to section ~~12-58-105(4)~~. **12-155-108 (4)**.

2 (b) "Water conditioning contractor" does not include a plumbing contractor.

3 ~~(11)~~ (15) (a) "Water conditioning installer" means a person that:

4 (I) Has the necessary qualifications, training, experience, and technical knowledge  
5 to properly plan, lay out, and install water conditioning appliances in one-, two-, three-, and  
6 four-family dwellings, which DWELLINGS must not extend more than two stories  
7 aboveground, in accordance with the standards and rules established by the board;

8 (II) Is certified by a national water conditioning association recognized by the board,  
9 with the type of certification specified by the board; and

10 (III) Is required to be registered pursuant to section ~~12-58-105(5)~~. **12-155-108 (5)**.

11 (b) "Water conditioning installer" does not include a licensed plumber.

12 ~~(12)~~ (16) (a) "Water conditioning principal" means a person that:

13 (I) Has the necessary qualifications, training, experience, and technical knowledge  
14 to properly plan, lay out, and install water conditioning appliances in one-, two-, three-, and  
15 four-family dwellings, which DWELLINGS must not extend more than two stories  
16 aboveground, including the supervision of ~~such~~ THE work in accordance with the standards  
17 and rules established by the board;

18 (II) Is certified by a national water conditioning association recognized by the board,  
19 with the type of certification specified by the board; and

20 (III) Is required to be registered pursuant to section ~~12-58-105(6)~~. **12-155-108 (6)**.

21 (b) "Water conditioning principal" does not include a licensed plumber.

22  
23 **12-155-104. [Formerly 12-58-103] State plumbing board - repeal of article.**

24 (1) There is hereby established within the division of ~~professions and occupations of the~~  
25 ~~department of regulatory agencies~~ the state plumbing board. The board shall exercise  
26 EXERCISES its powers, and perform its duties, and functions in the department of regulatory  
27 agencies as if it were transferred to the department by a **type 1** transfer, as such transfer is  
28 defined in the "~~Administrative Organization Act of 1968~~", article 1 of title 24, C.R.S. ENTITY,  
29 AS DEFINED IN SECTION 24-1-105.

30 (2) (a) The board shall consist of seven appointed members as follows: One a  
31 journeyman plumber; one a master plumber; two engaged in the construction of residential  
32 or commercial buildings as plumbing contractors; one engaged in the construction of  
33 residential or commercial buildings as a general contractor; one a member or employee of  
34 a local government agency conducting plumbing inspections; and one appointed from the  
35 public at large. A representative of the department of public health and environment shall  
36 serve as an ex officio nonvoting member. At least one member shall be a resident of the  
37 western slope of the state, defined as that western part of the state separated from the eastern  
38 part of the state by the continental divide.

1 (b) A majority of the board shall constitute a quorum for the transaction of all  
2 business.

3 (3) (a) The governor, with power of removal, shall appoint the members of the board,  
4 subject to confirmation by the senate. Board members are appointed for four-year terms. Any  
5 vacancy occurring in the membership of the board shall be filled by the governor by  
6 appointment for the unexpired term of ~~such~~ THE member.

7 (b) The governor may remove any member of the board for misconduct,  
8 incompetence, or neglect of duty.

9 (4) No major political party shall be represented on the board by more than one  
10 member more than the other major political party.

11 (5) This article *155* is repealed, effective September 1, 2024. ~~Prior to such~~ BEFORE  
12 ITS repeal, the state plumbing board, including provisions related to qualified state  
13 institutions of higher education, ~~shall be reviewed as provided for in~~ IS SCHEDULED FOR  
14 REVIEW IN ACCORDANCE WITH section 24-34-104, C.R.S. <{*Section updated to conform with*  
15 *current sunset language.*}>  
16

17 **12-155-105. [Formerly 12-58-104] Powers of board - fees - rules.** (1) In addition  
18 to all other powers and duties conferred or imposed upon the board by this article ~~58~~ *155*, the  
19 board is authorized and empowered to:

20 (a) Elect its own officers and prescribe their duties;

21 (b) Conduct examinations as required by this article *155*;

22 (c) Grant the licenses of duly qualified applicants for residential plumbers,  
23 journeymen plumbers, and master plumbers as provided in this article *155* and pursuant to  
24 the provisions of article 4 of title 24; C.R.S.;

25 ~~(e.5)~~ (d) Establish fees for the issuance of a new registration and for each renewal of  
26 registration, pursuant to section ~~24-34-105, C.R.S.~~ *12-20-105*.

27 ~~(d)~~ (e) Promulgate, adopt, amend, and repeal ~~such rules not inconsistent with the laws~~  
28 ~~of this state, as may be necessary for the orderly conduct of its affairs and for the~~  
29 ~~administration of this article, pursuant to the provisions of article 4 of title 24, C.R.S.~~  
30 PURSUANT TO SECTION 12-20-204; <{*Redundant with rule-making common provision,*  
31 *12-20-204. Recommend amending as indicated.*}>

32 ~~(e)~~ (f) In accordance with article 4 of title 24, C.R.S., prescribe, enforce, amend, and  
33 repeal rules governing the plumbing systems of all buildings in this state;

34 ~~(e.5)~~ (g) Promulgate rules governing the installation and inspection of toilet and  
35 urinal systems and structures for which reclaimed domestic wastewater is used pursuant to  
36 section 25-8-205.8 (2)(c)(IV).

37 ~~(f)~~ (h) Employ plumbers licensed under this article *155* as journeyman or master  
38 plumbers as state plumbing inspectors and charge fees for making inspections of plumbing

1 work covered by the Colorado plumbing code in those areas where the local jurisdiction does  
2 not conduct inspections and issue permits;

3 ~~(g) (I) Administer oaths, take affirmations of witnesses, and issue subpoenas to~~  
4 ~~compel the attendance of witnesses and the production of all relevant papers, books, records,~~  
5 ~~documentary evidence, and materials in any hearing, investigation, accusation, or other~~  
6 ~~matter coming before the board. The board may appoint an administrative law judge pursuant~~  
7 ~~to part 10 of article 30 of title 24, C.R.S., to perform the functions of this paragraph (g) and~~  
8 ~~to take evidence and to make findings and report them to the board.~~

9 (H) Upon failure of any witness to comply with such subpoena or process, the district  
10 court of the county in which the subpoenaed person or licensee resides or conducts business,  
11 upon application by the board or director with notice to the subpoenaed person or licensee,  
12 may issue to the person or licensee an order requiring that person or licensee to appear before  
13 the director, to produce the relevant papers, books, records, documentary evidence, or  
14 materials if so ordered; or to give evidence touching the matter under investigation or in  
15 question. Failure to obey the order of the court may be punished by the court as a contempt  
16 of court. <{Redundant with subpoena powers common provision, 12-20-403 (2), and  
17 authority to appoint ALJ common provision, 12-20-403 (3). Recommend repeal.}>

18 (H) (i) Conduct INVESTIGATIONS AND hearings AND GATHER EVIDENCE in accordance  
19 with the provisions of section SECTIONS 12-20-403 AND 24-4-105; C.R.S.; except that the  
20 board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24,  
21 C.R.S., to conduct such hearings; <{Redundant with disciplinary procedures common  
22 provision, 12-20-403. Recommend amending as indicated.}>

23 (H) (j) Cause the enjoinder IN ACCORDANCE WITH SECTION 12-20-406, in any court of  
24 competent jurisdiction, of all persons violating this article **155**. When seeking an injunction,  
25 the board shall not be required to prove that an adequate remedy at law does not exist or that  
26 substantial or irreparable damages would result if an injunction is not granted. <{Redundant  
27 with injunctive relief common provision, 12-20-406. Recommend amending as  
28 indicated.}>

29 (H) (k) Inspect gas piping installations pursuant to the provisions of section  
30 ~~12-58-114.5~~ **12-155-120**;

31 ~~(k) Repealed.~~

32 (l) Find, upon holding a hearing, that an incorporated town or city, county, city and  
33 county, or qualified state institution of higher education fails to meet the minimum  
34 requirements of this article **155** if a local inspection authority or qualified state institution of  
35 higher education has failed to adhere to the minimum standards required by this article **155**  
36 within twelve months after the board has adopted the standards by rule pursuant to this  
37 subsection (l);

38 (m) Issue an order to cease and desist from issuing permits or performing inspections

1 under this article *155* to an incorporated town or city, county, city and county, or qualified  
2 state institution of higher education upon finding that the public entity or qualified state  
3 institution of higher education fails to meet the minimum requirements of this article *155*  
4 under this subsection (1);

5 (n) Apply to a court to enjoin an incorporated town or city, county, city and county,  
6 or qualified state institution of higher education from violating an order issued pursuant to  
7 ~~paragraph (m) of this subsection (1)~~ SUBSECTION (1)(m) OF THIS SECTION.

8 (2) Notwithstanding any other provisions to the contrary, the board may, with regard  
9 to manufactured housing ~~which~~ THAT is subject to part 7 of article 32 of title 24: ~~C.R.S.:~~

10 (a) Promulgate, adopt, amend, and repeal ~~such rules and regulations~~ pursuant to the  
11 provisions of article 4 of title 24 ~~C.R.S.~~, as may be necessary for the inspection of  
12 manufactured housing water and sewer hookups;

13 (b) Employ inspectors and charge fees for making inspections of manufactured  
14 housing water and sewer hookups.

15  
16 **12-155-106. [Formerly 12-58-104.5] Colorado plumbing code - amendments -**  
17 **variances - Colorado fuel gas code.** (1) In accordance with article 4 of title 24, ~~C.R.S.~~, the  
18 board shall establish a Colorado plumbing code, as defined in section ~~12-58-102 (4)~~. ~~Such~~  
19 **12-155-103 (5)**. THE code shall represent the minimum standards for installation, alteration,  
20 and repair of plumbing equipment and systems throughout the state.

21 (2) Local governments are permitted to amend the code for their jurisdictions as long  
22 as ~~such~~ THE amendments are at least equal to the minimum requirements set forth in the  
23 Colorado plumbing code.

24 (3) If petitioned, the board shall annually hold public hearings to consider  
25 amendments to the Colorado plumbing code.

26 (4) The board is authorized to review and approve or disapprove requests for  
27 exceptions to the code in unique construction situations where a strict interpretation of the  
28 code would result in unreasonable operational conditions or unreasonable economic burdens  
29 as long as public safety is not compromised.

30 (5) The board shall adopt a Colorado fuel gas code for the gas piping installations  
31 inspection requirement of section ~~12-58-104 (1)(j)~~ **12-155-105 (1)(k)**.

32  
33 **12-155-107. [Formerly 12-58-104.6] Program administrator.** The director ~~of the~~  
34 ~~division of professions and occupations~~ may appoint a program administrator pursuant to  
35 section 13 of article XII of the state constitution to work with the board in carrying out its  
36 duties under this article *155*.

37  
38 **12-155-108. [Formerly 12-58-105] Plumber must have license - registration -**

1 **control and supervision - rules.** (1) (a) A person shall not engage in or work at the  
2 business, trade, or calling of a residential, journeyman, or master plumber in this state until  
3 he or she has received a license from the division, ~~of professions and occupations~~, upon  
4 written notice from the board or its authorized agent, or a temporary permit from the board  
5 or its authorized agent; except that a person may practice as a water conditioning contractor  
6 if the person is registered pursuant to subsection (4) of this section, as a water conditioning  
7 installer if the person is registered pursuant to subsection (5) of this section, or as a water  
8 conditioning principal if the person is registered pursuant to subsection (6) of this section.

9 (b) Nothing in this section limits the ability of a licensed residential, journeyman, or  
10 master plumber, a plumbing apprentice, or a registered plumbing contractor to practice within  
11 his or her respective area as authorized by this article *155* with regard to water conditioning  
12 appliances.

13 (2) (a) All plumbing apprentices working for plumbing contractors pursuant to this  
14 article *155* and all apprentices working under the supervision of any licensed plumber  
15 pursuant to section ~~12-58-117~~ *12-155-124* shall, within thirty days after the date of initial  
16 employment, be registered with the board.

17 (b) The employer of a plumbing apprentice shall be responsible for ~~such~~ THE  
18 apprentice's registration with the board.

19 (c) No apprentice shall be registered until payment of a registration or registration  
20 renewal fee, as determined by the board, has been made.

21 (3) No person, firm, partnership, corporation, or association shall operate as a  
22 plumbing contractor until ~~such~~ THE contractor has obtained registration from the board. The  
23 board shall register a plumbing contractor upon payment of the fee as provided in section  
24 ~~12-58-104~~ *12-155-105* and presentation of evidence that the applicant has complied with the  
25 applicable workers' compensation and unemployment compensation laws of this state. In  
26 order to act as a plumbing contractor, the person, firm, partnership, corporation, association,  
27 or other organization must either be, or employ full-time, a master plumber, who shall be in  
28 charge of the supervision of all plumbing work performed by ~~such~~ THE contractor. A master  
29 plumber shall be responsible for no more than one plumbing contractor at a time. The master  
30 plumber shall be required to notify the board within fifteen days after his or her termination  
31 as a master plumber for that plumbing contractor. The master plumber is responsible for all  
32 plumbing work performed by the plumbing contractor. Failure to comply with a notification  
33 may lead to suspension or revocation of the master plumber license as provided in section  
34 ~~12-58-110~~ *12-155-113*.

35 (4) Except as specified in ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this  
36 section, effective April 1, 2016, a person shall not operate as a water conditioning contractor  
37 unless the person:

38 (a) Is currently registered with the board pursuant to this subsection (4) as specified

1 in rules promulgated and forms adopted by the board. The board shall register a water  
2 conditioning contractor upon payment of the fee as provided in section ~~12-58-104~~  
3 **12-155-105** and presentation of evidence that the applicant has complied with the applicable  
4 workers' compensation and unemployment compensation laws of this state.

5 (b) Is, or employs full-time, a water conditioning principal, who shall be responsible  
6 for all water conditioning appliance work performed by the contractor.

7 (5) Except as specified in ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this  
8 section, effective April 1, 2016, a person shall not engage in or work at the business, trade,  
9 or calling of a water conditioning installer unless the person is currently registered with the  
10 board pursuant to this subsection (5) as specified in rules promulgated and forms adopted by  
11 the board. The board shall register a water conditioning installer upon payment of the fee as  
12 provided in section ~~12-58-104~~ **12-58-105** and submission of proof that the applicant is  
13 certified by a national water conditioning association recognized by the board, with the type  
14 of certification as specified by the board.

15 (6) (a) Except as specified in ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of  
16 this section, effective April 1, 2016, a person shall not engage in or work at the business,  
17 trade, or calling of a water conditioning principal unless the person is currently registered  
18 with the board pursuant to this subsection (6) as specified in rules promulgated and forms  
19 adopted by the board. The board shall register a water conditioning principal upon payment  
20 of the fee as provided in section ~~12-58-104~~ **12-155-105** and submission of proof that the  
21 applicant is certified by a national water conditioning association recognized by the board,  
22 with the type of certification as specified by the board.

23 (b) A water conditioning principal shall be responsible for no more than one water  
24 conditioning contractor at a time. The water conditioning principal shall notify the board  
25 within fifteen days after his or her termination as a water conditioning principal for a water  
26 conditioning contractor. Failure to provide the notice may lead to suspension or revocation  
27 of the water conditioning principal's registration as provided in section ~~12-58-110~~  
28 **12-155-113**.

29  
30 **12-155-109. Unauthorized advertising - use of title.** (1) [Formerly **12-58-106**  
31 **(1)**] A person shall not advertise in any manner or use the title or designation of master  
32 plumber, journeyman plumber, or residential plumber unless the person is qualified and  
33 licensed under this article **155**.

34 (2) [Formerly **12-58-106 (2)**] A person shall not advertise in any manner that the  
35 person is a water conditioning contractor, water conditioning installer, or a water  
36 conditioning principal unless the person is registered as such pursuant to this article **155**.

37 (3) [Formerly **12-58-106.5**] No person shall advertise in any manner that ~~such~~ THE  
38 person is a plumbing contractor or use the title or designation of plumbing contractor unless

1 ~~such~~ THE person meets the definition of plumbing contractor set out in section ~~12-58-102 (7)~~.  
2 **12-155-103 (10)**.

3  
4 **12-155-110. [Formerly 12-58-107] License issuance - examination - rules.**

5 (1) (a) The board shall issue licenses to persons who have, by examination and experience,  
6 shown themselves competent and qualified to engage in the business, trade, or calling of a  
7 residential plumber, journeyman plumber, or master plumber. The board shall establish the  
8 minimum level of experience required for an applicant to receive a residential, journeyman,  
9 or master plumber's license. The maximum experience the board may require for an applicant  
10 to qualify to test for a residential plumber's license is three thousand four hundred hours of  
11 practical experience. The maximum experience the board may require for an applicant to  
12 qualify to test for a journeyman plumber's license is six thousand eight hundred hours of  
13 practical experience. The maximum experience the board may require for an applicant to test  
14 for a master plumber's license is eight thousand five hundred hours of practical experience.

15 (b) Any applicant for ~~such~~ THE license shall be permitted to substitute for required  
16 practical experience evidence of academic training in the plumbing field, which TRAINING  
17 shall be credited as follows:

18 (I) If ~~he~~ THE APPLICANT is a graduate of a community college or trade school  
19 plumbing program approved by the board, he OR SHE shall receive one year of work  
20 experience credit.

21 (II) If ~~he~~ THE APPLICANT has academic training, including military training, in the  
22 plumbing field ~~which~~ THAT is not sufficient to qualify under ~~subparagraph (I) of this~~  
23 ~~paragraph (b)~~ SUBSECTION (1)(b)(I) OF THIS SECTION, the board shall provide work  
24 experience credit for ~~such~~ THE training according to a uniform ratio established by rule. ~~and~~  
25 ~~regulation~~.

26 (c) No license shall be issued until the applicant has paid a license fee set by the  
27 board pursuant to section ~~24-34-105, C.R.S.~~ **12-20-105**.

28 (2) An applicant for a license under this section shall file an application on forms  
29 prepared and furnished by the board, together with the examination fee. The time and place  
30 of examination shall be designated in advance by the board, and examinations shall be held  
31 at least four times each calendar year and at ~~such~~ other times as, in the opinion of the board,  
32 the number of applicants warrants.

33 (3) The contents of the examinations provided for in this section shall be determined  
34 by the board. The examination shall be administered by the board or its authorized agent  
35 pursuant to rules prescribed by the board. Each examination shall be designed and given in  
36 such a manner as to fairly test the applicant's knowledge of plumbing and rules ~~and~~  
37 ~~regulations~~ governing plumbing. Examinations may include written tests and applied tests  
38 of the practices ~~which~~ THAT the license will qualify the applicant to perform and ~~such~~

1 related studies or subjects as the board may determine are necessary for the proper and  
2 efficient performance of ~~such~~ THE practices. ~~Such~~ THE examinations shall be consistent with  
3 current practical and theoretical requirements of the practice of plumbing and shall be  
4 reviewed, revised, and updated on an annual basis by the board. The board shall ensure that  
5 the examination passing grade reflects a minimum level of competency.

6  
7 **12-155-111. [Formerly 12-58-107.5] Credit for experience received outside of**  
8 **Colorado.** For all applicants seeking work experience credit toward licensure for plumbing  
9 work experience received outside of Colorado, the board shall give credit for such work  
10 experience if the applicant can show to the satisfaction of the board that the particular  
11 experience is adequate to comply with the requirements of this article *155*.

12  
13 **12-155-112. [Formerly 12-58-108] License renewal - reinstatement.** (1) All  
14 license and registration renewal and renewal fees shall be in accordance with sections  
15 ~~24-34-102~~ *12-20-105* and ~~24-34-105~~, C.R.S. *12-20-202 (1)*.

16 (2) ~~Any license or registration that has lapsed is deemed to have expired. Prior to~~  
17 ~~reinstatement, the board is authorized to require the licensee to demonstrate competency.~~  
18 Licenses and registrations shall be renewed or reinstated pursuant to, a schedule established  
19 by the director of the division of professions and occupations within the department of  
20 regulatory agencies and pursuant to section ~~24-34-102 (8)~~, C.R.S. The director of the division  
21 of professions and occupations within the department of regulatory agencies may establish  
22 renewal fees and delinquency fees for reinstatement pursuant to section ~~24-34-105~~, C.R.S.  
23 If a person fails to renew his or her license or registration pursuant to the schedule  
24 established by the director of the division of professions and occupations, the license or  
25 registration shall expire AND ARE SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT,  
26 AND DELINQUENCY FEE PROVISIONS SPECIFIED IN, SECTION *12-20-202 (1) AND (2)*. Any person  
27 whose license or registration has expired is subject to the penalties provided in this article  
28 *155* or section ~~24-34-102 (8)~~, C.R.S. *12-20-202 (1)*. <{Redundant with fees common  
29 provision, 12-20-105, and renewals/reinstatements common provision, 12-20-202 (1) and  
30 (2). Recommend amending subsections (1) & (2) as indicated.}>

31  
32 ~~**12-58-109. License reinstatement. (Repealed)**~~

33  
34 **12-155-113. [Formerly 12-58-110] Disciplinary action by board - procedures -**  
35 **cease-and-desist orders.** (1) The board may ~~deny, suspend, revoke, or refuse to renew any~~  
36 ~~license or registration issued or applied for under the provisions of this article 58 or place a~~  
37 ~~licensee or a registrant on probation~~ TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED  
38 BY SECTION ~~12-20-404~~ for any of the following reasons: <{Redundant with disciplinary

1 actions common provision, 12-20-404. Recommend amending this subsection as  
2 indicated.}>

3 (a) Violation of any of the provisions of this article **155**;

4 (b) Violation of the rules ~~and regulations~~ or orders promulgated by the board in  
5 conformity with the provisions of this article **155** or aiding or abetting in such violation;

6 (c) Failure or refusal to remove within a reasonable time the cause for disapproval  
7 of any plumbing installation as reported on the notice of disapproval, but ~~such~~ reasonable  
8 time shall include time for appeal to and a hearing before the board;

9 (d) Any cause for which the issuance of the license could have been refused had it  
10 then existed and been known to the board;

11 (e) Commitment of any act or omission that does not meet generally accepted  
12 standards of plumbing practice;

13 (f) Conviction of or acceptance of a plea of guilty or nolo contendere by a court to  
14 a felony. In considering the disciplinary action, the board shall be governed by the provisions  
15 of ~~section~~ SECTIONS 12-20-202 (5) AND 24-5-101. ~~C.R.S.~~

16 (g) Advertising by any licensee or registrant ~~which~~ THAT is false or misleading;

17 (h) Deception, misrepresentation, or fraud in obtaining or attempting to obtain a  
18 license;

19 (i) Failure of any ~~such~~ licensee to adequately supervise an apprentice who is working  
20 at the trade pursuant to section ~~12-58-117~~ **12-155-124**;

21 (j) Failure of any licensee to report to the board:

22 (I) Known violations of this article **155**;

23 (II) Civil judgments and settlements ~~which~~ THAT arose from ~~such~~ THE licensee's work  
24 performance;

25 (k) Employment of any person required by this article **155** to be licensed or to obtain  
26 a permit who has not obtained ~~such~~ THE license or permit;

27 (l) An alcohol use disorder, as defined in section 27-81-102, or a substance use  
28 disorder, as defined in section 27-82-102, or excessive use of any habit-forming drug, any  
29 controlled substance, as defined in section 18-18-102 (5), or any alcoholic beverage;

30 (m) Any use of a schedule I controlled substance, as defined in section 18-18-203;  
31 ~~C.R.S.~~;

32 (n) Disciplinary action against a license or registration in another jurisdiction.  
33 Evidence of ~~such~~ THE disciplinary action is prima facie evidence for denial of licensure or  
34 registration or other disciplinary action if the violation would be grounds for ~~such~~  
35 disciplinary action in this state.

36 (o) Practicing as a water conditioning contractor, water conditioning installer, water  
37 conditioning principal, or a residential, journeyman, or master plumber during a period when  
38 the person's license or registration has been suspended or revoked;

1           (p) Selling or fraudulently obtaining or furnishing a license or registration to practice  
2 as a residential, journeyman, or master plumber, water conditioning contractor, water  
3 conditioning installer, water conditioning principal, or plumbing contractor or aiding or  
4 abetting in ~~such~~ THE activity;

5           (q) In connection with a construction or building project requiring the services of a  
6 person regulated by this article **155**, willfully disregarding or violating:

- 7           (I) Any building or construction law of this state or any of its political subdivisions;
- 8           (II) Any safety or labor law;
- 9           (III) Any health law;
- 10          (IV) Any workers' compensation insurance law;
- 11          (V) Any state or federal law governing withholdings from employee income,  
12 including, but not limited to, income taxes, unemployment taxes, or social security taxes; or
- 13          (VI) Any reporting, notification, or filing law of this state or the federal government.

14          (2) (a) ~~When a complaint or investigation discloses an instance of misconduct that,~~  
15 ~~in the opinion of the board, does not warrant formal action by the board but that should not~~  
16 ~~be dismissed as being without merit, a letter of admonition may be issued and sent, by~~  
17 ~~certified mail, to the licensee.~~

18          (b) ~~When a letter of admonition is sent by the board, by certified mail, to a licensee,~~  
19 ~~such licensee shall be advised that he or she has the right to request in writing, within twenty~~  
20 ~~days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate~~  
21 ~~the propriety of the conduct upon which the letter of admonition is based.~~

22          (c) ~~If the request for adjudication is timely made, the letter of admonition shall be~~  
23 ~~deemed vacated and the matter shall be processed by means of formal disciplinary~~  
24 ~~proceedings. <{Redundant with letter of admonition common provision, 12-20-404 (4).~~  
25 ~~Recommend repeal of subsection (2).}>~~

26          (2.5) ~~When a complaint or investigation discloses an instance of conduct that does~~  
27 ~~not warrant formal action by the board and, in the opinion of the board, the complaint should~~  
28 ~~be dismissed, but the board has noticed indications of possible errant conduct by the licensee~~  
29 ~~or registrant that could lead to serious consequences if not corrected, a confidential letter of~~  
30 ~~concern may be issued and sent to the licensee or registrant. <{Redundant with confidential~~  
31 ~~letter of concern common provision, 12-20-404 (5).~~  
32 ~~Recommend repeal of subsection~~  
33 ~~(2.5).}>~~

34          (3) (2) Any disciplinary action taken by the board and judicial review of such action  
35 shall be in accordance with the provisions of SECTION 12-20-403 AND article 4 of title 24.  
36 C.R.S., and the hearing and opportunity for review shall be conducted pursuant to said article  
37 by the board or an administrative law judge at the board's discretion. <{Redundant with  
38 ~~disciplinary procedures common provision, 12-20-403, and section 12-155-115.~~  
~~Recommend amending as indicated.}>~~

1           ~~(4) When a complaint or an investigation discloses an instance of misconduct that,~~  
2 ~~in the opinion of the board, warrants formal action, the complaint shall not be resolved by~~  
3 ~~a deferred settlement, action, judgment, or prosecution. <{Redundant with no deferment~~  
4 ~~common provision, 12-20-404 (2). Recommend repeal of subsection (4).>~~

5           ~~(5) (a) If it appears to the board, based upon credible evidence as presented in a~~  
6 ~~written complaint by any person, that a licensee or registrant is acting in a manner that is an~~  
7 ~~imminent threat to the health and safety of the public, or a person is acting or has acted~~  
8 ~~without the required license or registration, the board may issue an order to cease and desist~~  
9 ~~such activity. The order shall set forth the statutes and rules alleged to have been violated,~~  
10 ~~the facts alleged to have constituted the violation, and the requirement that all unlawful acts~~  
11 ~~or unlicensed or unregistered practices immediately cease.~~

12           ~~(b) Within ten days after service of the order to cease and desist pursuant to paragraph~~  
13 ~~(a) of this subsection (5), the respondent may request a hearing on the question of whether~~  
14 ~~acts or practices in violation of this article have occurred. Such hearing shall be conducted~~  
15 ~~pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

16           ~~(6) (a) If it appears to the board, based upon credible evidence as presented in a~~  
17 ~~written complaint by any person, that a person has violated any other portion of this article,~~  
18 ~~then, in addition to any specific powers granted pursuant to this article, the board may issue~~  
19 ~~to such person an order to show cause as to why the board should not issue a final order~~  
20 ~~directing such person to cease and desist from the unlawful act or unlicensed or unregistered~~  
21 ~~practice.~~

22           ~~(b) A person against whom an order to show cause has been issued pursuant to~~  
23 ~~paragraph (a) of this subsection (6) shall be promptly notified by the board of the issuance~~  
24 ~~of the order, along with a copy of the order, the factual and legal basis for the order, and the~~  
25 ~~date set by the board for a hearing on the order. Such notice may be served by personal~~  
26 ~~service, by first-class United States mail, postage prepaid, or as may be practicable upon any~~  
27 ~~person against whom such order is issued. Personal service or mailing of an order or~~  
28 ~~document pursuant to this subsection (6) shall constitute notice thereof to the person.~~

29           ~~(c) (I) The hearing on an order to show cause shall be commenced no sooner than ten~~  
30 ~~and no later than forty-five calendar days after the date of transmission or service of the~~  
31 ~~notification by the board as provided in paragraph (b) of this subsection (6). The hearing may~~  
32 ~~be continued by agreement of all parties based upon the complexity of the matter, number~~  
33 ~~of parties to the matter, and legal issues presented in the matter, but in no event shall the~~  
34 ~~hearing commence later than sixty calendar days after the date of transmission or service of~~  
35 ~~the notification.~~

36           ~~(II) If a person against whom an order to show cause has been issued pursuant to~~  
37 ~~paragraph (a) of this subsection (6) does not appear at the hearing, the board may present~~  
38 ~~evidence that notification was properly sent or served upon such person pursuant to~~

1 paragraph (b) of this subsection (6) and such other evidence related to the matter as the board  
2 deems appropriate. The board shall issue the order within ten days after the board's  
3 determination related to reasonable attempts to notify the respondent, and the order shall  
4 become final as to that person by operation of law. Such hearing shall be conducted pursuant  
5 to sections 24-4-104 and 24-4-105, C.R.S.

6 (HH) If the board reasonably finds that the person against whom the order to show  
7 cause was issued is acting or has acted without the required license or registration, or has or  
8 is about to engage in acts or practices constituting violations of this article, a final  
9 cease-and-desist order may be issued, directing such person to cease and desist from further  
10 unlawful acts or unlicensed or unregistered practices.

11 (IV) The board shall provide notice, in the manner set forth in paragraph (b) of this  
12 subsection (6), of the final cease-and-desist order within ten calendar days after the hearing  
13 conducted pursuant to this paragraph (c) to each person against whom the final order has  
14 been issued. The final order issued pursuant to subparagraph (HH) of this paragraph (c) shall  
15 be effective when issued and shall be a final order for purposes of judicial review.

16 (7) If it appears to the board, based upon credible evidence presented to the board,  
17 that a person has engaged in or is about to engage in any unlicensed or unregistered act or  
18 practice, any act or practice constituting a violation of this article, any rule promulgated  
19 pursuant to this article, any order issued pursuant to this article, or any act or practice  
20 constituting grounds for administrative sanction pursuant to this article, the board may enter  
21 into a stipulation with such person.

22 (8) If any person fails to comply with a final cease-and-desist order or a stipulation,  
23 the board may request the attorney general or the district attorney for the judicial district in  
24 which the alleged violation exists to bring, and if so requested such attorney shall bring, suit  
25 for a temporary restraining order and for injunctive relief to prevent any further or continued  
26 violation of the final order.

27 (9) A person aggrieved by the final cease-and-desist order may seek judicial review  
28 of the board's determination or of the board's final order as provided in section 12-58-110.4.

29 (3) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES  
30 AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Subsections  
31 (5) through (9) are redundant with the cease-and-desist orders common provisions,  
32 12-20-405. Recommend repealing and adding cross-reference to common provision, as  
33 indicated.}>

34  
35 **12-58-110.1 Reapplication after revocation of licensure or registration.** A person  
36 whose license or registration has been revoked is not allowed to reapply for licensure or  
37 registration earlier than two years from the effective date of the revocation. <{Redundant  
38 with discipline/waiting period common provision, 12-20-404 (3). Recommend repeal.}>

1           **12-155-114. [Formerly 12-58-110.2] Reconsideration and review of board action.**

2           The board, on its own motion or upon application, at any time after the imposition of any  
3           discipline as provided for in section ~~12-58-110~~ **12-155-113**, may reconsider its prior action  
4           and reinstate or restore ~~such~~ THE license or terminate probation or reduce the severity of its  
5           prior disciplinary action. The taking of any such further action or the holding of a hearing  
6           with respect thereto shall rest in the sole discretion of the board.

7  
8           ~~**12-58-110.3 Immunity.** Any member of the board, any member of the board's staff,  
9           any person acting as a witness or consultant to the board, any witness testifying in a  
10           proceeding authorized under this article, and any person who lodges a complaint pursuant  
11           to this article shall be immune from liability in any civil action brought against him or her for  
12           acts occurring while acting in his or her capacity as board member, staff, consultant, or  
13           witness, respectively, if such individual was acting in good faith within the scope of his or  
14           her respective capacity, made a reasonable effort to obtain the facts of the matter as to which  
15           he or she acted, and acted in the reasonable belief that the action taken by him or her was  
16           warranted by the facts. Any person participating in good faith in lodging a complaint or  
17           participating in any investigative or administrative proceeding pursuant to this article shall  
18           be immune from any civil or criminal liability that may result from such participation.~~  
19           <{**Redundant with immunity common provision, 12-20-402. Recommend repeal of this**  
20           **section.**}>

21  
22           **12-155-115. [Formerly 12-58-110.4] Judicial review.** ~~The court of appeals shall  
23           have initial jurisdiction to review SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF all final  
24           actions and orders OF THE BOARD that are subject to judicial review. of the board. Such  
25           proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S.~~  
26           <{**Redundant with judicial review common provision, 12-20-408. Recommend amending**  
27           **as indicated.**}>

28  
29           **12-155-116. [Formerly 12-58-111] License by endorsement - rules.** The board may  
30           issue a plumber's license by endorsement in this state to any person who is licensed to  
31           practice in another jurisdiction if ~~such~~ THE person presents proof satisfactory to the board  
32           that, at the time of application for a Colorado license by endorsement, the person possesses  
33           credentials and qualifications ~~which~~ THAT are substantially equivalent to requirements in  
34           Colorado for licensure by examination. The board may specify by rule ~~and regulation~~ what  
35           shall constitute substantially equivalent credentials and qualifications and may further require  
36           a waiting period of six months after the issuance of a license in another state before issuing  
37           a license in Colorado.

38

1           **12-115-117. [Formerly 12-58-112] Temporary permits - rules.** (1) The board or  
2 its authorized agent may issue a temporary permit to engage in the work of a journeyman  
3 plumber or a residential plumber to any applicant who has furnished satisfactory evidence  
4 to the board that he OR SHE has the required experience to qualify for the examination, as  
5 provided in the rules ~~and regulations~~ promulgated by the board, and who has applied for an  
6 examination to entitle him OR HER to ~~such~~ THE license.

7           (2) ~~Such~~ THE permits shall be issued only upon payment of a fee established by the  
8 board and may be revoked by the board at any time.

9           (3) Any permit issued pursuant to this section shall expire no later than thirty days  
10 after the date of the examination for which the applicant has applied or upon written notice  
11 by the board of the results of the examination, whichever date is earlier. No permit shall be  
12 issued pursuant to this section to any person who has twice previously failed an examination  
13 or who has received two temporary permits.

14           (4) Notwithstanding the requirements set forth in section ~~12-58-107(1)~~ **12-155-110**  
15 **(1)**, a temporary master permit may be issued to an existing plumbing contractor who has lost  
16 the services of his OR HER master plumber for completion of a current project underway as  
17 long as he OR SHE has a journeyman plumber in HIS OR HER full-time employ. This shall only  
18 be valid until the next regularly scheduled examination. <{*The original cross-reference may*  
19 *be incorrect. This provision appears to provide a limited exception to the requirement in*  
20 *current sec. 12-58-105 (3) that a plumbing contractor either be or employ a full-time*  
21 *master plumber in order to qualify for a registration. The cross-reference to sec. 12-58-107*  
22 *(1) pertains to the issuance of licenses to, and required experience of, residential,*  
23 *journeyman, and master plumbers. Sec. 12-58-107 (1) does not mention plumbing*  
24 *contractors. Should the cross reference be changed? Or should section 12-58-105 (3) be*  
25 *added to the cross-reference?}>*

26  
27           **12-155-118. [Formerly 12-58-113] Exemptions.** (1) Any person selling or dealing  
28 in plumbing materials or supplies, but not engaged in the installation, alteration, repairing,  
29 or removal of plumbing, shall not be required to employ or have a licensed plumber in  
30 charge.

31           (2) Nothing in this article **155** shall be construed to require any individual to hold a  
32 license to perform plumbing work on his OR HER own property or residence, nor shall it  
33 prevent a person from employing an individual on either a full- or a part-time basis to do  
34 routine repair, maintenance, and replacement of sinks, faucets, drains, showers, tubs, toilets,  
35 and domestic appliances and equipment equipped with backflow preventers; except that, if  
36 such property or residence is intended for sale or resale by a person engaged in the business  
37 of constructing or remodeling ~~such~~ THE facilities or structures or is rental property ~~which~~  
38 THAT is occupied or is to be occupied by tenants for lodging, either transient or permanent,

1 or is a commercial or industrial building, the owner shall be responsible for and the property  
2 shall be subject to all of the provisions of this article **155** pertaining to licensing, unless  
3 specifically exempted therein.

4 (3) Nothing in this article **155** shall be construed to apply to the manufacture of  
5 housing ~~which~~ THAT is subject to the provisions of part 7 of article 32 of title 24 ~~C.R.S.~~; or  
6 the installation of individual residential or temporary construction units of manufactured  
7 housing water and sewer hookups inspected pursuant to section ~~12-58-104~~ **12-155-105**.

8 (4) Persons who are engaged in the business of inspecting, testing, and repairing  
9 backflow prevention devices shall be exempt from licensure under this article **155**, except  
10 when ~~such~~ THE persons engage in the installation and removal of ~~such~~ THE devices.

11 (5) Nothing in this article **155** shall be construed to require either that employees of  
12 the federal government who perform plumbing work on federal property shall be required  
13 to be licensed before doing plumbing work on ~~such~~ THE property or that the plumbing work  
14 performed on ~~such~~ THE property shall be regulated pursuant to this article **155**.

15 (6) (a) Nothing in this article **155** requires a plumbing license, registration, or permit  
16 to perform:

17 (I) The installation, extension, alteration, or maintenance, including the related water  
18 piping and the indirect waste piping, of domestic appliances equipped with backflow  
19 preventers, including lawn sprinkling systems; residential ice makers, humidifiers,  
20 electrostatic filter washers, or water heating appliances; building heating appliances and  
21 systems; fire protection systems except for multipurpose residential fire sprinkler systems in  
22 one- and two-family dwellings and townhouses that are part of the potable water supply; air  
23 conditioning installations; process and industrial equipment and piping systems; or indirect  
24 drainage systems not a part of a sanitary sewer system; or

25 (II) The repair and replacement of garbage disposal units and dishwashers directly  
26 connected to the sanitary sewer system, including the necessary replacement of all tail pipes  
27 and traps, or the repair, maintenance, and replacement of sinks, faucets, drains, showers,  
28 tubs, and toilets.

29 (b) Notwithstanding ~~paragraph (a) of this subsection (6)~~ SUBSECTION (6)(a) OF THIS  
30 SECTION, "plumbing" does not include:

31 (I) Installations, extensions, improvements, remodeling, additions, and alterations in  
32 water and sewer systems owned or acquired by counties pursuant to article 20 of title 30,  
33 ~~C.R.S.~~, cities and towns pursuant to article 35 of title 31, ~~C.R.S.~~, or water and sanitation  
34 districts pursuant to article 1 or article 4 of title 32; ~~C.R.S.~~;

35 (II) Installations, extensions, improvements, remodeling, additions, and alterations  
36 performed by contractors employed by counties, cities, towns, or water and sewer districts  
37 that connect to the plumbing system within a property line; or

38 (III) Performance, location, construction, alteration, installation, and use of on-site

1 wastewater treatment systems pursuant to article 10 of title 25, C.R.S., ~~which~~ THAT are  
2 located within a property line.

3  
4 ~~**12-58-114. Disposition of fees.** All fees shall be transmitted to the state treasurer,~~  
5 ~~who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly~~  
6 ~~shall make annual appropriations pursuant to said section for the expenditures of the board~~  
7 ~~incurred in the performance of its duties under this article, which expenditures shall be made~~  
8 ~~out of such appropriations upon vouchers and warrants drawn pursuant to law. <{Redundant~~  
9 ~~with fees common provision, 12-20-105. Recommend repealing this section.>~~

10  
11 **12-155-119. [Formerly 12-58-114.2] Plumbing inspectors - qualifications.**

12 (1) ~~The director of the division of professions and occupations~~ is authorized to appoint or  
13 employ competent persons licensed under this article **155** as journeyman or master plumbers  
14 as state plumbing inspectors.

15 (2) ~~Such~~ THE inspectors may be employed either on a full-time or on a part-time basis  
16 as the circumstances in each case warrant. State plumbing inspectors have the right of ingress  
17 and egress to and from all public and private premises during reasonable working hours  
18 where this article **155** applies for the purpose of making plumbing inspections or otherwise  
19 determining compliance with the provisions of this article **155**.

20 (3) (a) Beginning July 1, 2014, persons licensed under this article **155** or who are  
21 certified as residential plumbing inspectors by a nationally recognized model code  
22 organization are authorized to inspect residential plumbing. Any newly hired inspectors not  
23 licensed under this article **155** or certified by a nationally recognized model code  
24 organization have one year from the date of hire to acquire the necessary license or  
25 certification or meet the hiring requirements of the hiring authority, whichever is more  
26 stringent.

27 (b) Beginning July 1, 2014, persons licensed under this article **155** or who are  
28 certified as commercial plumbing inspectors by a nationally recognized model code  
29 organization are authorized to inspect commercial plumbing. Any newly hired inspectors not  
30 licensed under this article **155** or certified by a nationally recognized model code  
31 organization have one year from the date of hire to acquire the necessary license or  
32 certification or meet the hiring requirements of the hiring authority, whichever is more  
33 stringent.

34 (4) (a) Plumbing inspectors performing inspections who are employed by a qualified  
35 state institution of higher education shall be certified as commercial plumbing inspectors by  
36 a nationally recognized model code organization and possess a valid journeyman or master  
37 plumber license issued by the state. In addition, ~~such~~ THE plumbing inspectors shall possess  
38 the same qualifications required of state plumbing inspectors under this article **155**, shall be

1 registered with the board prior to the assumption of their duties, shall not inspect any  
2 plumbing work in which the inspector has any financial or other personal interest, and shall  
3 not be engaged in the plumbing business by contracting, supplying material, or performing  
4 plumbing work as defined in this article *155*. In addition, ~~any such~~ A plumbing inspector  
5 inspecting a medical gas installation shall hold the national inspection certification ASSE  
6 6020 or recognized equivalent.

7 (b) As part of their duties, plumbing inspectors performing inspections who are  
8 employed by a qualified state institution of higher education have the authority to verify the  
9 plumbing licenses or apprenticeship registration cards issued by the state for those people  
10 performing the plumbing work on a project.

11  
12 **12-155-120. [Formerly 12-58-114.5] Inspection - application - standards.**

13 (1) Any plumbing or gas piping installation in any new construction or remodeling or repair,  
14 other than manufactured units inspected in accordance with the provisions of part 7 of article  
15 32 of title 24, C.R.S., except for ~~such~~ THE new construction or remodeling or repair in any  
16 incorporated town or city, county, city and county, or in a building owned or leased or on  
17 land owned by a qualified state institution of higher education where ~~such~~ THE local entity  
18 or qualified state institution of higher education conducts inspections and issues permits,  
19 must be inspected by a state plumbing inspector. A state plumbing inspector shall inspect any  
20 new construction, remodeling, or repair subject to the provisions of this subsection (1) within  
21 three working days after the receipt of the application for inspection. Prior to the  
22 commencement of any ~~such~~ plumbing or gas piping installation, the person making ~~such~~ THE  
23 installation shall apply for a permit and pay the required fee. Every mobile home or movable  
24 structure owner shall have the plumbing and gas piping hookup for ~~such~~ THE mobile home  
25 or movable structure inspected prior to obtaining new or different plumbing or gas service.  
26 A qualified state institution of higher education with a building department that meets or  
27 exceeds the minimum standards adopted by the board under this article *155* shall process  
28 applications for permits and inspections only from the institution and from contractors  
29 working for the benefit of the institution, and shall conduct inspections only of work  
30 performed for the benefit of the institution. Each inspection must include a contemporaneous  
31 review to ensure that the requirements of section ~~12-58-105~~ **12-155-108** have been met. A  
32 qualified state institution of higher education shall enforce standards that are at least as  
33 stringent as any minimum standards adopted by the board.

34 (2) A state plumbing inspector shall inspect the work performed, and, if ~~such~~ THE  
35 work meets the minimum standards set forth in the Colorado plumbing code referred to in  
36 section ~~12-58-104.5~~ **12-155-106**, a certificate of approval shall be issued by the inspector.  
37 If ~~such~~ THE installation is disapproved, written notice ~~thereof~~ together with the reasons for  
38 ~~such~~ THE disapproval shall be given by the inspector to the applicant. If ~~such~~ THE installation

1 is hazardous to life or property, the inspector disapproving it may order the plumbing or gas  
2 service thereto discontinued until ~~such~~ THE installation is rendered safe. The applicant may  
3 appeal ~~such~~ THE disapproval to the board and shall be granted a hearing by the board within  
4 seven days after notice of appeal is filed with the board. After removal of the cause of ~~such~~  
5 THE disapproval, the applicant shall make application for reinspection in the same manner  
6 as for the original inspection and pay the required reinspection fee.

7 (3) (a) All inspection permits issued by the board are valid for a period of twelve  
8 months. The board shall close a permit and mark its status as "expired" at the end of the  
9 twelve-month renewal period, except in the following circumstances:

10 (I) If an applicant makes a showing at the time of application for a permit that the  
11 plumbing or gas piping work is substantial and is likely to take longer than twelve months,  
12 the board may issue a permit to be valid for a period longer than twelve months, but not  
13 exceeding three years.

14 (II) If the applicant notifies the board prior to the expiration of the twelve-month  
15 period of extenuating circumstances, as determined by the board, during the twelve-month  
16 period, the board may extend the validity of the permit for a period not to exceed six months.

17 (b) If an inspection is requested by an applicant after a permit has expired or has been  
18 cancelled, a new permit must be applied for and granted before an inspection is performed.

19 (4) Each application, certificate of approval, and notice of disapproval shall contain  
20 the name of the property owner, if known, the location and a brief description of the  
21 installation, the name of the general contractor if any, the name of the plumbing contractor  
22 or licensed plumber and state license number in the case of any plumbing installation, the  
23 name of the installer in the case of any liquefied petroleum gas piping installation, the state  
24 plumbing inspector, and the inspection fee charged for the inspection. The original of a  
25 notice of disapproval and written reasons for disapproval and corrective actions to be taken  
26 shall be mailed to the board, and a copy of ~~such~~ THE notice shall be mailed to the plumbing  
27 contractor in the case of any plumbing installation or the installer in the case of any liquefied  
28 petroleum gas piping installation, within two working days after the date of inspection, and  
29 a copy of the notice shall be posted at the installation site. ~~Such~~ THE forms shall be furnished  
30 by the board, and a copy of each application, certificate, and notice made or issued shall be  
31 filed with the board.

32 (5) Notwithstanding the fact that any incorporated town or city, any county, or any  
33 city and county in which a public school is located or is to be located has its own plumbing  
34 code and inspection authority, any plumbing or gas piping installation in any new  
35 construction or remodeling or repair of a public school shall be inspected by a state plumbing  
36 inspector.

37 (6) If an incorporated town or city, county, city and county, or qualified state  
38 institution of higher education intends to commence or cease performing plumbing or gas

1 piping inspections in its respective jurisdiction, or for its buildings owned or leased or on its  
2 land, written notice of such intent must be given to the board.

3 (7) (a) Any person claiming to be aggrieved by the failure of a state plumbing  
4 inspector to inspect his OR HER property after proper application or by notice of disapproval  
5 without setting forth the reasons for denying the inspection permit may request the program  
6 administrator to review the actions of the plumbing inspector or the manner of the inspection.  
7 ~~Such~~ THE request may be made by ~~his~~ THE PERSON'S authorized representative and shall be  
8 in writing.

9 (b) Upon the filing of ~~such a~~ THE request, the program administrator shall cause a  
10 copy thereof to be served upon the state plumbing inspector complained of, together with an  
11 order requiring ~~such~~ THE inspector to answer the allegations of ~~said~~ THE request within a time  
12 fixed by the program administrator.

13 (c) If the request is not granted within ten days after it is filed, it may be treated as  
14 rejected. Any person aggrieved by the action of the program administrator in refusing the  
15 review requested or in failing or refusing to grant all or part of the relief requested may file  
16 a written complaint and request for a hearing with the board, specifying the grounds relied  
17 upon.

18 (d) Any hearing before the board shall be held pursuant to the provisions of section  
19 24-4-105. C.R.S.

20 (8) ~~(a)~~ If an incorporated town or city, county, city and county, or qualified state  
21 institution of higher education intends to commence or cease performing plumbing  
22 inspections in its jurisdiction or for the buildings owned or leased by or on land of a qualified  
23 state institution of higher education, it shall commence or cease the same only as of July 1  
24 of any year, and written notice of ~~such~~ intent must be given to the board on or before October  
25 1 of the preceding calendar year. If ~~such~~ notice is not given and the use of state plumbing  
26 inspectors is required within the respective jurisdiction or building affected by the notice  
27 requirement, the respective local government or qualified state institution of higher education  
28 of the respective jurisdiction or building requiring ~~such~~ inspections shall reimburse the board  
29 for any expenses incurred in performing ~~such~~ inspections, in addition to transmitting the  
30 required permit fees.

31 ~~(b) Repeated.~~

32 (9) A qualified state institution of higher education may choose not to require fees  
33 as part of the permitting process. A documented permitting and inspection system must be  
34 instituted by each qualified state institution of higher education as a tracking system that is  
35 available to the board for the purpose of investigating any alleged violation of this article  
36 **155**. The permitting and inspection system must include information specifying the project,  
37 the name of the inspector, the date of the inspection, the job site address, the scope of the  
38 project, the type of the inspection, the result of the inspection, the reason and applicable code

1 sections for partially passed or failed inspections, and the names of the contractors on the  
2 project who are subject to inspection.

3  
4 **12-155-121. [Formerly 12-58-115] Municipal and county regulations.** (1) Any  
5 city, town, county, or city and county of this state may provide for the licensing of plumbing  
6 contractors or water conditioning contractors. Contractors who obtain local licensing must  
7 also register with the board in accordance with section ~~12-58-105~~. **12-155-108.**

8 (2) A local government agency shall not promulgate rules or regulations or provide  
9 for licenses that would preclude the holder of a valid license or registration issued under this  
10 article **155** from practicing the holder's trade.

11  
12 **12-155-122. [Formerly 12-58-116] Unauthorized practice - penalties.**

13 ~~(1) Repeated.~~

14 ~~(2) (1) Any person who engages in or works at or offers or attempts to engage in or~~  
15 ~~work at the business, trade, or calling of a residential, journeyman, master, or apprentice~~  
16 ~~plumber without an active license, permit, or registration issued under this article commits~~  
17 ~~a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for~~  
18 ~~the first offense, and for the second or any subsequent offense, the person commits a class~~  
19 ~~6 felony and shall be punished as provided in section 18-1.3-401, C.R.S. **155** IS SUBJECT TO~~  
20 ~~PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a). <{Redundant with unauthorized~~  
21 ~~practice common provision, 12-20-407 (1)(a)(II). Recommend amending as indicated.}~~>

22 ~~(3) (2) Effective April 1, 2016, a person who engages in or works at or offers or~~  
23 ~~attempts to engage in or work at the business, trade, or calling of a water conditioning~~  
24 ~~contractor, water conditioning installer, or water conditioning principal without an active~~  
25 ~~registration issued under this article commits a class 2 misdemeanor and shall be punished~~  
26 ~~as provided in section 18-1.3-501, C.R.S., for the first offense, and for the second or any~~  
27 ~~subsequent offense, the person commits a class 6 felony and shall be punished as provided~~  
28 ~~in section 18-1.3-401, C.R.S. **155** IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407~~  
29 ~~(1)(a); except that nothing in this subsection (3) (2) limits the ability of a licensed residential,~~  
30 ~~journeyman, or master plumber, a plumbing apprentice, or a registered plumbing contractor~~  
31 ~~to practice within his or her respective area as authorized by this article **155** with regard to~~  
32 ~~water conditioning appliances. <{Redundant with unauthorized practice common~~  
33 ~~provision, 12-20-407 (1)(a)(II). Recommend amending as indicated.}~~>

34  
35 **12-155-123. [Formerly 12-58-116.5] Violation - fines - rules.** (1) (a) If the board  
36 concludes that any licensee, registrant, or applicant for licensure has violated any provision  
37 of section ~~12-58-110~~ **12-155-113** and that disciplinary action is appropriate, the program  
38 administrator or the program administrator's designee may issue a citation in accordance with

1 subsection ~~(2.5)~~ (3) of this section to ~~such~~ THE licensee, registrant, or applicant.

2 (b) (I) The licensee, registrant, or applicant to whom a citation has been issued may  
3 make a request to negotiate a stipulated settlement agreement with the program administrator  
4 or the program administrator's designee, if ~~such~~ THE request is made in writing within ten  
5 working days after issuance of the citation ~~which~~ THAT is the subject of the settlement  
6 agreement.

7 (II) All stipulated settlement agreements shall be conducted pursuant to rules adopted  
8 by the board pursuant to section ~~12-58-104(1)(d)~~ **12-155-105 (1)(e)**. The board shall adopt  
9 a rule to allow any licensee, registrant, or applicant unable, in good faith, to settle with the  
10 program administrator to request an administrative hearing pursuant to ~~paragraph (c) of this~~  
11 ~~subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION.

12 ~~(HH) When a complaint or an investigation discloses an instance of misconduct that,~~  
13 ~~in the opinion of the board, warrants formal action, the complaint shall not be resolved by~~  
14 ~~a deferred settlement, action, judgment, or prosecution. <{~~**Redundant with discipline/no**  
15 **deferral common provision, 12-20-404 (2). Recommend repeal.**~~>}~~

16 (c) (I) The licensee, registrant, or applicant to whom a citation has been issued may  
17 request an administrative hearing to determine the propriety of ~~such~~ THE citation if ~~such~~ THE  
18 request is made in writing within ten working days after issuance of the citation ~~which~~ THAT  
19 is the subject of the hearing or within a reasonable period after negotiations for a stipulated  
20 settlement agreement pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF  
21 THIS SECTION have been deemed futile by the program administrator.

22 (II) For good cause the board may extend the period of time in which a person who  
23 has been cited may request a hearing.

24 ~~(III) All hearings conducted pursuant to subparagraph (f) of this paragraph (c)~~  
25 ~~SUBSECTION (1)(c)(I) OF THIS SECTION shall be conducted in compliance with section~~  
26 ~~24-4-105. C.R.S.~~

27 (d) Any action taken by the board pursuant to this section shall be deemed final after  
28 the period of time extended to the licensee, registrant, or applicant to contest ~~such~~ THE action  
29 pursuant to this subsection (1) has expired.

30 (2) (a) The board shall adopt a schedule of fines pursuant to ~~paragraph (b) of this~~  
31 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION as penalties for violating section  
32 ~~12-58-110. Such~~ **12-155-113**. THE fines shall be assessed in conjunction with the issuance  
33 of a citation, pursuant to a stipulated settlement agreement, or following an administrative  
34 hearing. Such schedule shall be adopted by rule in accordance with section ~~12-58-104(1)(d)~~  
35 **12-155-105 (1)(e)**.

36 (b) In developing the schedule of fines, the board shall:

37 (I) Provide that a first offense may carry a fine of up to one thousand dollars;

38 (II) Provide that a second offense may carry a fine of up to two thousand dollars;

1 (III) Provide that any subsequent offense may carry a fine of up to two thousand  
2 dollars for each day that any provision of section ~~12-58-110~~ **12-155-113** is violated;

3 (IV) Consider how the violation impacts the public, including any health and safety  
4 considerations;

5 (V) Consider whether to provide for a range of fines for any particular violation or  
6 type of violation; and

7 (VI) Provide uniformity in the fine schedule.

8 ~~(2.5)~~ (3) (a) (I) Any citation issued pursuant to this section shall be in writing, shall  
9 adequately describe the nature of the violation, and shall reference the statutory or regulatory  
10 provision or order alleged to have been violated.

11 (II) Any citation issued pursuant to this section shall clearly state whether a fine is  
12 imposed, the amount of ~~such~~ THE fine, and that payment for ~~such~~ THE fine must be remitted  
13 within the time specified in ~~such~~ THE citation if ~~such~~ THE citation is not contested pursuant  
14 to subsection (1) of this section.

15 (III) Any citation issued pursuant to this section shall clearly set forth how ~~such~~ THE  
16 citation may be contested pursuant to subsection (1) of this section, including any time  
17 limitations.

18 (b) A citation or copy of a citation issued pursuant to this section may be served by  
19 certified mail or in person by a program administrator or the administrator's designee upon  
20 a person or the person's agent in accordance with ~~C.R.C.P. 4~~ RULE 4 OF THE COLORADO  
21 RULES OF CIVIL PROCEDURE.

22 (c) If the recipient fails to give written notice to the board that the recipient intends  
23 to contest ~~such~~ THE citation or to negotiate a stipulated settlement agreement within ten  
24 working days after service of a citation by the board, ~~such~~ THE citation shall be deemed a  
25 final order of the board.

26 (d) The board may ~~suspend or revoke a license or registration or may refuse to renew~~  
27 ~~any license or registration issued or may place on probation any licensee or registrant~~ TAKE  
28 DISCIPLINARY ACTION AS SPECIFIED IN SECTION 12-20-404 (1)(b) OR (1)(d) if the licensee or  
29 registrant fails to comply with the requirements set forth in a citation deemed final pursuant  
30 to ~~paragraph (c) of this subsection~~ ~~(2.5)~~ SUBSECTION (3)(c) OF THIS SECTION.

31 (e) The failure of an applicant for licensure to comply with a citation deemed final  
32 pursuant to ~~paragraph (c) of this subsection~~ ~~(2.5)~~ SUBSECTION (3)(c) OF THIS SECTION is  
33 grounds for denial of a license.

34 (f) No citation may be issued under this section unless the citation is issued within  
35 the six-month period following the occurrence of the violation.

36 ~~(3)~~ All fines shall be imposed in accordance with the provisions of section ~~24-4-105,~~  
37 ~~C.R.S.~~ <{Redundant with disciplinary procedures common provisions, 12-20-403, and the  
38 APA. Recommend repealing.}>

1           (4) (a) Any fine collected pursuant to this section shall be transmitted to the state  
2 treasurer, who shall credit one-half of the amount of ~~any such~~ THE fine to the general fund,  
3 and one-half of the amount of ~~any such~~ THE fine shall be shared with the appropriate city,  
4 town, county, or city and county, which amounts shall be transmitted to ~~any such~~ THE entity  
5 on an annual basis.

6           (b) Any fine assessed in a citation or an administrative hearing or any amount due  
7 pursuant to a stipulated settlement agreement that is not paid may be collected by the  
8 program administrator through a collection agency or in an action in the district court of the  
9 county in which the person against whom the fine is imposed resides or in the county in  
10 which the office of the program administrator is located.

11           (c) The attorney general shall provide legal assistance and advice to the program  
12 administrator in any action to collect an unpaid fine.

13           (d) In any action brought to enforce this subsection (4), reasonable attorney fees and  
14 costs shall be awarded. <{Listed as an exception in the common provision on disposition  
15 of fines, 12-20-404 (6).}>

16  
17           **12-155-124. [Formerly 12-58-117] Apprentices.** (1) Any person may work as a  
18 plumbing apprentice for a registered plumbing contractor but shall not do any plumbing work  
19 for which a license is required pursuant to this article **155** except under the supervision of a  
20 licensed plumber. Supervision requires that a licensed plumber supervise apprentices at the  
21 job site. One licensed journeyman plumber, master plumber, or residential plumber shall not  
22 supervise more than three apprentice plumbers at the same job site.

23           (2) Any master, journeyman, or residential plumber who is the supervisor of any  
24 plumbing apprentice shall be responsible for the work performed by ~~such~~ THE apprentice.  
25 The license of any plumber may be revoked, suspended, or denied under the provisions of  
26 section ~~12-58-110~~ **12-155-113** for any improper work performed by a plumbing apprentice  
27 while under the supervision of ~~such~~ THE licensee.