

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0635.01 Thomas Morris x4218

HOUSE BILL 19-1086

HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONDUCT OF PLUMBING INSPECTIONS TO ENSURE**
102 **COMPLIANCE WITH THE PLUMBING LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires plumbing inspectors employed by qualified state institutions of higher education to possess the same qualifications required of state plumbing inspectors. **Section 1** of the bill requires the same of inspectors employed by an incorporated town or city, county, or city and county.

Section 2 requires state plumbing inspectors or plumbing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 8, 2019

inspectors employed by the state, an incorporated town or city, county, city and county, or qualified state institution of higher education (entity) to conduct a contemporaneous review of each plumbing project inspected to ensure compliance with the plumbing law, including specifically licensure and apprentice requirements. However, each entity need not perform a contemporaneous review for each inspection of a project. Each entity shall develop standard procedures to advise inspectors on how to conduct a contemporaneous review. Each entity must post its standard procedures on its public website and provide the director of the division of professions and occupations within the department of regulatory agencies with a link to the web page on which the standard procedures have been posted.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-58-108,
3 **amend (2); and add (3) as follows:**

4 **12-58-108. Renewal - reinstatement - rules.** (2) (a) Any license
5 or registration that has lapsed is ~~deemed to have~~ expired.

6 (b) (I) Prior to reinstatement OF AN EXPIRED LICENSE OR
7 REGISTRATION, the board is ~~authorized to~~ MAY require the licensee OR
8 REGISTRANT to demonstrate competency.

9 (II) THIS SUBSECTION (2)(b)(II) DOES NOT APPLY TO WATER
10 CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS. TO
11 REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR TWO
12 OR MORE YEARS, A PERSON MUST DEMONSTRATE COMPETENCY BY:

13 (A) PROVIDING VERIFICATION OF A LICENSE IN GOOD STANDING
14 FROM ANOTHER STATE AND PROOF OF ACTIVE PRACTICE IN THAT STATE
15 FOR THE YEAR PREVIOUS TO THE DATE OF RECEIPT OF THE REINSTATEMENT
16 APPLICATION;

17 (B) SATISFACTORILY PASSING THE STATE PLUMBING EXAMINATION
18 IN ACCORDANCE WITH SECTION 12-58-107; OR

19 (C) ANY OTHER MEANS APPROVED BY THE BOARD.

1 (III) TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN
2 EXPIRED FOR LESS THAN TWO YEARS, A PERSON MUST COMPLY WITH
3 SUBSECTION (3)(a) OF THIS SECTION; EXCEPT THAT THIS SUBSECTION
4 (2)(b)(III) DOES NOT APPLY TO WATER CONDITIONING INSTALLERS AND
5 WATER CONDITIONING PRINCIPALS.

6 (c) Licenses and registrations ~~shall be renewed or reinstated~~
7 ~~pursuant to~~ ARE SUBJECT TO RENEWAL OR REINSTATEMENT IN
8 ACCORDANCE WITH a schedule established by the director of the division
9 of professions and occupations within the department of regulatory
10 agencies and pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director of the
11 ~~division of professions and occupations within the department of~~
12 ~~regulatory agencies~~ may establish renewal fees and delinquency fees for
13 reinstatement pursuant to section 24-34-105. ~~C.R.S.~~

14 (d) If a person fails to renew his or her license or registration
15 pursuant to the schedule established by the director, ~~of the division of~~
16 ~~professions and occupations~~, the license or registration ~~shall expire~~
17 EXPIRES. Any person whose license or registration has expired is subject
18 to the penalties provided in this ~~article~~ ARTICLE 58 or section 24-34-102
19 (8). ~~C.R.S.~~

20 (3) (a) ON OR AFTER MAY 1, 2021, THE BOARD SHALL NOT RENEW
21 OR REINSTATE A LICENSE UNLESS THE APPLICANT HAS COMPLETED EIGHT
22 HOURS OF CONTINUING EDUCATION FOR EVERY TWELVE MONTHS THAT
23 HAVE PASSED AFTER THE LATER OF THE LAST DATE OF RENEWAL OR
24 REINSTATEMENT. THIS SUBSECTION (3)(a) DOES NOT APPLY TO THE FIRST
25 RENEWAL OR REINSTATEMENT OF A LICENSE FOR WHICH, AS A CONDITION
26 OF ISSUANCE, THE APPLICANT SUCCESSFULLY COMPLETED A LICENSING
27 EXAMINATION PURSUANT TO SECTION 12-58-107.

1 (b) ON OR BEFORE JULY 1, 2020, THE BOARD, IN COLLABORATION
2 WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY
3 REPRESENTATIVES, SHALL ADOPT RULES ESTABLISHING CONTINUING
4 EDUCATION REQUIREMENTS AND STANDARDS. THE REQUIREMENTS AND
5 STANDARDS MUST INCLUDE COURSE WORK RELATED TO THE CODE,
6 INCLUDING CORE COMPETENCIES, AS DETERMINED BY THE BOARD. THE
7 BOARD MAY COUNT A LICENSED PLUMBER'S ENROLLMENT IN A COURSE
8 DESIGNED TO HELP THE PLUMBER ATTAIN NATIONALLY RECOGNIZED
9 PLUMBING AND BUILDING INSPECTION CERTIFICATIONS TOWARDS THE
10 PLUMBER'S CONTINUING EDUCATION REQUIREMENTS. A RENEWAL OR
11 REINSTATEMENT LICENSE APPLICANT MUST FURNISH, OR CAUSE TO BE
12 FURNISHED, TO THE BOARD, IN A FORM AND MANNER DETERMINED BY THE
13 BOARD, DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS
14 SUBSECTION (3) AND RULES PROMULGATED TO IMPLEMENT THIS
15 SUBSECTION (3).

16 (c) TO ENSURE CONSUMER PROTECTION, THE BOARD'S RULES MAY
17 INCLUDE AUDIT STANDARDS FOR LICENSEE COMPLIANCE WITH CONTINUING
18 EDUCATION REQUIREMENTS AND REQUIREMENTS PERTAINING TO THE
19 TESTING OF LICENSEES BY THE CONTINUING EDUCATION VENDOR.

20 **SECTION 2.** In Colorado Revised Statutes, 12-58-114.5, **add**
21 (10) as follows:

22 **12-58-114.5. Inspection - application - standards.** (10) (a) AN
23 INSPECTOR PERFORMING AN INSPECTION FOR THE STATE, AN
24 INCORPORATED TOWN OR CITY, COUNTY, CITY AND COUNTY, OR QUALIFIED
25 STATE INSTITUTION OF HIGHER EDUCATION, REFERRED TO IN THIS
26 SUBSECTION (10) AS AN "INSPECTING ENTITY", SHALL VERIFY COMPLIANCE
27 WITH THIS ARTICLE 58.

1 (b) (I) INSPECTIONS PERFORMED BY AN INSPECTING ENTITY MUST
2 INCLUDE, FOR EACH PROJECT, A CONTEMPORANEOUS REVIEW TO ENSURE
3 COMPLIANCE WITH SECTIONS 12-58-105 AND 12-58-117. A
4 CONTEMPORANEOUS REVIEW MAY INCLUDE A FULL OR PARTIAL REVIEW OF
5 THE PLUMBERS AND APPRENTICES WORKING AT A JOB SITE BEING
6 INSPECTED.

7 (II) TO ENSURE THAT ENFORCEMENT IS CONSISTENT, TIMELY, AND
8 EFFICIENT, EACH INSPECTING ENTITY EMPLOYING INSPECTORS SHALL
9 DEVELOP STANDARD PROCEDURES TO ADVISE ITS INSPECTORS ON HOW TO
10 CONDUCT A CONTEMPORANEOUS REVIEW. AN INSPECTING ENTITY'S
11 STANDARD PROCEDURES NEED NOT REQUIRE A CONTEMPORANEOUS
12 REVIEW FOR EACH INSPECTION OF A PROJECT, BUT THE PROCEDURES MUST
13 PRESERVE AN INSPECTOR'S ABILITY TO VERIFY COMPLIANCE WITH
14 SECTIONS 12-58-105 AND 12-58-117 AT ANY TIME. EACH INSPECTING
15 ENTITY SUBJECT TO THIS SUBSECTION (10)(b)(II), INCLUDING THE STATE,
16 SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS
17 REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE AND PROVIDE
18 THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS WITH
19 A LINK TO THE WEB PAGE ON WHICH THE PROCEDURES HAVE BEEN POSTED
20 OR, IF AN INSPECTING ENTITY DOES NOT HAVE A WEBSITE, PROVIDE ITS
21 CURRENT PROCEDURES TO THE DIRECTOR FOR POSTING ON THE BOARD'S
22 WEBSITE.

23 (III) AN INSPECTOR MAY FILE A COMPLAINT WITH THE BOARD FOR
24 ANY VIOLATION OF THIS ARTICLE 58.

25 **SECTION 3.** In Colorado Revised Statutes, 12-155-112, **amend**
26 **as relocated by House Bill 19-1172 (2); and add (3) as follows:**

27 **12-155-112. License renewal - fees - reinstatement - rules.**

1 (2) (a) Licenses and registrations issued pursuant to this article 155 are
2 subject to the renewal, expiration, reinstatement, and delinquency fee
3 provisions specified in section 12-20-202 (1) and (2). Any person whose
4 license or registration has expired is subject to the penalties provided in
5 this article 155 or section 12-20-202 (1).

6 (b) THIS SUBSECTION (2)(b) DOES NOT APPLY TO WATER
7 CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS. TO
8 REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR TWO
9 OR MORE YEARS, A PERSON MUST DEMONSTRATE COMPETENCY BY:

10 (I) PROVIDING VERIFICATION OF A LICENSE IN GOOD STANDING
11 FROM ANOTHER STATE AND PROOF OF ACTIVE PRACTICE IN THAT STATE
12 FOR THE YEAR PREVIOUS TO THE DATE OF RECEIPT OF THE REINSTATEMENT
13 APPLICATION;

14 (II) SATISFACTORILY PASSING THE STATE PLUMBING EXAMINATION
15 IN ACCORDANCE WITH SECTION 12-58-107; OR

16 (III) ANY OTHER MEANS APPROVED BY THE BOARD.

17 (c) TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN
18 EXPIRED FOR LESS THAN TWO YEARS, A PERSON MUST COMPLY WITH
19 SUBSECTION (3)(a) OF THIS SECTION; EXCEPT THAT THIS SUBSECTION (2)(c)
20 DOES NOT APPLY TO WATER CONDITIONING INSTALLERS AND WATER
21 CONDITIONING PRINCIPALS.

22 (3) (a) ON OR AFTER MAY 1, 2021, THE BOARD SHALL NOT RENEW
23 OR REINSTATE A LICENSE UNLESS THE APPLICANT HAS COMPLETED EIGHT
24 HOURS OF CONTINUING EDUCATION FOR EVERY TWELVE MONTHS THAT
25 HAVE PASSED AFTER THE LATER OF THE LAST DATE OF RENEWAL OR
26 REINSTATEMENT. THIS SUBSECTION (3)(a) DOES NOT APPLY TO THE FIRST
27 RENEWAL OR REINSTATEMENT OF A LICENSE FOR WHICH, AS A CONDITION

1 OF ISSUANCE, THE APPLICANT SUCCESSFULLY COMPLETED A LICENSING
2 EXAMINATION PURSUANT TO SECTION 12-155-110.

3 (b) ON OR BEFORE JULY 1, 2020, THE BOARD, IN COLLABORATION
4 WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY
5 REPRESENTATIVES, SHALL ADOPT RULES ESTABLISHING CONTINUING
6 EDUCATION REQUIREMENTS AND STANDARDS. THE REQUIREMENTS AND
7 STANDARDS MUST INCLUDE COURSE WORK RELATED TO THE CODE,
8 INCLUDING CORE COMPETENCIES, AS DETERMINED BY THE BOARD. THE
9 BOARD MAY COUNT A LICENSED PLUMBER'S ENROLLMENT IN A COURSE
10 DESIGNED TO HELP THE PLUMBER ATTAIN NATIONALLY RECOGNIZED
11 PLUMBING AND BUILDING INSPECTION CERTIFICATIONS TOWARDS THE
12 PLUMBER'S CONTINUING EDUCATION REQUIREMENTS. A RENEWAL OR
13 REINSTATEMENT LICENSE APPLICANT MUST FURNISH, OR CAUSE TO BE
14 FURNISHED, TO THE BOARD, IN A FORM AND MANNER DETERMINED BY THE
15 BOARD, DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS
16 SUBSECTION (3) AND RULES PROMULGATED TO IMPLEMENT THIS
17 SUBSECTION (3).

18 (c) TO ENSURE CONSUMER PROTECTION, THE BOARD'S RULES MAY
19 INCLUDE AUDIT STANDARDS FOR LICENSEE COMPLIANCE WITH CONTINUING
20 EDUCATION REQUIREMENTS AND REQUIREMENTS PERTAINING TO THE
21 TESTING OF LICENSEES BY THE CONTINUING EDUCATION VENDOR.

22 **SECTION 4.** In Colorado Revised Statutes, 12-155-120, **add as**
23 **relocated by House Bill 19-1172 (10)** as follows:

24 **12-155-120. Inspection - application - standards.** (10) (a) AN
25 INSPECTOR PERFORMING AN INSPECTION FOR THE STATE, AN
26 INCORPORATED TOWN OR CITY, COUNTY, CITY AND COUNTY, OR QUALIFIED
27 STATE INSTITUTION OF HIGHER EDUCATION, REFERRED TO IN THIS

1 SUBSECTION (10) AS AN "INSPECTING ENTITY", SHALL VERIFY COMPLIANCE
2 WITH THIS ARTICLE 155.

3 (b) (I) INSPECTIONS PERFORMED BY AN INSPECTING ENTITY MUST
4 INCLUDE, FOR EACH PROJECT, A CONTEMPORANEOUS REVIEW TO ENSURE
5 COMPLIANCE WITH SECTIONS 12-155-108 AND 12-155-124. A
6 CONTEMPORANEOUS REVIEW MAY INCLUDE A FULL OR PARTIAL REVIEW OF
7 THE PLUMBERS AND APPRENTICES WORKING AT A JOB SITE BEING
8 INSPECTED.

9 (II) TO ENSURE THAT ENFORCEMENT IS CONSISTENT, TIMELY, AND
10 EFFICIENT, EACH INSPECTING ENTITY EMPLOYING INSPECTORS SHALL
11 DEVELOP STANDARD PROCEDURES TO ADVISE ITS INSPECTORS ON HOW TO
12 CONDUCT A CONTEMPORANEOUS REVIEW. AN INSPECTING ENTITY'S
13 STANDARD PROCEDURES NEED NOT REQUIRE A CONTEMPORANEOUS
14 REVIEW FOR EACH INSPECTION OF A PROJECT, BUT THE PROCEDURES MUST
15 PRESERVE AN INSPECTOR'S ABILITY TO VERIFY COMPLIANCE WITH
16 SECTIONS 12-155-108 AND 12-155-124 AT ANY TIME. EACH INSPECTING
17 ENTITY SUBJECT TO THIS SUBSECTION (10)(b)(II), INCLUDING THE STATE,
18 SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS
19 REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE AND PROVIDE
20 THE DIRECTOR WITH A LINK TO THE WEB PAGE ON WHICH THE PROCEDURES
21 HAVE BEEN POSTED OR, IF AN INSPECTING ENTITY DOES NOT HAVE A
22 WEBSITE, PROVIDE ITS CURRENT PROCEDURES TO THE DIRECTOR FOR
23 POSTING ON THE BOARD'S WEBSITE.

24 (III) AN INSPECTOR MAY FILE A COMPLAINT WITH THE BOARD FOR
25 ANY VIOLATION OF THIS ARTICLE 155.

26 **SECTION 5. Act subject to petition - effective date.** (1) Except
27 as otherwise provided in subsection (2) of this section, this act takes

1 effect January 1, 2020; except that, if a referendum petition is filed
2 pursuant to section 1 (3) of article V of the state constitution against this
3 act or an item, section, or part of this act within the ninety-day period
4 after final adjournment of the general assembly, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2020 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.

9 (2) (a) Sections 1 and 2 of this act take effect only if House Bill
10 19-1172 does not become law.

11 (b) Sections 3 and 4 of this act take effect only if House Bill
12 19-1172 becomes law.