

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0557.01 Kristen Forrestal x4217

HOUSE BILL 24-1329

HOUSE SPONSORSHIP

Bird and Lindstedt, Frizell, Lieder, Ricks

SENATE SPONSORSHIP

Marchman,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE STATE BOARD OF LICENSURE**
102 **FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND**
103 **PROFESSIONAL LAND SURVEYORS, AND, IN CONNECTION**
104 **THEREWITH, IMPLEMENTING THE RECOMMENDATIONS**
105 **CONTAINED IN THE 2023 SUNSET REPORT BY THE DEPARTMENT**
106 **OF REGULATORY AGENCIES.**

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/>.)

Sunset Process - House Business Affairs and Labor

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

Committee. The bill implements the recommendations of the department of regulatory agencies (department) contained in the department's 2023 sunset review of the state board of licensure for architects, professional engineers, and professional land surveyors (board) as follows:

- **Sections 1 and 2** continue the board for 9 years, from September 1, 2024, until September 1, 2033;
- **Sections 5, 9, and 14** include in the grounds for discipline of licensees a failure to respond to the allegations of a complaint within the length of time specified by the board;
- **Sections 3, 6, 7, 8, 10, 11, and 12** update statutory references to the names of examinations for professional engineers and professional land surveyors;
- **Section 2** repeals the requirement that board members be citizens of the United States and residents of Colorado;
- **Section 3** repeals the requirement that applicants supply a business address on a license application;
- **Sections 6, 7, 10, 11, 12, and 15** repeal references in current law regarding the occupational credential portability program; and
- **Sections 16 through 27** make a technical amendment to replace gendered pronouns with gender-neutral terms.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (25)(a)(IV); and **add** (34)(a)(IX) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2024:

8 (IV) ~~The state board of licensure for architects, professional~~
9 ~~engineers, and professional land surveyors in the department of regulatory~~
10 ~~agencies created in section 12-120-103;~~

11 (34) (a) The following agencies, functions, or both, are scheduled
12 for repeal on September 1, 2033:

13 (IX) THE STATE BOARD OF LICENSURE FOR ARCHITECTS,

1 PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS IN THE
2 DEPARTMENT OF REGULATORY AGENCIES CREATED IN SECTION
3 12-120-103.

4 **SECTION 2.** In Colorado Revised Statutes, 12-120-103, **amend**
5 (2) and (4)(a); and **repeal** (4)(b)(I) and (4)(c)(I) as follows:

6 **12-120-103. State board of licensure for architects,**
7 **professional engineers, and professional land surveyors - creation -**
8 **composition - appointment of members - terms - meetings - program**
9 **director and staff - subject to review - repeal of article. (2) Sunset.**

10 This article 120 is repealed, effective ~~September 1, 2024~~ SEPTEMBER 1,
11 2033. Before the repeal, this article 120 is scheduled for review in
12 accordance with section 24-34-104.

13 (4) (a) **Professional engineer members.** Each professional
14 engineer member of the board ~~shall be a citizen of the United States and~~
15 ~~a resident of this state for at least one year~~ and shall have been licensed
16 as a professional engineer and practicing as such for at least five years.

17 (b) **Professional land surveyor members.** (I) ~~A professional~~
18 ~~land surveyor who is a member of the board shall be a citizen of the~~
19 ~~United States and a resident of Colorado for at least one year.~~

20 (c) **Architect members.** To be eligible for membership on the
21 board, an architect shall be:

22 (I) ~~A United States citizen and a resident of Colorado for at least~~
23 ~~one year; and~~

24 **SECTION 3.** In Colorado Revised Statutes, 12-120-104, **amend**
25 (1)(c) introductory portion and (2)(b); and **repeal** (1)(c)(III) as follows:

26 **12-120-104. Powers and duties of the board and division.**

27 (1) **General powers and duties.** In order to carry into effect the

1 provisions of this article 120, the board shall:

2 (c) Keep a record of its proceedings and of all applications for
3 licensing under this article 120. The application record for each applicant
4 ~~shall~~ MUST include:

5 (III) ~~Place of business of the applicant;~~

6 (2) **Board powers and duties regarding professional engineers.**

7 For purposes of administering part 2 of this article 120 pertaining to the
8 regulation of professional engineers, the board shall:

9 (b) Provide for examinations of professional engineer license
10 applicants. ~~in the "fundamentals of engineering" and the "principles and~~
11 ~~practice of engineering".~~ THE BOARD SHALL ADOPT THE APPROPRIATE
12 EXAMINATIONS. Examinations ~~shall~~ MUST be given as often as practicable.
13 The board shall ensure that the passing score for any examination is set
14 to measure the level of minimum competency. An applicant who fails to
15 pass the prescribed examination may be reexamined.

16 **SECTION 4.** In Colorado Revised Statutes, 12-120-203, **amend**
17 (1) introductory portion as follows:

18 **12-120-203. Exemptions.** (1) ~~This part 2 does not affect any of~~
19 NOTHING IN THIS PART 2 REQUIRES LICENSURE AS A PROFESSIONAL
20 ENGINEER FOR the following:

21 **SECTION 5.** In Colorado Revised Statutes, 12-120-206, **add**
22 (1)(n) as follows:

23 **12-120-206. Disciplinary actions - grounds for discipline.**

24 (1) The board may take disciplinary or other action as authorized by
25 section 12-20-404 against, or limit the scope of practice of, any
26 professional engineer or engineer-intern for:

27 (n) FAILING TO RESPOND TO THE ALLEGATIONS IN A COMPLAINT

1 WITHIN THE LENGTH OF TIME SPECIFIED IN THE LETTER ISSUED BY THE
2 BOARD IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

3 **SECTION 6.** In Colorado Revised Statutes, 12-120-211, **amend**
4 (2)(a), (3)(a), and (4)(a); and **repeal** (1) as follows:

5 **12-120-211. Qualifications for engineer-interns.** (1) ~~An~~
6 ~~applicant may qualify for enrollment as an engineer-intern by~~
7 ~~endorsement if the applicant satisfies the requirements of the occupational~~
8 ~~credential portability program.~~

9 (2) (a) An applicant may qualify for enrollment as an
10 engineer-intern by graduation and examination if the applicant passes the
11 ~~fundamentals of engineering~~ APPROPRIATE examination AS ADOPTED BY
12 THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

13 (3) (a) An applicant may qualify for enrollment as an
14 engineer-intern by graduation, experience, and examination if the
15 applicant passes the ~~fundamentals of engineering~~ APPROPRIATE
16 examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION
17 12-120-104 (2)(b) and possesses a total of six years of progressive
18 engineering experience, of which educational study may be a part.

19 (4) (a) An applicant may qualify for enrollment as an
20 engineer-intern by experience and examination if the applicant passes the
21 ~~fundamentals of engineering~~ APPROPRIATE examination AS ADOPTED BY
22 THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

23 **SECTION 7.** In Colorado Revised Statutes, 12-120-213, **amend**
24 (2)(a) and (3)(a); and **repeal** (1) as follows:

25 **12-120-213. Qualifications for professional engineer.** (1) ~~An~~
26 ~~applicant may qualify for licensing as a professional engineer by~~
27 ~~endorsement if the applicant satisfies the requirements of the occupational~~

1 ~~credential portability program.~~

2 (2) (a) An applicant may qualify for licensing as a professional
3 engineer by graduation, experience, and examination if the applicant
4 passes the ~~principles and practice of engineering~~ APPROPRIATE
5 examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION
6 12-120-104 (2)(b).

7 (3) (a) An applicant may qualify for licensing as a professional
8 engineer by experience and examination if the applicant passes the
9 ~~principles and practice of engineering~~ APPROPRIATE examination AS
10 ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104
11 (2)(b).

12 **SECTION 8.** In Colorado Revised Statutes, 12-120-215, **amend**
13 (1)(a)(IV), (1)(a)(VII), (1)(b)(I), and (1)(b)(II); and **repeal** (1)(a)(III) and
14 (1)(b)(III) as follows:

15 **12-120-215. Fees - disposition.** (1) Pursuant to section
16 12-20-105, the board shall charge and collect fees for the following:

17 (a) With respect to professional engineers:

18 (III) ~~Application for licensure pursuant to the occupational~~
19 ~~credential portability program;~~

20 (IV) Application for the ~~principles and practice of engineering~~
21 APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE
22 WITH SECTION 12-120-104 (2)(b);

23 (VII) Reexamination for the ~~principles and practice of engineering~~
24 APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE
25 WITH SECTION 12-120-104 (2)(b);

26 (b) With respect to engineer-interns:

27 (I) Application for the ~~fundamentals of engineering~~ APPROPRIATE

1 examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION
2 12-120-104 (2)(b);

3 (II) Reexamination for the ~~fundamentals of engineering~~
4 APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE
5 WITH SECTION 12-120-104 (2)(b);

6 (III) ~~Application for enrollment pursuant to the occupational~~
7 ~~credential portability program.~~

8 **SECTION 9.** In Colorado Revised Statutes, 12-120-306, **amend**
9 (1) introductory portion, (1)(m), and (1)(n); and **add** (1)(o) as follows:

10 **12-120-306. Disciplinary actions - grounds for discipline.**

11 (1) The board may take disciplinary or other action as authorized by
12 section 12-20-404 AGAINST, limit the scope of practice of, or require
13 additional training of any professional land surveyor or land
14 surveyor-intern for:

15 (m) Attempting to use an expired, revoked, suspended, or
16 nonexistent license; practicing or offering to practice when not qualified;
17 or falsely claiming that the individual is licensed; ~~or~~

18 (n) Using in any manner a license, license number, or certificate
19 that has not been issued to the individual by the board; OR

20 (o) FAILING TO RESPOND TO ALLEGATIONS IN A COMPLAINT WITHIN
21 THE LENGTH OF TIME SPECIFIED IN THE LETTER ISSUED BY THE BOARD IN
22 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

23 **SECTION 10.** In Colorado Revised Statutes, 12-120-311, **amend**
24 (2)(a) and (3)(a); and **repeal** (1) as follows:

25 **12-120-311. Qualifications for land surveyor-interns.** (1) ~~An~~
26 ~~applicant may qualify for enrollment as a land surveyor-intern by~~
27 ~~endorsement if the applicant satisfies the requirements of the occupational~~

1 ~~credential portability program.~~

2 (2) (a) An applicant may qualify for enrollment as a land
3 surveyor-intern by graduation and examination if the applicant passes the
4 ~~fundamentals of surveying~~ APPROPRIATE examination AS ADOPTED BY THE
5 BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

6 (3) (a) An applicant may qualify for enrollment as a land
7 surveyor-intern by education, experience, and examination if the applicant
8 passes the ~~fundamentals of surveying~~ APPROPRIATE examination AS
9 ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104
10 (2)(b).

11 **SECTION 11.** In Colorado Revised Statutes, 12-120-313, **amend**
12 (2)(a); and **repeal** (1) as follows:

13 **12-120-313. Qualifications for professional land surveyor.**

14 (1) ~~An applicant may qualify for licensing as a professional land surveyor~~
15 ~~by endorsement if the applicant satisfies the requirements of the~~
16 ~~occupational credential portability program.~~

17 (2) (a) An applicant may qualify for licensing as a professional
18 land surveyor by education, experience, and examination if the applicant
19 passes the ~~principles and practice of surveying~~ APPROPRIATE examination
20 AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104
21 (2)(b) and the examination pertaining to Colorado law.

22 **SECTION 12.** In Colorado Revised Statutes, 12-120-315, **amend**
23 (1)(a)(IV), (1)(a)(VII), (1)(b)(I), and (1)(b)(II); and **repeal** (1)(a)(III) and
24 (1)(b)(III) as follows:

25 **12-120-315. Fees - disposition.** (1) Pursuant to section
26 12-20-105, the board shall charge and collect fees for the following:

27 (a) With respect to professional land surveyors:

1 (III) ~~Application for licensure pursuant to the occupational~~
2 ~~credential portability program;~~

3 (IV) Application for the ~~principles and practice of surveying~~
4 ~~examination or the legal aspects of surveying~~ APPROPRIATE examination
5 AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104
6 (2)(b);

7 (VII) Reexamination for the ~~principles and practice of surveying~~
8 ~~examination or the legal aspects of surveying~~ APPROPRIATE examination
9 AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104
10 (2)(b);

11 (b) With respect to land surveyor-interns:

12 (I) Application for the ~~fundamentals of surveying~~ APPROPRIATE
13 examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION
14 12-120-104 (2)(b);

15 (II) Reexamination for the ~~fundamentals of surveying~~
16 APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE
17 WITH SECTION 12-120-104 (2)(b);

18 (III) ~~Application for enrollment as a land surveyor-intern pursuant~~
19 ~~to the occupational credential portability program.~~

20 **SECTION 13.** In Colorado Revised Statutes, 12-120-404, **amend**
21 (1) as follows:

22 **12-120-404. Forms of organizations permitted to practice -**
23 **requirements.** (1) Except as otherwise provided in this section, ~~no~~ A
24 firm, partnership, entity, or group of persons shall NOT be licensed to
25 practice architecture; except that a partnership, entity, or group of persons
26 may use the term "architects" in its business name if a majority of the
27 individual officers and directors or members or partners are ~~either~~

1 licensed architects under this part 4. ~~or persons who qualify for a license~~
2 ~~by endorsement under section 12-120-413 (3).~~

3 **SECTION 14.** In Colorado Revised Statutes, 12-120-406, **amend**
4 (1)(q) and (1)(r); and **add** (1)(s) as follows:

5 **12-120-406. Disciplinary actions - grounds for discipline.**

6 (1) The board may take disciplinary or other action as authorized by
7 section 12-20-404 against, or limit the scope of practice of, a licensee for
8 the following:

9 (q) Engaging in conduct that is intended or reasonably might be
10 expected to mislead the public into believing that the person is an
11 architect; ~~or~~

12 (r) Engaging in the practice of an architect as a corporation or
13 partnership or group of persons, unless the entity meets the requirements
14 of section 12-120-404; OR

15 (s) FAILING TO RESPOND TO ALLEGATIONS IN A COMPLAINT WITHIN
16 THE LENGTH OF TIME SPECIFIED IN THE LETTER ISSUED BY THE BOARD IN
17 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

18 **SECTION 15.** In Colorado Revised Statutes, 12-120-413, **amend**
19 (3) as follows:

20 **12-120-413. Qualifications for architect licensure.** (3) ~~An~~
21 ~~applicant may obtain licensure by endorsement if the applicant satisfies~~
22 ~~the requirements of the occupational credential portability program.~~ The
23 board may also provide an ~~alternative~~ application procedure so that an
24 applicant may ~~at the applicant's option, instead~~ apply to a national
25 clearinghouse designated by the board. The national clearinghouse shall
26 then forward the application to the board.

27 **SECTION 16.** In Colorado Revised Statutes, 12-120-202, **amend**

1 (6)(b) as follows:

2 **12-120-202. Definitions.** As used in this part 2, unless the context
3 otherwise requires:

4 (6) (b) An individual practices or offers to practice "professional
5 engineering" within the meaning and intent of this section if the
6 individual by oral claim, sign, advertisement, letterhead, card, or in any
7 other way represents ~~himself or herself~~ ONESELF to be a professional
8 engineer OR through the use of any other means implies that the
9 individual is licensed under this part 2 or performs engineering services.

10 **SECTION 17.** In Colorado Revised Statutes, 12-120-205, **amend**
11 (1) as follows:

12 **12-120-205. Unlawful practice - penalties - enforcement.** (1) It
13 is unlawful for any individual to hold ~~himself or herself~~ ONESELF out to
14 the public as a professional engineer unless the individual has complied
15 with ~~the provisions contained in~~ this part 2.

16 **SECTION 18.** In Colorado Revised Statutes, 12-120-206, **amend**
17 (2) as follows:

18 **12-120-206. Disciplinary actions - grounds for discipline.**
19 (2) The board may issue and send a letter of admonition by first-class
20 mail to a professional engineer or engineer-intern at ~~his or her~~ THE
21 INDIVIDUAL'S last-known address under the circumstances specified in
22 and in accordance with section 12-20-404 (4).

23 **SECTION 19.** In Colorado Revised Statutes, 12-120-302, **amend**
24 (5)(b) as follows:

25 **12-120-302. Definitions.** As used in this part 3, unless the context
26 otherwise requires:

27 (5) (b) An individual practices or offers to practice "professional

1 land surveying" within the meaning and intent of this part 3 if the
2 individual engages therein or, by oral claim, sign, letterhead, or card or
3 in any other way, holds ~~himself or herself~~ ONESELF out to be a
4 professional land surveyor or as being able to perform any professional
5 land surveying service or if the individual performs any professional land
6 surveying service or work.

7 **SECTION 20.** In Colorado Revised Statutes, 12-120-306, **amend**
8 (2) as follows:

9 **12-120-306. Disciplinary actions - grounds for discipline.**

10 (2) The board may issue and send a letter of admonition by first-class
11 mail to a professional land surveyor or land surveyor-intern at ~~his or her~~
12 THE INDIVIDUAL'S last-known address under the circumstances specified
13 in and in accordance with section 12-20-404 (4).

14 **SECTION 21.** In Colorado Revised Statutes, 12-120-402, **amend**
15 (5)(c) as follows:

16 **12-120-402. Definitions.** As used in this part 4, unless the context
17 otherwise requires:

18 (5) (c) An individual practices or offers to practice architecture
19 within the meaning and intent of this subsection (5) if the individual, by
20 oral claim, sign, advertisement, letterhead, card, or in any other way,
21 represents ~~himself or herself~~ ONESELF to be an architect, implies that ~~he~~
22 ~~or she~~ THE INDIVIDUAL is licensed under this part 4, or performs or offers
23 to perform a service listed in subsection (5)(b) of this section.

24 **SECTION 22.** In Colorado Revised Statutes, 12-120-403, **amend**
25 (4) as follows:

26 **12-120-403. Exemptions - definitions.** (4) Nothing in this part
27 4 shall be construed as prohibiting the practice of architecture by any

1 employee of the United States government or any bureau, division, or
2 agency ~~thereof~~ OF THE UNITED STATES GOVERNMENT while in the
3 discharge of ~~his or her~~ THE EMPLOYEE'S official duties.

4 **SECTION 23.** In Colorado Revised Statutes, 12-120-404, **amend**
5 (3)(b) as follows:

6 **12-120-404. Forms of organizations permitted to practice -**
7 **requirements.** (3) An entity listed in subsection (2) of this section may
8 practice architecture, but only if:

9 (b) The architect remains individually responsible to the board and
10 the public for ~~his or her~~ THE ARCHITECT'S professional acts and conduct;
11 and

12 **SECTION 24.** In Colorado Revised Statutes, 12-120-405, **amend**
13 (2)(a) as follows:

14 **12-120-405. Unauthorized practice - penalties - enforcement.**
15 (2) (a) It is unlawful for any individual to hold ~~himself or herself~~
16 ONESELF out to the public as an architect unless the individual has
17 complied with this part 4.

18 **SECTION 25.** In Colorado Revised Statutes, 12-120-406, **amend**
19 (6) as follows:

20 **12-120-406. Disciplinary actions - grounds for discipline.**
21 (6) If, as a result of a proceeding held pursuant to article 4 of title 24, the
22 board determines that a person licensed to practice architecture pursuant
23 to this part 4 has acted in such a manner as to be subject to disciplinary
24 action, the board may, in lieu of or in addition to other forms of
25 disciplinary action that may be authorized by this section, require a
26 licensee to take courses of training or education relating to ~~his or her~~ THE
27 LICENSEE'S profession. The board shall determine the conditions that may

1 be imposed on the licensee, including, but not limited to, the type and
2 number of hours of training or education. All training or education
3 courses are subject to approval by the board, and the licensee ~~shall be~~ IS
4 required to furnish satisfactory proof of completion of the training or
5 education.

6 **SECTION 26.** In Colorado Revised Statutes, 12-120-414, **amend**
7 (1) as follows:

8 **12-120-414. Retired architects - classification - fees.** (1) An
9 architect who has been duly licensed and is over sixty-five years of age
10 may apply to the board for classification as a retired architect. Retired
11 architects shall not practice architecture and shall pay a fee established by
12 the board to be listed with and retain retired architect status. A person
13 classified as a retired architect may hold ~~himself or herself~~ ONESELF out
14 as a retired architect.

15 **SECTION 27.** In Colorado Revised Statutes, 12-120-417, **amend**
16 (2) as follows:

17 **12-120-417. Architect's seal - rules.** (2) An architect shall use
18 ~~his or her~~ THE ARCHITECT'S seal AND signature and the date of signature
19 only when the work to which the seal is applied was prepared under the
20 architect's responsible control.

21 **SECTION 28. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

1 November 2024 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.