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HOUSE BILL 22-1346

BY REPRESENTATIVE(S) Duran and Mullica, Bennett, Bird, Boesenecker, Esgar, Froelich, Gonzales-Gutierrez, Herod, Kipp, Lindsay, Lontine, McCluskie, Michaelson Jenet, Sirota, Sullivan, Titone, Young, Garnett, Benavidez, Exum, Hooton, Jodeh, Ortiz, Snyder; also SENATOR(S) Danielson, Buckner, Hinrichsen, Lee, Pettersen, Story, Winter.

CONCERNING STATE REQUIREMENTS APPLICABLE TO CERTAIN LICENSED CONSTRUCTION PROFESSIONALS, AND, IN CONNECTION THEREWITH, REQUIRING THE STATE ELECTRICAL BOARD AND THE STATE PLUMBING BOARD TO DIRECT ENFORCEMENT OF STATE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS, SPECIFYING WHO IS AUTHORIZED TO APPLY FOR ELECTRICAL AND PLUMBING PERMITS, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 12-115-119, **amend** (1)(a)(II) and (2); and **add** (1)(a)(I.5) and (3) as follows:

12-115-119. Inspectors - qualifications - enforcement of licensing and apprentice-supervision-ratio requirements - rules - legislative

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

declaration - definitions - repeal. (1) (a) (I.5) FOR PURPOSES OF CONDUCTING COMPLIANCE CHECKS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE DIRECTOR SHALL APPOINT OR EMPLOY TWO INDIVIDUALS TO CONDUCT THE COMPLIANCE CHECKS. THE DIRECTOR MAY APPOINT OR EMPLOY INDIVIDUALS WHO ARE LICENSED UNDER THIS ARTICLE 115 OR MAY APPOINT OR EMPLOY INDIVIDUALS WHO ARE NOT LICENSED UNDER THIS ARTICLE 115 BUT WHO DEMONSTRATE SUBSTANTIAL PRIOR WORK EXPERIENCE IN THE ELECTRICAL OR CONSTRUCTION INDUSTRY. INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO THIS SUBSECTION (1)(a)(I.5) SHALL LIMIT THEIR ACTIVITIES TO CONDUCTING COMPLIANCE CHECKS OF MATTERS SPECIFIED IN SAID SUBSECTION (3).

(II) ~~The~~ STATE ELECTRICAL inspectors AND INDIVIDUALS PERFORMING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (3) OF THIS SECTION may be employed either on a full-time or on a part-time basis as the circumstances in each case shall warrant; except that the director ~~of the division~~ may contract with any electrical inspector regularly engaged as such and certify ~~him or her~~ THE ELECTRICAL INSPECTOR to make inspections in a designated area at such compensation as ~~shall be~~ fixed by the director. State electrical inspectors AND INDIVIDUALS PERFORMING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (3) OF THIS SECTION have the right of ingress and egress to and from all public and private premises during reasonable working hours where this ~~law~~ ARTICLE 115 applies for the purpose of making electrical inspections, CONDUCTING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (3) OF THIS SECTION, or otherwise determining compliance with ~~the provisions of~~ this article 115. In order to avoid conflicts of interest, a state electrical inspector hired under this section shall not inspect any electrical work in which the inspector has any financial or other personal interest and shall not ~~be engaged~~ ENGAGE in the electrical business by contracting, supplying material, or performing electrical work. ~~as defined in this article 115.~~

(2)(a) State electrical inspectors appointed or employed pursuant to subsection (1) of this section may:

~~(a)~~ (I) Conduct inspections and investigations pursuant to section 12-115-122 (2) on behalf of the program director; AND

~~(b)~~ (II) Provide service of process for a citation served pursuant to section 12-115-122 (4)(b) in compliance with rule 4 of the Colorado rules

of civil procedure.

(b) INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO SUBSECTION (1)(a)(I.5) OF THIS SECTION WHO ARE NOT LICENSED MASTER OR JOURNEYMAN ELECTRICIANS BUT WHO DEMONSTRATE SUBSTANTIAL PRIOR WORK EXPERIENCE IN THE ELECTRICAL OR CONSTRUCTION INDUSTRY MAY CONDUCT COMPLIANCE CHECKS PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(3) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS A MATTER OF STATEWIDE CONCERN TO PROTECT PUBLIC SAFETY AND HEALTH BY ENSURING THAT INDIVIDUALS WHO PERFORM ELECTRICAL WORK HAVE THE SKILLS NECESSARY TO PERFORM THE WORK. THE GENERAL ASSEMBLY THEREFORE DETERMINES THAT BOARD ENFORCEMENT OF THE LICENSING REQUIREMENTS IN THIS ARTICLE 115 AND THE LIMITS ON THE NUMBER OF APPRENTICES A LICENSED ELECTRICIAN IS PERMITTED TO SUPERVISE SPECIFIED IN SECTION 12-115-115 (1) IS ESSENTIAL TO PROTECT PUBLIC SAFETY AND HEALTH.

(b) THE BOARD SHALL DIRECT INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO SUBSECTION (1)(a)(I.5) OF THIS SECTION TO:

(I) CONDUCT COMPLIANCE CHECKS TO ENSURE COMPLIANCE WITH THE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS SPECIFIED IN THIS ARTICLE 115 ON PROJECTS THROUGHOUT THE STATE WHERE ELECTRICAL WORK IS BEING PERFORMED, REGARDLESS OF WHETHER THE PERMIT FOR THE ELECTRICAL WORK WAS ISSUED BY THE BOARD, AN INCORPORATED TOWN OR CITY, A COUNTY, A CITY AND COUNTY, OR A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION; AND

(II) PRIORITIZE FOR COMPLIANCE CHECKS PROJECTS THAT PROVIDE OR WILL PROVIDE CRITICAL SERVICES TO RESIDENTS OF THE STATE.

(c) TO ENSURE COMPLIANCE WITH THE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION, INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO SUBSECTION (1)(a)(I.5) OF THIS SECTION SHALL CONDUCT COMPLIANCE CHECKS AT PROJECTS THROUGHOUT THE STATE WHERE ELECTRICAL WORK IS BEING PERFORMED TO ENSURE THAT:

(I) THE INDIVIDUAL PERFORMING THE ELECTRICAL WORK IS LICENSED AS A MASTER ELECTRICIAN, JOURNEYMAN ELECTRICIAN, OR RESIDENTIAL WIREMAN OR IS A REGISTERED APPRENTICE BEING DIRECTLY SUPERVISED BY A LICENSED MASTER ELECTRICIAN, JOURNEYMAN ELECTRICIAN, OR RESIDENTIAL WIREMAN; AND

(II) A MASTER ELECTRICIAN, JOURNEYMAN ELECTRICIAN, OR RESIDENTIAL WIREMAN IS COMPLYING WITH THE LIMIT ON THE NUMBER OF APPRENTICES THE ELECTRICIAN MAY SUPERVISE PER JOB SITE SPECIFIED IN SECTION 12-115-115 (1).

(d) NOTHING IN THIS SUBSECTION (3) AFFECTS THE ABILITY OF A LOCAL GOVERNMENT TO PERMIT OR INSPECT ELECTRICAL WORK IN ACCORDANCE WITH SECTION 12-115-120 (1).

(e) AS USED IN THIS SUBSECTION (3):

(I) "LOCAL GOVERNMENT" MEANS AN INCORPORATED TOWN OR CITY, A COUNTY, OR A CITY AND COUNTY.

(II) "PROJECT THAT PROVIDES OR WILL PROVIDE CRITICAL SERVICES" MEANS A PROJECT INVOLVING THE ERECTION, CONSTRUCTION, ALTERATION, REPAIR, OR IMPROVEMENT OF ANY PUBLIC STRUCTURE, BUILDING, ROAD, OR OTHER PUBLIC IMPROVEMENT OF ANY KIND, INCLUDING:

(A) A PUBLIC BUILDING;

(B) A PUBLIC SCHOOL OR INSTITUTION OF HIGHER EDUCATION;

(C) AN AIRPORT;

(D) A TRAIN STATION OR PUBLIC TRANSIT STATION;

(E) A HOSPITAL, NURSING FACILITY, ASSISTED LIVING RESIDENCE, OR OTHER HEALTH-CARE FACILITY REQUIRED TO BE LICENSED OR CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT UNDER TITLE 25;

(F) A RENEWABLE ENERGY INSTALLATION OR A PROJECT OF A UTILITY REGULATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO TITLE 40; AND

(G) ANY OTHER COMMERCIAL OR MULTIFAMILY RESIDENTIAL PUBLIC PROJECT SPECIFIED BY THE BOARD BY RULE.

SECTION 2. In Colorado Revised Statutes, 12-115-120, **amend** (1)(a), (2)(b), (3), (6), and (10)(b); and **add** (13) as follows:

12-115-120. Inspection - electrical permits - application - standard - definition. (1) (a) (I) An individual required to have electrical inspection under this article 115 shall apply to the board for an electrical permit, REFERRED TO WITHIN THIS SECTION AS A "PERMIT", except where an incorporated town or city, county, city and county, or qualified state institution of higher education has a building department that meets the minimum standards of this article 115 and that processes applications for building permits and inspections, in which case the individual shall apply to the building department.

(II) A qualified state institution of higher education with a building department that meets or exceeds the minimum standards adopted by the board under this article 115 shall process applications for permits and inspections only from the institution and from contractors working for the benefit of the institution and shall conduct inspections only of work performed for the benefit of the institution. Each inspection must include a contemporaneous review to ensure that the requirements of this article 115, and specifically section 12-115-115, have been met.

(III) (A) ONLY A QUALIFIED APPLICANT MAY APPLY FOR A PERMIT. A LICENSED MASTER ELECTRICIAN WHO IS NOT A REGISTERED ELECTRICAL CONTRACTOR AND WHO IS OPERATING AS AN INDEPENDENT CONTRACTOR FOR ANOTHER BUSINESS SHALL NOT APPLY FOR A PERMIT.

(B) BEFORE ISSUING A PERMIT PURSUANT TO THIS SUBSECTION (1), THE BOARD OR, IF APPLICABLE, THE BUILDING DEPARTMENT OF AN INCORPORATED TOWN OR CITY, COUNTY, CITY AND COUNTY, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION SHALL VERIFY THAT THE PERMIT APPLICANT IS A QUALIFIED APPLICANT.

(C) THE ENTITY ISSUING THE PERMIT MAY USE THE PERMIT APPLICATION PROCESS TO VERIFY COMPLIANCE WITH THIS SUBSECTION (1).

(2) (b) A state electrical inspector shall inspect any new

construction, remodeling, or repair subject to this subsection (2) within three working days after the receipt of the application for inspection. Prior to the commencement of any electrical installation, the person making the installation, WHO MUST BE A QUALIFIED APPLICANT, shall apply for ~~an electrical~~ A permit and pay the required permit fee.

(3) (a) A state electrical inspector shall inspect the work performed, and, if the work meets the minimum standards set forth in the national electrical code referred to in section 12-115-107 (2)(a), THE INSPECTOR SHALL ISSUE a certificate of approval. ~~shall be issued by the inspector.~~

(b) (I) If the installation is disapproved, THE INSPECTOR SHALL GIVE written notice ~~thereof together with~~ OF THE DISAPPROVAL AND OF the reasons for the disapproval ~~shall be given by the inspector~~ to the QUALIFIED applicant. If the installation is hazardous to life or property, the inspector disapproving it may order the electrical service ~~thereto~~ TO THE INSTALLATION discontinued until the installation is rendered safe and shall send a copy of the notice of disapproval and order for discontinuance of service to the supplier of electricity. The QUALIFIED applicant may appeal the disapproval to the board, and THE BOARD ~~shall be granted~~ GRANT a hearing ~~by the board~~ within seven days after notice of appeal is filed with the board.

(II) After ~~removal of~~ REMOVING the cause of the disapproval, the QUALIFIED applicant shall ~~make application~~ APPLY for reinspection in the same manner as for the original inspection and pay the required reinspection fee.

(6) (a) All ~~inspection~~ permits issued by the board ~~shall be~~ ARE valid for a period of twelve months, and the board shall cancel the permit and remove it from its files at the end of the twelve-month period, except in the following circumstances:

(I) If ~~an~~ A QUALIFIED applicant ~~makes a showing~~ DEMONSTRATES at the time of application for a permit that the electrical work is substantial and is likely to take longer than twelve months, the board may issue a permit to be valid for a period longer than twelve months, but not exceeding three years.

(II) If the QUALIFIED applicant notifies the board prior to the

expiration of the twelve-month period of extenuating circumstances, as determined by the board, during the twelve-month period, the board may extend the validity of the permit for a period not to exceed six months.

(b) If A QUALIFIED APPLICANT REQUESTS an inspection ~~is requested by an applicant~~ after a permit has expired or has been canceled, THE QUALIFIED APPLICANT MUST APPLY FOR AND BE ISSUED a new permit ~~must be applied for and granted~~ before an inspection is performed.

(10) (b) (I) To ensure that enforcement is consistent, timely, and efficient, each entity, including the state, as described in this subsection (10), shall develop standard procedures to advise its inspectors how to conduct a contemporaneous review. Each entity's standard procedures need not require a contemporaneous review for each and every inspection of a project, but the procedures must preserve an inspector's ability to verify compliance with sections 12-115-109 and 12-115-115 at any time. Each entity's procedures must also include provisions that allow for inspectors to:

(A) Conduct occasional, random, on-site inspections while actual electrical work is being conducted, with a focus on large commercial and multi-family residential projects permitted by the entity; AND

(B) REQUEST DOCUMENTATION INDICATING WHO PERFORMED THE ELECTRICAL WORK TO ENSURE COMPLIANCE WITH SECTIONS 12-115-109 AND 12-115-115.

(II) Each entity, including the state, shall post its current procedures regarding contemporaneous reviews in a prominent location on its public website. Each entity shall provide a website link to or an electronic copy of its procedures to the board, and the board shall post all of the procedures on a single location on the department's website.

(13) AS USED IN THIS SECTION, "QUALIFIED APPLICANT" MEANS:

(a) A LICENSED MASTER ELECTRICIAN, INCLUDING A LICENSED MASTER ELECTRICIAN WHO IS OPERATING AS A SOLE PROPRIETOR, SO LONG AS THE LICENSED MASTER ELECTRICIAN IS ALSO A REGISTERED ELECTRICAL CONTRACTOR;

(b) A LICENSED MASTER ELECTRICIAN WHO IS DIRECTLY EMPLOYED

BY A REGISTERED ELECTRICAL CONTRACTOR; OR

(c) A HOMEOWNER PERFORMING WORK ON THE HOMEOWNER'S HOME.

SECTION 3. In Colorado Revised Statutes, 12-115-122, **add** (1)(q) as follows:

12-115-122. Violations - citations - settlement agreements - hearings - fines - rules. (1) The board may take disciplinary or other action as authorized by section 12-20-404 in regard to any license or registration issued or applied for under the provisions of this article 115 or may issue a citation to a licensee, registrant, or applicant for licensure for any of the following reasons:

(q) APPLYING FOR AN ELECTRICAL PERMIT PURSUANT TO SECTION 12-115-120 (1) IF THE APPLICANT IS NOT A QUALIFIED APPLICANT, AS DEFINED IN SECTION 12-115-120 (13).

SECTION 4. In Colorado Revised Statutes, 12-155-113, **add** (1)(r) as follows:

12-155-113. Disciplinary action by board - procedures - cease-and-desist orders. (1) The board may take disciplinary or other action as authorized by section 12-20-404 for any of the following reasons:

(r) APPLYING FOR A PLUMBING PERMIT PURSUANT TO SECTION 12-155-120 (1) IF THE APPLICANT IS NOT A QUALIFIED APPLICANT, AS DEFINED IN SECTION 12-155-120 (11).

SECTION 5. In Colorado Revised Statutes, 12-155-119, **amend** (1), (2), and (4)(b); and **add** (5) as follows:

12-155-119. Plumbing inspectors - qualifications - enforcement of licensing and apprentice-supervision-ratio requirements - rules - legislative declaration - definitions. (1) (a) The director is authorized to appoint or employ competent persons licensed under this article 155 as journeyman or master plumbers as state plumbing inspectors.

(b) FOR PURPOSES OF CONDUCTING COMPLIANCE CHECKS SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THE DIRECTOR SHALL APPOINT OR

EMPLOY TWO INDIVIDUALS TO CONDUCT THE COMPLIANCE CHECKS. THE DIRECTOR MAY APPOINT OR EMPLOY INDIVIDUALS WHO ARE LICENSED UNDER THIS ARTICLE 155 OR MAY APPOINT OR EMPLOY INDIVIDUALS WHO ARE NOT LICENSED UNDER THIS ARTICLE 155 BUT WHO DEMONSTRATE SUBSTANTIAL PRIOR WORK EXPERIENCE IN THE PLUMBING OR CONSTRUCTION INDUSTRY. INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO THIS SUBSECTION (1)(b) SHALL LIMIT THEIR ACTIVITIES TO CONDUCTING COMPLIANCE CHECKS OF MATTERS SPECIFIED IN SAID SUBSECTION (5).

(2) ~~The~~ STATE PLUMBING ~~inspector~~ INSPECTORS AND INDIVIDUALS CONDUCTING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (5) OF THIS SECTION may be employed either on a full-time or on a part-time basis as the circumstances in each case warrant. State plumbing inspectors AND INDIVIDUALS CONDUCTING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (5) OF THIS SECTION have the right of ingress and egress to and from all public and private premises during reasonable working hours where this article 155 applies for the purpose of making plumbing inspections, CONDUCTING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (5) OF THIS SECTION, or otherwise determining compliance with ~~the provisions of this~~ article 155.

(4) (b) As part of their duties, plumbing inspectors performing inspections who are employed by a qualified state institution of higher education have the authority to verify the plumbing licenses or apprenticeship registration cards issued by the state for those people performing the plumbing work on a project AND TO VERIFY COMPLIANCE WITH SECTION 12-155-124 (1).

(5) (a) CONSISTENT WITH SECTION 12-155-101 AND THE STATE'S DUTY TO SAFEGUARD THE PUBLIC HEALTH BY ENSURING THAT INDIVIDUALS WHO PLAN, INSTALL, ALTER, EXTEND, REPAIR, OR MAINTAIN PLUMBING SYSTEMS HAVE THE SKILLS NECESSARY TO PERFORM THOSE TASKS, THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT BOARD ENFORCEMENT OF THE LICENSING REQUIREMENTS IN THIS ARTICLE 155 AND THE LIMITS ON THE NUMBER OF PLUMBING APPRENTICES A LICENSED PLUMBER IS PERMITTED TO SUPERVISE SPECIFIED IN SECTION 12-155-124 (1) IS A MATTER OF STATEWIDE CONCERN AND IS ESSENTIAL TO PROTECT PUBLIC HEALTH.

(b) THE BOARD SHALL DIRECT INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION TO:

(I) CONDUCT COMPLIANCE CHECKS TO ENSURE COMPLIANCE WITH THE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS SPECIFIED IN THIS ARTICLE 155 ON PROJECTS THROUGHOUT THE STATE WHERE PLUMBING SYSTEMS ARE BEING PLANNED, INSTALLED, ALTERED, EXTENDED, REPAIRED, OR MAINTAINED, REGARDLESS OF WHETHER THE PERMIT FOR THE PLUMBING WORK WAS ISSUED BY THE BOARD, AN INCORPORATED TOWN OR CITY, A COUNTY, A CITY AND COUNTY, OR A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION; AND

(II) PRIORITIZE FOR COMPLIANCE CHECKS PROJECTS THAT PROVIDE OR WILL PROVIDE CRITICAL SERVICES TO RESIDENTS OF THE STATE.

(c) TO ENSURE COMPLIANCE WITH THE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION, INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION SHALL CONDUCT COMPLIANCE CHECKS AT PROJECTS THROUGHOUT THE STATE WHERE PLUMBING IS BEING PERFORMED TO ENSURE THAT:

(I) THE INDIVIDUAL PERFORMING THE PLUMBING WORK IS LICENSED AS A MASTER, JOURNEYMAN, OR RESIDENTIAL PLUMBER OR IS A REGISTERED PLUMBING APPRENTICE BEING SUPERVISED BY A LICENSED MASTER, JOURNEYMAN, OR RESIDENTIAL PLUMBER; AND

(II) A MASTER, JOURNEYMAN, OR RESIDENTIAL PLUMBER IS COMPLYING WITH THE LIMIT ON THE NUMBER OF PLUMBING APPRENTICES THE PLUMBER MAY SUPERVISE PER JOB SITE SPECIFIED IN SECTION 12-155-124 (1).

(d) NOTHING IN THIS SUBSECTION (5) AFFECTS THE ABILITY OF A LOCAL GOVERNMENT TO PERMIT OR INSPECT PLUMBING OR GAS PIPING INSTALLATIONS IN ANY NEW CONSTRUCTION OR REMODELING OR REPAIR LOCATED WITHIN THE BOUNDARIES OF THE LOCAL GOVERNMENT.

(e) AS USED IN THIS SUBSECTION (5):

(I) "LOCAL GOVERNMENT" MEANS AN INCORPORATED TOWN OR CITY, A COUNTY, OR A CITY AND COUNTY.

(II) "PROJECT THAT PROVIDES OR WILL PROVIDE CRITICAL SERVICES"

MEANS A PROJECT INVOLVING THE ERECTION, CONSTRUCTION, ALTERATION, REPAIR, OR IMPROVEMENT OF ANY PUBLIC STRUCTURE, BUILDING, ROAD, OR OTHER PUBLIC IMPROVEMENT OF ANY KIND, INCLUDING:

(A) A PUBLIC BUILDING;

(B) A PUBLIC SCHOOL OR INSTITUTION OF HIGHER EDUCATION;

(C) AN AIRPORT;

(D) A TRAIN STATION OR PUBLIC TRANSIT STATION;

(E) A HOSPITAL, NURSING FACILITY, ASSISTED LIVING RESIDENCE, OR OTHER HEALTH-CARE FACILITY LICENSED OR CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT UNDER TITLE 25;

(F) A RENEWABLE ENERGY INSTALLATION OR A PROJECT OF A UTILITY REGULATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO TITLE 40; AND

(G) ANY OTHER COMMERCIAL OR MULTIFAMILY RESIDENTIAL PUBLIC PROJECT SPECIFIED BY THE BOARD BY RULE.

SECTION 6. In Colorado Revised Statutes, 12-155-120, **amend** (1), (2), (3), (7)(a), and (10)(b); and **add** (11) as follows:

12-155-120. Inspection - plumbing permits - application - standards - definition. (1) (a) Any plumbing or gas piping installation in any new construction or remodeling or repair, other than manufactured units inspected in accordance with the provisions of part 7 of article 32 of title 24, AND except for ~~the~~ new construction or remodeling or repair in any incorporated town or city, county, or city and county, or in a building owned or leased or on land owned by a qualified state institution of higher education where the local entity or qualified state institution of higher education conducts inspections and issues PLUMBING permits, REFERRED TO WITHIN THIS SECTION AS "PERMITS", must be inspected by a state plumbing inspector.

(b) A state plumbing inspector shall inspect any new construction, remodeling, or repair subject to the provisions of this subsection (1) within

three working days after the receipt of the application for inspection.

(c) (I) Prior to the commencement of any plumbing or gas piping installation, the person making the installation, WHO MUST BE A QUALIFIED APPLICANT, shall apply for a permit and pay the required fee.

(II) (A) ONLY A QUALIFIED APPLICANT MAY APPLY FOR A PERMIT PURSUANT TO THIS SUBSECTION (1). A LICENSED MASTER PLUMBER WHO IS NOT A REGISTERED PLUMBING CONTRACTOR AND WHO IS OPERATING AS AN INDEPENDENT CONTRACTOR FOR ANOTHER BUSINESS SHALL NOT APPLY FOR A PERMIT PURSUANT TO THIS SUBSECTION (1).

(B) BEFORE ISSUING A PERMIT PURSUANT TO THIS SUBSECTION (1), THE BOARD OR, IF APPLICABLE, THE LOCAL ENTITY OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION THAT CONDUCTS INSPECTIONS AND ISSUES PERMITS SHALL VERIFY THAT THE PERMIT APPLICANT IS A QUALIFIED APPLICANT.

(C) THE ENTITY ISSUING THE PERMIT MAY USE THE PERMIT APPLICATION PROCESS TO VERIFY COMPLIANCE WITH THIS SUBSECTION (1).

(d) Every mobile home or movable structure owner shall have the plumbing and gas piping hookup for the mobile home or movable structure inspected prior to obtaining new or different plumbing or gas service.

(e) A qualified state institution of higher education with a building department that meets or exceeds the minimum standards adopted by the board under this article 155 shall process applications for permits and inspections only from the institution and from contractors working for the benefit of the institution, and shall conduct inspections only of work performed for the benefit of the institution. Each inspection must include a contemporaneous review to ensure that the requirements of section 12-155-108 have been met. A qualified state institution of higher education shall enforce standards that are at least as stringent as any minimum standards adopted by the board.

(2)(a) A state plumbing inspector shall inspect the work performed, and, if the work meets the minimum standards set forth in the Colorado plumbing code referred to in section 12-155-106, THE INSPECTOR SHALL ISSUE a certificate of approval. ~~shall be issued by the inspector.~~

(b) (I) If the installation is disapproved, THE INSPECTOR SHALL GIVE written notice together with the reasons for the disapproval ~~shall be given by the inspector~~ to the QUALIFIED applicant. If the installation is hazardous to life or property, the inspector disapproving it may order the plumbing or gas service ~~thereto~~ TO THE INSTALLATION discontinued until the installation is rendered safe. The QUALIFIED applicant may appeal the disapproval to the board, and THE BOARD shall ~~be granted~~ GRANT THE QUALIFIED APPLICANT a hearing ~~by the board~~ within seven days after notice of appeal is filed with the board.

(II) After ~~removal of~~ REMOVING the cause of the disapproval, the QUALIFIED applicant shall ~~make application~~ APPLY for reinspection in the same manner as for the original inspection and pay the required reinspection fee.

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

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

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

(b) If A QUALIFIED APPLICANT REQUESTS an inspection ~~is requested by an applicant~~ after a permit has expired or has been canceled, THE QUALIFIED APPLICANT MUST APPLY FOR AND BE GRANTED a new permit ~~must be applied for and granted~~ before an inspection is performed.

(7) (a) Any person claiming to be aggrieved by the failure of a state plumbing inspector to inspect ~~his or her~~ THE PERSON'S property after proper application or by notice of disapproval without setting forth the reasons for denying the ~~inspection~~ permit may request the program administrator to

review the actions of the plumbing inspector or the manner of the inspection. The request may be made by the person's authorized representative and shall be in writing.

(10) (b) (I) Inspections performed by an inspecting entity must include, for each project, a contemporaneous review to ensure compliance with sections 12-155-108 and 12-155-124. A contemporaneous review may include a full or partial review of the plumbers and apprentices working at a job site being inspected.

(II) To ensure that enforcement is consistent, timely, and efficient, each inspecting entity employing inspectors shall develop standard procedures to advise its inspectors on how to conduct a contemporaneous review. An inspecting entity's standard procedures need not require a contemporaneous review for each inspection of a project, but the procedures must preserve an inspector's ability to verify compliance with sections 12-155-108 and 12-155-124 at any time. Each inspecting entity's procedures must include provisions that allow for inspectors to:

(A) Conduct occasional, random, on-site inspections while actual plumbing work is being conducted, with a focus on large commercial and multi-family residential projects permitted by the inspecting entity; AND

(B) REQUEST DOCUMENTATION INDICATING WHO PERFORMED THE PLUMBING WORK TO ENSURE COMPLIANCE WITH SECTIONS 12-155-108 AND 12-155-124.

(III) Each inspecting entity subject to ~~this~~ subsection (10)(b)(II) OF THIS SECTION, including the state, shall post its current procedures regarding contemporaneous reviews in a prominent location on its public website and provide the director with a link to the web page on which the procedures have been posted or, if an inspecting entity does not have a website, provide its current procedures to the director for posting on the board's website.

~~(HH)~~ (IV) An inspector may file a complaint with the board for any violation of this article 155.

(11) AS USED IN THIS SECTION, "QUALIFIED APPLICANT" MEANS:

(a) A LICENSED MASTER PLUMBER, INCLUDING A LICENSED MASTER

PLUMBER WHO IS OPERATING AS A SOLE PROPRIETOR, SO LONG AS THE LICENSED MASTER PLUMBER IS ALSO A REGISTERED PLUMBING CONTRACTOR;

(b) A LICENSED MASTER PLUMBER WHO IS DIRECTLY EMPLOYED BY A REGISTERED PLUMBING CONTRACTOR; OR

(c) A HOMEOWNER PERFORMING WORK ON THE HOMEOWNER'S HOME.

SECTION 7. Appropriation. (1) For the 2022-23 state fiscal year, \$191,991 is appropriated to the department of regulatory agencies. This appropriation is from the division of professions and occupations cash fund created in section 12-20-105 (3), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$127,110 for use by the division of professions and occupations for personal services, which amount is based on an assumption that the division will require an additional 2.0 FTE;

(b) \$45,847 for use by the division of professions and occupations for operating expenses; and

(c) \$19,034 for the purchase of vehicle lease services.

(2) For the 2022-23 state fiscal year, \$19,034 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (1)(c) of this section. To implement this act, the department of personnel may use this appropriation to provide vehicle replacement lease/purchase services to the department of regulatory agencies.

SECTION 8. Act subject to petition - effective date. This act takes effect January 1, 2023; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect January 1, 2023,

or on the date of the official declaration of the vote thereon by the governor,
whichever is later.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO