

NOTE: The governor signed this measure on 5/24/2013.

An Act

SENATE BILL 13-162

BY SENATOR(S) Tochtrop, Giron, Heath, Jones, Todd;
also REPRESENTATIVE(S) Kraft-Tharp, Fischer, Hullinghorst, Kagan,
Labuda, Lebsock, Pabon, Ryden, Schafer.

CONCERNING THE CONTINUATION OF THE EXAMINING BOARD OF PLUMBERS,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **amend** (44) introductory portion; **repeal** (44) (d); and **add** (55) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (44) The following agencies, functions, or both, shall terminate on July 1, 2013:

(d) ~~The examining board of plumbers, created by article 58 of title 12, C.R.S.;~~

(55) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, TERMINATE ON SEPTEMBER 1, 2024:

(e) THE STATE PLUMBING BOARD, CREATED BY ARTICLE 58 OF TITLE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12, C.R.S.

SECTION 2. In Colorado Revised Statutes, 12-58-102, **amend** (1), (4), and (5) (a); and **add** (4.1) as follows:

12-58-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Board" means ~~the examining board of plumbers~~ STATE PLUMBING BOARD.

(4) "Colorado plumbing code" OR "THE CODE" means a code established by the board that consists of standards for plumbing installation, plumbing materials, conservation, medical gas, sanitary drainage systems, and solar plumbing that could directly affect the potable water supply.

(4.1) "COLORADO FUEL GAS CODE" MEANS A CODE ADOPTED BY RULE BY THE BOARD FOR THE INSPECTION OF PLUMBING FUEL GAS PIPE INSTALLATIONS.

(5) (a) "Plumbing" includes the following items located within the building or extending five feet from the building foundation, excluding any service line extending from the first joint to the property line: All potable water supply and distribution pipes and piping; all plumbing fixtures and traps; all drainage and vent pipes; ALL WATER CONDITIONING APPLIANCES CONNECTED TO THE POTABLE WATER SYSTEM; all building drains, including their respective joints and connections, devices, receptacles, and appurtenances; all multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are part of the potable water supply; and all medical gas and vacuum systems in health care facilities. ~~"Plumbing" does not include:~~

~~(i) The installation, extension, alteration, or maintenance, including the related water piping and the indirect waste piping therefrom, of domestic appliances equipped with backflow preventers, including lawn sprinkling systems, residential ice makers, humidifiers, electrostatic filter washers, water heating appliances, water conditioning appliances not directly connected to the sanitary sewer system, building heating appliances and systems, fire protection systems except for multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are~~

~~part of the potable water supply, air conditioning installations, process and industrial equipment and piping systems, or indirect drainage systems not a part of a sanitary sewer system; or~~

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

SECTION 3. In Colorado Revised Statutes, 12-58-103, **amend** (1), (3) (a), and (5) as follows:

12-58-103. Examining board of plumbers - repeal of article.

(1) There is hereby established within the division of professions and occupations of the department of regulatory agencies the ~~examining board of plumbers~~ STATE PLUMBING BOARD. The board shall exercise its powers and perform its duties and functions in the department of regulatory agencies as if it were transferred to the department by a **type 1** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(3) (a) The governor, with power of removal, shall appoint the members of the board, subject to confirmation by the senate. ~~except that the five members serving on June 30, 1982, shall continue to serve until the expiration of their respective terms of office. The governor shall appoint one additional member to serve until July 1, 1983, and another additional member to serve until July 1, 1986. Thereafter, members shall be BOARD MEMBERS ARE~~ appointed for four-year terms. Any vacancy occurring in the membership of the board shall be filled by the governor by appointment for the unexpired term of such member.

(5) This article is repealed, effective ~~July 1, 2013~~ SEPTEMBER 1, 2024. Prior to such repeal, the ~~examining board of plumbers~~ STATE PLUMBING BOARD shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 4. In Colorado Revised Statutes, 12-58-104, **amend** (1) (e) and (1) (f); **repeal** (1) (k); and **add** (1) (l), (1) (m), and (1) (n) as follows:

12-58-104. Powers of board - fees - rules. (1) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized and empowered to:

(e) In accordance with ~~the provisions of~~ article 4 of title 24, C.R.S., prescribe, enforce, amend, and repeal rules ~~and regulations~~ governing the plumbing ~~drainage, sewerage, and plumbing ventilation~~ SYSTEMS of all buildings in this state;

(f) Employ PLUMBERS LICENSED UNDER THIS ARTICLE AS JOURNEYMAN OR MASTER PLUMBERS AS STATE PLUMBING inspectors and charge fees for making inspections of plumbing work covered by the Colorado plumbing code in those areas where the local jurisdiction ~~has not adopted its own plumbing code and where that jurisdiction has requested such inspections~~ DOES NOT CONDUCT INSPECTIONS AND ISSUE PERMITS;

(k) ~~Establish minimum requirements and standards for the inspection of multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are part of the potable water supply, by requiring inspectors of multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses to be certified by the division of fire prevention and control in the department of public safety pursuant to section 24-33.5-1206.4, C.R.S.~~

(l) FIND, UPON HOLDING A HEARING, THAT AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY FAILS TO MEET THE MINIMUM REQUIREMENTS OF THIS ARTICLE IF THE LOCAL INSPECTION AUTHORITY HAS FAILED TO ADHERE TO THE MINIMUM STANDARDS REQUIRED BY THIS ARTICLE WITHIN TWELVE MONTHS AFTER THE BOARD HAS ADOPTED THE STANDARDS BY RULE PURSUANT TO THIS SUBSECTION (1);

(m) ISSUE AN ORDER TO CEASE AND DESIST FROM ISSUING PERMITS OR PERFORMING INSPECTIONS UNDER THIS ARTICLE TO AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY UPON FINDING THAT THE PUBLIC ENTITY FAILS TO MEET THE MINIMUM REQUIREMENTS OF THIS ARTICLE UNDER THIS SUBSECTION (1);

(n) APPLY TO A COURT TO ENJOIN AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY FROM VIOLATING AN ORDER ISSUED PURSUANT TO PARAGRAPH (m) OF THIS SUBSECTION (1).

SECTION 5. In Colorado Revised Statutes, 12-58-104.5, **amend** (1) and (2); and **add** (5) as follows:

12-58-104.5. Colorado plumbing code - amendments - variances - Colorado fuel gas code. (1) In accordance with ~~the provisions of~~ article 4 of title 24, C.R.S., the board shall establish a Colorado plumbing code, as defined in section 12-58-102 (4). Such code shall represent the minimum standards for installation, alteration, and repair of plumbing equipment and systems throughout the state.

(2) Local governments ~~shall be~~ ARE permitted to amend the code ~~when adopting a plumbing code~~ for their jurisdictions as long as such amendments are at least equal to the minimum requirements set forth in the Colorado plumbing code.

(5) THE BOARD SHALL ADOPT A COLORADO FUEL GAS CODE FOR THE GAS PIPING INSTALLATIONS INSPECTION REQUIREMENT OF SECTION 12-58-104 (1) (j).

SECTION 6. In Colorado Revised Statutes, 12-58-107, **amend** (1) (a) as follows:

12-58-107. License issuance - examination. (1) (a) The board shall issue licenses to persons who have by examination and experience shown themselves competent and qualified to engage in the business, trade, or calling of a residential plumber, journeyman plumber, or master plumber. The board shall establish the minimum level of experience required for an applicant to receive a residential, journeyman, or master plumber's license. The maximum experience the board may require for an applicant to qualify to ~~receive~~ TEST FOR a residential plumber's license is ~~two years or~~ three thousand four hundred hours of practical experience. The maximum experience the board may require for an applicant to qualify to ~~receive~~ TEST FOR a journeyman plumber's license is ~~four years or~~ six thousand eight hundred hours of practical experience. ~~An applicant for a master plumber's license shall furnish evidence that he has five years of practical experience.~~ THE MAXIMUM EXPERIENCE THE BOARD MAY REQUIRE FOR AN APPLICANT TO TEST FOR A MASTER PLUMBER'S LICENSE IS EIGHT THOUSAND FIVE HUNDRED HOURS OF PRACTICAL EXPERIENCE.

SECTION 7. In Colorado Revised Statutes, **repeal and reenact**,

with amendments, 12-58-107.5 as follows:

12-58-107.5. Credit for experience received outside of Colorado.

FOR ALL APPLICANTS SEEKING WORK EXPERIENCE CREDIT TOWARD LICENSURE FOR PLUMBING WORK EXPERIENCE RECEIVED OUTSIDE OF COLORADO, THE BOARD SHALL GIVE CREDIT FOR SUCH WORK EXPERIENCE IF THE APPLICANT CAN SHOW TO THE SATISFACTION OF THE BOARD THAT THE PARTICULAR EXPERIENCE IS ADEQUATE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

SECTION 8. In Colorado Revised Statutes, **amend** 12-58-108 as follows:

12-58-108. License renewal - reinstatement. (1) All license AND CONTRACTOR REGISTRATION renewal and renewal fees shall be in accordance with the provisions of sections 24-34-102 and 24-34-105, C.R.S.

(2) Any license OR CONTRACTOR REGISTRATION that has lapsed shall be deemed to have expired. Prior to reinstatement, the board is authorized to require the licensee to demonstrate competency. Licenses shall be renewed or reinstated pursuant to a schedule established by the director of the division of professions and occupations within the department of regulatory agencies and pursuant to section 24-34-102 (8), C.R.S. The director of the division of professions and occupations within the department of regulatory agencies may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of professions and occupations, such license OR CONTRACTOR REGISTRATION shall expire. Any person whose license OR CONTRACTOR REGISTRATION has expired shall be subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

SECTION 9. In Colorado Revised Statutes, 12-58-110, **amend** (1) (p) as follows:

12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease-and-desist orders.

(1) The board may deny, suspend, revoke, or refuse to renew any license or registration issued or applied for under the provisions of this article or

place a licensee or a registrant on probation for any of the following reasons:

(p) Selling or fraudulently obtaining or furnishing a license OR REGISTRATION to practice as a residential, journeyman, or master plumber OR PLUMBING CONTRACTOR or aiding or abetting in such activity;

SECTION 10. In Colorado Revised Statutes, 12-58-113, **add** (6) as follows:

12-58-113. Exemptions. (6) (a) NOTHING IN THIS ARTICLE REQUIRES A PLUMBING LICENSE, CONTRACTOR REGISTRATION, OR PERMIT TO PERFORM:

(I) THE INSTALLATION, EXTENSION, ALTERATION, OR MAINTENANCE, INCLUDING THE RELATED WATER PIPING AND THE INDIRECT WASTE PIPING, OF DOMESTIC APPLIANCES EQUIPPED WITH BACKFLOW PREVENTERS, INCLUDING LAWN SPRINKLING SYSTEMS; RESIDENTIAL ICE MAKERS, HUMIDIFIERS, ELECTROSTATIC FILTER WASHERS, OR WATER HEATING APPLIANCES; BUILDING HEATING APPLIANCES AND SYSTEMS; FIRE PROTECTION SYSTEMS EXCEPT FOR MULTIPURPOSE RESIDENTIAL FIRE SPRINKLER SYSTEMS IN ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES THAT ARE PART OF THE POTABLE WATER SUPPLY; AIR CONDITIONING INSTALLATIONS; PROCESS AND INDUSTRIAL EQUIPMENT AND PIPING SYSTEMS; OR INDIRECT DRAINAGE SYSTEMS NOT A PART OF A SANITARY SEWER SYSTEM; OR

(II) THE REPAIR AND REPLACEMENT OF GARBAGE DISPOSAL UNITS AND DISHWASHERS DIRECTLY CONNECTED TO THE SANITARY SEWER SYSTEM, INCLUDING THE NECESSARY REPLACEMENT OF ALL TAIL PIPES AND TRAPS, OR THE REPAIR, MAINTENANCE, AND REPLACEMENT OF SINKS, FAUCETS, DRAINS, SHOWERS, TUBS, AND TOILETS.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (6), "PLUMBING" DOES NOT INCLUDE:

(I) INSTALLATIONS, EXTENSIONS, IMPROVEMENTS, REMODELING, ADDITIONS, AND ALTERATIONS IN WATER AND SEWER SYSTEMS OWNED OR ACQUIRED BY COUNTIES PURSUANT TO ARTICLE 20 OF TITLE 30, C.R.S., CITIES AND TOWNS PURSUANT TO ARTICLE 35 OF TITLE 31, C.R.S., OR WATER AND SANITATION DISTRICTS PURSUANT TO ARTICLE 1 OR ARTICLE 4 OF TITLE

32, C.R.S.;

(II) INSTALLATIONS, EXTENSIONS, IMPROVEMENTS, REMODELING, ADDITIONS, AND ALTERATIONS PERFORMED BY CONTRACTORS EMPLOYED BY COUNTIES, CITIES, TOWNS, OR WATER AND SEWER DISTRICTS THAT CONNECT TO THE PLUMBING SYSTEM WITHIN A PROPERTY LINE; OR

(III) PERFORMANCE, LOCATION, CONSTRUCTION, ALTERATION, INSTALLATION, AND USE OF ON-SITE WASTEWATER TREATMENT SYSTEMS PURSUANT TO ARTICLE 10 OF TITLE 25, C.R.S., WHICH ARE LOCATED WITHIN A PROPERTY LINE.

SECTION 11. In Colorado Revised Statutes, 12-58-114.2, **amend** (1); and **add** (3) as follows:

12-58-114.2. Plumbing inspectors - qualifications. (1) The director of the division of professions and occupations is authorized to appoint or employ competent persons LICENSED UNDER THIS ARTICLE AS JOURNEYMAN OR MASTER PLUMBERS as state plumbing inspectors.

(3) (a) BEGINNING JULY 1, 2014, PERSONS LICENSED UNDER THIS ARTICLE OR WHO ARE CERTIFIED AS RESIDENTIAL PLUMBING INSPECTORS BY A NATIONALLY RECOGNIZED MODEL CODE ORGANIZATION ARE AUTHORIZED TO INSPECT RESIDENTIAL PLUMBING. ANY NEWLY HIRED INSPECTORS NOT LICENSED UNDER THIS ARTICLE OR CERTIFIED BY A NATIONALLY RECOGNIZED MODEL CODE ORGANIZATION HAVE ONE YEAR FROM THE DATE OF HIRE TO ACQUIRE THE NECESSARY LICENSE OR CERTIFICATION OR MEET THE HIRING REQUIREMENTS OF THE HIRING AUTHORITY, WHICHEVER IS MORE STRINGENT.

(b) BEGINNING JULY 1, 2014, PERSONS LICENSED UNDER THIS ARTICLE OR WHO ARE CERTIFIED AS COMMERCIAL PLUMBING INSPECTORS BY A NATIONALLY RECOGNIZED MODEL CODE ORGANIZATION ARE AUTHORIZED TO INSPECT COMMERCIAL PLUMBING. ANY NEWLY HIRED INSPECTORS NOT LICENSED UNDER THIS ARTICLE OR CERTIFIED BY A NATIONALLY RECOGNIZED MODEL CODE ORGANIZATION HAVE ONE YEAR FROM THE DATE OF HIRE TO ACQUIRE THE NECESSARY LICENSE OR CERTIFICATION OR MEET THE HIRING REQUIREMENTS OF THE HIRING AUTHORITY, WHICHEVER IS MORE STRINGENT.

SECTION 12. In Colorado Revised Statutes, 12-58-117, **amend** (1) as follows:

12-58-117. Apprentices. (1) Any person may work as a plumbing apprentice for a ~~licensed plumber~~ REGISTERED PLUMBING CONTRACTOR but shall not do any plumbing work for which a license is required pursuant to this article except under the supervision of a licensed plumber. Supervision requires that ~~the~~ A licensed plumber supervise apprentices at the jobsite. One licensed journeyman plumber, master plumber, or residential plumber shall not supervise more than three apprentice plumbers at the same jobsite.

SECTION 13. In Colorado Revised Statutes, 12-58-114.5, **amend** (1) and (3) (a) introductory portion; and **add** (8) as follows:

12-58-114.5. Inspection - application - standards. (1) 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, C.R.S., except in any incorporated town or city, any county, or any city and county ~~having its own plumbing code equal to the minimum standards provided in this article;~~ ~~shall~~ THAT CONDUCTS INSPECTIONS AND ISSUES PERMITS, MUST be inspected by a state plumbing ~~inspector in those areas where a local jurisdiction has requested such inspections~~ INSPECTOR. 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. ~~If the inspection is not performed within five working days, work may resume on any such construction, repair, or remodeling.~~ Prior to the commencement of any such plumbing or gas piping installation, the person making such installation shall ~~make application~~ APPLY for ~~inspection~~ A PERMIT and pay the required fee. ~~therefor.~~ Every mobile home or movable structure owner shall have the plumbing and gas piping hookup for such mobile home or movable structure inspected prior to obtaining new or different plumbing or gas service.

(3) (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,~~ 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:

(8) IF AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY INTENDS TO COMMENCE OR CEASE PERFORMING PLUMBING

INSPECTIONS IN ITS JURISDICTION, IT SHALL COMMENCE OR CEASE THE SAME ONLY AS OF JULY 1 OF ANY YEAR, AND WRITTEN NOTICE OF SUCH INTENT MUST BE GIVEN TO THE BOARD ON OR BEFORE OCTOBER 1 OF THE PRECEDING CALENDAR YEAR. IF SUCH NOTICE IS NOT GIVEN AND THE USE OF STATE PLUMBING INSPECTORS IS REQUIRED WITHIN THE JURISDICTION AFFECTED BY THE NOTICE REQUIREMENT, THE RESPECTIVE LOCAL GOVERNMENT OF THE JURISDICTION REQUIRING SUCH INSPECTIONS SHALL REIMBURSE THE BOARD FOR ANY EXPENSES INCURRED IN PERFORMING SUCH INSPECTIONS, IN ADDITION TO TRANSMITTING THE REQUIRED PERMIT FEES.

SECTION 14. In Colorado Revised Statutes, 12-58-115, **amend** (1) as follows:

12-58-115. Municipal and county regulations. (1) Any city, town, county, or city and county of this state may provide for the licensing of plumbing contractors. PLUMBING CONTRACTORS WHO OBTAIN LOCAL LICENSING MUST ALSO REGISTER WITH THE BOARD IN ACCORDANCE WITH SECTION 12-58-105 (3).

SECTION 15. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of professions and occupations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2013, the sum of \$259,175 and 3.6 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$190,338 and 3.6 FTE to the division of professions and occupations for personal services;

(b) \$7,848 to the division of professions and occupations for operating expenses and capital outlay;

(c) \$55,195 to the executive director's office and administrative services and to the division of professions and occupations for travel expenses including vehicle lease payments, expenses, and mileage; and

(d) \$5,794 to the executive director's office and administrative services for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2013, the sum of \$5,794, or so much thereof as may be necessary, for the provision of legal services for the department of regulatory agencies related to the implementation of this act. Said sum is from reappropriated funds received from the department of regulatory agencies out of the appropriation made in paragraph (d) of subsection (1) of this section.

SECTION 16. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO