

NOTE: The governor signed this measure on 6/5/2015.

An Act

SENATE BILL 15-202

BY SENATOR(S) Balmer, Baumgardner, Cooke, Grantham, Hill, Jahn, Lambert, Lundberg, Marble, Neville T., Scott, Sonnenberg, Woods;
also REPRESENTATIVE(S) Pabon, Moreno, Conti, Fields, Primavera, Singer.

CONCERNING THE REGULATION OF WATER CONDITIONING APPLIANCES
PURSUANT TO THE PLUMBING CODE.

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

SECTION 1. In Colorado Revised Statutes, 12-58-102, **amend** (7);
and **add** (10), (11), and (12) as follows:

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

(7) "Plumbing contractor" means any person, firm, partnership, corporation, association, or other organization ~~who~~ THAT undertakes or offers to undertake for another the planning, laying out, supervising, installing, or making of additions, alterations, and repairs in the installation of plumbing. In order to act as a plumbing contractor, the person, firm, partnership, corporation, association, or other organization must either be or employ full-time a master plumber. "PLUMBING CONTRACTOR" DOES NOT

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

INCLUDE A WATER CONDITIONING CONTRACTOR, A WATER CONDITIONING INSTALLER, OR A WATER CONDITIONING PRINCIPAL.

(10) (a) "WATER CONDITIONING CONTRACTOR" MEANS A PERSON THAT:

(I) UNDERTAKES OR OFFERS TO UNDERTAKE FOR ANOTHER THE PLANNING, LAYING OUT, SUPERVISING, INSTALLING, OR MAKING OF ADDITIONS, ALTERATIONS, OR REPAIRS IN THE INSTALLATION OF WATER CONDITIONING APPLIANCES IN ONE-, TWO-, THREE-, OR FOUR-FAMILY DWELLINGS, WHICH MUST NOT EXTEND MORE THAN TWO STORIES ABOVEGROUND; AND

(II) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION 12-58-105 (4).

(b) "WATER CONDITIONING CONTRACTOR" DOES NOT INCLUDE A PLUMBING CONTRACTOR.

(11)(a) "WATER CONDITIONING INSTALLER" MEANS A PERSON THAT:

(I) HAS THE NECESSARY QUALIFICATIONS, TRAINING, EXPERIENCE, AND TECHNICAL KNOWLEDGE TO PROPERLY PLAN, LAY OUT, AND INSTALL WATER CONDITIONING APPLIANCES IN ONE-, TWO-, THREE-, AND FOUR-FAMILY DWELLINGS, WHICH MUST NOT EXTEND MORE THAN TWO STORIES ABOVEGROUND, IN ACCORDANCE WITH THE STANDARDS AND RULES ESTABLISHED BY THE BOARD;

(II) IS CERTIFIED BY A NATIONAL WATER CONDITIONING ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF CERTIFICATION SPECIFIED BY THE BOARD; AND

(III) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION 12-58-105 (5).

(b) "WATER CONDITIONING INSTALLER" DOES NOT INCLUDE A LICENSED PLUMBER.

(12)(a) "WATER CONDITIONING PRINCIPAL" MEANS A PERSON THAT:

(I) HAS THE NECESSARY QUALIFICATIONS, TRAINING, EXPERIENCE, AND TECHNICAL KNOWLEDGE TO PROPERLY PLAN, LAY OUT, AND INSTALL WATER CONDITIONING APPLIANCES IN ONE-, TWO-, THREE-, AND FOUR-FAMILY DWELLINGS, WHICH MUST NOT EXTEND MORE THAN TWO STORIES ABOVEGROUND, INCLUDING THE SUPERVISION OF SUCH WORK IN ACCORDANCE WITH THE STANDARDS AND RULES ESTABLISHED BY THE BOARD;

(II) IS CERTIFIED BY A NATIONAL WATER CONDITIONING ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF CERTIFICATION SPECIFIED BY THE BOARD; AND

(III) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION 12-58-105 (6).

(b) "WATER CONDITIONING PRINCIPAL" DOES NOT INCLUDE A LICENSED PLUMBER.

SECTION 2. In Colorado Revised Statutes, 12-58-105, **amend** (1); and **add** (4), (5), and (6) as follows:

12-58-105. Plumber must have license - registration - control and supervision. (1) (a) ~~No~~ A person shall NOT engage in or work at the business, trade, or calling of a residential, journeyman, or master plumber in this state until he OR SHE has received a license from the division of professions and occupations, upon written notice from the board or its authorized agent, or a temporary permit from the board or its authorized agent; EXCEPT THAT A PERSON MAY PRACTICE AS A WATER CONDITIONING CONTRACTOR IF THE PERSON IS REGISTERED PURSUANT TO SUBSECTION (4) OF THIS SECTION, AS A WATER CONDITIONING INSTALLER IF THE PERSON IS REGISTERED PURSUANT TO SUBSECTION (5) OF THIS SECTION, OR AS A WATER CONDITIONING PRINCIPAL IF THE PERSON IS REGISTERED PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(b) NOTHING IN THIS SECTION LIMITS THE ABILITY OF A LICENSED RESIDENTIAL, JOURNEYMAN, OR MASTER PLUMBER, A PLUMBING APPRENTICE, OR A REGISTERED PLUMBING CONTRACTOR TO PRACTICE WITHIN HIS OR HER RESPECTIVE AREA AS AUTHORIZED BY THIS ARTICLE WITH REGARD TO WATER CONDITIONING APPLIANCES.

(4) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, EFFECTIVE APRIL 1, 2016, A PERSON SHALL NOT OPERATE AS A WATER CONDITIONING CONTRACTOR UNLESS THE PERSON:

(a) IS CURRENTLY REGISTERED WITH THE BOARD PURSUANT TO THIS SUBSECTION (4) AS SPECIFIED IN RULES PROMULGATED AND FORMS ADOPTED BY THE BOARD. THE BOARD SHALL REGISTER A WATER CONDITIONING CONTRACTOR UPON PAYMENT OF THE FEE AS PROVIDED IN SECTION 12-58-104 AND PRESENTATION OF EVIDENCE THAT THE APPLICANT HAS COMPLIED WITH THE APPLICABLE WORKERS' COMPENSATION AND UNEMPLOYMENT COMPENSATION LAWS OF THIS STATE; AND

(b) IS, OR EMPLOYS FULL-TIME, A WATER CONDITIONING PRINCIPAL, WHO SHALL BE RESPONSIBLE FOR ALL WATER CONDITIONING APPLIANCE WORK PERFORMED BY THE CONTRACTOR.

(5) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, EFFECTIVE APRIL 1, 2016, A PERSON SHALL NOT ENGAGE IN OR WORK AT THE BUSINESS, TRADE, OR CALLING OF A WATER CONDITIONING INSTALLER UNLESS THE PERSON IS CURRENTLY REGISTERED WITH THE BOARD PURSUANT TO THIS SUBSECTION (5) AS SPECIFIED IN RULES PROMULGATED AND FORMS ADOPTED BY THE BOARD. THE BOARD SHALL REGISTER A WATER CONDITIONING INSTALLER UPON PAYMENT OF THE FEE AS PROVIDED IN SECTION 12-58-104 AND SUBMISSION OF PROOF THAT THE APPLICANT IS CERTIFIED BY A NATIONAL WATER CONDITIONING ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF CERTIFICATION AS SPECIFIED BY THE BOARD.

(6) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, EFFECTIVE APRIL 1, 2016, A PERSON SHALL NOT ENGAGE IN OR WORK AT THE BUSINESS, TRADE, OR CALLING OF A WATER CONDITIONING PRINCIPAL UNLESS THE PERSON IS CURRENTLY REGISTERED WITH THE BOARD PURSUANT TO THIS SUBSECTION (6) AS SPECIFIED IN RULES PROMULGATED AND FORMS ADOPTED BY THE BOARD. THE BOARD SHALL REGISTER A WATER CONDITIONING PRINCIPAL UPON PAYMENT OF THE FEE AS PROVIDED IN SECTION 12-58-104 AND SUBMISSION OF PROOF THAT THE APPLICANT IS CERTIFIED BY A NATIONAL WATER CONDITIONING ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF CERTIFICATION AS SPECIFIED BY THE BOARD.

(b) A WATER CONDITIONING PRINCIPAL SHALL BE RESPONSIBLE FOR NO MORE THAN ONE WATER CONDITIONING CONTRACTOR AT A TIME. THE WATER CONDITIONING PRINCIPAL SHALL NOTIFY THE BOARD WITHIN FIFTEEN DAYS AFTER HIS OR HER TERMINATION AS A WATER CONDITIONING PRINCIPAL FOR A WATER CONDITIONING CONTRACTOR. FAILURE TO PROVIDE THE NOTICE MAY LEAD TO SUSPENSION OR REVOCATION OF THE WATER CONDITIONING PRINCIPAL'S REGISTRATION AS PROVIDED IN SECTION 12-58-110.

SECTION 3. In Colorado Revised Statutes, **amend** 12-58-106 as follows:

12-58-106. Unauthorized advertising - use of title of plumber.

(1) ~~No~~ A person shall NOT advertise in any manner or use the title or designation of master plumber, journeyman plumber, or residential plumber unless ~~he~~ THE PERSON is qualified and licensed under this article.

(2) A PERSON SHALL NOT ADVERTISE IN ANY MANNER THAT THE PERSON IS A WATER CONDITIONING CONTRACTOR, WATER CONDITIONING INSTALLER, OR A WATER CONDITIONING PRINCIPAL UNLESS THE PERSON IS REGISTERED AS SUCH PURSUANT TO THIS ARTICLE.

SECTION 4. 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~~ is deemed to have expired. Prior to reinstatement, the board is authorized to require the licensee to demonstrate competency. Licenses AND REGISTRATIONS 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 OR REGISTRATION pursuant to the schedule established by the director of the

division of professions and occupations, ~~such~~ THE license or ~~contractor~~ registration shall expire. Any person whose license or ~~contractor~~ registration has expired ~~shall be~~ IS subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

SECTION 5. In Colorado Revised Statutes, 12-58-110, **amend** (1) (n), (1) (o), and (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:

(n) Disciplinary action against a ~~plumber's~~ license OR REGISTRATION in another jurisdiction. Evidence of such disciplinary action ~~shall be~~ IS prima facie evidence for denial of licensure OR REGISTRATION or other disciplinary action if the violation would be grounds for such disciplinary action in this state.

(o) Practicing as a WATER CONDITIONING CONTRACTOR, WATER CONDITIONING INSTALLER, WATER CONDITIONING PRINCIPAL, OR A residential, journeyman, or master plumber during a period when the person's license OR REGISTRATION has been suspended or revoked;

(p) Selling or fraudulently obtaining or furnishing a license or registration to practice as a residential, journeyman, or master plumber, ~~or~~ WATER CONDITIONING CONTRACTOR, WATER CONDITIONING INSTALLER, WATER CONDITIONING PRINCIPAL, OR plumbing contractor or aiding or abetting in such activity;

SECTION 6. In Colorado Revised Statutes, **amend** 12-58-110.1 as follows:

12-58-110.1. Reapplication after revocation of licensure or registration. ~~No~~ A person whose license OR REGISTRATION has been revoked ~~shall be~~ IS NOT allowed to reapply for licensure OR REGISTRATION earlier than two years from the effective date of the revocation.

SECTION 7. In Colorado Revised Statutes, 12-58-113, **amend** (6) (a) introductory portion as follows:

12-58-113. Exemptions. (6) (a) Nothing in this article requires a plumbing license, ~~contractor~~ registration, or permit to perform:

SECTION 8. In Colorado Revised Statutes, **amend** 12-58-115 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 OR WATER CONDITIONING CONTRACTORS. ~~Plumbing~~ Contractors who obtain local licensing must also register with the board in accordance with section 12-58-105. ~~(3)~~:

(2) ~~No~~ A local government agency ~~may~~ SHALL NOT promulgate rules or regulations or provide for licenses ~~which~~ THAT would preclude the holder of a valid license OR REGISTRATION issued under this article from practicing ~~his~~ THE HOLDER'S trade.

SECTION 9. In Colorado Revised Statutes, 12-58-116, **add** (3) as follows:

12-58-116. Unauthorized practice - penalties. (3) EFFECTIVE APRIL 1, 2016, A PERSON WHO ENGAGES IN OR WORKS AT OR OFFERS OR ATTEMPTS TO ENGAGE IN OR WORK AT THE BUSINESS, TRADE, OR CALLING OF A WATER CONDITIONING CONTRACTOR, WATER CONDITIONING INSTALLER, OR WATER CONDITIONING PRINCIPAL WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.; EXCEPT THAT NOTHING IN THIS SUBSECTION (3) LIMITS THE ABILITY OF A LICENSED RESIDENTIAL, JOURNEYMAN, OR MASTER PLUMBER, A PLUMBING APPRENTICE, OR A REGISTERED PLUMBING CONTRACTOR TO PRACTICE WITHIN HIS OR HER RESPECTIVE AREA AS AUTHORIZED BY THIS ARTICLE WITH REGARD TO WATER CONDITIONING APPLIANCES.

SECTION 10. Applicability. This act applies to conduct occurring

on or after the effective date of this act.

SECTION 11. 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.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
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