

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 29, 2015
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

SB15-202 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

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

5 **12-58-102. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (7) "Plumbing contractor" means any person, firm, partnership,
8 corporation, association, or other organization ~~who~~ THAT undertakes or
9 offers to undertake for another the planning, laying out, supervising,
10 installing, or making of additions, alterations, and repairs in the
11 installation of plumbing. In order to act as a plumbing contractor, the
12 person, firm, partnership, corporation, association, or other organization
13 must either be or employ full-time a master plumber. "PLUMBING
14 CONTRACTOR" DOES NOT INCLUDE A WATER CONDITIONING CONTRACTOR,
15 A WATER CONDITIONING INSTALLER, OR A WATER CONDITIONING
16 PRINCIPAL.

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

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

1 (II) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION
2 12-58-105 (4).

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

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

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

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

16 (III) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION
17 12-58-105 (5).

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

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

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

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

32 (III) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION
33 12-58-105 (6).

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

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

38 **12-58-105. Plumber must have license - registration - control**
39 **and supervision.** (1) (a) ~~No~~ A person shall NOT engage in or work at the
40 business, trade, or calling of a residential, journeyman, or master plumber
41 in this state until he OR SHE has received a license from the division of
42 professions and occupations, upon written notice from the board or its

1 authorized agent, or a temporary permit from the board or its authorized
2 agent; EXCEPT THAT A PERSON MAY PRACTICE AS A WATER CONDITIONING
3 CONTRACTOR IF THE PERSON IS REGISTERED PURSUANT TO SUBSECTION (4)
4 OF THIS SECTION, AS A WATER CONDITIONING INSTALLER IF THE PERSON IS
5 REGISTERED PURSUANT TO SUBSECTION (5) OF THIS SECTION, OR AS A
6 WATER CONDITIONING PRINCIPAL IF THE PERSON IS REGISTERED PURSUANT
7 TO SUBSECTION (6) OF THIS SECTION.

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

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

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

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

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

38 (6) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1)
39 OF THIS SECTION, EFFECTIVE APRIL 1, 2016, A PERSON SHALL NOT ENGAGE
40 IN OR WORK AT THE BUSINESS, TRADE, OR CALLING OF A WATER
41 CONDITIONING PRINCIPAL UNLESS THE PERSON IS CURRENTLY REGISTERED
42 WITH THE BOARD PURSUANT TO THIS SUBSECTION (6) AS SPECIFIED IN

1 RULES PROMULGATED AND FORMS ADOPTED BY THE BOARD. THE BOARD
2 SHALL REGISTER A WATER CONDITIONING PRINCIPAL UPON PAYMENT OF
3 THE FEE AS PROVIDED IN SECTION 12-58-104 AND SUBMISSION OF PROOF
4 THAT THE APPLICANT IS CERTIFIED BY A NATIONAL WATER CONDITIONING
5 ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF
6 CERTIFICATION AS SPECIFIED BY THE BOARD.

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

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

17 **12-58-106. Unauthorized advertising - use of title of plumber.**

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

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

25 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-58-108 as
26 follows:

27 **12-58-108. License renewal - reinstatement.** (1) All license and
28 ~~contractor~~ registration renewal and renewal fees shall be in accordance
29 with ~~the provisions of~~ sections 24-34-102 and 24-34-105, C.R.S.

30 (2) Any license or ~~contractor~~ registration that has lapsed ~~shall be~~
31 is deemed to have expired. Prior to reinstatement, the board is authorized
32 to require the licensee to demonstrate competency. Licenses AND
33 REGISTRATIONS shall be renewed or reinstated pursuant to a schedule
34 established by the director of the division of professions and occupations
35 within the department of regulatory agencies and pursuant to section
36 24-34-102 (8), C.R.S. The director of the division of professions and
37 occupations within the department of regulatory agencies may establish
38 renewal fees and delinquency fees for reinstatement pursuant to section
39 24-34-105, C.R.S. If a person fails to renew his or her license OR
40 REGISTRATION pursuant to the schedule established by the director of the
41 division of professions and occupations, ~~such~~ THE license or ~~contractor~~
42 registration shall expire. Any person whose license or ~~contractor~~

1 registration has expired shall be IS subject to the penalties provided in this
2 article or section 24-34-102 (8), C.R.S.

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

5 **12-58-110. Disciplinary action by board - licenses or**
6 **registrations denied, suspended, or revoked - cease-and-desist orders.**

7 (1) The board may deny, suspend, revoke, or refuse to renew any license
8 or registration issued or applied for under the provisions of this article or
9 place a licensee or a registrant on probation for any of the following
10 reasons:

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

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

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

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

27 **12-58-110.1. Reapplication after revocation of licensure or**
28 **registration.** ~~No~~ A person whose license OR REGISTRATION has been
29 revoked shall be IS NOT allowed to reapply for licensure OR REGISTRATION
30 earlier than two years from the effective date of the revocation.

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

33 **12-58-113. Exemptions.** (6) (a) Nothing in this article requires
34 a plumbing license, ~~contractor~~ registration, or permit to perform:

35 **SECTION 8.** In Colorado Revised Statutes, **amend** 12-58-115 as
36 follows:

37 **12-58-115. Municipal and county regulations.** (1) Any city,
38 town, county, or city and county of this state may provide for the
39 licensing of plumbing contractors OR WATER CONDITIONING
40 CONTRACTORS. ~~Plumbing~~ Contractors who obtain local licensing must
41 also register with the board in accordance with section 12-58-105. ~~(3).~~

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

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

7 **12-58-116. Unauthorized practice - penalties.** (3) EFFECTIVE
8 APRIL 1, 2016, A PERSON WHO ENGAGES IN OR WORKS AT OR OFFERS OR
9 ATTEMPTS TO ENGAGE IN OR WORK AT THE BUSINESS, TRADE, OR CALLING
10 OF A WATER CONDITIONING CONTRACTOR, WATER CONDITIONING
11 INSTALLER, OR WATER CONDITIONING PRINCIPAL WITHOUT AN ACTIVE
12 REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2
13 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
14 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
15 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
16 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

17 **SECTION 10. Applicability.** This act applies to conduct
18 occurring on or after the effective date of this act.

19 **SECTION 11. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety."

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