

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 05-0417.01 Karen Woods

HOUSE BILL 05-1145

HOUSE SPONSORSHIP

White,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

Business, Labor and Technology
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PLUMBERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the examining board of plumbers (board) to set and collect fees for application and renewal of a license or registration of a journeyman plumber, residential plumber, apprentice plumber, or plumbing contractor.

Prohibits a journeyman plumber, master plumber, or residential plumber from supervising more than 3 apprentice plumbers at one jobsite.

Clarifies the laws governing plumbers to specify that the following acts are class 1 misdemeanors:

Violating the statutes governing plumbers;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 5, 2005

SENATE
2nd Reading Unamended
May 4, 2005

HOUSE
3rd Reading Unamended
April 20, 2005

HOUSE
Amended 2nd Reading
April 19, 2005

Practicing as a journeyman plumber, residential plumber, apprentice plumber, master plumber, or plumbing contractor during a period in which the person's license or registration has been suspended or revoked;

Selling or fraudulently obtaining or furnishing a license to practice as a journeyman plumber, residential plumber, apprentice plumber, master plumber, or plumbing contractor or aiding or abetting such practice; and

In connection with any construction or building project requiring the services of any person regulated by the statutes governing plumbers, to willfully disregard or violate:

Any building or construction law of this state or any of its political subdivisions;

Any safety or labor law;

Any health law;

Any workers' compensation insurance law;

Any state or federal law governing withholdings from employee income including income taxes, unemployment taxes, or social security taxes; or

Any reporting, notification, or filing law of this state or the federal government.

Provides that 1/2 of any fine imposed by the board shall be credited to the city, town, county, or city and county in which the offense occurred.

Makes conforming amendments.

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

2 **SECTION 1.** 12-58-102 (4) and (5) (a), Colorado Revised
3 Statutes, are amended to read:

4 **12-58-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (4) "Colorado plumbing code" means a code established by the
7 board ~~which~~ THAT consists of standards for plumbing installation,
8 plumbing materials, FUEL GAS, MEDICAL GAS, SANITARY DRAINAGE
9 SYSTEMS, and solar plumbing ~~which~~ THAT could directly affect the
10 potable water supply.

1 (5) (a) "Plumbing" includes the following items located within the
2 building or extending five feet from the building foundation to the first
3 joint, excluding any service line extending from the first joint to the
4 property line: All potable water supply and distribution pipes and piping;
5 all plumbing fixtures and traps; all drainage and vent pipes; FUEL GAS
6 PIPING, WHETHER NATURAL OR MANUFACTURED, FROM THE METER OR
7 REGULATING EQUIPMENT TO THE APPLIANCE; all building drains, including
8 their respective joints and connections, devices, receptacles, and
9 appurtenances; and all medical gas and vacuum systems in health care
10 facilities. "Plumbing" does not include: The installation, extension,
11 alteration, or maintenance, including the related water piping and the
12 indirect waste piping therefrom, of domestic appliances equipped with
13 backflow preventers, including lawn sprinkling systems, residential ice
14 makers, humidifiers, electrostatic filter washers, water heating appliances,
15 water conditioning appliances not directly connected to the sanitary sewer
16 system, building heating appliances and systems, fire protection systems,
17 air conditioning installations, process and industrial equipment and piping
18 systems, or indirect drainage systems not a part of a sanitary sewer
19 system or the repair and replacement of garbage disposal units and
20 dishwashers directly connected to the sanitary sewer system, including
21 the necessary replacement of all tail pipes and traps, or the repair,
22 maintenance, and replacement of sinks, faucets, drains, showers, tubs,
23 and toilets.

24 **SECTION 2.** 12-58-104, Colorado Revised Statutes, is amended
25 BY THE ADDITION OF A NEW SUBSECTION to read:

26 **12-58-104. Powers of board - fees.** (3) IN CONNECTION WITH
27 THE ISSUANCE OF LICENSES OR REGISTRATIONS, THE BOARD SHALL

1 ESTABLISH FEES FOR THE ISSUANCE OF A NEW LICENSE OR REGISTRATION
2 AND FOR EACH RENEWAL OF A LICENSE OR REGISTRATION.

3 **SECTION 3.** 12-58-105, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **12-58-105. Plumber must have license - control and**
6 **supervision.** (3) NO PERSON, FIRM, PARTNERSHIP, CORPORATION, OR
7 ASSOCIATION SHALL OPERATE AS A PLUMBING CONTRACTOR UNTIL SUCH
8 CONTRACTOR HAS OBTAINED REGISTRATION FROM THE BOARD. THE
9 BOARD SHALL REGISTER A PLUMBING CONTRACTOR UPON PAYMENT OF THE
10 FEE AS PROVIDED IN SECTION 12-58-104 AND PRESENTATION OF EVIDENCE
11 THAT THE APPLICANT HAS COMPLIED WITH THE APPLICABLE WORKERS'
12 COMPENSATION AND UNEMPLOYMENT COMPENSATION LAWS OF THIS
13 STATE. IN ORDER TO ACT AS A PLUMBING CONTRACTOR, THE PERSON,
14 FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION, OR OTHER
15 ORGANIZATION MUST EITHER BE, OR EMPLOY FULL-TIME, A MASTER
16 PLUMBER. A MASTER PLUMBER SHALL BE RESPONSIBLE FOR NO MORE
17 THAN ONE PLUMBING CONTRACTOR AT A TIME.

18 **SECTION 4.** 12-58-116, Colorado Revised Statutes, is amended
19 to read:

20 **12-58-116. Unlawful acts - penalty.** (1) It is unlawful for any
21 person:

22 (a) To violate the provisions of ~~section 12-58-105, unless~~
23 ~~practicing pursuant to section 12-58-106 or 12-58-113~~ THIS ARTICLE;

24 (b) To practice as a ~~residential, journeyman, or master plumber~~
25 JOURNEYMAN PLUMBER, RESIDENTIAL PLUMBER, APPRENTICE PLUMBER,
26 MASTER PLUMBER, OR PLUMBING CONTRACTOR WITHOUT A LICENSE OR
27 REGISTRATION, AS APPLICABLE, OR during a period when his OR HER

1 license OR REGISTRATION has been suspended or revoked;

2 (c) To sell or fraudulently obtain or furnish a license to practice
3 as a ~~residential, journeyman, or master plumber~~ JOURNEYMAN PLUMBER,
4 RESIDENTIAL PLUMBER, APPRENTICE PLUMBER, MASTER PLUMBER, OR
5 PLUMBING CONTRACTOR or to aid or abet therein; OR

6 (d) IN CONNECTION WITH A CONSTRUCTION OR BUILDING PROJECT
7 REQUIRING THE SERVICES OF A PERSON REGULATED BY THIS ARTICLE, TO
8 WILLFULLY DISREGARD OR VIOLATE:

9 (I) ANY BUILDING OR CONSTRUCTION LAW OF THIS STATE OR ANY
10 OF ITS POLITICAL SUBDIVISIONS;

11 (II) ANY SAFETY OR LABOR LAW;

12 (III) ANY HEALTH LAW;

13 (IV) ANY WORKERS' COMPENSATION INSURANCE LAW;

14 (V) ANY STATE OR FEDERAL LAW GOVERNING WITHHOLDINGS
15 FROM EMPLOYEE INCOME, INCLUDING, BUT NOT LIMITED TO, INCOME
16 TAXES, UNEMPLOYMENT TAXES, OR SOCIAL SECURITY TAXES; OR

17 (VI) ANY REPORTING, NOTIFICATION, OR FILING LAW OF THIS
18 STATE OR THE FEDERAL GOVERNMENT.

19 (2) Any person who violates any provision of this section commits
20 a ~~class 3~~ CLASS 1 misdemeanor and shall be punished as provided in
21 section 18-1.3-501, C.R.S.

22 **SECTION 5.** 12-58-116.5 (1) and (2), Colorado Revised Statutes,
23 is amended to read:

24 **12-58-116.5. Violation - fines.** (1) Notwithstanding the
25 provisions of section 12-58-116, the board shall have authority to assess
26 a fine for any violation of the provisions of this article or any standard OR
27 rule or regulation adopted by the board. THE BOARD SHALL ESTABLISH

1 AND MAINTAIN A SCHEDULE OF VIOLATIONS OF THIS ARTICLE WITH
2 APPROPRIATE FINES FOR EACH OCCURRENCE.

3 (2) Such fine shall not be less than five hundred dollars or greater
4 than one thousand dollars and shall be transmitted to the state treasurer,
5 who shall credit ~~the same to the general fund~~ ONE-HALF OF THE AMOUNT
6 OF SUCH FINE TO THE GENERAL FUND. THE REMAINDER OF SUCH AMOUNT
7 SHALL BE TRANSMITTED, AT LEAST ANNUALLY, TO THE CITY, TOWN,
8 COUNTY, OR CITY AND COUNTY IN WHICH SUCH VIOLATIONS OCCURRED.

9 **SECTION 6.** 12-58-117 (1), Colorado Revised Statutes, is
10 amended to read:

11 **12-58-117. Apprentices.** (1) Any person may work as a
12 plumbing apprentice for a licensed plumber but shall not do any plumbing
13 work for which a license is required pursuant to this article except under
14 the supervision of a licensed plumber. Supervision requires that the
15 licensed plumber supervise apprentices at the jobsite. ONE LICENSED
16 JOURNEYMAN PLUMBER, MASTER PLUMBER, OR RESIDENTIAL PLUMBER
17 SHALL NOT SUPERVISE MORE THAN THREE APPRENTICE PLUMBERS AT THE
18 SAME JOBSITE.

19 **SECTION 7. Effective date - applicability.** (1) (a) Section 3 of
20 this act shall take effect July 1, 2006.

21 (b) However, if a referendum petition is filed against this act or
22 an item, section, or part of this act during the 90-day period after final
23 adjournment of the general assembly that is allowed for submitting a
24 referendum petition pursuant to article V, section 1 (3) of the state
25 constitution, then the act, item, section, or part, shall not take effect
26 unless approved by the people at a biennial regular general election and
27 shall take effect on the date specified in subsection (1) or on the date of

1 the official declaration of the vote thereon by proclamation of the
2 governor, whichever is later.

3 (2) Sections 1, 2, 4, 5, and 6 of this act shall take effect at 12:01
4 a.m. on the day following the expiration of the ninety-day period after
5 final adjournment of the general assembly that is allowed for submitted
6 a referendum petition pursuant to article V, section 1 (3) of the state
7 constitution (August 10, 2005, if adjournment sine die is on May 11,
8 2005); except that, if a referendum petition is filed against this act or an
9 item, section, or part of this act within such period, then the act, item,
10 section, or part, shall not take effect unless approved by the people at a
11 biennial regular general election and shall take effect on the date
12 specified in subsection (1) or on the date of the official declaration of the
13 vote thereon by proclamation of the governor, whichever is later.

14 (3) The provisions of this act shall apply to offenses committed
15 on or after the applicable effective date of this act.

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