

**Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0157.01 Kristen Forrestal

**HOUSE BILL 08-1027**

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**HOUSE SPONSORSHIP**

**Mitchell V.**, Kerr J., Marshall, and Primavera

**SENATE SPONSORSHIP**

**Taylor**, Isgar, and Takis

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING BUILDING INSPECTION REQUIREMENTS FOR**  
102 **EDUCATIONAL INSTITUTIONS.**

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**Bill Summary**

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

**Legislative Audit Committee.** Clarifies the role of the division of oil and public safety in delegating the responsibility of performing inspections of public school buildings and junior college district buildings to a building department or a 3rd-party inspector. Requires a memorandum of understanding between the division and a building department that wishes to perform inspections. Repeals the limit on the fee that the division may charge to perform an inspection and the

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.*

requirement that the fee be mandatory. Grants rule-making authority to the director of the division to implement the program.

Authorizes the division of fire safety to charge a fee for the inspection of buildings and structures to ensure that they are in compliance with fire codes. Grants enforcement authority to the division of fire safety. Exempts the public safety inspection fund from the limit on uncommitted cash fund reserves.

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

2 **SECTION 1.** 22-32-124 (2) (a), (2) (b), (2) (c), and (3), Colorado  
3 Revised Statutes, are amended to read:

4 **22-32-124. Building codes - zoning - planning - fees - rules -**  
5 **definitions.** (2) (a) (I) (A) ~~THIS SUBSECTION (2) SHALL APPLY TO~~  
6 ~~BUILDING OR STRUCTURE CONSTRUCTION.~~ EXCEPT AS SPECIFIED IN  
7 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), the division shall conduct the  
8 necessary plan reviews, ~~and inspections~~ ISSUE BUILDING PERMITS, CAUSE  
9 THE NECESSARY INSPECTIONS TO BE PERFORMED, PERFORM FINAL  
10 INSPECTIONS, AND ISSUE CERTIFICATES OF OCCUPANCY to assure that a  
11 building or structure constructed pursuant to subsection (1) or (1.5) of this  
12 section has been constructed in conformity with the building and fire  
13 codes adopted by the director of the division. ~~except that, at the request~~  
14 ~~of the affected board of education, the state charter school institute~~  
15 ~~created in section 22-30.5-503, or the charter school, the division may~~  
16 ~~delegate this responsibility to the appropriate building department of a~~  
17 ~~county, town, city, or city and county or to the appropriate fire~~  
18 ~~department, as defined in section 24-33.5-1202, C.R.S., in the location of~~  
19 ~~the building or structure~~ PURSUANT TO THIS SUB-SUBPARAGRAPH (A),  
20 THE DIVISION SHALL CONTRACT WITH THIRD-PARTY INSPECTORS THAT ARE  
21 CERTIFIED IN ACCORDANCE WITH PARAGRAPH (c) OF THIS SUBSECTION (2)  
22 TO PERFORM INSPECTIONS. THE AFFECTED BOARD OF EDUCATION, STATE

1 CHARTER SCHOOL INSTITUTE, OR CHARTER SCHOOL SHALL HIRE AND  
2 COMPENSATE THIRD-PARTY INSPECTORS UNDER CONTRACT WITH THE  
3 DIVISION OR HIRE AND COMPENSATE OTHER THIRD-PARTY INSPECTORS  
4 THAT ARE CERTIFIED IN ACCORDANCE WITH PARAGRAPH (c) OF THIS  
5 SUBSECTION (2) TO PERFORM INSPECTIONS. IF THE BOARD OF EDUCATION,  
6 STATE CHARTER SCHOOL INSTITUTE, OR CHARTER SCHOOL IS UNABLE TO  
7 OBTAIN A THIRD-PARTY INSPECTOR, AN APPROPRIATE BUILDING  
8 DEPARTMENT THAT HAS BEEN PREQUALIFIED BY THE DIVISION SHALL  
9 OVERSEE THE PROJECT PURSUANT TO SUBPARAGRAPH (II) OF THIS  
10 PARAGRAPH (a). IF THE BOARD OF EDUCATION, STATE CHARTER SCHOOL  
11 INSTITUTE, OR CHARTER SCHOOL IS UNABLE TO OBTAIN A THIRD-PARTY  
12 INSPECTOR AND NO BUILDING DEPARTMENT HAS BEEN PREQUALIFIED, THE  
13 DIVISION SHALL PERFORM THE REQUIRED INSPECTIONS. THE DIVISION  
14 SHALL REQUIRE A SUFFICIENT NUMBER OF THIRD-PARTY INSPECTION  
15 REPORTS TO BE SUBMITTED BY THE INSPECTOR TO THE DIVISION BASED  
16 UPON THE SCOPE AND COST OF THE PROJECT TO ENSURE QUALITY  
17 INSPECTIONS ARE PERFORMED. EXCEPT AS SPECIFIED IN  
18 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), THE THIRD-PARTY  
19 INSPECTOR SHALL ATTEST THAT INSPECTIONS ARE COMPLETE AND ALL  
20 VIOLATIONS ARE CORRECTED BEFORE THE BOARD OF EDUCATION, STATE  
21 CHARTER SCHOOL INSTITUTE, OR CHARTER SCHOOL IS ISSUED A  
22 CERTIFICATE OF OCCUPANCY. INSPECTION RECORDS SHALL BE RETAINED  
23 BY THE THIRD-PARTY INSPECTOR FOR TWO YEARS AFTER THE CERTIFICATE  
24 OF OCCUPANCY IS ISSUED. IF THE DIVISION FINDS THAT INSPECTIONS ARE  
25 NOT COMPLETED SATISFACTORILY, AS DETERMINED BY RULE OF THE  
26 DIVISION, OR THAT ALL VIOLATIONS ARE NOT CORRECTED, THE DIVISION  
27 SHALL TAKE ENFORCEMENT ACTION AGAINST THE APPROPRIATE BOARD OF

1 EDUCATION, STATE CHARTER SCHOOL INSTITUTE, OR CHARTER SCHOOL  
2 PURSUANT TO SECTION 8-20-104, C.R.S., AND SHALL REQUIRE THAT THE  
3 NEXT PROJECT UNDERTAKEN BY THE BOARD OF EDUCATION, STATE  
4 CHARTER SCHOOL INSTITUTE, OR CHARTER SCHOOL BE DELEGATED TO THE  
5 PREQUALIFIED █ BUILDING DEPARTMENT.

6 (B) IF INSPECTIONS ARE NOT COMPLETED AND A BUILDING  
7 REQUIRES IMMEDIATE OCCUPANCY, AND IF THE BOARD OF EDUCATION,  
8 STATE CHARTER SCHOOL INSTITUTE, OR CHARTER SCHOOL HAS PASSED THE  
9 APPROPRIATE INSPECTIONS THAT INDICATE THERE ARE NO LIFE SAFETY  
10 ISSUES, THE DIVISION MAY ISSUE A TEMPORARY CERTIFICATE OF  
11 OCCUPANCY. THE TEMPORARY CERTIFICATE OF OCCUPANCY SHALL EXPIRE  
12 NINETY DAYS AFTER THE DATE OF OCCUPANCY. IF NO RENEWAL OF THE  
13 TEMPORARY CERTIFICATE OF OCCUPANCY IS ISSUED OR A PERMANENT  
14 CERTIFICATE OF OCCUPANCY IS NOT ISSUED, THE BUILDING SHALL BE  
15 VACATED UPON EXPIRATION OF THE TEMPORARY CERTIFICATE. THE  
16 DIVISION SHALL ENFORCE THIS SUB-SUBPARAGRAPH (B) PURSUANT TO  
17 SECTION 8-20-104, C.R.S.

18 (II) PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN  
19 THE APPROPRIATE BUILDING DEPARTMENT AND THE DIVISION, THE  
20 DIVISION MAY PREQUALIFY AN APPROPRIATE BUILDING DEPARTMENT TO  
21 CONDUCT THE NECESSARY PLAN REVIEWS, ISSUE BUILDING PERMITS,  
22 CONDUCT INSPECTIONS, ISSUE CERTIFICATES OF OCCUPANCY, AND ISSUE  
23 TEMPORARY CERTIFICATES OF OCCUPANCY PURSUANT TO  
24 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),  
25 TO ENSURE THAT A BUILDING OR STRUCTURE CONSTRUCTED PURSUANT TO  
26 SUBSECTION (1) OR (1.5) OF THIS SECTION HAS BEEN CONSTRUCTED IN  
27 CONFORMITY WITH THE BUILDING AND FIRE CODES ADOPTED BY THE

1 DIRECTOR OF THE DIVISION, AND TAKE ENFORCEMENT ACTION. NOTHING  
2 IN THE MEMORANDUM OF UNDERSTANDING SHALL BE CONSTRUED TO  
3 ALLOW THE BUILDING DEPARTMENT TO TAKE ENFORCEMENT ACTION  
4 OTHER THAN IN RELATION TO THE BUILDING AND FIRE CODES ADOPTED BY  
5 THE DIVISION. AN APPROPRIATE BUILDING DEPARTMENT SHALL MEET  
6 CERTIFICATION REQUIREMENTS ESTABLISHED BY THE DIVISION PURSUANT  
7 TO PARAGRAPH (c) OF THIS SUBSECTION (2) PRIOR TO PREQUALIFICATION.  
8 AN AFFECTED BOARD OF EDUCATION, STATE CHARTER SCHOOL INSTITUTE,  
9 OR CHARTER SCHOOL MAY, AT ITS OWN DISCRETION, OPT TO USE A  
10 PREQUALIFIED BUILDING DEPARTMENT THAT HAS ENTERED INTO A  
11 MEMORANDUM OF UNDERSTANDING WITH THE DIVISION AS THE  
12 DELEGATED AUTHORITY. IF A BUILDING DEPARTMENT CONDUCTS AN  
13 INSPECTION, THE BUILDING DEPARTMENT SHALL RETAIN THE INSPECTION  
14 RECORDS FOR TWO YEARS AFTER THE FINAL CERTIFICATE OF OCCUPANCY  
15 IS ISSUED. THE FEES CHARGED BY THE BUILDING DEPARTMENT SHALL  
16 COVER ACTUAL, REASONABLE, AND NECESSARY COSTS. FOR PURPOSES OF  
17 THIS SECTION, "APPROPRIATE BUILDING DEPARTMENT" MEANS THE  
18 BUILDING DEPARTMENT OF A COUNTY, TOWN, CITY, OR CITY AND COUNTY  
19 AND INCLUDES A BUILDING DEPARTMENT WITHIN A FIRE DEPARTMENT.

20 ~~(H)~~ (III) The division shall cause copies of the building plans to  
21 be sent to the appropriate fire department AND THE DIVISION OF FIRE  
22 SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN  
23 THE DEPARTMENT OF PUBLIC SAFETY, REFERRED TO IN THIS SECTION AS  
24 THE "DIVISION OF FIRE SAFETY", for review of fire safety issues. The fire  
25 department shall review the building plans, determine whether the  
26 building or structure is in compliance with the fire code adopted by the  
27 director of the division, and respond to the division within ten TWENTY

1 business days; except that the fire department may request an extension  
2 of this time from the director of the division on the basis of the  
3 complexity of the building plans. ~~THE DIVISION OF FIRE SAFETY SHALL~~  
4 ~~ASSIST THE DIVISION IN TRACKING AND MONITORING THE STATUS OF ALL~~  
5 ~~BUILDING PLANS THAT HAVE BEEN REFERRED TO THE APPROPRIATE FIRE~~  
6 ~~DEPARTMENT.~~

7 ~~(HH)~~ (IV) If the fire department declines to perform the plan  
8 review or any subsequent inspection, or if no certified fire inspector is  
9 available, the division of fire safety in the office of preparedness, security,  
10 and fire safety in the department of public safety shall perform the plan  
11 review or inspection. As used in this section, unless the context otherwise  
12 requires, "certified fire inspector" has the same meaning as set forth in  
13 section 24-33.5-1202 (2.5), C.R.S.

14 ~~(IV)~~ (V) If the building or structure is in conformity with the  
15 building and fire codes ~~and standards~~ adopted by the director of the  
16 division OF OIL AND PUBLIC SAFETY, and if the affected fire department or  
17 the division of fire safety certifies that the building or structure is in  
18 compliance with the fire code adopted by the director of the division OF  
19 OIL AND PUBLIC SAFETY, the division OF OIL AND PUBLIC SAFETY or the  
20 APPROPRIATE building department shall issue the necessary certificate of  
21 occupancy prior to use of the building or structure by the school district  
22 or by the institute charter school. ~~A fee may be charged for such plan~~  
23 ~~reviews and inspections upon approval of the division. The amount of the~~  
24 ~~fee shall be determined by the division by rule on the basis of the direct~~  
25 ~~cost of providing the service.~~ ~~THE DIVISION OF FIRE SAFETY IS~~  
26 ~~AUTHORIZED TO CHARGE A FEE TO COVER THE ACTUAL, REASONABLE, AND~~  
27 ~~NECESSARY COSTS OF THE INSPECTIONS OF BUILDINGS AND STRUCTURES.~~

1 THE AMOUNT OF THE FEE SHALL BE DETERMINED BY THE DIVISION OF FIRE  
2 SAFETY BY RULE, ON THE BASIS OF THE DIRECT COST OF PROVIDING THE  
3 SERVICE.

4 ~~(V)~~ (VI) If the division ~~after consulting with the affected board of~~  
5 ~~education or the state charter school institute,~~ authorizes plan reviews and  
6 BUILDING CODE inspections by ~~the~~ A THIRD-PARTY INSPECTOR PURSUANT  
7 TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) OR AUTHORIZES BUILDING  
8 CODE PLAN REVIEWS AND INSPECTIONS BY AN APPROPRIATE building  
9 department and ~~fire department,~~ PURSUANT TO SUBPARAGRAPH (II) OF  
10 THIS PARAGRAPH (a), the plan reviews and inspections shall be in lieu of  
11 any plan reviews and inspections made by the division; except that this  
12 subsection (2) shall not be construed to relieve the division of the  
13 responsibility to ensure that the plan reviews and inspections are  
14 conducted if the ~~appropriate county, town, city, or city and county~~  
15 THIRD-PARTY INSPECTOR OR APPROPRIATE building department ~~or the~~  
16 ~~appropriate fire department~~ does not conduct the PLAN REVIEWS AND  
17 inspections. Nothing in this subsection (2) shall be construed to require  
18 a county, town, city, city and county, or fire department to conduct  
19 BUILDING CODE plan reviews and inspections.

20 (b) If the division conducts the necessary ~~inspection~~ PLAN  
21 REVIEWS AND CAUSES THE NECESSARY INSPECTIONS TO BE PERFORMED to  
22 determine that a building or structure constructed pursuant to subsection  
23 (1) or (1.5) of this section has been constructed in conformity with the  
24 building and fire codes adopted by the director of the division, the  
25 division shall charge a fee ~~not to exceed two hundred dollars for such~~  
26 ~~inspection~~ FEES AS ESTABLISHED BY RULE OF THE DIRECTOR OF THE  
27 DIVISION. The ~~division shall charge a fee for plan review and issuance of~~

1 ~~a construction permit in an amount established by the division by rule to~~  
2 FEES SHALL cover the actual, reasonable, and necessary expenses of the  
3 division. The director of the division by rule or as otherwise provided by  
4 law may INCREASE OR reduce the amount of the fee if FEES AS necessary  
5 pursuant to ~~section 24-75-402 (3), C.R.S., to reduce the uncommitted~~  
6 ~~reserves of the fund. After the uncommitted reserves of the fund are~~  
7 ~~sufficiently reduced, the director of the division by rule or as otherwise~~  
8 ~~provided by law may increase the amount of the fee as provided in section~~  
9 ~~24-75-402 (4), C.R.S.~~ TO COVER ACTUAL, REASONABLE, AND NECESSARY  
10 COSTS OF THE DIVISION. Any fees collected by the division pursuant to  
11 this paragraph (b) shall be transmitted to the state treasurer, who shall  
12 credit the same to the public safety inspection fund created pursuant to  
13 section 8-1-151, C.R.S.

14 (c) (I) THE DIRECTOR OF THE DIVISION SHALL IMPLEMENT A  
15 CERTIFICATION PROGRAM THAT EVALUATES THE EDUCATION, TRAINING,  
16 AND EXPERIENCE OF EACH INSPECTOR AND ENSURES THAT THE INSPECTORS  
17 HOLD CURRENT NATIONAL CERTIFICATIONS THAT REQUIRE CONTINUING  
18 EDUCATION COMPONENTS. THE DIRECTOR OF THE DIVISION SHALL  
19 REQUIRE THAT EACH INSPECTOR BE RECERTIFIED EVERY THREE YEARS.

20 (II) ~~Inspectors~~ PLAN EXAMINERS for plan review and BUILDING  
21 INSPECTORS FOR construction inspections shall be certified IN THEIR  
22 RESPECTIVE FIELDS by the international code council, ~~the national fire~~  
23 ~~protection association,~~ or another similar national organization, ~~or have~~  
24 ~~equivalent qualifications, as determined by rule promulgated by the~~  
25 ~~director of the division~~ AND HAVE DEMONSTRATED EDUCATION, TRAINING,  
26 AND EXPERIENCE IN THEIR RESPECTIVE FIELDS.

27 (III) IF A PLAN EXAMINER OR BUILDING INSPECTOR IS NOT



1 CERTIFIED IN HIS OR HER RESPECTIVE FIELD, THE PLAN EXAMINER OR  
2 BUILDING INSPECTOR SHALL HAVE AT LEAST FIVE YEARS OF  
3 DEMONSTRATED EDUCATION, TRAINING, AND EXPERIENCE IN HIS OR HER  
4 RESPECTIVE FIELD AND RECEIVE NATIONAL CERTIFICATION WITHIN ONE  
5 YEAR AFTER THE DATE OF HIRE.

6 (IV) THE DIRECTOR OF THE DIVISION SHALL, BY RULE, OUTLINE  
7 THE CRITERIA FOR THE REVOCATION OF INSPECTOR CERTIFICATIONS. IF  
8 THE DIVISION FINDS THAT INSPECTIONS ARE NOT COMPLETE OR THAT ALL  
9 VIOLATIONS ARE NOT CORRECTED, THE DIVISION SHALL TAKE  
10 ENFORCEMENT ACTION AGAINST THE THIRD-PARTY INSPECTOR PURSUANT  
11 TO SECTION 8-20-104, C.R.S.

12 (3) (a) THIS SUBSECTION (3) SHALL APPLY TO BUILDING AND  
13 STRUCTURE MAINTENANCE. The fire department providing fire protection  
14 service for the buildings and structures of a school district, an institute  
15 charter school, or a charter school or the division of fire safety in the  
16 office of preparedness, security, and fire safety in the department of  
17 public safety may inspect the buildings and structures when deemed  
18 necessary to assure that they are maintained in accordance with the fire  
19 code ~~and standards~~ adopted by the director of the division OF OIL AND  
20 PUBLIC SAFETY. If the local fire department does not perform the  
21 inspections authorized by this subsection (3), the division OF FIRE SAFETY  
22 shall have the authority and duty to conduct the inspections.

23 (b) THE DIVISION OF FIRE SAFETY IS AUTHORIZED TO CHARGE A FEE  
24 FOR INSPECTIONS CONDUCTED BY THE DIVISION OF FIRE SAFETY TO COVER  
25 THE ACTUAL, REASONABLE, AND NECESSARY COSTS OF THE INSPECTIONS  
26 OF BUILDINGS AND STRUCTURES. THE AMOUNT OF THE FEE SHALL BE  
27 DETERMINED BY THE DIRECTOR OF THE DIVISION OF FIRE SAFETY BY RULE.

1 IN ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S., THE DIVISION OF  
2 FIRE SAFETY SHALL ENFORCE THE FIRE CODE ADOPTED BY THE DIRECTOR  
3 OF THE DIVISION OF OIL AND PUBLIC SAFETY.

4 (c) A FIRE DEPARTMENT PROVIDING FIRE PROTECTION SERVICE FOR  
5 BUILDINGS AND STRUCTURES OF A SCHOOL DISTRICT, AN INSTITUTE  
6 CHARTER SCHOOL, OR A CHARTER SCHOOL THAT CHOOSES TO CONDUCT  
7 FIRE CODE INSPECTIONS MAY REFER NOTICES OF DEFICIENCIES TO THE  
8 DIVISION OF FIRE SAFETY FOR EVALUATION OR ENFORCEMENT IN  
9 ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S. THE DIVISION OF FIRE  
10 SAFETY SHALL PROMULGATE RULES TO ESTABLISH PROCEDURES FOR FIRE  
11 DEPARTMENTS TO REFER NOTICES OF DEFICIENCIES FOR EVALUATION OR  
12 ENFORCEMENT.

13 (d) NOTHING IN THIS SUBSECTION (3) SHALL PROHIBIT THE FIRE  
14 DEPARTMENT FROM CORRECTING VIOLATIONS THAT POSE AN IMMEDIATE  
15 THREAT TO LIFE SAFETY. NOTHING IN THIS SUBSECTION (3) SHALL  
16 PROHIBIT THE FIRE DEPARTMENT FROM SEEKING ENFORCEMENT ACTION IN  
17 A COURT OF COMPETENT JURISDICTION.

18 **SECTION 2.** 23-71-122 (1) (v) (II), (1) (v) (III), (1) (v) (IV), and  
19 (1) (v) (VII), Colorado Revised Statutes, are amended to read:

20 **23-71-122. Junior college board of trustees - specific powers**  
21 **- rules - definitions.** (1) In addition to any other power granted by law  
22 to a board of trustees of a junior college district, each board shall have the  
23 power to:

24 (v) (II) (A) THIS PARAGRAPH (v) SHALL APPLY TO BUILDING OR  
25 STRUCTURE CONSTRUCTION. EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH  
26 (A.5) OF THIS SUBPARAGRAPH (II), the division shall conduct the  
27 necessary plan reviews, ~~and inspections~~ ISSUE BUILDING PERMITS, CAUSE

1 THE NECESSARY INSPECTIONS TO BE PERFORMED, PERFORM ALL FINAL  
2 INSPECTIONS, AND ISSUE CERTIFICATES OF OCCUPANCY to ~~determine~~  
3 ASSURE that a building or structure constructed pursuant to subparagraph  
4 (I) of this paragraph (v) has been constructed in conformity with the  
5 building and fire codes ~~and standards~~ adopted by the director of the  
6 division. ~~except that~~ PURSUANT TO THIS SUB-SUBPARAGRAPH (A), THE  
7 DIVISION SHALL CONTRACT WITH THIRD-PARTY INSPECTORS THAT ARE  
8 CERTIFIED BY THE DIVISION TO PERFORM INSPECTIONS. THE JUNIOR  
9 COLLEGE DISTRICT SHALL HIRE AND COMPENSATE THIRD-PARTY  
10 INSPECTORS UNDER CONTRACT WITH THE DIVISION TO PERFORM  
11 INSPECTIONS OR HIRE AND COMPENSATE OTHER THIRD-PARTY INSPECTORS  
12 THAT ARE CERTIFIED IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS  
13 PARAGRAPH (v) TO PERFORM INSPECTIONS. IF THE JUNIOR COLLEGE  
14 DISTRICT IS UNABLE TO OBTAIN A THIRD-PARTY INSPECTOR, AN  
15 APPROPRIATE BUILDING DEPARTMENT THAT HAS BEEN PREQUALIFIED BY  
16 THE DIVISION SHALL OVERSEE THE PROJECT PURSUANT TO  
17 SUB-SUBPARAGRAPH (A.5) OF THIS SUBPARAGRAPH (II). IF THE JUNIOR  
18 COLLEGE DISTRICT IS UNABLE TO OBTAIN A THIRD-PARTY INSPECTOR AND  
19 NO BUILDING DEPARTMENT HAS BEEN PREQUALIFIED, THE DIVISION SHALL  
20 PERFORM THE REQUIRED INSPECTIONS. THE DIRECTOR OF THE DIVISION  
21 SHALL REQUIRE A SUFFICIENT NUMBER OF INSPECTION REPORTS TO BE  
22 SUBMITTED TO THE DIVISION BASED UPON THE SCOPE AND COST OF THE  
23 PROJECT TO ENSURE QUALITY INSPECTIONS ARE PERFORMED. THE  
24 THIRD-PARTY INSPECTOR SHALL ATTEST THAT INSPECTIONS ARE COMPLETE  
25 BEFORE THE JUNIOR COLLEGE DISTRICT IS ISSUED A CERTIFICATE OF  
26 OCCUPANCY UNLESS THE CRITERIA FOR A TEMPORARY CERTIFICATE OF  
27 OCCUPANCY ARE MET. INSPECTION RECORDS SHALL BE RETAINED BY THE

1 THIRD-PARTY INSPECTOR FOR TWO YEARS AFTER THE CERTIFICATE OF  
2 OCCUPANCY IS ISSUED. IF THE DIVISION FINDS THAT INSPECTIONS ARE NOT  
3 COMPLETED SATISFACTORILY, AS DETERMINED BY RULE OF THE DIVISION,  
4 OR THAT ALL VIOLATIONS ARE NOT CORRECTED, THE DIVISION SHALL TAKE  
5 ENFORCEMENT ACTION AGAINST THE JUNIOR COLLEGE DISTRICT PURSUANT  
6 TO SECTION 8-20-104, C.R.S., AND SHALL REQUIRE THAT THE NEXT  
7 PROJECT UNDERTAKEN BY THE JUNIOR COLLEGE DISTRICT BE DELEGATED  
8 TO THE PREQUALIFIED █ BUILDING DEPARTMENT. IF INSPECTIONS ARE  
9 NOT COMPLETE AND A BUILDING REQUIRES IMMEDIATE OCCUPANCY, AND  
10 IF THE JUNIOR COLLEGE DISTRICT HAS PASSED THE APPROPRIATE  
11 INSPECTIONS THAT INDICATE THERE ARE NO LIFE SAFETY ISSUES, THE  
12 DIVISION MAY ISSUE A TEMPORARY CERTIFICATE OF OCCUPANCY. THE  
13 TEMPORARY CERTIFICATE OF OCCUPANCY SHALL EXPIRE NINETY DAYS  
14 AFTER THE DATE OF OCCUPANCY. IF NO RENEWAL OF THE TEMPORARY  
15 CERTIFICATE OF OCCUPANCY IS ISSUED OR A PERMANENT CERTIFICATE OF  
16 OCCUPANCY IS NOT ISSUED, THE BUILDING SHALL BE VACATED UPON  
17 EXPIRATION OF THE TEMPORARY CERTIFICATE. THE DIVISION SHALL  
18 ENFORCE THIS SUB-SUBPARAGRAPH (A) PURSUANT TO SECTION 8-20-104,  
19 C.R.S.

20 (A.5) PURSUANT TO A MEMORANDUM OF UNDERSTANDING  
21 BETWEEN THE APPROPRIATE BUILDING DEPARTMENT AND THE DIVISION,  
22 the division may ~~delegate this responsibility to the appropriate building~~  
23 ~~department of a county, town, city, or city and county or to the~~  
24 ~~appropriate fire department, as defined in section 24-33.5-1202, C.R.S.,~~  
25 ~~in the location of the building or structure~~ PREQUALIFY AN APPROPRIATE  
26 BUILDING DEPARTMENT TO CONDUCT THE NECESSARY PLAN REVIEWS,  
27 ISSUE BUILDING PERMITS, CONDUCT INSPECTIONS, ISSUE CERTIFICATES OF

1 OCCUPANCY, AND ISSUE TEMPORARY CERTIFICATES OF OCCUPANCY  
2 PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), TO  
3 ENSURE THAT A BUILDING OR STRUCTURE HAS BEEN CONSTRUCTED IN  
4 CONFORMITY WITH THE BUILDING AND FIRE CODES ADOPTED BY THE  
5 DIRECTOR OF THE DIVISION, AND TAKE ENFORCEMENT ACTION. NOTHING  
6 IN THE MEMORANDUM OF UNDERSTANDING SHALL BE CONSTRUED TO  
7 ALLOW THE BUILDING DEPARTMENT TO TAKE ENFORCEMENT ACTION  
8 OTHER THAN IN RELATION TO THE BUILDING AND FIRE CODES ADOPTED BY  
9 THE DIVISION. AN APPROPRIATE BUILDING DEPARTMENT SHALL MEET  
10 CERTIFICATION REQUIREMENTS ESTABLISHED BY THE DIVISION PURSUANT  
11 TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (v) PRIOR TO THE  
12 PREQUALIFICATION. AN AFFECTED JUNIOR COLLEGE DISTRICT MAY, AT ITS  
13 OWN DISCRETION, OPT TO USE A PREQUALIFIED BUILDING DEPARTMENT  
14 THAT HAS ENTERED INTO A MEMORANDUM OF UNDERSTANDING WITH THE  
15 DIVISION AS THE DELEGATED AUTHORITY. IF A BUILDING DEPARTMENT  
16 CONDUCTS AN INSPECTION, THE BUILDING DEPARTMENT SHALL RETAIN THE  
17 INSPECTION RECORDS FOR TWO YEARS AFTER THE FINAL CERTIFICATE OF  
18 OCCUPANCY IS ISSUED. THE FEES CHARGED BY THE DEPARTMENT SHALL  
19 COVER ACTUAL, REASONABLE, AND NECESSARY COSTS. FOR PURPOSES OF  
20 THIS SECTION, "APPROPRIATE BUILDING DEPARTMENT" MEANS THE  
21 BUILDING DEPARTMENT OF A COUNTY, TOWN, CITY, OR CITY AND COUNTY  
22 AND INCLUDES A BUILDING DEPARTMENT WITHIN A FIRE DEPARTMENT.

23 (B) The division shall cause copies of the building plans to be sent  
24 to the appropriate fire department AND THE DIVISION OF FIRE SAFETY IN  
25 THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE  
26 DEPARTMENT OF PUBLIC SAFETY, REFERRED TO IN THIS SECTION AS THE  
27 "DIVISION OF FIRE SAFETY", for review of fire safety issues. The fire

1 department shall review the building plans, determine whether the  
2 building or structure is in compliance with the fire code adopted by the  
3 director of the division, and respond to the division within ~~ten~~ TWENTY  
4 business days; except that the fire department may request an extension  
5 of this time from the director of the division on the basis of the  
6 complexity of the building plans. **THE DIVISION OF FIRE SAFETY SHALL**  
7 **ASSIST THE DIVISION IN TRACKING AND MONITORING THE STATUS OF ALL**  
8 **BUILDING PLANS THAT HAVE BEEN REFERRED TO THE APPROPRIATE FIRE**  
9 **DEPARTMENT.**

10 (C) If the fire department declines to perform the plan review or  
11 any subsequent inspection, or if no certified fire inspector is available, the  
12 division of fire safety in the office of preparedness, security, and fire  
13 safety in the department of public safety shall perform the plan review or  
14 inspection. As used in this section, ~~unless the context otherwise requires,~~  
15 "certified fire inspector" has the same meaning as set forth in section  
16 24-33.5-1202 (2.5), C.R.S.

17 (D) If the building or structure is in conformity with the building  
18 and fire codes ~~and standards~~ adopted by the director of the division OF OIL  
19 AND PUBLIC SAFETY, and if the ~~affected~~ fire department certifies that the  
20 building or structure is in compliance with the fire code adopted by the  
21 director of the division OF OIL AND PUBLIC SAFETY, the division OF OIL  
22 AND PUBLIC SAFETY or the APPROPRIATE building department shall issue  
23 the necessary certificate of occupancy prior to use of the building or  
24 structure by the junior college district. ~~A fee may be charged for the plan~~  
25 ~~reviews and inspections upon approval of the division. The amount of the~~  
26 ~~fee shall be determined by the division by rule on the basis of the direct~~  
27 ~~cost of providing the service.~~ **THE DIVISION OF FIRE SAFETY IS**

1 AUTHORIZED TO CHARGE A FEE TO COVER THE ACTUAL, REASONABLE, AND  
2 NECESSARY COSTS OF THE INSPECTIONS OF BUILDINGS AND STRUCTURES.  
3 THE AMOUNT OF THE FEE SHALL BE DETERMINED BY THE DIVISION OF FIRE  
4 SAFETY BY RULE, ON THE BASIS OF THE DIRECT COST OF PROVIDING THE  
5 SERVICE.

6 (E) If the division ~~after consulting with the affected junior college~~  
7 ~~board,~~ authorizes ~~plan reviews and~~ BUILDING CODE inspections by ~~the A~~  
8 THIRD-PARTY INSPECTOR PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS  
9 SUBPARAGRAPH (II) OR AUTHORIZES BUILDING CODE PLAN REVIEWS AND  
10 INSPECTIONS BY AN APPROPRIATE building department ~~or fire department~~  
11 PURSUANT TO SUB-SUBPARAGRAPH (A.5) OF THIS SUBPARAGRAPH (II), the  
12 plan reviews and inspections shall be in lieu of any plan reviews and  
13 inspections made by the division; except that this subparagraph (II) shall  
14 not be construed to relieve the division of the responsibility to ensure that  
15 the plan reviews and inspections are conducted if the ~~appropriate county,~~  
16 ~~town, city, or city and county~~ THIRD-PARTY INSPECTOR OR APPROPRIATE  
17 building department ~~or the appropriate fire department~~ does not conduct  
18 the plan reviews and inspections. Nothing in this paragraph (v) shall be  
19 construed to require a county, town, city, city and county, or fire  
20 department to conduct BUILDING CODE plan reviews and inspections.

21 (III) ~~The fire department providing fire protection service for the~~  
22 ~~buildings and structures of a junior college district or the division of fire~~  
23 ~~safety in the office of preparedness, security, and fire safety in the~~  
24 ~~department of public safety may inspect the buildings and structures when~~  
25 ~~deemed necessary to assure that they are maintained in accordance with~~  
26 ~~the fire code and standards adopted by the director of the division. If the~~  
27 ~~local fire department does not perform the inspections authorized by this~~

1 ~~section, the division shall have the authority and duty to conduct the~~  
2 ~~inspections~~ IF THE DIVISION CONDUCTS THE NECESSARY PLAN REVIEWS  
3 AND CAUSES THE NECESSARY INSPECTIONS TO BE PERFORMED TO  
4 DETERMINE THAT A BUILDING OR STRUCTURE CONSTRUCTED PURSUANT TO  
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH (v) HAS BEEN CONSTRUCTED IN  
6 CONFORMITY WITH THE BUILDING AND FIRE CODES ADOPTED BY THE  
7 DIRECTOR OF THE DIVISION, THE DIVISION SHALL CHARGE FEES AS  
8 ESTABLISHED BY RULE OF THE DIRECTOR OF THE DIVISION. SUCH FEES  
9 SHALL COVER THE ACTUAL, REASONABLE, AND NECESSARY EXPENSES OF  
10 THE DIVISION. FEES COLLECTED BY THE DIVISION PURSUANT TO THIS  
11 SUBPARAGRAPH (III) SHALL BE TRANSMITTED TO THE STATE TREASURER,  
12 WHO SHALL CREDIT THE SAME TO THE PUBLIC SAFETY INSPECTION FUND  
13 CREATED PURSUANT TO SECTION 8-1-151, C.R.S. THE DIRECTOR OF THE  
14 DIVISION, BY RULE OR AS OTHERWISE PROVIDED BY LAW, MAY INCREASE  
15 OR REDUCE THE AMOUNT OF THE FEES AS NECESSARY TO COVER ACTUAL,  
16 REASONABLE, AND NECESSARY COSTS OF THE DIVISION. THE RULES  
17 AUTHORIZED BY THIS PARAGRAPH (v) SHALL BE PROMULGATED IN  
18 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

19 (IV) (A) THE DIRECTOR OF THE DIVISION SHALL IMPLEMENT A  
20 CERTIFICATION PROGRAM THAT EVALUATES THE EDUCATION, TRAINING,  
21 AND EXPERIENCE OF EACH INSPECTOR AND ENSURES THAT THE INSPECTORS  
22 HOLD CURRENT NATIONAL CERTIFICATIONS THAT REQUIRE CONTINUING  
23 EDUCATION COMPONENTS. THE DIRECTOR OF THE DIVISION SHALL  
24 REQUIRE THAT EACH INSPECTOR BE RECERTIFIED EVERY THREE YEARS.

25 (B) ~~Inspectors~~ PLAN EXAMINERS for plan review and BUILDING  
26 INSPECTORS FOR construction inspections shall be certified IN THEIR  
27 RESPECTIVE FIELDS by the international code council, ~~the national fire~~



1 ~~protection association,~~ or another similar national organization, ~~or have~~  
2 ~~equivalent qualifications, as determined by rule promulgated by the~~  
3 ~~director of the division~~ AND HAVE DEMONSTRATED EDUCATION, TRAINING,  
4 AND EXPERIENCE IN THEIR RESPECTIVE FIELDS.

5 (C) IF A PLAN EXAMINER OR BUILDING INSPECTOR IS NOT CERTIFIED  
6 IN HIS OR HER RESPECTIVE FIELD, THE PLAN EXAMINER OR BUILDING  
7 INSPECTOR SHALL HAVE AT LEAST FIVE YEARS OF DEMONSTRATED  
8 EDUCATION, TRAINING, AND EXPERIENCE IN HIS OR HER RESPECTIVE FIELD  
9 AND RECEIVE NATIONAL CERTIFICATION WITHIN ONE YEAR AFTER THE  
10 DATE OF HIRE.

11 (D) THE DIRECTOR OF THE DIVISION SHALL, BY RULE, OUTLINE THE  
12 CRITERIA FOR THE REVOCATION OF INSPECTOR CERTIFICATIONS. IF THE  
13 DIVISION FINDS THAT INSPECTIONS ARE NOT COMPLETE OR THAT ALL  
14 VIOLATIONS ARE NOT CORRECTED, THE DIVISION SHALL TAKE  
15 ENFORCEMENT ACTION AGAINST THE THIRD-PARTY INSPECTOR PURSUANT  
16 TO SECTION 8-20-104, C.R.S.

17 (VII) (A) ~~If the division conducts the necessary plan reviews and~~  
18 ~~inspections to determine that a building or structure constructed pursuant~~  
19 ~~to subparagraph (H) of this paragraph (v) has been constructed in~~  
20 ~~conformity with the building and fire codes and standards adopted by the~~  
21 ~~director of the division, it shall charge a fee not to exceed two hundred~~  
22 ~~dollars for such inspection. The division shall charge a fee for plan~~  
23 ~~review and issuance of a construction permit in an amount established by~~  
24 ~~the division by rule to cover the actual, reasonable, and necessary~~  
25 ~~expenses of the division. Fees collected by the division pursuant to this~~  
26 ~~subparagraph (VII) shall be transmitted to the state treasurer, who shall~~  
27 ~~credit the same to the public safety inspection fund created pursuant to~~

1 ~~section 8-1-151, C.R.S. The director of the division by rule or as~~  
2 ~~otherwise provided by law may reduce the amount of the fee if necessary~~  
3 ~~pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted~~  
4 ~~reserves of the fund. After the uncommitted reserves of the fund are~~  
5 ~~sufficiently reduced, the director of the division by rule or as otherwise~~  
6 ~~provided by law may increase the amount of the fee as provided in section~~  
7 ~~24-75-402 (4), C.R.S. The rules authorized by this paragraph (v) shall be~~  
8 ~~promulgated in accordance with article 4 of title 24, C.R.S. THIS~~  
9 ~~SUBPARAGRAPH (VII) SHALL APPLY TO BUILDING AND STRUCTURE~~  
10 ~~MAINTENANCE. THE FIRE DEPARTMENT PROVIDING FIRE PROTECTION~~  
11 ~~SERVICE FOR THE BUILDINGS AND STRUCTURES OF A JUNIOR COLLEGE~~  
12 ~~DISTRICT OR THE DIVISION OF FIRE SAFETY IN THE OFFICE OF~~  
13 ~~PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF~~  
14 ~~PUBLIC SAFETY MAY INSPECT THE BUILDINGS AND STRUCTURES WHEN~~  
15 ~~DEEMED NECESSARY TO ASSURE THAT THEY ARE MAINTAINED IN~~  
16 ~~ACCORDANCE WITH THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE~~  
17 ~~DIVISION OF OIL AND PUBLIC SAFETY. IF THE LOCAL FIRE DEPARTMENT~~  
18 ~~DOES NOT PERFORM THE INSPECTIONS AUTHORIZED BY THIS SECTION, THE~~  
19 ~~DIVISION OF FIRE SAFETY SHALL HAVE THE AUTHORITY AND DUTY TO~~  
20 ~~CONDUCT THE INSPECTIONS.~~

21 (B) THE DIVISION OF FIRE SAFETY IS AUTHORIZED TO CHARGE A FEE  
22 FOR INSPECTIONS CONDUCTED BY THE DIVISION OF FIRE SAFETY TO COVER  
23 THE ACTUAL, REASONABLE, AND NECESSARY COSTS OF THE INSPECTIONS  
24 OF BUILDINGS AND STRUCTURES. THE AMOUNT OF THE FEE SHALL BE  
25 DETERMINED BY THE DIRECTOR OF THE DIVISION OF FIRE SAFETY BY RULE.  
26 IN ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S., THE DIVISION OF  
27 FIRE SAFETY SHALL ENFORCE THE FIRE CODE ADOPTED BY THE DIRECTOR

1 OF THE DIVISION OF OIL AND PUBLIC SAFETY.

2 (C) A FIRE DEPARTMENT PROVIDING FIRE PROTECTION SERVICE FOR  
3 BUILDINGS AND STRUCTURES OF A JUNIOR COLLEGE DISTRICT THAT  
4 CHOOSES TO CONDUCT FIRE CODE INSPECTIONS MAY REFER NOTICES OF  
5 DEFICIENCIES TO THE DIVISION OF FIRE SAFETY FOR EVALUATION OR  
6 ENFORCEMENT IN ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S. THE  
7 DIVISION OF FIRE SAFETY SHALL PROMULGATE RULES TO ESTABLISH  
8 PROCEDURES FOR FIRE DEPARTMENTS TO REFER NOTICES OF DEFICIENCIES  
9 FOR EVALUATION OR ENFORCEMENT.

10 (D) NOTHING IN THIS SUBPARAGRAPH (VII) SHALL PROHIBIT THE  
11 FIRE DEPARTMENT FROM CORRECTING VIOLATIONS THAT POSE AN  
12 IMMEDIATE THREAT TO LIFE SAFETY. NOTHING IN THIS SUBPARAGRAPH  
13 (VII) SHALL PROHIBIT THE FIRE DEPARTMENT FROM SEEKING  
14 ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION.

15 **SECTION 3.** 24-33.5-1203 (1) (p), Colorado Revised Statutes,  
16 is amended to read:

17 **24-33.5-1203. Duties of the division.** (1) The division shall  
18 perform the following duties:

19 (p) Conduct construction plan reviews and inspect public school  
20 and junior college buildings and structures AND ENFORCE THE FIRE CODE  
21 in accordance with sections 22-32-124 ~~(2)(a)~~ (2) (a) (III), (2) (a) (IV), (2)  
22 (a) (V), (2) (b), AND (3) and 23-71-122 ~~(1)(v)(H)~~ (1) (v) (II) (B), (1) (v)  
23 (II) (C), (1) (v) (II) (D), (1) (v) (III), AND (1) (v) (VII), AND  
24 24-33.5-1212, C.R.S.

25 **SECTION 4.** Part 12 of article 33.5 of title 24, Colorado Revised  
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
27 read:

1           **24-33.5-1212. Enforcement of fire code violations - inspections.**

2           (1) THE DIRECTOR SHALL ENFORCE THE PROVISIONS OF SECTIONS  
3           22-32-124 (2) (a) (III), (2) (a) (IV), (2) (a) (V), (2) (b), AND (3) AND  
4           23-71-122 (1) (v) (II) (B), (1) (v) (II) (C), (1) (v) (II) (D), (1) (v) (III), AND  
5           (1) (v) (VII), C.R.S., BY APPROPRIATE ACTIONS IN COURTS OF COMPETENT  
6           JURISDICTION.

7           (2) (a) THE DIRECTOR MAY ISSUE A NOTICE OF VIOLATION TO A  
8           PERSON WHO IS BELIEVED TO HAVE VIOLATED THE FIRE CODES AS  
9           DETERMINED BY AN INSPECTION PURSUANT TO SECTION 22-32-124 (2) (a)  
10          OR (3) OR 23-71-122 (1) (v) (II) OR (1) (v) (III), C.R.S. THE NOTICE SHALL  
11          BE DELIVERED TO THE ALLEGED VIOLATOR BY CERTIFIED MAIL, RETURN  
12          RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES RECEIPT AS  
13          RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

14          (b) THE NOTICE OF VIOLATION SHALL ALLEGE THE FACTS THAT  
15          CONSTITUTE A VIOLATION.

16          (c) THE NOTICE OF VIOLATION MAY REQUIRE THE ALLEGED  
17          VIOLATOR TO ACT TO CORRECT THE ALLEGED VIOLATION.

18          (d) WITHIN TEN WORKING DAYS AFTER DELIVERY OF THE NOTICE  
19          OF VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST IN WRITING AN  
20          INFORMAL CONFERENCE WITH THE DIRECTOR CONCERNING THE NOTICE OF  
21          VIOLATION. IF THE ALLEGED VIOLATOR FAILS TO REQUEST THE  
22          CONFERENCE WITHIN TEN DAYS, THE NOTICE OF VIOLATION IS FINAL AND  
23          NOT SUBJECT TO FURTHER REVIEW BY THE DIRECTOR, AND ANY  
24          REQUIREMENT TO CORRECT THE ALLEGED VIOLATION PURSUANT TO  
25          PARAGRAPH (c) OF THIS SUBSECTION (2) BECOMES A BINDING  
26          ENFORCEMENT ORDER.

27          (e) UPON RECEIPT OF A REQUEST FOR AN INFORMAL CONFERENCE,

1 THE DIRECTOR SHALL SET A REASONABLE TIME AND PLACE FOR THE  
2 CONFERENCE AND SHALL NOTIFY THE ALLEGED VIOLATOR OF THE TIME  
3 AND PLACE OF THE CONFERENCE. AT THE CONFERENCE, THE ALLEGED  
4 VIOLATOR MAY PRESENT EVIDENCE AND ARGUMENTS CONCERNING THE  
5 ALLEGATIONS IN THE NOTICE OF VIOLATION.

6 (f) WITHIN TWENTY WORKING DAYS AFTER THE INFORMAL  
7 CONFERENCE, THE DIRECTOR SHALL UPHOLD, MODIFY, OR STRIKE THE  
8 ALLEGATIONS WITHIN THE NOTICE OF VIOLATION AND MAY ISSUE AN  
9 ENFORCEMENT ORDER. THE DECISION AND, IF APPLICABLE, ENFORCEMENT  
10 ORDER SHALL BE DELIVERED TO THE ALLEGED VIOLATOR BY CERTIFIED  
11 MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES  
12 RECEIPT AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

13 (3) (a) A PERSON WHO IS THE SUBJECT OF AND IS ADVERSELY  
14 AFFECTED BY A NOTICE OF VIOLATION OR AN ENFORCEMENT ORDER ISSUED  
15 PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY APPEAL SUCH ACTION  
16 TO THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL HOLD A  
17 HEARING TO REVIEW SUCH NOTICE OR ORDER AND TAKE FINAL ACTION IN  
18 ACCORDANCE WITH ARTICLE 4 OF THIS TITLE AND MAY EITHER CONDUCT  
19 THE HEARING PERSONALLY OR APPOINT AN ADMINISTRATIVE LAW JUDGE  
20 FROM THE DEPARTMENT OF PERSONNEL.

21 (b) FINAL AGENCY ACTION SHALL BE SUBJECT TO JUDICIAL REVIEW  
22 PURSUANT TO ARTICLE 4 OF THIS TITLE.

23 (c) AN ALLEGED VIOLATOR WHO IS REQUIRED TO CORRECT AN  
24 ACTION PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION  
25 SHALL BE AFFORDED THE PROCEDURES SET FORTH IN SECTION 24-4-104  
26 (3), TO THE EXTENT APPLICABLE.

27 (4) AN ENFORCEMENT ORDER ISSUED PURSUANT TO THIS SECTION

1 MAY IMPOSE A CIVIL PENALTY, DEPENDING ON THE SEVERITY OF THE  
2 ALLEGED VIOLATION, NOT TO EXCEED FIVE HUNDRED DOLLARS PER  
3 VIOLATION FOR EACH DAY OF VIOLATION; EXCEPT THAT THE DIRECTOR  
4 MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS  
5 PER VIOLATION FOR EACH DAY OF VIOLATION THAT RESULTS IN, OR MAY  
6 REASONABLY BE EXPECTED TO RESULT IN, SERIOUS BODILY INJURY.

7 (5) THE DIRECTOR MAY FILE SUIT IN THE DISTRICT COURT IN THE  
8 JUDICIAL DISTRICT IN WHICH A VIOLATION IS ALLEGED TO HAVE OCCURRED  
9 TO JUDICIALLY ENFORCE AN ENFORCEMENT ORDER ISSUED PURSUANT TO  
10 THIS SECTION.

11 **SECTION 5.** 24-75-402, Colorado Revised Statutes, is amended  
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **24-75-402. Cash funds - limit on uncommitted reserves -**  
14 **reduction in amount of fees - exclusions.** (10) FOR THE FISCAL YEAR  
15 COMMENCING JULY 1, 2008, AND EACH FISCAL YEAR THEREAFTER, THE  
16 PUBLIC SAFETY INSPECTION FUND CREATED IN SECTION 8-1-151, C.R.S.,  
17 SHALL NOT BE SUBJECT TO THE LIMIT ON UNCOMMITTED RESERVE FUNDS  
18 PURSUANT TO THIS SECTION.

19 **SECTION 6. 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.