

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 08-0157.01 Kristen Forrestal

HOUSE BILL 08-1027

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Taylor, Isgar, and Takis

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING BUILDING INSPECTION REQUIREMENTS FOR**
102 **EDUCATIONAL INSTITUTIONS, AND MAKING AN APPROPRIATION**
103 **IN CONNECTION THEREWITH.**

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

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.*

HOUSE
3rd Reading Unamended
March 5, 2008

HOUSE
Amended 2nd Reading
March 4, 2008

fee that the division may charge to perform an inspection and the 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.

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)

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

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

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

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

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

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

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

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

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

1 NECESSARY COSTS OF THE INSPECTIONS OF BUILDINGS AND STRUCTURES.
2 THE AMOUNT OF THE FEE SHALL BE DETERMINED BY THE DIVISION OF FIRE
3 SAFETY BY RULE, ON THE BASIS OF THE DIRECT COST OF PROVIDING THE
4 SERVICE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (v) (II) (A) THIS PARAGRAPH (v) SHALL APPLY TO BUILDING OR
26 STRUCTURE CONSTRUCTION. EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH
27 (A.5) OF THIS SUBPARAGRAPH (II), the division shall conduct the

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

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

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

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

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

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

11 (C) If the fire department declines to perform the plan review or
12 any subsequent inspection, or if no certified fire inspector is available, the
13 division of fire safety in the office of preparedness, security, and fire
14 safety in the department of public safety shall perform the plan review or
15 inspection. As used in this section, ~~unless the context otherwise requires,~~
16 "certified fire inspector" has the same meaning as set forth in section
17 24-33.5-1202 (2.5), C.R.S.

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

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

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

22 (III) ~~The fire department providing fire protection service for the~~
23 ~~buildings and structures of a junior college district or the division of fire~~
24 ~~safety in the office of preparedness, security, and fire safety in the~~
25 ~~department of public safety may inspect the buildings and structures when~~
26 ~~deemed necessary to assure that they are maintained in accordance with~~
27 ~~the fire code and standards adopted by the director of the division. If the~~

1 ~~local fire department does not perform the inspections authorized by this~~
2 ~~section, the division shall have the authority and duty to conduct the~~
3 ~~inspections~~ IF THE DIVISION CONDUCTS THE NECESSARY PLAN REVIEWS
4 AND CAUSES THE NECESSARY INSPECTIONS TO BE PERFORMED TO
5 DETERMINE THAT A BUILDING OR STRUCTURE CONSTRUCTED PURSUANT TO
6 SUBPARAGRAPH (I) OF THIS PARAGRAPH (v) HAS BEEN CONSTRUCTED IN
7 CONFORMITY WITH THE BUILDING AND FIRE CODES ADOPTED BY THE
8 DIRECTOR OF THE DIVISION, THE DIVISION SHALL CHARGE FEES AS
9 ESTABLISHED BY RULE OF THE DIRECTOR OF THE DIVISION. SUCH FEES
10 SHALL COVER THE ACTUAL, REASONABLE, AND NECESSARY EXPENSES OF
11 THE DIVISION. FEES COLLECTED BY THE DIVISION PURSUANT TO THIS
12 SUBPARAGRAPH (III) SHALL BE TRANSMITTED TO THE STATE TREASURER,
13 WHO SHALL CREDIT THE SAME TO THE PUBLIC SAFETY INSPECTION FUND
14 CREATED PURSUANT TO SECTION 8-1-151, C.R.S. THE DIRECTOR OF THE
15 DIVISION, BY RULE OR AS OTHERWISE PROVIDED BY LAW, MAY INCREASE
16 OR REDUCE THE AMOUNT OF THE FEES AS NECESSARY TO COVER ACTUAL,
17 REASONABLE, AND NECESSARY COSTS OF THE DIVISION. THE RULES
18 AUTHORIZED BY THIS PARAGRAPH (v) SHALL BE PROMULGATED IN
19 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

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

26 (B) ~~Inspectors~~ PLAN EXAMINERS for plan review and BUILDING
27 INSPECTORS FOR construction inspections shall be certified IN THEIR

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

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

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

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

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

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

1 FIRE SAFETY SHALL ENFORCE THE FIRE CODE ADOPTED BY THE DIRECTOR
2 OF THE DIVISION OF OIL AND PUBLIC SAFETY.

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

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

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

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

20 (p) Conduct construction plan reviews and inspect public school
21 and junior college buildings and structures AND ENFORCE THE FIRE CODE
22 in accordance with sections 22-32-124 ~~(2)(a)~~ (2) (a) (III), (2) (a) (IV), (2)
23 (a) (V), (2) (b), AND (3) and 23-71-122 ~~(1)(v)(H)~~ (1) (v) (II) (B), (1) (v)
24 (II) (C), (1) (v) (II) (D), (1) (v) (III), AND (1) (v) (VII), AND
25 24-33.5-1212, C.R.S.

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

1 **SECTIONS to read:**

2 **24-33.5-1207.7. Fire safety inspection cash fund - created.** ALL
3 MONEYS COLLECTED BY THE DIVISION PURSUANT TO SECTION 22-32-124
4 (2) (a) (V), 22-32-124 (3) (b), 23-71-122 (1) (v) (II) (D), AND 23-71-122
5 (1) (v) (VII) (B), C.R.S., SHALL BE TRANSMITTED TO THE STATE
6 TREASURER, WHO SHALL CREDIT THE SAME TO THE FIRE SAFETY
7 INSPECTION CASH FUND, WHICH IS HEREBY CREATED. ALL MONEYS
8 CREDITED TO THE FUND AND ALL INTEREST EARNED THEREON ARE SUBJECT
9 TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR PAYING THE
10 EXPENSES OF THE FIRE SUPPRESSION PROGRAM. ANY UNEXPENDED AND
11 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
12 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
13 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

14 **24-33.5-1212. Enforcement of fire code violations - inspections.**
15 (1) THE DIRECTOR SHALL ENFORCE THE PROVISIONS OF SECTIONS
16 22-32-124 (2) (a) (III), (2) (a) (IV), (2) (a) (V), (2) (b), AND (3) AND
17 23-71-122 (1) (v) (II) (B), (1) (v) (II) (C), (1) (v) (II) (D), (1) (v) (III), AND
18 (1) (v) (VII), C.R.S., BY APPROPRIATE ACTIONS IN COURTS OF COMPETENT
19 JURISDICTION.

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

27 (b) THE NOTICE OF VIOLATION SHALL ALLEGE THE FACTS THAT

1 CONSTITUTE A VIOLATION.

2 (c) THE NOTICE OF VIOLATION MAY REQUIRE THE ALLEGED
3 VIOLATOR TO ACT TO CORRECT THE ALLEGED VIOLATION.

4 (d) WITHIN TEN WORKING DAYS AFTER DELIVERY OF THE NOTICE
5 OF VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST IN WRITING AN
6 INFORMAL CONFERENCE WITH THE DIRECTOR CONCERNING THE NOTICE OF
7 VIOLATION. IF THE ALLEGED VIOLATOR FAILS TO REQUEST THE
8 CONFERENCE WITHIN TEN DAYS, THE NOTICE OF VIOLATION IS FINAL AND
9 NOT SUBJECT TO FURTHER REVIEW BY THE DIRECTOR, AND ANY
10 REQUIREMENT TO CORRECT THE ALLEGED VIOLATION PURSUANT TO
11 PARAGRAPH (c) OF THIS SUBSECTION (2) BECOMES A BINDING
12 ENFORCEMENT ORDER.

13 (e) UPON RECEIPT OF A REQUEST FOR AN INFORMAL CONFERENCE,
14 THE DIRECTOR SHALL SET A REASONABLE TIME AND PLACE FOR THE
15 CONFERENCE AND SHALL NOTIFY THE ALLEGED VIOLATOR OF THE TIME
16 AND PLACE OF THE CONFERENCE. AT THE CONFERENCE, THE ALLEGED
17 VIOLATOR MAY PRESENT EVIDENCE AND ARGUMENTS CONCERNING THE
18 ALLEGATIONS IN THE NOTICE OF VIOLATION.

19 (f) WITHIN TWENTY WORKING DAYS AFTER THE INFORMAL
20 CONFERENCE, THE DIRECTOR SHALL UPHOLD, MODIFY, OR STRIKE THE
21 ALLEGATIONS WITHIN THE NOTICE OF VIOLATION AND MAY ISSUE AN
22 ENFORCEMENT ORDER. THE DECISION AND, IF APPLICABLE, ENFORCEMENT
23 ORDER SHALL BE DELIVERED TO THE ALLEGED VIOLATOR BY CERTIFIED
24 MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES
25 RECEIPT AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

26 (3) (a) A PERSON WHO IS THE SUBJECT OF AND IS ADVERSELY
27 AFFECTED BY A NOTICE OF VIOLATION OR AN ENFORCEMENT ORDER ISSUED

1 PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY APPEAL SUCH ACTION
2 TO THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL HOLD A
3 HEARING TO REVIEW SUCH NOTICE OR ORDER AND TAKE FINAL ACTION IN
4 ACCORDANCE WITH ARTICLE 4 OF THIS TITLE AND MAY EITHER CONDUCT
5 THE HEARING PERSONALLY OR APPOINT AN ADMINISTRATIVE LAW JUDGE
6 FROM THE DEPARTMENT OF PERSONNEL.

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

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

13 (4) AN ENFORCEMENT ORDER ISSUED PURSUANT TO THIS SECTION
14 MAY IMPOSE A CIVIL PENALTY, DEPENDING ON THE SEVERITY OF THE
15 ALLEGED VIOLATION, NOT TO EXCEED FIVE HUNDRED DOLLARS PER
16 VIOLATION FOR EACH DAY OF VIOLATION; EXCEPT THAT THE DIRECTOR
17 MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS
18 PER VIOLATION FOR EACH DAY OF VIOLATION THAT RESULTS IN, OR MAY
19 REASONABLY BE EXPECTED TO RESULT IN, SERIOUS BODILY INJURY.

20 (5) THE DIRECTOR MAY FILE SUIT IN THE DISTRICT COURT IN THE
21 JUDICIAL DISTRICT IN WHICH A VIOLATION IS ALLEGED TO HAVE OCCURRED
22 TO JUDICIALLY ENFORCE AN ENFORCEMENT ORDER ISSUED PURSUANT TO
23 THIS SECTION.

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

26 **24-75-402. Cash funds - limit on uncommitted reserves -**
27 **reduction in amount of fees - exclusions.** (10) FOR THE FISCAL YEAR

1 COMMENCING JULY 1, 2008, AND EACH FISCAL YEAR THEREAFTER, THE
2 PUBLIC SAFETY INSPECTION FUND CREATED IN SECTION 8-1-151, C.R.S.,
3 SHALL NOT BE SUBJECT TO THE LIMIT ON UNCOMMITTED RESERVE FUNDS
4 PURSUANT TO THIS SECTION.

5 **SECTION 6. Appropriation.** (1) In addition to any other
6 appropriation, there is hereby appropriated, out of any moneys in the
7 public safety inspection fund created in section 8-1-151, Colorado
8 Revised Statutes, not otherwise appropriated, to the department of labor
9 and employment, for allocation to the division of oil and public safety,
10 for the fiscal year beginning July 1, 2008, the sum of three hundred
11 thirty-two thousand six hundred thirty-four dollars (\$332,634) cash funds
12 and 1.0 FTE, or so much thereof as may be necessary, for the
13 implementation of this act.

14 (2) In addition to any other appropriation, there is hereby
15 appropriated to the department of public safety, office of preparedness,
16 security, and fire safety, for the fiscal year beginning July 1, 2008, the
17 sum of two hundred fifty-four thousand one hundred forty-four dollars
18 (\$254,144) and 3.5 FTE, or so much thereof as may be necessary, for the
19 implementation of this act. Said sum shall be from reappropriated funds
20 received from the department of labor and employment out of the
21 appropriation made in subsection (1) of this section.

22 **SECTION 7. Effective date.** This act shall take effect at 12:01
23 a.m. on the day following the expiration of the ninety-day period after
24 final adjournment of the general assembly that is allowed for submitting
25 a referendum petition pursuant to article V, section 1 (3) of the state
26 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
27 except that, if a referendum petition is filed against this act or an item,

1 section, or part of this act within such period, then the act, item, section,
2 or part, if approved by the people, shall take effect on the date of the
3 official declaration of the vote thereon by proclamation of the governor.