

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0350.01 Jery Payne

HOUSE BILL 10-1225

HOUSE SPONSORSHIP

Soper,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CONTINUATION OF THE REGULATION OF ELECTRICAL
102 WORK BY THE STATE ELECTRICAL BOARD.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - House Business Affairs and Labor Committee. The bill implements the recommendations of the department of regulatory agencies in its sunset review of the functions of the state electrical board (board), which include the following recommendations:

! **Sections 1 through 3:** *Recommendation 1* continues 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.

state electrical board until 2019.

- ! **Sections 4 through 6:** *Recommendation 2* confers enforcement authority on the board concerning local governmental compliance with the state electrical code. Current law allows work to continue if the inspection is not performed within 5 days after a request. *Recommendation 4* repeals that authorization for work to continue without an inspection.
- ! **Section 7:** *Recommendation 3* authorizes the board to suspend the license of, issue a letter of admonition to, place on probation, or issue a citation to a contractor's designated master electrician.
- ! **Section 8:** *Recommendation 5* repeals authorization for a homeowner to alter electrical work without having a license.
- ! **Section 9:** *Recommendation 6* allows the board to meet annually rather than monthly.
- ! **Section 10:** *Recommendation 7* replaces one of the board seats allotted to a utility with a lay representative of the public.
- ! **Section 11:** *Recommendation 8* prohibits a person from using the title of master electrician, journeyman electrician, or residential wireman without a license.
- ! **Section 12:** *Recommendation 9* replaces the size and valuation criteria for setting fees with an actual cost of inspection criteria set administratively. *Recommendation 10* repeals a provision limiting local inspection and permit fees to no more than 115% of state fees.

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

2 **SECTION 1. Repeal.** 24-34-104 (41) (m), Colorado Revised
3 Statutes, is repealed as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (41) The following agencies, functions, or both, shall terminate on July
7 1, 2010:

8 (m) ~~The state electrical board, created by article 23 of title 12,~~
9 ~~C.R.S.;~~

1 **SECTION 2.** 24-34-104 (50), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

3 **24-34-104. General assembly review of regulatory agencies**
4 **and functions for termination, continuation, or reestablishment.**

5 (50) The following agencies, functions, or both, shall terminate on July
6 1, 2019:

7 (e) THE STATE ELECTRICAL BOARD, CREATED BY ARTICLE 23 OF
8 TITLE 12, C.R.S.

9 **SECTION 3.** 12-23-102.5, Colorado Revised Statutes, is
10 amended to read:

11 **12-23-102.5. Repeal of article.** This article is repealed, effective
12 July 1, ~~2010~~ 2019. Prior to such repeal, the state electrical board shall be
13 reviewed as provided for in section 24-34-104, C.R.S.

14 **SECTION 4.** 12-23-100.2, Colorado Revised Statutes, is
15 amended to read:

16 **12-23-100.2. Legislative declaration.** The general assembly
17 hereby declares that the state electrical board shall be specifically
18 involved in the testing and licensing of electricians and shall provide for
19 inspections of electrical installations where local inspection authorities
20 are not providing such service TO THE STANDARDS REQUIRED BY THIS
21 ARTICLE.

22 **SECTION 5.** 12-23-104 (2), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF THE FOLLOWING NEW
24 PARAGRAPHS to read:

25 **12-23-104. Board powers and duties - repeal - rules.** (2) In
26 addition to all other powers and duties conferred or imposed upon the
27 board by this article, the board is authorized to:

1 (k) FIND, UPON HOLDING A HEARING, THAT AN INCORPORATED
2 TOWN OR CITY, COUNTY, OR CITY AND COUNTY FAILS TO MEET THE
3 MINIMUM REQUIREMENTS OF THIS ARTICLE IF THE LOCAL INSPECTION
4 AUTHORITY HAS FAILED TO ADOPT OR ADHERE TO THE MINIMUM
5 STANDARDS REQUIRED BY THIS ARTICLE WITHIN TWELVE MONTHS AFTER
6 THE BOARD HAS ADOPTED THE STANDARDS BY RULE PURSUANT TO THIS
7 SUBSECTION (2);

8 (l) ISSUE AN ORDER TO CEASE AND DESIST FROM ISSUING PERMITS
9 OR PERFORMING INSPECTIONS UNDER THIS ARTICLE TO AN INCORPORATED
10 TOWN OR CITY, COUNTY, OR CITY AND COUNTY UPON FINDING THAT THE
11 PUBLIC ENTITY FAILS TO MEET THE MINIMUM REQUIREMENTS OF THIS
12 ARTICLE PURSUANT TO PARAGRAPH (k) OF THIS SUBSECTION (2);

13 (m) APPLY TO A COURT TO ENJOIN AN INCORPORATED TOWN OR
14 CITY, COUNTY, OR CITY AND COUNTY FROM VIOLATING AN ORDER ISSUED
15 PURSUANT TO PARAGRAPH (l) OF THIS SUBSECTION (2).

16 **SECTION 6.** 12-23-116 (1) and (2), Colorado Revised Statutes,
17 are amended to read:

18 **12-23-116. Inspection - application - standards.** (1) (a) ~~Any~~
19 AN individual required to have electrical inspection under this article may
20 apply through any private, municipal, or cooperative electric utility
21 rendering service to the ultimate public for an application for inspection,
22 except where ~~any~~ AN incorporated town or city, ~~any~~ county, or ~~any~~ city
23 and county of this state has ~~an established~~ A building department ~~where~~
24 THAT MEETS THE MINIMUM STANDARDS OF THIS ARTICLE AND THAT
25 PROCESSES applications for building permits and inspections, ~~are~~
26 ~~processed~~; in which case ~~such~~ THE individual shall apply to such building
27 department.

1 (b) ~~Such~~ THE utility shall provide forms furnished by the board to
2 the applicant, who shall remit the application for inspection to ~~such~~ THE
3 board on ~~such~~ SAID forms.

4 (c) Upon payment by the applicant of the applicable fee to the
5 board, the board shall issue a temporary permit to the applicant and shall
6 remit a copy of ~~such~~ THE permit to the utility and the state inspector
7 responsible for ~~such~~ THE inspection and retain one copy in its office.
8 Upon final inspection and approval by the state electrical inspector,
9 written notice shall be issued by the board to the applicant, the utility, and
10 the state inspector responsible for ~~such~~ THE inspection, and one copy shall
11 be retained in the office of the board.

12 (d) ~~No~~ A utility shall NOT provide service to any person required
13 to have electrical inspection under this article without proof of final
14 approval as provided in PARAGRAPH (c) OF this subsection (1); except that
15 ~~such~~ service shall be provided in those situations determined by the local
16 electrical inspection authority, or by the board, whichever ~~shall have~~ HAS
17 jurisdiction, to be emergency situations for a maximum period of seven
18 days or until ~~such~~ THE inspection has been made.

19 (2) (a) Any electrical installation in any new construction or
20 remodeling or repair, other than manufactured units certified by the
21 division of housing pursuant to section 24-32-3311, C.R.S., except in any
22 incorporated town or city, ~~any~~ county, or ~~any~~ city and county having its
23 own electrical code and inspection equal to the minimum standards as are
24 provided in this article, shall be inspected by a state electrical inspector.

25 (b) A state electrical inspector shall inspect any new construction,
26 remodeling, or repair subject to ~~the provisions of~~ this subsection (2)
27 within three working days after the receipt of the application for

1 inspection. ~~If the inspection is not performed within five working days,~~
2 ~~work may resume on any such construction, repair, or remodeling.~~ Prior
3 to the commencement of any ~~such~~ electrical installation, the person
4 making ~~such~~ THE installation shall ~~make application~~ APPLY for inspection
5 and pay the required INSPECTION fee. ~~therefor.~~

6 (c) ~~Every~~ A mobile home or movable structure owner shall have
7 the electric utility hookup for ~~such~~ THE mobile home or movable structure
8 inspected prior to obtaining new or different utility service; except that
9 nothing in this subsection (2) shall require a reinspection of electrical
10 hookup facilities of any mobile home park, ~~or any mobile home, or other~~
11 movable structure by reason of the relocation of a mobile home or ~~other~~
12 movable structure within the park where a previous inspection has been
13 performed, unless construction or remodeling or repair of ~~such~~ THE
14 mobile home park hookup facilities or of the mobile home or ~~other~~
15 movable structure involving the electrical system has been performed,
16 and except that, if the wiring thereof has not been altered and either ~~such~~
17 THE mobile home or movable structure has a valid ~~state electrical~~ board
18 approval sticker in the panel of the mobile home or movable structure
19 with the number of the unit listed, the date inspected, and the inspector's
20 signature, or if ~~such~~ THE mobile home or movable structure has been
21 certified by the division of housing in the department of local affairs after
22 June 30, 1988, the occupant of the mobile home or movable structure may
23 call the board with ~~this~~ SUCH information, and the board will authorize the
24 reinstallation of the meter by the utility company.

25 **SECTION 7.** 12-23-106 (5) (d), Colorado Revised Statutes, is
26 amended to read:

27 **12-23-106. License requirements - rules.** (5) (d) No holder of

1 a master's license shall be named as the master electrician, under ~~the~~
2 ~~provisions of~~ paragraphs (b) and (c) of this subsection (5), for more than
3 one contractor, and a master name shall be actively engaged in a full-time
4 capacity with that contracting company. The qualifying master license
5 holder shall be required to notify the ~~state electrical~~ board within fifteen
6 days after his OR HER termination as a qualifying master LICENSE holder.
7 The master license holder is responsible for all electrical work performed
8 by the electrical contracting company. Failure to comply with a
9 notification may lead to ~~suspension or revocation~~ DISCIPLINE of the master
10 license HOLDER as provided in section 12-23-118.

11 **SECTION 8.** 12-23-111 (2) and (6), Colorado Revised Statutes,
12 are amended to read:

13 **12-23-111. Exemptions.** (2) Nothing in this article shall be
14 construed to require any individual to hold a license before doing
15 electrical work on his OR HER own property or residence if all such
16 electrical work, except for maintenance OR repair ~~or alteration~~ of existing
17 facilities, is inspected as provided in this article; if, however, ~~such~~ THE
18 property or residence is intended for sale or resale by a person engaged
19 in the business of constructing or remodeling such facilities or structures
20 or is rental property ~~which~~ THAT is occupied or is to be occupied by
21 tenants for lodging, either transient or permanent, or is generally open to
22 the public, the owner shall be responsible for, and the property shall be
23 subject to, all of the provisions of this article pertaining to inspection and
24 licensing, unless specifically exempted therein.

25 (6) (a) Nothing in this article shall be construed to require ~~any~~ AN
26 individual to hold a license before doing any maintenance OR repair ~~or~~
27 ~~alteration~~ of existing facilities on his OR HER own property or residence,

1 nor to require inspection by the board or its inspectors, nor to pay any fees
2 connected therewith. ~~Likewise,~~

3 (b) Nothing in this article shall be construed to require any firm
4 or corporation or its regular employees to be required to hold a license
5 before doing maintenance OR repair ~~or alteration~~ of existing facilities on
6 the property of ~~any such~~ SAID firm or corporation, whether or not ~~any~~
7 ~~such~~ THE property is generally open to the public; nor shall inspection by
8 the board or its inspectors ~~nor~~ OR the payment of any fees connected
9 therewith be required.

10 (c) FOR THE PURPOSES OF THIS SUBSECTION (6), "MAINTENANCE OR
11 REPAIR OF EXISTING FACILITIES" MEANS TO PRESERVE OR KEEP IN GOOD
12 REPAIR LAWFULLY INSTALLED FACILITIES BY REPAIRING OR REPLACING
13 COMPONENTS WITH NEW COMPONENTS THAT SERVE THE SAME PURPOSE.

14 **SECTION 9.** 12-23-104 (1) (a), Colorado Revised Statutes, is
15 amended to read:

16 **12-23-104. Board powers and duties - repeal.** (1) (a) The
17 board, annually in the month of July, shall elect from ~~the~~ ITS membership
18 ~~thereof~~ a president and vice-president. The board shall meet at least ~~once~~
19 ~~a month~~ ANNUALLY and at such other times as it deems necessary.

20 **SECTION 10.** 12-23-102, Colorado Revised Statutes, is amended
21 to read:

22 **12-23-102. State electrical board.** (1) There is hereby
23 established a state electrical board, which shall consist of nine members
24 appointed by the governor, with the consent of the senate, who shall be
25 residents of the state of Colorado:

26 (a) Two ~~of said~~ members shall be electrical contractors who have
27 masters' licenses;

1 (b) Two MEMBERS shall be master or journeymen electricians who
2 are not electrical contractors;

3 (c) ~~two~~ ONE MEMBER shall be ~~representatives~~ A REPRESENTATIVE
4 of private, municipal, or cooperative electric utilities rendering electric
5 service to the ultimate public;

6 (d) One MEMBER shall be a building official from a political
7 subdivision of the state performing electrical inspections;

8 (e) One MEMBER shall be a general contractor actively engaged in
9 the building industry; and

10 (f) ~~one~~ TWO MEMBERS shall be appointed from the public at large.

11 (2) All members OF THE BOARD shall serve for three-year terms
12 AND all appointees shall be limited to two full terms each. Any vacancy
13 occurring in the membership of the board shall be filled by the governor
14 by appointment for the unexpired term of ~~such~~ THE member. The
15 governor may remove any member of the board for misconduct,
16 incompetence, or neglect of duty.

17 **SECTION 11.** 12-23-107, Colorado Revised Statutes, is amended
18 to read:

19 **12-23-107. Unauthorized use of title.** No person, firm,
20 partnership, corporation, or association shall advertise in any manner or
21 use the title or designation of ~~licensed~~ master electrician, ~~licensed~~
22 journeyman electrician, or ~~licensed~~ residential wireman unless qualified
23 and licensed under this article.

24 **SECTION 12.** 12-23-117, Colorado Revised Statutes, is amended
25 to read:

26 **12-23-117. Inspection fees.** (1) As established pursuant to
27 section 24-34-105, C.R.S., inspection fees shall be charged by the ~~state~~

1 ~~electrical board for the following categories:~~ AND SHALL BE SET AND
2 CATEGORIZED BASED UPON THE ACTUAL EXPENSE OF INSPECTING EACH
3 TYPE OF ELECTRICAL INSTALLATION.

4 ~~(a) Residential: Construction and extensive remodeling (based on~~
5 ~~enclosed living area) but not to include extensions to or minor remodeling~~
6 ~~of existing installations, which shall be governed by paragraph (b) of this~~
7 ~~subsection (1), and not, in any instance, to include any maintenance,~~
8 ~~repair, or alteration of existing facilities which are exempt as set forth in~~
9 ~~this article:~~

- 10 ~~Not more than 1,000 square feet~~
- 11 ~~More than 1,000 square feet but not more~~
- 12 ~~than 1,500 square feet~~
- 13 ~~More than 1,500 square feet but not more~~
- 14 ~~than 2,000 square feet~~
- 15 ~~Per 100 square feet in excess of 2,000 square~~
- 16 ~~feet~~
- 17 ~~Reinspections~~

18 ~~(b) All other fees, except for inspections in mobile home and~~
19 ~~travel trailer parks or any new or different utility service for a mobile~~
20 ~~home or movable structure, shall be computed on the dollar value of the~~
21 ~~electrical installation, including electrical materials and items, and the~~
22 ~~total cost to the consumer. Fee categories shall be as follows:~~

- 23 ~~**Valuation of work**~~
- 24 ~~Not more than \$300~~
- 25 ~~More than \$300 but not more than \$2,000~~
- 26 ~~More than \$2,000 but not more than \$50,000~~
- 27 ~~More than \$50,000 but not more than~~

1 \$500,000
2 More than \$500,000
3 Mobile home and travel trailer parks, or new
4 or different utility services for mobile homes
5 or movable structures, per space

6 (2) ~~Because electrical inspections are matters of statewide~~
7 ~~concern, the maximum fees, established annually, chargeable for~~
8 ~~electrical inspections by any city, town, county, or city and county shall~~
9 ~~not be more than fifteen percent above those provided for in this section,~~
10 ~~and no such local government shall impose or collect any other fee or~~
11 ~~charge related to electrical inspections or permits.~~

12 (3) If an application is not filed in advance of the commencement
13 of an installation, the inspection fee shall be twice the amount ~~prescribed~~
14 ~~therefor in this section~~ OF THE INSPECTION FEE SET BY THE BOARD
15 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

16 **SECTION 13. Specified effective date - applicability.** This act
17 shall take effect July 1, 2010, and shall apply to acts committed on or
18 after said date.

19 **SECTION 14. 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.