

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 10-1225

BY REPRESENTATIVE(S) Soper, Apuan, Casso, Fischer, Frangas, Labuda, McFadyen, Merrifield, Pace, Ryden, Vigil, Pommer;
also SENATOR(S) Tochtrop.

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

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

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 Repeal. 24-34-104 (41) (m), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (41) The following agencies, functions, or both, shall terminate on July 1, 2010:

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

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

24-34-104. General assembly review of regulatory agencies and

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

functions for termination, continuation, or reestablishment. (50) The following agencies, functions, or both, shall terminate on July 1, 2019:

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

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

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 This article is repealed, effective July 1, 2019.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

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

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

SECTION 5. 12-23-104 (2) (c), Colorado Revised Statutes, is amended, and the said 12-23-104 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

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

(c) Register APPRENTICES AND REGISTER and renew the registration of ~~apprentices and~~ qualified electrical contractors and examine, license, and renew licenses of journeymen electricians, master electricians, and residential wiremen as provided in this article;

(k) FIND, UPON HOLDING A HEARING, THAT AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY FAILS TO MEET THE MINIMUM REQUIREMENTS OF THIS ARTICLE IF THE LOCAL INSPECTION AUTHORITY HAS FAILED TO ADOPT OR ADHERE TO THE MINIMUM STANDARDS REQUIRED BY THIS ARTICLE WITHIN TWELVE MONTHS AFTER THE BOARD HAS ADOPTED THE

STANDARDS BY RULE PURSUANT TO THIS SUBSECTION (2);

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

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

SECTION 6. 12-23-116 (1), (2), (4), (9) (a), (9) (b), and (9) (c), Colorado Revised Statutes, are amended, and the said 12-23-116 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-23-116. Inspection - application - standards. (1) (a) ~~Any AN~~ individual required to have electrical inspection under this article ~~may~~ SHALL apply ~~through any private, municipal, or cooperative electric utility rendering service to the ultimate public for an application for inspection TO~~ THE BOARD FOR AN ELECTRICAL PERMIT, except where ~~any AN~~ incorporated town or city, ~~any~~ county, or ~~any~~ city and county of this state has ~~an established~~ A building department ~~where~~ THAT MEETS THE MINIMUM STANDARDS OF THIS ARTICLE AND THAT PROCESSES applications for building permits and inspections, ~~are processed~~, in which case ~~such~~ THE individual shall apply to such building department. ~~Such utility shall provide forms furnished by the board to the applicant, who shall remit the application for inspection to such board on such forms. Upon payment by the applicant of the applicable fee to the board, the board shall issue a temporary permit to the applicant and shall remit a copy of such permit to the utility and the state inspector responsible for such inspection and retain one copy in its office.~~

(b) Upon final inspection and approval by the state electrical inspector, ~~written notice shall be issued by the board to the applicant, the utility, and the state inspector responsible for such inspection, and one copy shall be retained in the office of the board~~ SHALL RETAIN ONE COPY OF THE RECORD OF APPROVAL.

(c) ~~No~~ A utility shall NOT provide service to any person required to have electrical inspection under this article without proof of final approval

as provided in PARAGRAPH (b) OF this subsection (1); except that ~~such~~ service shall be provided in those situations determined by the local electrical inspection authority, or by the board, whichever ~~shall have~~ HAS jurisdiction, to be emergency situations for a maximum period of seven days or until ~~such~~ THE inspection has been made.

(2) (a) ~~Any~~ THE OWNER OF AN electrical installation in any new construction, OTHER THAN MANUFACTURED UNITS CERTIFIED BY THE DIVISION OF HOUSING PURSUANT TO SECTION 24-32-3311, C.R.S., or remodeling or repair ~~other than manufactured units certified by the division of housing pursuant to section 24-32-3311, C.R.S.,~~ OF AN EXISTING CONSTRUCTION, except in any incorporated town or city, ~~any~~ county, or ~~any~~ city and county having its own electrical code and inspection PROGRAM equal to the minimum standards as are provided in this article, shall ~~be~~ HAVE THE ELECTRICAL PORTION OF THE INSTALLATION, REMODELING, OR REPAIR inspected by a state electrical inspector.

(b) A state electrical inspector shall inspect any new construction, remodeling, or repair subject to ~~the provisions of~~ this subsection (2) within three working days after the receipt of the application for inspection. ~~If the inspection is not performed within five working days, work may resume on any such construction, repair, or remodeling.~~ Prior to the commencement of any ~~such~~ electrical installation, the person making ~~such~~ THE installation shall ~~make application~~ APPLY for inspection ANELECTRICAL PERMIT and pay the required PERMIT fee. ~~therefor.~~

(c) ~~Every~~ A MANUFACTURED HOME, mobile home, or movable structure owner shall have the ~~electric utility hookup~~ ELECTRICAL INSTALLATION for ~~such~~ THE MANUFACTURED HOME, mobile home or movable structure inspected prior to obtaining ~~new or different utility~~ ELECTRIC service. ~~except that nothing in this subsection (2) shall require a reinspection of electrical hookup facilities of any mobile home park or any mobile home or other movable structure by reason of the relocation of a mobile home or other movable structure within the park where a previous inspection has been performed, unless construction or remodeling or repair of such mobile home park hookup facilities or of the mobile home or other movable structure involving the electrical system has been performed, and except that, if the wiring thereof has not been altered and either such mobile home or movable structure has a valid state electrical board approval sticker in the panel of the mobile home or movable structure with the number of the~~

~~unit listed, the date inspected, and the inspector's signature or if such mobile home or movable structure has been certified by the division of housing in the department of local affairs after June 30, 1988, the occupant of the mobile home or movable structure may call the board with this information, and the board will authorize the reinstallation of the meter by the utility company.~~

(4) ~~Each~~ THE PERSON OR INSPECTOR MAKING AN application, certificate of approval, ~~and~~ OR notice of disapproval shall ~~contain~~ INCLUDE the name of the property owner, if known, the location and a brief description of the installation, ~~the name of the general contractor if any,~~ the name of the electrical contractor ~~or licensed electrician~~ and state license REGISTRATION number, the state electrical inspector, and the ~~inspection~~ fee charged for the ~~inspection~~ PERMIT. The ~~original~~ of a notice of disapproval ~~and written reasons for disapproval~~ and corrective actions to be taken shall be ~~mailed~~ SUBMITTED to the board, and a copy of ~~such~~ THE notice shall be ~~mailed~~ SUBMITTED to the electrical contractor within two working days after the date of inspection. ~~and~~ THE INSPECTOR SHALL POST a copy of the notice ~~shall be posted~~ at the installation site. ~~Such forms~~ THE BOARD shall be ~~furnished by the board,~~ FURNISH THE FORMS. ~~and~~ A copy of each application, certificate, and notice made or issued shall be filed with the board.

(9) (a) ~~Any~~ A person claiming to be aggrieved by the failure of a state electrical inspector to inspect ~~his~~ property after proper application or by notice of disapproval without setting forth the reasons for ~~denying the inspection permit~~ REJECTING THE INSPECTION may request the program ~~administrator~~ DIRECTOR to review the actions of the state electrical inspector or the manner of the inspection. ~~Such~~ THE request may be made by ~~his~~ AN authorized representative and shall be in writing.

(b) Upon the filing of such a request, the program ~~administrator~~ DIRECTOR shall cause a copy ~~thereof~~ to be served upon the state electrical inspector complained of, together with an order requiring ~~such~~ THE inspector to answer the allegations of said request within a time fixed by the program ~~administrator~~ DIRECTOR.

(c) If the request is not granted within ten days after it is filed, it may be treated as rejected. Any person aggrieved by the action of the program ~~administrator~~ DIRECTOR in refusing the review requested or in

failing or refusing to grant all or part of the relief requested may file a written complaint and request for a hearing with the board, specifying the grounds relied upon.

(10) AN INSPECTOR PERFORMING AN INSPECTION FOR THE STATE, AN INCORPORATED TOWN OR CITY, A COUNTY, OR A CITY AND COUNTY MAY VERIFY COMPLIANCE WITH ANY PROVISION OF THIS ARTICLE AND MAY FILE A COMPLAINT WITH THE BOARD FOR A VIOLATION OF THIS ARTICLE.

SECTION 7. The introductory portion to 12-23-106 (1) (a), 12-23-106 (1) (b), the introductory portion to 12-23-106 (2) (a), and 12-23-106 (3) (a), (3) (b) (I), (3) (b) (II), (4) (a), (5) (b), and (5) (d), Colorado Revised Statutes, are amended to read:

12-23-106. License requirements - rules. (1) Master electrician.

(a) An applicant for a master electrician's license shall furnish written evidence that:

(b) Each applicant for a license as a master electrician shall file an application on forms prepared and furnished by the board, together with the ~~examination~~ APPLICATION fee provided in section 12-23-112 (1). The board ~~not less than thirty days prior to a scheduled written examination,~~ shall notify each applicant that the evidence submitted with the application is sufficient to qualify the applicant to take the written examination or that the evidence is insufficient and the application is rejected. In the event that the application is rejected, the board shall set forth the reasons for the rejection in the notice to the applicant. ~~and shall return the applicant's examination fee. The place of examination shall be designated in advance by the board, and examinations shall be held not less often than twice per calendar year and at such other times as, in the opinion of the board, the number of applicants warrants.~~

(2) **Journeyman electrician.** (a) An applicant for a journeyman electrician's license shall furnish written evidence that the applicant has had the following:

(3) **Residential wireman.** (a) An applicant for a residential wireman's license shall furnish written evidence that ~~he~~ THE APPLICANT has at least two years of accredited training or two years of practical experience in wiring one-, two-, three-, and four-family dwellings.

(b) Any applicant for such license shall be permitted to substitute for required practical experience evidence of academic training in the electrical field which shall be credited as follows:

(I) If ~~he~~ THE APPLICANT is a graduate electrical engineer of an accredited college or university or the graduate of a community college or trade school program approved by the board, ~~he~~ THE APPLICANT shall receive one year of work experience credit.

(II) If ~~he~~ THE APPLICANT has academic training, including military training, which is not sufficient to qualify under subparagraph (I) of this paragraph (b), the board shall provide work experience credit for such training according to a uniform ratio established by rule. ~~and regulation.~~

(4) (a) THE BOARD SHALL PROVIDE FOR LICENSING EXAMINATIONS. Any examination ~~which~~ THAT is given for master electricians, journeymen electricians, and residential wiremen shall be subject to board approval. The board, or its designee, shall conduct and grade the examination and shall set the passing score to reflect a minimum level of competency. If it is determined that the applicant has passed the examination, the division of registrations, upon written notice from the board or the program ~~administrator~~ DIRECTOR, acting as an agent thereof, and upon payment by the applicant of the fee provided in section 12-23-112, shall issue to the applicant a license ~~which shall authorize~~ THAT AUTHORIZES him OR HER to engage in the business, trade, or calling of a master electrician, journeyman electrician, or residential wireman.

(5) (b) If either the owner or the part owner of any firm, copartnership, corporation, association, or combination thereof has been issued a master electrician's license by the division of registrations and is in charge of the supervision of all electrical work performed by such contractor, upon written notice from the board or the program ~~administrator~~ DIRECTOR, acting as the agent thereof, the division shall promptly, upon payment of the fee as provided in section 12-23-112, register such licensee as an electrical contractor.

(d) No holder of a master's license shall be named as the master electrician, under ~~the provisions of~~ paragraphs (b) and (c) of this subsection (5), for more than one contractor, and a master name shall be actively engaged in a full-time capacity with that contracting company. The

qualifying master license holder shall be required to notify the ~~state electrical~~ board within fifteen days after his OR HER termination as a qualifying master LICENSE holder. The master license holder is responsible for all electrical work performed by the electrical contracting company. Failure to comply with a notification may lead to ~~suspension or revocation~~ DISCIPLINE of the master license HOLDER as provided in section 12-23-118.

SECTION 8. 12-23-111 (2), (6), and (18), Colorado Revised Statutes, are amended to read:

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

(6) (a) Nothing in this article shall be construed to require ~~any~~ AN individual to hold a license before doing any maintenance OR repair ~~or~~ nor to require inspection by the board or its inspectors, nor to pay any fees connected therewith. ~~Likewise,~~

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

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

(18) Nothing in this article shall be construed to cover the installation, maintenance, repair, or alteration of security systems OF FIFTY VOLTS OR LESS, lawn sprinkler systems, environmental controls, or remote radio-controlled systems beyond the terminals of the controllers. Furthermore, the contractors performing any installation, maintenance, repair, or alteration under this exemption, or their employees, shall not be covered by the licensing requirements of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 12. 12-23-117 (1) and (3), Colorado Revised Statutes, are amended to read:

12-23-117. Permit fees. (1) As established pursuant to section 24-34-105, C.R.S., inspection fees shall be charged by the ~~state electrical~~ board ~~for the following categories:~~ AND SHALL BE SET AND CATEGORIZED BASED UPON THE ACTUAL EXPENSE OF INSPECTING EACH TYPE OF ELECTRICAL INSTALLATION.

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

~~Not more than 1,000 square feet
More than 1,000 square feet but not more than
1,500 square feet
More than 1,500 square feet but not more than
2,000 square feet
Per 100 square feet in excess of 2,000 square~~

feet
Reinspections

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

Valuation of work

~~Not more than \$300~~

~~More than \$300 but not more than \$2,000~~

~~More than \$2,000 but not more than \$50,000~~

~~More than \$50,000 but not more than \$500,000~~

~~More than \$500,000~~

~~Mobile home and travel trailer parks, or new or different utility services for mobile homes or movable structures, per space~~

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

SECTION 13. 12-23-104.5, Colorado Revised Statutes, is amended to read:

12-23-104.5. Program director. The director of the division of registrations may appoint a program ~~administrator~~ DIRECTOR pursuant to section 13 of article XII of the state constitution to work with the board in carrying out its duties under this article.

SECTION 14. 12-23-105 (1), Colorado Revised Statutes, is amended to read:

12-23-105. Electrician must have license - control and supervision. (1) No person shall engage in or work at the business, trade, or calling of a journeyman electrician, master electrician, or residential wireman in this state until ~~he~~ THE PERSON has received a license from the division of registrations upon written notice from the board or the program

~~administrator~~ DIRECTOR, acting as the agent thereof, or a temporary permit from the board, the program ~~administrator~~ DIRECTOR, or ~~his~~ agent OF THE DIRECTOR.

SECTION 15. 12-23-110, Colorado Revised Statutes, is amended to read:

12-23-110. Temporary permits. The board or the program ~~administrator~~ DIRECTOR or ~~his~~ THE DIRECTOR'S agent, as provided in the rules ~~and regulations~~ promulgated by the board, shall issue temporary permits to engage in the work of a master electrician in cases where an electrical contractor no longer has the services of any master electrician as required under this article and shall issue temporary permits to engage in the work of a journeyman electrician or residential wireman to any applicant who furnishes evidence satisfactory to the board that ~~he~~ THE APPLICANT has the required experience to qualify for the examination provided in this article and who pays the fee provided in section 12-23-112 for such permits. In addition, and in a similar manner, the board or the program ~~administrator~~ DIRECTOR or ~~his~~ THE DIRECTOR'S agent shall issue temporary permits to any applicant who furnishes evidence satisfactory to the board that ~~he~~ THE APPLICANT qualifies for a master electrician's license and who pays the required fee. Temporary permits shall continue in effect ~~only until the next examination is given~~ FOR NO MORE THAN THIRTY DAYS AFTER ISSUANCE and may be revoked by the board at any time. ~~If the applicant is granted a license, any fee paid for the temporary permit shall be applied to the fee required for a license.~~

SECTION 16. 12-23-112 (1) (b), (1) (d), (1) (h), (1) (j), and (1) (m), Colorado Revised Statutes, are amended to read:

12-23-112. Fees. (1) As established pursuant to section 24-34-105, C.R.S., fees shall be charged by the state electrical board for the following:

- (b) ~~Annual~~ Renewal of master electrician's license;
- (d) ~~Annual~~ Renewal of journeyman electrician's license;
- (h) ~~Annual~~ Renewal of electrical contractor registration;
- (j) ~~Annual~~ Renewal of residential wireman's license;

(m) ~~Annual renewal of apprentice registration.~~

SECTION 17. 12-23-115 (1) (a) (I) (B) and (3) (a), Colorado Revised Statutes, are amended to read:

12-23-115. Inspectors - qualifications. (1) (a) (I) The director of the division of registrations is hereby authorized to appoint or employ, with the power of removal, competent persons licensed under this article as journeymen or master electricians as state electrical inspectors. The division director is also authorized to appoint or employ, with the power of removal, for the purpose of inspecting one-, two-, three-, or four-family dwellings, competent persons with the following qualifications:

(B) Persons who have been certified as residential electrical inspectors by a national certification authority approved by the board and who have furnished satisfactory evidence of at least two years' practical experience in the ELECTRICAL inspection of residential dwellings.

(3) State electrical inspectors appointed or employed pursuant to subsection (1) of this section may:

(a) Conduct inspections and investigations pursuant to section 12-23-118 (4) on behalf of the program ~~administrator~~ DIRECTOR;

SECTION 18. 12-23-118 (1) (I), (4) (a), (4) (b) (I), (4) (b) (II), (4) (c) (I), (6) (b), (6) (d) (II), (6) (d) (III), (6) (d) (IV), (6) (d) (V), (7) (b), and (7) (c), Colorado Revised Statutes, are amended to read:

12-23-118. Violations - citations - settlement agreements - hearings - fines. (1) The board may deny, suspend, revoke, refuse to renew, or issue a letter of admonition in regard to any license or registration issued or applied for under the provisions of this article, may place a licensee or registrant on probation, or may issue a citation to a licensee, registrant, or applicant for licensure for any of the following reasons:

(I) Disciplinary action against an electrician's license OR REGISTRATION in another jurisdiction. Evidence of such disciplinary action shall be prima facie evidence for denial of licensure OR REGISTRATION or other disciplinary action if the violation would be grounds for such disciplinary action in this state.

(4) (a) If pursuant to an inspection or investigation by a state electrical inspector the board concludes that any licensee, registrant, or applicant for licensure has violated any provision of subsection (1) of this section and that disciplinary action is appropriate, the program administrator DIRECTOR or the program administrator's DIRECTOR'S designee may issue a citation in accordance with subsection (6) of this section to such licensee, registrant, or applicant.

(b) (I) The licensee, registrant, or applicant to whom a citation has been issued may make a request to negotiate a stipulated settlement agreement with the program administrator DIRECTOR or the program administrator's DIRECTOR'S designee, if such request is made in writing within ten working days after issuance of the citation which THAT is the subject of the settlement agreement.

(II) All stipulated settlement agreements shall be conducted pursuant to rules adopted by the board pursuant to section 12-23-104 (2) (a). The board shall adopt a rule to allow any licensee, registrant, or applicant unable, in good faith, to settle with the program administrator DIRECTOR to request an administrative hearing pursuant to paragraph (c) of this subsection (4).

(c) (I) The licensee, registrant, or applicant to whom a citation has been issued may request an administrative hearing to determine the propriety of such citation if such request is made in writing within ten working days after issuance of the citation which THAT is the subject of the hearing or within a reasonable period after negotiations for a stipulated settlement agreement pursuant to paragraph (b) of this subsection (4) have been deemed futile by the program administrator DIRECTOR.

(6) (b) A citation or copy of a citation issued pursuant to this section may be served by certified mail or in person by a state electrical inspector or the administrator's PROGRAM DIRECTOR'S designee upon a person or the person's agent in accordance with rule 4 of the Colorado rules of civil procedure.

(d) (II) ~~When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee or~~

~~registrant.~~ UPON COMPLETING AN INVESTIGATION, THE BOARD SHALL MAKE ONE OF THE FOLLOWING FINDINGS:

(A) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION NEED BE TAKEN.

(B) THERE IS NO REASONABLE CAUSE TO WARRANT FURTHER ACTION.

(C) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION AND SHOULD BE DISMISSED, BUT THE INVESTIGATION ALSO DISCLOSES INDICATIONS OF POSSIBLE ERRANT CONDUCT THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED. IF THIS FINDING IS MADE, THE BOARD SHALL SEND A CONFIDENTIAL LETTER OF CONCERN TO THE LICENSEE OR REGISTRANT.

(D) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT. IF THIS FINDING IS MADE, THE BOARD MAY SEND A LETTER OF ADMONITION TO THE LICENSEE OR REGISTRANT BY CERTIFIED MAIL.

(E) THE INVESTIGATION DISCLOSES FACTS THAT WARRANT FURTHER PROCEEDINGS BY FORMAL COMPLAINT. IF THIS FINDING IS MADE, THE BOARD SHALL REFER THE COMPLAINT TO THE ATTORNEY GENERAL FOR PREPARATION AND FILING OF A FORMAL COMPLAINT.

(III) (A) ~~When a letter of admonition is sent by the board, by certified mail to a licensee or registrant, such licensee or registrant shall be advised that he or she~~ THE BOARD SHALL INCLUDE IN THE LETTER A NOTICE THAT THE LICENSEE OR REGISTRANT has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(B) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION IS VACATED AND THE BOARD SHALL PROCEED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(IV) ~~If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by~~

~~means of formal disciplinary proceedings.~~

~~(V) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee. THE BOARD SHALL CONDUCT ALL PROCEEDINGS PURSUANT TO THIS SUBSECTION (6) EXPEDITIOUSLY AND INFORMALLY SO THAT NO LICENSEE OR REGISTRANT IS SUBJECTED TO UNFAIR AND UNJUST CHARGES AND THAT NO COMPLAINANT IS DEPRIVED OF THE RIGHT TO A TIMELY, FAIR, AND PROPER INVESTIGATION OF A COMPLAINT.~~

(7) (b) Any fine assessed in a citation or an administrative hearing or any amount due pursuant to a stipulated settlement agreement that is not paid may be collected by the program ~~administrator~~ DIRECTOR through a collection agency or in an action in the district court of the county in which the person against whom the fine is imposed resides or in the county in which the office of the program ~~administrator~~ DIRECTOR is located.

(c) The attorney general shall provide legal assistance and advice to the program ~~administrator~~ DIRECTOR in any action to collect an unpaid fine.

SECTION 19. Specified effective date - applicability. This act shall take effect July 1, 2010, and shall apply to acts committed on or after said date.

SECTION 20. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO