

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

PREAMENDED

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

LLS NO. 13-0152.01 Duane Gall x4335

SENATE BILL 13-161

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Fischer and Hammer,

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE STATE BOARD FOR LICENSURE OF**
102 **ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL**
103 **LAND SURVEYORS, AND, IN CONNECTION THEREWITH,**
104 **IMPLEMENTING THE RECOMMENDATIONS OF THE 2012 SUNSET**
105 **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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 - Senate Business, Labor, and Technology

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.

Committee. The bill implements the recommendations of the sunset review and report on the state board for licensure of architects, professional engineers, and professional land surveyors (board) by:

- ! Extending the repeal date of the board for 11 years, until September 1, 2024 (*Recommendation 1, sections 1 and 2*);
- ! Allowing professional engineers and land surveyors licensed in other states to advertise in Colorado, subject to the requirement to obtain a Colorado license before providing services here (*Recommendation 2, sections 4, 5, 6, 16, 17, and 18*);
- ! Clarifying what constitutes an "offer" to practice one of the professions (*Recommendation 3, sections 3, 15, and 27*);
- ! Repealing the ownership requirements for performing services on behalf of a firm (*Recommendation 4, sections 5, 17, and 29*);
- ! Requiring architects to report to the board any malpractice claim that is settled or reduced to judgment, under the same conditions as apply to engineers and land surveyors (*Recommendation 5, sections 32 and 34*);
- ! Removing "mental incompetency" from the grounds for discipline of architects and revising references to drug and alcohol use in all 3 practice acts (*Recommendations 6 and 8, sections 8, 20, and 32*);
- ! Clarifying that an improvement location certificate is valid only for use by a specified client and reflects the condition of property only as of a specified date (*Recommendation 7, section 42*);
- ! Repealing the requirement that letters of admonition be sent by certified mail (*Recommendation 9, sections 8, 20, and 32*);
- ! Updating the requirements for stamping and sealing of documents and giving the board regulatory authority to define retention and copying requirements for sealed documents (*Recommendation 10, sections 14, 26, 30, and 38*);
- ! Eliminating the obsolete and undefined term "survey point" (*Recommendation 11, sections 40 and 41*);
- ! Requiring licensees to update their contact information on file with the board within 30 days after any change (*Recommendation 12, sections 12, 24, and 36*);
- ! Extending title protection to derivatives of the word "architect" (*Recommendation 13, section 30*); and
- ! Making fining provisions consistent among the 3 practice acts (*Recommendation 14, sections 8, 20, and 30*).

The bill also makes technical amendments to update the governing

statutes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-25-106, **amend**
3 (2) (b) as follows:

4 **12-25-106. State board of licensure - subject to termination -**
5 **repeal of article.** (2) (b) This article is repealed, effective July 1, 2013
6 SEPTEMBER 1, 2024.

7 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**
8 (44) introductory portion; **repeal** (44) (1); and **add** (55) as follows:

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for termination, continuation, or reestablishment.**

11 (44) The following agencies, functions, or both, ~~shall~~ terminate on July
12 1, 2013:

13 (1) ~~The state board of licensure for architects, professional~~
14 ~~engineers, and professional land surveyors in the department of regulatory~~
15 ~~agencies, created by section 12-25-106, C.R.S.;~~

16 (55) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, TERMINATE
17 ON SEPTEMBER 1, 2024:

18 (a) THE STATE BOARD OF LICENSURE FOR ARCHITECTS,
19 PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS IN THE
20 DEPARTMENT OF REGULATORY AGENCIES, CREATED BY SECTION
21 12-25-106, C.R.S.

22 **SECTION 3.** In Colorado Revised Statutes, 12-25-102, **amend**
23 (10) (b) as follows:

24 **12-25-102. Definitions.** As used in this part 1, unless the context
25 otherwise requires:

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(10) (b) An individual ~~shall be construed as practicing or offering~~
PRACTICES OR OFFERS to practice "professional engineering" within the
meaning and intent of this section if the individual, by ~~verbal~~ ORAL claim,
sign, advertisement, letterhead, card, or in any other way, represents
himself or herself to be a professional engineer; through the use of any
other means implies that the individual is licensed under this part 1; or
performs engineering services.

SECTION 4. In Colorado Revised Statutes, 12-25-103, amend
(1) introductory portion, (1) (j), and (1) (k); and add (1) (l) as follows:

12-25-103. Exemptions. (1) This part 1 shall DOES not be
construed to affect any of the following:

(j) Individuals who practice architecture as defined in section
12-25-302 (6); or

(k) Utilities or their employees or contractors when performing
services for another utility during times of natural disasters or emergency
situations; OR

(l) INDIVIDUALS WHO PRACTICE LANDSCAPE ARCHITECTURE AS
DEFINED IN SECTION 12-45-103 (8). ==

SECTION 5. In Colorado Revised Statutes, **amend** 12-25-104 as
follows:

12-25-104. Forms of organizations permitted to practice.

~~(1) No partnership, corporation, limited liability company, or joint stock~~
~~association shall be licensed under this part 1. No partnership,~~
~~corporation, limited liability company, or joint stock association shall~~
~~practice or offer to practice engineering in the state except under the~~
~~following conditions: A PARTNERSHIP, CORPORATION, LIMITED LIABILITY~~

1 COMPANY, JOINT STOCK ASSOCIATION, OR OTHER ENTITY IS NOT ELIGIBLE
2 FOR LICENSURE UNDER THIS PART 1. AN ENTITY MAY PRACTICE OR OFFER
3 TO PRACTICE ENGINEERING IN COLORADO ONLY IF THE INDIVIDUAL IN
4 RESPONSIBLE CHARGE OF THE ENTITY'S ENGINEERING ACTIVITIES
5 PERFORMED IN COLORADO IS A PROFESSIONAL ENGINEER LICENSED IN
6 COLORADO. ALL ENGINEERING DOCUMENTS, PLATS, AND REPORTS ISSUED
7 BY OR FOR THE ENTITY IN CONNECTION WITH ENGINEERING WORK
8 PERFORMED IN THIS STATE MUST BEAR THE SEAL AND SIGNATURE OF THE
9 COLORADO-LICENSED PROFESSIONAL ENGINEER WHO IS IN RESPONSIBLE
10 CHARGE OF AND DIRECTLY RESPONSIBLE FOR THE ENGINEERING WORK.

11 ~~(a) Professional engineers may practice under this part 1 as~~
12 ~~individuals or partners or through joint stock associations, registered~~
13 ~~limited liability partnerships, limited liability companies, or corporations.~~

14 ~~(b) In the case of practice through a partnership, at least one of the~~
15 ~~partners shall be a professional engineer licensed under this part 1, and all~~
16 ~~engineering plans, designs, drawings, specifications, or reports issued by~~
17 ~~or for the partnership shall bear the seal of said professional engineer~~
18 ~~partner or a professional engineer in responsible charge of, and directly~~
19 ~~responsible for, such engineering work when issued.~~

20 ~~(c) In the case of the practice of engineering through a joint stock~~
21 ~~association, limited liability company, or corporation, engineering~~
22 ~~services or work involving the practice of engineering may be offered~~
23 ~~through such joint stock association, limited liability company, or~~
24 ~~corporation if the person in responsible charge of the engineering~~
25 ~~activities of the joint stock association, limited liability company, or~~
26 ~~corporation is a professional engineer licensed pursuant to this part 1. All~~
27 ~~engineering plans, designs, drawings, specifications, or reports that are~~

1 involved in such practice, issued by or for such joint stock association,
2 limited liability company, or corporation, shall bear the seal and signature
3 of a professional engineer in responsible charge of, and directly
4 responsible for, such engineering work when issued.

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6 SECTION 6. In Colorado Revised Statutes, 12-25-107, **amend**
7 (1) (g), (1) (i), and (1) (j) as follows:

8 **12-25-107. Powers and duties of the board.** (1) In order to carry
9 into effect the provisions of this part 1, the board shall:

10 (g) Provide for ~~written~~ examinations in the "fundamentals of
11 engineering" and the "principles and practice of engineering".
12 Examinations shall be given as often as practicable, at such locations as
13 the board shall determine. ~~The board shall ensure that~~ the passing score
14 for any examination ~~shall be~~ IS set to measure the level of minimum
15 competency. An applicant who fails to pass the prescribed examination
16 may be reexamined. ~~at the next regularly scheduled examination.~~

17 (i) Hold at least six regular meetings each year. Special meetings
18 shall be held at such times as the bylaws of the board may provide. The
19 board shall elect annually a ~~chairman~~ CHAIR, a ~~vice-chairman~~ VICE-CHAIR,
20 and a secretary. A quorum of the board shall consist of not less than ~~five~~
21 SEVEN members.

22 (j) Participate in the affairs of the national council of ~~engineering~~
23 examiners FOR ENGINEERING AND SURVEYING and send a minimum of one
24 delegate to the national meeting annually.

25 SECTION 7. In Colorado Revised Statutes, 12-25-108, **amend**
26 (1) introductory portion, (1) (a), (1) (i), (2) (a), (2) (b), and (4) (a) as
27 follows:

1 **12-25-108. Disciplinary actions - grounds for discipline.**

2 (1) The board has the power to deny, suspend, revoke, or refuse to renew
3 the license and certificate of licensure or enrollment of, limit the scope of
4 practice of, or place on probation, any professional engineer or
5 engineer-intern ~~who is found guilty of~~ FOR:

6 (a) Engaging in fraud, misrepresentation, or deceit in obtaining or
7 attempting to obtain a ~~certificate of licensure~~ LICENSE or enrollment;

8 (i) ~~Being addicted to or dependent upon alcohol or habit-forming~~
9 ~~drugs or controlled substances as defined in section 18-18-102(5), C.R.S.~~
10 HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL, CONTROLLED
11 SUBSTANCES, OR ANY HABIT-FORMING DRUG;

12 (2) (a) When a complaint or investigation discloses an instance of
13 misconduct that, in the opinion of the board, does not warrant formal
14 action by the board but that should not be dismissed as being without
15 merit, THE BOARD MAY ISSUE AND SEND a letter of admonition ~~may be~~
16 ~~issued and sent, by certified~~ FIRST-CLASS mail to the professional engineer
17 or engineer-intern AT HIS OR HER LAST-KNOWN ADDRESS.

18 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
19 ~~board by certified mail,~~ to a professional engineer or engineer-intern, the
20 BOARD SHALL ADVISE THE professional engineer or engineer-intern ~~shall~~
21 ~~be advised~~ that he or she has the right to request in writing, within twenty
22 days after receipt of the letter, that formal disciplinary proceedings be
23 initiated to adjudicate the propriety of the conduct upon which the letter
24 of admonition is based.

25 (4) (a) In addition to any other penalty that may be imposed
26 pursuant to this article, THE BOARD MAY FINE any professional engineer
27 violating any provision of this article or any rule promulgated pursuant to

1 this article ~~may be fined for each violation proven by the board as~~
2 follows:

3 ~~(I) In the first administrative proceeding against a professional~~
4 ~~engineer, a fine of not less than fifty dollars and not more than five~~
5 ~~hundred dollars;~~

6 ~~(II) In any subsequent administrative proceeding against a~~
7 ~~professional engineer determining that a violation of this article has~~
8 ~~occurred, a fine of not less than two hundred fifty dollars and not more~~
9 ~~than five thousand dollars for each violation proven by the board.~~

10 **SECTION 8.** In Colorado Revised Statutes, 12-25-109, **amend**
11 (8.2) (a), (8.4) (a), (8.4) (c) (III), (8.5), and (12) as follows:

12 **12-25-109. Disciplinary proceedings - injunctive relief**
13 **procedure.** (8.2) (a) If it appears to the board, based upon credible
14 evidence as presented in a written complaint by any person, that a
15 licensee or registrant is acting in a manner that is an imminent threat to
16 the health and safety of the public or a person is acting or has acted
17 without the required license, ~~or registration,~~ the board may issue an order
18 to cease and desist such activity. The order shall set forth the statutes and
19 rules alleged to have been violated, the facts alleged to have constituted
20 the violation, and the requirement that all unlawful acts or unlicensed or
21 unregistered practices immediately cease.

22 (8.4) (a) If it appears to the board, based upon credible evidence
23 as presented in a written complaint by any person, that a person has
24 violated any other portion of this part 1, then, in addition to any specific
25 powers granted pursuant to this part 1, the board may issue to such person
26 an order to show cause as to why the board should not issue a final order
27 directing such person to cease and desist from the unlawful act or

1 unlicensed ~~or unregistered~~ practice.

2 (c) (III) If the board reasonably finds that the person against
3 whom the order to show cause was issued is acting or has acted without
4 the required license ~~or registration~~ or has or is about to engage in acts or
5 practices constituting violations of this part 1, a final cease-and-desist
6 order may be issued directing such person to cease and desist from further
7 unlawful acts or unlicensed ~~or unregistered~~ PRACTICE.

8 (8.5) If it appears to the board, based upon credible evidence
9 presented to the board, that a person has engaged in or is about to engage
10 in any unlicensed ~~or unregistered~~ act or practice, any act or practice
11 constituting a violation of this part 1, any rule promulgated pursuant to
12 this part 1, any order issued pursuant to this part 1, or any act or practice
13 constituting grounds for administrative sanction pursuant to this part 1,
14 the board may enter into a stipulation with such person.

15 (12) When a complaint or investigation discloses an instance of
16 conduct that does not warrant formal action by the board and, in the
17 opinion of the board, the complaint should be dismissed, but the board
18 has noticed indications of possible errant conduct by the licensee ~~or~~
19 ~~registrant~~ that could lead to serious consequences if not corrected, a
20 confidential letter of concern may be issued and sent to the licensee. or
21 registrant.

22 **SECTION 9.** In Colorado Revised Statutes, 12-25-110, **amend**
23 (1) as follows:

24 **12-25-110. Application for license.** (1) The board shall prescribe
25 and furnish ~~application forms~~ THE MEANS BY WHICH A PERSON MAY APPLY
26 FOR LICENSURE. All applications ~~shall~~ MUST be made under oath and ~~shall~~
27 ~~be~~ accompanied by the appropriate fee. Each application ~~shall~~ MUST

1 contain a statement indicating whether the applicant has ever been
2 convicted of a felony in this or any other state, or has ever had a license
3 to practice engineering revoked or suspended in this or any other state.
4 Applications that are not complete ~~shall be deemed~~ ARE defective and
5 ~~shall~~ MAY not be accepted by the board. The board shall take no action on
6 defective applications, except to give notice to the applicant of defects.
7 The board shall retain all fees submitted with applications, whether or not
8 ~~such~~ THE applications are acted upon.

9 **SECTION 10.** In Colorado Revised Statutes, 12-25-114, **amend**
10 (4) (b) (II) as follows:

11 **12-25-114. Qualifications for professional engineer.**

12 (4) (b) (II) For any professional engineer who has been retired for two or
13 more years, the board may require reexamination ~~or recertification~~, unless
14 the board is satisfied of such retired professional engineer's continued
15 competence.

16 **SECTION 11.** In Colorado Revised Statutes, 12-25-115, **amend**
17 (1), (2), (4), and (7) as follows:

18 **12-25-115. Licenses - certificates.** (1) The board, upon
19 acceptance of an applicant who has demonstrated competence in
20 professional engineering and upon receipt of payment of the required fee,
21 shall license and issue a ~~numbered certificate of licensure~~ UNIQUE
22 LICENSE NUMBER to said applicant.

23 (2) The board, upon acceptance of a qualified engineer-intern and
24 upon receipt of payment of the required fee, shall ~~certify said~~ ENROLL THE
25 applicant.

26 (4) Licenses ~~and registrations~~ shall be renewed or reinstated
27 pursuant to a schedule established by the director of the division of

1 professions and occupations within the department of regulatory agencies
2 and shall be renewed or reinstated pursuant to section 24-34-102 (8),
3 C.R.S. The director of the division of professions and occupations within
4 the department of regulatory agencies may establish renewal fees and
5 delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S.
6 If a person fails to renew his or her license or registration pursuant to the
7 schedule established by the director of the division of professions and
8 occupations, such license or registration shall expire. Any person whose
9 license or registration has expired shall be subject to the penalties
10 provided in this article or section 24-34-102 (8), C.R.S.

11 (7) A professional engineer shall give ~~immediate~~ notice to the
12 board, in writing, of any change of address WITHIN THIRTY DAYS AFTER
13 THE CHANGE.

14 **SECTION 12.** In Colorado Revised Statutes, 12-25-116, **amend**
15 (1) (a) (II) and (1) (a) (V) as follows:

16 **12-25-116. Fees - disposition.** (1) Pursuant to section 24-34-105,
17 C.R.S., the board shall charge and collect fees for the following:

18 (a) With respect to professional engineers:

19 (II) Replacement of a ~~license or a~~ PHYSICAL certificate of
20 licensure, IF REQUESTED BY THE LICENSEE;

21 (V) Issuance of a PHYSICAL certificate of licensure, ~~as a~~
22 ~~professional engineer~~ IF REQUESTED BY THE LICENSEE;

23 **SECTION 13.** In Colorado Revised Statutes, 12-25-117, **amend**
24 (1) and (3); and **add** (5) as follows:

25 **12-25-117. Professional engineer's seal - rules.** (1) Upon receipt
26 of a certificate of licensure, the newly licensed RECEIVING A LICENSE
27 FROM THE BOARD, A professional engineer may obtain a seal. A crimp

1 type seal, a rubber stamp type seal, or an electronic type seal may be used.
2 The seal shall be of a design approved by the board, and shall contain
3 THE SEAL MUST CONTAIN the LICENSED professional engineer's name and
4 license number and the designation "Colorado licensed professional
5 engineer". Colorado professional engineers licensed before July 1, 2004,
6 may continue to use their prior existing seals.

7 (3) ~~The A~~ PROFESSIONAL ENGINEER SHALL USE A seal and signature
8 ~~shall be used by an engineer~~ only when the work ~~being stamped~~ TO WHICH
9 THE SEAL IS APPLIED was PREPARED under the engineer's responsible
10 charge.

11 (5) THE BOARD SHALL ADOPT RULES GOVERNING USE OF THE SEAL
12 AND THE RETENTION, USE, AND DISTRIBUTION OF SEALED DOCUMENTS AND
13 COPIES THEREOF.

14 **SECTION 14.** In Colorado Revised Statutes, 12-25-202, **amend**
15 (3), (3.5), and (6) (b) as follows:

16 **12-25-202. Definitions.** As used in this part 2, unless the context
17 otherwise requires:

18 (3) "Certificate" means the media issued by the board under seal
19 to evidence licensing or enrollment. ==

20 (3.5) "Land surveyor-intern" means an individual ~~certified~~
21 ENROLLED by the board after demonstrating such individual's competency,
22 as required by section 12-25-212.

23 (6) (b) An individual ~~shall be construed as practicing or offering~~
24 PRACTICES OR OFFERS to practice "professional land surveying" within the
25 meaning and intent of this part 2 if ~~such~~ THE individual engages therein
26 or, by ~~verbal~~ ORAL claim, sign, letterhead, or card or in any other way
27 holds himself or herself out to be a professional land surveyor or as being

1 able to perform any professional land surveying service or if ~~such~~ THE
2 individual ~~does perform~~ PERFORMS any professional land surveying
3 service or work.

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5 **SECTION 15.** In Colorado Revised Statutes, **amend** 12-25-204
6 as follows:

7 **12-25-204. Forms of organizations permitted to practice.**

8 (1) ~~No~~ A partnership, corporation, limited liability company, ~~or~~ joint
9 stock association, ~~shall be licensed~~ OR OTHER ENTITY IS NOT ELIGIBLE FOR
10 LICENSURE under this part 2.

11 (2) ~~No partnership, corporation, limited liability company, or joint~~
12 ~~stock association, shall~~ AN ENTITY MAY practice or offer to practice land
13 surveying in this state ~~unless~~ ONLY IF the individual in responsible charge
14 of the ENTITY'S land surveying activities ~~of the organization~~ IN THIS STATE
15 is a professional land surveyor. All PROFESSIONAL LAND SURVEYING
16 documents, plats, and reports ~~that are involved in such practice~~ issued by
17 or for ~~such organizations shall~~ THE ENTITY MUST bear the seal and
18 signature of the professional land surveyor who is in responsible charge
19 of and directly responsible for ~~such~~ THE land surveying work.

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21 **SECTION 16.** In Colorado Revised Statutes, 12-25-207, **amend**
22 (1) (b), (1) (c) introductory portion, and (1) (e) as follows:

23 **12-25-207. Powers and duties of the board.** (1) In order to carry
24 into effect this part 2, the board shall:

25 (b) Require each applicant for licensing ~~or certification~~ to
26 demonstrate competence by means of examination and education and may
27 require work examples as it deems necessary and sufficient for licensing;

1 or certification;

2 (c) Keep a record of its proceedings and of all applications for
3 licensing ~~or certification~~ under this part 2. The application record for each
4 applicant shall include:

5 (e) Provide for and administer ~~written~~ examinations to be given
6 as often as practicable, at such times and locations as the board shall
7 designate. ~~Written examination papers shall~~ EXAMINATIONS MUST be
8 identified only by numbers and ~~shall be~~ anonymously graded. After
9 ~~review and approval by the board,~~ all REVIEWING AND APPROVING THE
10 examination results, THE BOARD shall ~~be recorded,~~ RECORD and
11 COMMUNICATE each examinee's examination results ~~shall be sent to such~~
12 THE examinee. ~~by first-class mail.~~ The board shall ensure that the passing
13 score on surveying examinations ~~shall be~~ IS set to measure the level of
14 minimum competency. The board shall publish and make available to
15 interested applicants a list of the subjects included in the surveying
16 examinations that are developed by the board, such subjects being
17 consistent with and related to the various aspects of surveying.

18 **SECTION 17.** In Colorado Revised Statutes, 12-25-208, **amend**
19 (1) introductory portion, (1) (i), (1) (o), (2) (a), (2) (b), and (4) (a) as
20 follows:

21 **12-25-208. Disciplinary actions - grounds for discipline.**

22 (1) The board has the power to deny, suspend, revoke, or refuse to renew
23 the license of, or place on probation, limit the scope of practice of, or
24 require additional training of any professional land surveyor or land
25 surveyor-intern ~~who is found guilty of~~ FOR:

26 (i) ~~Being addicted to or dependent upon alcohol or any~~
27 ~~habit-forming drugs or controlled substances as defined in section~~

1 ~~18-18-102 (5), C.R.S.~~ HABITUAL OR EXCESSIVE USE OR ABUSE OF
2 ALCOHOL, CONTROLLED SUBSTANCES, OR ANY HABIT-FORMING DRUG;

3 (o) Using in any manner a ~~certificate or certificate~~ LICENSE,
4 LICENSE number, OR CERTIFICATE that has not been issued to the
5 individual by the board.

6 (2) (a) When a complaint or investigation discloses an instance of
7 misconduct that, in the opinion of the board, does not warrant formal
8 action by the board but that should not be dismissed as being without
9 merit, THE BOARD MAY ISSUE AND SEND a letter of admonition ~~may be~~
10 ~~issued and sent~~, by ~~certified~~ FIRST-CLASS mail to the professional land
11 surveyor or land surveyor-intern AT HIS OR HER LAST-KNOWN ADDRESS.

12 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
13 ~~board by certified mail~~, to a professional land surveyor or land
14 surveyor-intern, ~~such~~ THE BOARD SHALL ADVISE THE professional land
15 surveyor or land surveyor-intern ~~shall be advised~~ that he or she has the
16 right to request in writing, within twenty days after receipt of the letter,
17 that formal disciplinary proceedings be initiated to adjudicate the
18 propriety of the conduct upon which the letter of admonition is based.

19 (4) (a) In addition to any other penalty that may be imposed
20 pursuant to this section, THE BOARD MAY FINE any professional land
21 surveyor violating any provision of this article or any rule promulgated
22 pursuant to this article ~~may be fined for each violation proven by the~~
23 ~~board as follows:~~

24 (I) ~~In the first administrative proceeding against a professional~~
25 ~~land surveyor, a fine of not less than fifty dollars and not more than five~~
26 ~~hundred dollars;~~

27 (II) ~~In any subsequent administrative proceeding against a~~

1 professional land surveyor determining that a violation of this article has
2 occurred, a fine of not less than two hundred fifty dollars and not more
3 than five thousand dollars for each violation proven by the board.

4 **SECTION 18.** In Colorado Revised Statutes, 12-25-209, **amend**
5 (8.2) (a), (8.4) (a), (8.4) (c) (III), (8.5), and (12) as follows:

6 **12-25-209. Disciplinary proceedings - injunctive relief**
7 **procedure.** (8.2) (a) If it appears to the board, based upon credible
8 evidence as presented in a written complaint by any person, that a
9 licensee ~~or certificate holder~~ is acting in a manner that is an imminent
10 threat to the health and safety of the public or a person is acting or has
11 acted without the required license, ~~or certificate~~, the board may issue an
12 order to cease and desist such activity. The order shall set forth the
13 statutes and rules alleged to have been violated, the facts alleged to have
14 constituted the violation, and the requirement that all unlawful acts or
15 unlicensed ~~or uncertified~~ practices immediately cease.

16 (8.4) (a) If it appears to the board, based upon credible evidence
17 as presented in a written complaint by any person, that a person has
18 violated any other portion of this part 2, then, in addition to any specific
19 powers granted pursuant to this part 2, the board may issue to such person
20 an order to show cause as to why the board should not issue a final order
21 directing such person to cease and desist from the unlawful act or
22 unlicensed ~~or uncertified~~ practice.

23 (c) (III) If the board reasonably finds that the person against
24 whom the order to show cause was issued is acting or has acted without
25 the required license ~~or certificate~~ or has or is about to engage in acts or
26 practices constituting violations of this part 2, a final cease-and-desist
27 order may be issued directing such person to cease and desist from further

1 unlawful acts or unlicensed ~~or uncertified~~ practices.

2 (8.5) If it appears to the board, based upon credible evidence
3 presented to the board, that a person has engaged in or is about to engage
4 in any unlicensed ~~or uncertified~~ act or practice, any act or practice
5 constituting a violation of this part 2, any rule promulgated pursuant to
6 this part 2, any order issued pursuant to this part 2, or any act or practice
7 constituting grounds for administrative sanction pursuant to this part 2,
8 the board may enter into a stipulation with such person.

9 (12) When a complaint or investigation discloses an instance of
10 conduct that does not warrant formal action by the board and, in the
11 opinion of the board, the complaint should be dismissed, but the board
12 has noticed indications of possible errant conduct by the licensee ~~or~~
13 ~~certificate holder~~ that could lead to serious consequences if not corrected,
14 a confidential letter of concern may be issued and sent to the licensee. ~~or~~
15 ~~certificate holder.~~

16 **SECTION 19.** In Colorado Revised Statutes, 12-25-210, **amend**
17 (1) as follows:

18 **12-25-210. Application for licensing.** (1) Each application for
19 licensing ~~or certification~~ shall be ~~on~~ IN a form ~~furnished~~ SPECIFIED by the
20 board and shall contain statements made under oath showing the
21 applicant's education and showing a detailed summary of ~~such~~ THE
22 applicant's surveying experience. Each application ~~shall~~ MUST contain a
23 statement indicating whether the applicant has ever been convicted of a
24 felony in this or in any other state, or has ever had a surveyor's license or
25 registration revoked, suspended, or not renewed, or has been reprimanded
26 or fined relative to surveying in this or any other state. Applications that
27 are not complete ~~shall be deemed~~ ARE defective, and the board shall take

1 no action on defective applications except to give notice to the applicant
2 of the defects. A nonrefundable application fee in an amount set by the
3 board shall accompany each application.

4 **SECTION 20.** In Colorado Revised Statutes, 12-25-214, **amend**
5 (2) (b) (I) (C), (2) (b) (II) (C), and (5) (b) (II) as follows:

6 **12-25-214. Qualifications for professional land surveyor -**
7 **repeal.** (2) (b) To be admitted to an examination pursuant to paragraph
8 (a) of this subsection (2), the applicant shall meet the requirements stated
9 in at least one of the following:

10 (I) (C) Have been ~~certified~~ ENROLLED as a land surveyor-intern in
11 this state; or

12 (II) (C) Have been ~~certified~~ ENROLLED as a land surveyor-intern
13 in this state; or

14 (5) (b) (II) For any professional land surveyor who has been
15 retired for two or more years, the board may require reexamination or
16 recertification, unless the board is satisfied of ~~such~~ THE retired
17 professional land surveyor's continued competence.

18 *Recommendation 12*

19 **SECTION 21.** In Colorado Revised Statutes, 12-25-215, **amend**
20 (1), (2), (4), and (6) as follows:

21 **12-25-215. Licenses.** (1) The board, upon acceptance of an
22 applicant who has demonstrated competence in professional land
23 surveying and upon receipt of payment of the required fee, shall license
24 and issue a ~~numbered certificate of licensure~~ UNIQUE LICENSE NUMBER to
25 ~~said~~ THE applicant.

26 (2) The board, upon acceptance of a qualified land surveyor-intern
27 and upon receipt of payment of the required fee, shall ~~certify said~~ ENROLL

1 THE qualified land surveyor-intern.

2 (4) All licenses ~~and registrations~~ shall be renewed or reinstated
3 pursuant to a schedule established by the director of the division of
4 professions and occupations within the department of regulatory agencies
5 and shall be renewed or reinstated pursuant to section 24-34-102 (8),
6 C.R.S. The director of the division of professions and occupations within
7 the department of regulatory agencies may establish renewal fees and
8 delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S.
9 If a person fails to renew his or her license ~~or registration~~ pursuant to the
10 schedule established by the director of the division of professions and
11 occupations, ~~such~~ THE license ~~or registration~~ shall expire. Any person
12 whose license ~~or registration~~ has expired ~~shall be~~ IS subject to the
13 penalties provided in this article or section 24-34-102 (8), C.R.S.

14 (6) A professional land surveyor shall give ~~immediate~~ notice to
15 the board, in writing, of any change of address WITHIN THIRTY DAYS
16 AFTER THE CHANGE.

17 **SECTION 22.** In Colorado Revised Statutes, 12-25-216, **amend**
18 (1) (a) (II) and (1) (a) (V) as follows:

19 **12-25-216. Fees - disposition.** (1) Pursuant to section 24-34-105,
20 C.R.S., the board shall charge and collect fees for the following:

21 (a) With respect to professional land surveyors:

22 (II) Replacement of a ~~license~~, PAPER certificate ~~of licensure~~, or
23 renewal card, IF REQUESTED BY THE LICENSEE;

24 (V) Issuance of a PAPER certificate of licensure, ~~as a professional~~
25 ~~land surveyor~~ IF REQUESTED BY THE LICENSEE;

26 **SECTION 23.** In Colorado Revised Statutes, **amend** 12-25-217
27 as follows:

1 **12-25-217. Professional land surveyor's seal - rules.** (1) Upon
2 receipt of a certificate of licensure, the newly licensed RECEIVING A
3 LICENSE FROM THE BOARD, A professional land surveyor may obtain a
4 seal. ~~A crimp type seal, a rubber stamp type seal, or an electronic type~~
5 ~~seal may be used. The seal shall be~~ of a design approved by the board.
6 ~~and shall contain~~ THE SEAL MUST CONTAIN the LICENSED professional
7 land surveyor's name and license number and the designation "Colorado
8 licensed professional land surveyor". Colorado land surveyors licensed
9 before July 1, 2004, may continue to use their prior existing seals.

10 (2) All documents, plats, and reports resulting from the practice
11 of land surveying shall be identified with and bear the seal or
12 facsimile and EXACT COPY THEREOF, signature, AND DATE OF SIGNATURE
13 of the land surveyor in responsible charge.

14 (3) ~~The~~ A PROFESSIONAL LAND SURVEYOR SHALL USE A seal and
15 signature ~~shall be used by a professional land surveyor~~ only when the
16 work ~~being stamped~~ TO WHICH THE SEAL IS APPLIED WAS PREPARED under
17 ~~such~~ THE professional land surveyor's responsible charge.

18 (4) THE BOARD SHALL ADOPT RULES GOVERNING USE OF THE SEAL
19 AND THE RETENTION, USE, AND DISTRIBUTION OF SEALED DOCUMENTS AND
20 COPIES THEREOF.

21 **SECTION 24.** In Colorado Revised Statutes, 12-25-302, **amend**
22 (6) and (7) as follows:

23 **12-25-302. Definitions.** As used in this part 3, unless the context
24 otherwise requires:

25 (6) (a) The "practice of architecture" means the performance of
26 the professional PROVIDING ANY OF THE FOLLOWING services of planning
27 and design of buildings, preparation of construction contract documents

1 including working drawings and specifications for the construction of
2 buildings, and the observation of construction pursuant to an agreement
3 between an architect and any other person, but does not include the
4 performance of the construction of buildings IN CONNECTION WITH THE
5 DESIGN, CONSTRUCTION, ENLARGEMENT, OR ALTERATION OF A BUILDING
6 OR GROUP OF BUILDINGS AND THE SPACE WITHIN AND THE SITE
7 SURROUNDING THOSE BUILDINGS, WHICH HAVE AS THEIR PRINCIPAL
8 PURPOSE HUMAN OCCUPANCY OR HABITATION:

9 (I) PRE-DESIGN;

10 (II) PROGRAMMING;

11 (III) PLANNING;

12 (IV) PROVIDING DESIGNS, DRAWINGS, SPECIFICATIONS, AND OTHER
13 TECHNICAL SUBMISSIONS;

14 (V) ADMINISTERING CONSTRUCTION CONTRACTS; AND

15 (VI) COORDINATING ANY ELEMENTS OF TECHNICAL SUBMISSIONS
16 PREPARED BY OTHERS.

17 (b) A LICENSED ARCHITECT MAY PERFORM SUCH ENGINEERING
18 WORK AS IS INCIDENTAL TO THE PRACTICE OF ARCHITECTURE.

19 (b) (c) An architect's professional services, unless performed
20 pursuant to the exemptions set forth in section 12-25-303 by a person who
21 is not an architect, may include any or all of the following:

22 (I) Investigations, evaluations, schematic and preliminary studies,
23 designs, working drawings, and specifications for construction, or for one
24 or more buildings, and for the space within and surrounding the buildings
25 or structures;

26 (II) Coordination of the work of technical and special consultants;

27 (III) Compliance with generally applicable codes and regulations,

1 and assistance in the governmental review process;

2 (IV) Technical assistance in the preparation of bid documents and
3 agreements between clients and contractors;

4 (V) Contract administration; and

5 (VI) Construction observation.

6 (d) AN INDIVIDUAL PRACTICES OR OFFERS TO PRACTICE
7 ARCHITECTURE WITHIN THE MEANING AND INTENT OF THIS SUBSECTION (6)
8 IF THE INDIVIDUAL, BY ORAL CLAIM, SIGN, ADVERTISEMENT, LETTERHEAD,
9 CARD, OR IN ANY OTHER WAY, REPRESENTS HIMSELF OR HERSELF TO BE AN
10 ARCHITECT, IMPLIES THAT HE OR SHE IS LICENSED UNDER THIS PART 3, OR
11 PERFORMS OR OFFERS TO PERFORM A SERVICE LISTED IN PARAGRAPH (b)
12 OF THIS SUBSECTION (6).

13 (7) "Responsible control" means that amount of control over and
14 detailed knowledge of the content of ~~technical submissions as defined in~~
15 ~~section 12-25-304 (3) (c)~~ PLANS, DESIGNS, DRAWINGS, SPECIFICATIONS,
16 AND REPORTS during their preparation as is ordinarily exercised by a
17 licensed architect applying the required standard of ~~care~~ PRACTICE.

18 **SECTION 25.** In Colorado Revised Statutes, 12-25-303, **amend**
19 (3) and (6) (c) (I) (B) as follows:

20 12-25-303. Exemptions. (3) Nothing in this part 3 shall be
21 construed as curtailing or extending the rights of any other profession or
22 craft, INCLUDING THE PRACTICE OF LANDSCAPE ARCHITECTURE BY
23 LANDSCAPE ARCHITECTS PURSUANT TO ARTICLE 45 OF THIS TITLE.

24 (6) (c) As used in this subsection (6), "interior designer" means a
25 person who:

26 (I) Engages in:

27 (B) Preparing and ~~filing~~ SUBMITTING interior design documents

1 for the purpose of obtaining approval for a building permit as provided
2 by law for nonstructural or nonseismic interior construction, materials,
3 finishes, space planning, furnishings, fixtures, equipment, lighting, and
4 reflected ceiling plans;

5 =====

6 **SECTION 26.** In Colorado Revised Statutes, 12-25-305, **amend**
7 (1); and **add** (2.5), (9), and (10) as follows:

8 **12-25-305. Unauthorized practice - penalties - enforcement.**

9 (1) UNLESS EXEMPTED UNDER SECTION 12-25-303 (7), any person who
10 practices or offers or attempts to practice architecture without an active
11 license issued under this ~~article~~ PART 3 commits a class 2 misdemeanor
12 and shall be punished as provided in section 18-1.3-501, C.R.S., for the
13 first offense, and, for the second or any subsequent offense, the person
14 commits a class 6 felony and shall be punished as provided in section
15 18-1.3-401, C.R.S.

16 (2.5) (a) IT IS UNLAWFUL FOR ANY INDIVIDUAL TO HOLD HIMSELF
17 OR HERSELF OUT TO THE PUBLIC AS AN ARCHITECT UNLESS THE INDIVIDUAL
18 HAS COMPLIED WITH THIS PART 3.

19 (b) IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE, OR OFFER TO
20 PRACTICE, ARCHITECTURE IN THIS STATE UNLESS THE INDIVIDUAL IN
21 RESPONSIBLE CONTROL HAS COMPLIED WITH THIS PART 3.

22 (c) UNLESS LICENSED PURSUANT TO THIS PART 3, IT IS UNLAWFUL
23 FOR ANY PERSON TO USE ANY OF THE FOLLOWING TITLES: "ARCHITECT",
24 "ARCHITECTS", "ARCHITECTURE", "ARCHITECTURAL", OR "LICENSED
25 ARCHITECT". IN ADDITION, UNLESS LICENSED PURSUANT TO THIS PART 3,
26 IT IS UNLAWFUL FOR ANY PERSON TO USE THE WORDS "ARCHITECT",
27 "ARCHITECTS", "ARCHITECTURE", "ARCHITECTURAL", OR "LICENSED

1 ARCHITECT" IN ANY OFFER TO THE PUBLIC TO PERFORM THE SERVICES SET
2 FORTH IN SECTION 12-25-302 (6). NOTHING IN THIS SUBSECTION (2.5)
3 PROHIBITS THE GENERAL USE OF THE WORDS "ARCHITECT",
4 "ARCHITECTURE", OR "ARCHITECTURAL", INCLUDING THE SPECIFIC USE OF
5 THE TERM "ARCHITECTURAL INTERN" BY AN INDIVIDUAL WHO IS WORKING
6 UNDER THE SUPERVISION OF AN ARCHITECT AND IS IN THE PROCESS OF
7 COMPLETING REQUIRED PRACTICE HOURS IN PREPARATION FOR THE
8 ARCHITECT LICENSING EXAMINATION, SO LONG AS THOSE WORDS ARE NOT
9 BEING USED IN AN OFFER TO THE PUBLIC TO PERFORM THE SERVICES SET
10 FORTH IN SECTION 12-25-302 (6).

11 (9) AFTER FINDING THAT A PERSON HAS UNLAWFULLY ENGAGED
12 IN THE PRACTICE OF ARCHITECTURE, THE BOARD MAY JOINTLY AND
13 SEVERALLY ASSESS AGAINST THE PERSON A FINE OF NOT LESS THAN FIFTY
14 DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH
15 VIOLATION PROVEN BY THE BOARD. THE BOARD SHALL TRANSMIT THE
16 MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (9) TO THE STATE
17 TREASURER, WHO SHALL CREDIT THEM TO THE GENERAL FUND.

18 (10) AN INDIVIDUAL PRACTICING ARCHITECTURE WHO IS NOT
19 LICENSED OR EXEMPT FROM LICENSURE SHALL NOT COLLECT
20 COMPENSATION OF ANY KIND FOR SUCH PRACTICE, AND, IF COMPENSATION
21 HAS BEEN PAID, THE INDIVIDUAL SHALL REFUND THE COMPENSATION IN
22 FULL.

23 **SECTION 27.** In Colorado Revised Statutes, 12-25-307, **amend**
24 (2) (a) introductory portion as follows:

25 **12-25-307. Powers and duties of the board.** (2) The board shall:
26 (a) Keep a record of its proceedings and of all applications for
27 licensing ~~or certification~~ under this part 3. The application record for each

1 applicant shall include:

2 **SECTION 28.** In Colorado Revised Statutes, 12-25-308, **amend**

3 (1) (i), (2) (a), (2) (b), and (4) (a); and **repeal** (1) (o) as follows:

4 **12-25-308. Disciplinary actions - grounds for discipline.**

5 (1) The board may deny, suspend, revoke, or refuse to renew the license
6 of, place on probation, or limit the scope of practice of a licensee for the
7 following:

8 (i) ~~Habitual intemperance with respect to, or excessive use of, any~~
9 ~~habit-forming drug, any controlled substance as defined in section~~
10 ~~18-18-102 (5), C.R.S., or any alcoholic beverage, any of which renders~~
11 ~~him or her unfit to practice architecture~~ HABITUAL OR EXCESSIVE USE OR
12 ABUSE OF ALCOHOL, CONTROLLED SUBSTANCES, OR ANY HABIT-FORMING
13 DRUG;

14

15 (o) ~~Mental incompetency;~~

16 (2) (a) When a complaint or investigation discloses an instance of
17 misconduct that, in the opinion of the board, does not warrant formal
18 action by the board but that should not be dismissed as being without
19 merit, THE BOARD MAY ISSUE AND SEND a letter of admonition ~~may be~~
20 ~~issued and sent,~~ by ~~certified~~ FIRST-CLASS mail to the licensee AT THE
21 LICENSEE'S LAST-KNOWN ADDRESS.

22 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
23 ~~board by certified mail,~~ to a licensee, ~~such~~ THE BOARD SHALL ADVISE THE
24 licensee ~~shall be advised~~ that he or she has the right to request in writing,
25 within twenty days after receipt of the letter, that formal disciplinary
26 proceedings be initiated to adjudicate the propriety of the conduct upon
27 which the letter of admonition is based.

1 (4) (a) In addition to the penalties provided for in subsection (2)
2 of this section, any person violating any provision of this part 3 or any
3 standards or rules promulgated pursuant to this part 3 may be punished BY
4 A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN FIVE
5 THOUSAND DOLLARS upon a finding of misconduct by the board, made
6 pursuant to article 4 of title 24, C.R.S. ~~In an administrative proceeding~~
7 ~~against a licensee, the board may impose a fine of not more than five~~
8 ~~thousand dollars.~~

9 **SECTION 29.** In Colorado Revised Statutes, 12-25-310, **amend**
10 (1) and (3) as follows:

11 **12-25-310. Application for licensing.** (1) An applicant shall
12 submit an application that includes evidence of education and practical
13 experience as required by section 12-25-314 and the rules of the board.
14 ~~Such~~ THE application shall also include a ~~signed~~ statement that the
15 applicant has never been denied licensure as an architect or been
16 disciplined with regard to the practice of architecture or practiced
17 architecture in violation of the law. If the board determines that an
18 applicant has committed any of the acts specified as grounds for
19 discipline under section 12-25-308 (1), it may deny an application for
20 examination or licensure. ~~If the applicant has not complied with~~
21 ~~subsection (3) of this section, the board shall deny an application for~~
22 ~~examination or licensure~~ THE BOARD SHALL NOTIFY THE APPLICANT IF
23 IT DETERMINES THAT THE APPLICATION IS INCOMPLETE OR OTHERWISE
24 DEFECTIVE, AND SHALL SPECIFY THE GROUNDS FOR THE DETERMINATION.

25 (3) ~~No~~ A licensee whose license is revoked ~~shall be allowed to~~
26 ~~apply~~ MAY REAPPLY for licensure, ~~earlier than~~ BUT THE BOARD SHALL NOT
27 CONSIDER THE APPLICATION UNTIL two years after the effective date of the

1 revocation.

2 **SECTION 30.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 12-25-312 as follows:

4 **12-25-312. Notification to board.** EACH ARCHITECT SHALL
5 REPORT TO THE BOARD ANY MALPRACTICE CLAIM AGAINST THE
6 ARCHITECT, OR AGAINST ANY ENTITY OF WHICH THE ARCHITECT IS A
7 MEMBER, THAT IS SETTLED OR IN WHICH JUDGMENT IS RENDERED, WITHIN
8 SIXTY DAYS AFTER THE EFFECTIVE DATE OF THE SETTLEMENT OR
9 JUDGMENT, IF THE CLAIM CONCERNED THE PRACTICE OF ARCHITECTURE
10 PERFORMED OR SUPERVISED BY THE ARCHITECT; EXCEPT THAT A LICENSEE
11 IS NOT REQUIRED TO REPORT ANY CLAIM THAT WAS DISMISSED BY A COURT
12 OF LAW.

13 **SECTION 31.** In Colorado Revised Statutes, 12-25-314, **amend**
14 (3) as follows:

15 **12-25-314. Qualifications for architect licensure.** (3) An
16 applicant for licensure by endorsement ~~shall~~ MUST hold a license in good
17 standing in a jurisdiction requiring qualifications substantially equivalent
18 to those currently required for licensure by examination as provided in
19 section 12-25-310 (1) and subsections (1) and (2) of this section and shall
20 ~~file~~ SUBMIT an application as prescribed by the board. The board shall
21 provide procedures for an applicant to apply directly to the board. The
22 board may also provide an alternative application procedure so that an
23 applicant may, at his or her option, instead apply to a national
24 clearinghouse designated by the board. The national clearinghouse shall
25 then forward the application to the board.

26 **SECTION 32.** In Colorado Revised Statutes, 12-25-315, **amend**
27 (2); and **add** (4) as follows:

1 **12-25-315. Licenses.** (2) An architect may renew a license by
2 paying to the board the license renewal fee established pursuant to section
3 24-34-105, C.R.S., and the board shall then ~~issue a certificate of renewal~~
4 RENEW THE LICENSE.

5 (4) AN ARCHITECT SHALL GIVE NOTICE TO THE BOARD, IN A
6 MANNER PRESCRIBED BY THE BOARD, OF ANY CHANGE OF ADDRESS WITHIN
7 THIRTY DAYS AFTER THE CHANGE.

8 **SECTION 33.** In Colorado Revised Statutes, 12-25-316, **amend**
9 (3) as follows:

10 **12-25-316. Disposition of fees - expenses of board.** (3) The
11 board may charge fees for licensure by examination, reexamination, AND
12 endorsement. ~~and recertification.~~ The board may also charge fees for
13 ~~replacement of a license certificate and for the renewal and reinstatement~~
14 of a license.

15 **SECTION 34.** In Colorado Revised Statutes, **repeal and reenact,**
16 **with amendments,** 12-25-317 as follows:

17 **12-25-317. Architect's seal - rules.** (1) UPON RECEIVING A
18 LICENSE FROM THE BOARD, AN ARCHITECT MAY OBTAIN A CRIMP TYPE
19 SEAL, A RUBBER STAMP TYPE SEAL, OR AN ELECTRONIC TYPE SEAL IN A
20 DESIGN APPROVED BY THE BOARD. THE SEAL MUST CONTAIN THE
21 ARCHITECT'S NAME AND LICENSE NUMBER AND THE DESIGNATION
22 "COLORADO LICENSED ARCHITECT". ARCHITECTS LICENSED BEFORE JULY
23 1, 2013, MAY CONTINUE TO USE THEIR EXISTING SEALS.

24 (2) AN ARCHITECT SHALL USE HIS OR HER SEAL, SIGNATURE, AND
25 THE DATE OF SIGNATURE ONLY WHEN THE WORK TO WHICH THE SEAL IS
26 APPLIED WAS PREPARED UNDER THE ARCHITECT'S RESPONSIBLE CONTROL.

27 **(3) THE BOARD SHALL ADOPT RULES GOVERNING USE OF THE SEAL**

1 AND THE RETENTION, USE, AND DISTRIBUTION OF SEALED DOCUMENTS AND
2 COPIES THEREOF.

3 **SECTION 35.** In Colorado Revised Statutes, 38-50-103, **amend**
4 (1), (2) (a), (2) (b), and (4) as follows:

5 **38-50-103. Public records - monument records.** (1) The state
6 board of licensure for architects, professional engineers, and professional
7 land surveyors, created in section 12-25-106, C.R.S., shall employ
8 personnel at the expense of such board's licensed professional land
9 surveyors to maintain a ~~monument record filing~~ RECORD-KEEPING AND
10 INDEXING system for all monument records ~~filed~~ SUBMITTED in
11 accordance with section 38-53-104.

12 (2) (a) The state board of licensure for architects, professional
13 engineers, and professional land surveyors shall ~~transmit~~ PROVIDE, FREE
14 OF CHARGE, a copy of each monument record ~~accepted for filing, without~~
15 ~~fee,~~ SUBMITTED IN ACCORDANCE WITH SECTION 38-53-104 to the county
16 clerk and recorder for the county in which the monument is located.

17 (b) Each county clerk and recorder shall maintain copies of
18 monument records in a ~~file furnished by the board~~ COUNTY
19 RECORD-KEEPING AND INDEXING SYSTEM and, upon receipt of each ~~such~~
20 monument record PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS
21 SUBSECTION (2), shall list it in a ~~master index included with each such file~~
22 THE SYSTEM.

23 (4) No fee shall be charged by the state board of licensure for
24 architects, professional engineers, and professional land surveyors for the
25 ~~filing~~ SUBMISSION of monument records. The cost of maintaining the
26 RECORD-KEEPING AND INDEXING SYSTEM FOR monument ~~record files~~
27 RECORDS shall be recouped as part of the renewal ~~fee~~ FEES charged to

1 licensees, ~~Such renewal fee~~ WHICH FEES shall be calculated to cover the
2 costs of the staff and equipment necessary to maintain the ~~monument~~
3 ~~record filing~~ RECORD-KEEPING AND INDEXING system.

4 **SECTION 36.** In Colorado Revised Statutes, 38-51-104, **amend**
5 (1) (b), (2), (3) (b) (I), and (6) as follows:

6 **38-51-104. Monumentation of land surveys.** (1) (b) A durable
7 cap bearing the ~~registration~~ LICENSE number of the professional land
8 surveyor responsible for the establishment of the monument shall be
9 affixed securely to the top of each such monument embedded pursuant to
10 this subsection (1).

11 (2) If the points designated in subsection (1) of this section fall on
12 solid bedrock, concrete, stone curbs, gutters, or walks, a durable metal
13 disk or cap shall be securely anchored in the rock or concrete and stamped
14 with the ~~survey point and the registration~~ LICENSE number of the
15 professional land surveyor responsible for the establishment of the
16 monument or marker.

17 (3) (b) (I) The letters "RM" or "WC" and the surveyor's
18 ~~registration~~ LICENSE number shall be affixed to the monument.

19 (6) No marker required by this section shall bear the ~~registration~~
20 LICENSE number of more than one professional land surveyor but may
21 bear the name of an individual surveyor or surveying firm in addition to
22 the required ~~registration~~ LICENSE number.

23 **SECTION 37.** In Colorado Revised Statutes, 38-51-105, **amend**
24 (6) as follows:

25 **38-51-105. Monumentation of subdivisions.** (6) For any points
26 designated in subsection (1), (2), or (3) of this section that fall on solid
27 bedrock, concrete, stone curbs, gutters, or walks, a durable metal disk or

1 cap shall be securely anchored in the rock or concrete and stamped with
2 the survey point and the license number of the professional land surveyor
3 responsible for the establishment of the monument or marker.

4 **SECTION 38.** In Colorado Revised Statutes, 38-51-108, **amend**
5 (1) and (2) (a) (II) as follows:

6 **38-51-108. Improvement location certificate.** (1) A professional
7 land surveyor may prepare an improvement location certificate for the use
8 of a specific client based upon such THE professional land surveyor's
9 general knowledge of land boundaries and monuments in a given area if
10 such WHETHER OR NOT THE client is not the owner or buyer; except that,
11 IF THE CLIENT IS NOT THE OWNER OR BUYER, THE PROFESSIONAL LAND
12 SURVEYOR SHALL PROVIDE a copy of such THE certificate shall be
13 provided to such THE owner or buyer.

14 (2) (a) (II) Such certificate shall be prominently labeled
15 "improvement location certificate" and contain a statement in the
16 following form:

17 IMPROVEMENT LOCATION CERTIFICATE

18 I hereby certify that this improvement location
19 certificate was prepared for (individual or firm), that
20 it is not a land survey plat or improvement survey plat, and
21 that it is not to be relied upon for the establishment of
22 fence, building, or other future improvement lines. THIS
23 CERTIFICATE IS VALID ONLY FOR USE BY (INDIVIDUAL OR
24 FIRM) AND DESCRIBES THE PARCEL'S APPEARANCE ON
25 (DATE)

26 I further certify that the improvements on the above
27 described parcel on this date, (insert date), except

1 utility connections, are entirely within the boundaries of the
2 parcel, except as shown, that there are no encroachments
3 upon the described premises by improvements on any
4 adjoining premises, except as indicated, and that there is no
5 apparent evidence or sign of any easement crossing or
6 burdening any part of said parcel, except as noted.

7 Stamp By(Signed).....

8 or

9 Seal Date

10 **SECTION 39.** In Colorado Revised Statutes, **amend** 38-53-104
11 as follows:

12 **38-53-104. Submission of monument record required.**

13 (1) (a) If a professional land surveyor conducts a survey that uses any
14 monument representing a public land survey monument location, quarter
15 section corner, sixteenth section corner, government land office or bureau
16 of land management (government) lot corner as defined by the
17 nomenclature of the United States public land survey system, or any
18 United States geological survey or United States coast and geodetic
19 survey (also known as the national ocean service/national geodetic
20 survey) monument as a control corner, ~~such~~ THE professional land
21 surveyor shall ~~file~~ SUBMIT a monument record describing such monument
22 with the board if the monument and its accessories are not substantially
23 described in an existing monument record previously ~~filed~~ SUBMITTED
24 pursuant to this section or its predecessor.

25 (b) If a professional land surveyor establishes, restores, or
26 rehabilitates any public land survey monument corner location or section
27 corner, quarter section corner, or sixteenth section corner as defined by

1 the nomenclature of the United States public land survey system, ~~such~~
2 THE professional land surveyor shall ~~file~~ SUBMIT a monument record.

3 (c) Any monument record ~~filed~~ SUBMITTED pursuant to this
4 section ~~shall~~ MUST describe at least two accessories or reference points.

5 (2) A PROFESSIONAL LAND SURVEYOR SHALL SUBMIT A monument
6 ~~records shall be filed~~ RECORD within six months ~~of~~ AFTER the date on
7 which the monument was used as control or was established, restored, or
8 rehabilitated.

9 **SECTION 40.** In Colorado Revised Statutes, **amend** 38-53-105
10 as follows:

11 **38-53-105. Professional land surveyor must rehabilitate**
12 **monuments.** For any monument record of a public land survey corner
13 which is required to be ~~filed~~ SUBMITTED pursuant to this article, the
14 professional land surveyor shall restore or rehabilitate the corner
15 monument so it is readily identifiable and reasonably durable, if field
16 conditions require it.

17 **SECTION 41.** In Colorado Revised Statutes, **amend** 38-53-106
18 as follows:

19 **38-53-106. Form of monument records - prescribed by board.**
20 The board shall adopt and revise as necessary the ~~forms used for~~ FORM
21 AND TECHNICAL SPECIFICATIONS FOR SUBMISSION OF monument records,
22 including the information to be ~~required on such forms.~~ Such forms and
23 ~~any necessary instructions shall be furnished to all professional land~~
24 ~~surveyors without charge~~ INCLUDED WITH, OR AS PART OF, THE RECORDS.

25 **SECTION 42.** In Colorado Revised Statutes, **amend** 38-53-107
26 as follows:

27 **38-53-107. Monument records - conditions for acceptance.** ~~No~~

1 THE BOARD SHALL NOT ACCEPT A monument record ~~shall be accepted for~~
2 ~~filing~~ unless it is ~~properly completed and signed and sealed~~ COMPLIES
3 WITH THE FORM AND TECHNICAL SPECIFICATIONS ESTABLISHED BY THE
4 BOARD UNDER SECTION 38-53-107 AND IS SIGNED, SEALED, OR OTHERWISE
5 AUTHENTICATED by the professional land surveyor who was in
6 responsible charge of the work.

7 **SECTION 43.** In Colorado Revised Statutes, **amend** 38-53-108
8 as follows:

9 **38-53-108. Submission permitted on any survey monument.** A
10 professional land surveyor may ~~file~~ SUBMIT a monument record
11 describing any land survey monument, accessory, or bench mark with the
12 board.

13 **SECTION 44.** In Colorado Revised Statutes, **amend** 38-53-109
14 as follows:

15 **38-53-109. Fees.** THE BOARD SHALL NOT CHARGE A FEE for ~~filings~~
16 ~~on~~ SUBMISSIONS RELATED TO public land survey monuments and their
17 accessories and aliquot corners or bench marks. ~~there shall be no fee~~
18 ~~charged.~~ For all other filings, ~~there shall be~~ THE BOARD MAY ESTABLISH
19 a fee ~~established~~ pursuant to section 24-34-105, C.R.S., which shall be
20 payable to the board at the time of ~~filing~~ SUBMISSION."

21 **SECTION 45. Effective date.** This act takes effect July 1, 2013.

22 **SECTION 46. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.