

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 6, 2013
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB13-161 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, line 23, strike "(2) and".
- 2 Page 4, strike lines 1 through 3.
- 3 Page 4, line 11, strike "**add** (2)" and substitute "**amend** (1) introductory
4 portion, (1) (j), and (1) (k); and **add** (1) (l)".
- 5 Page 4, line 13, strike "(2) NOTHING IN THIS PART 1 PROHIBITS" and
6 substitute "(1) This part 1 ~~shall~~ DOES not be construed to affect any of the
7 following:
8 (j) Individuals who practice architecture as defined in section
9 12-25-302 (6); ~~or~~
10 (k) Utilities or their employees or contractors when performing
11 services for another utility during times of natural disasters or emergency
12 situations; OR
13 (l) INDIVIDUALS WHO PRACTICE LANDSCAPE ARCHITECTURE AS
14 DEFINED IN SECTION 12-45-103 (8)".
- 15 Page 4, strike lines 14 through 19.
- 16 Page 5, line 3, strike "THIS STATE" and substitute "COLORADO".
- 17 Page 5, strike lines 5 through 9 and substitute "PERFORMED IN COLORADO
18 IS A PROFESSIONAL ENGINEER LICENSED IN COLORADO. ALL ENGINEERING

1 DOCUMENTS, PLATS, AND REPORTS ISSUED BY OR FOR THE ENTITY IN
2 CONNECTION WITH ENGINEERING WORK PERFORMED IN THIS STATE MUST
3 BEAR THE SEAL AND SIGNATURE OF THE COLORADO-LICENSED
4 PROFESSIONAL ENGINEER WHO IS IN RESPONSIBLE CHARGE OF AND
5 DIRECTLY RESPONSIBLE FOR THE ENGINEERING WORK."

6 Page 6, strike lines 4 through 13.

7 Renumber succeeding sections accordingly.

8 Page 6, line 20, strike "practicable, EITHER ON LINE OR" and substitute
9 "practicable."

10 Page 6, strike line 21 and substitute "at such locations as the board shall
11 determine. The board shall ensure that".

12 Page 8, line 24, strike "or registrant" and substitute "~~or registrant~~".

13 Page 9, line 2, strike "unlicensed or" and substitute "unlicensed ~~or~~".

14 Page 9, line 3, strike "unregistered" and substitute "~~unregistered~~".

15 Page 10, line 2, strike "licensee or" and substitute "licensee. ~~or~~".

16 Page 10, strike line 3 and substitute "~~registrant~~".

17 Page 11, line 6, strike "LICENSE" and substitute "ENROLL".

18 Page 11, line 15, strike "or registration" and substitute "~~or registration~~".

19 Page 11, line 17, strike "or registration" and substitute "~~or registration~~".

20 Page 11, line 18, strike "or registration" and substitute "~~or registration~~".

21 Page 12, line 1, strike "PAPER" and substitute "PHYSICAL".

22 Page 12, line 3, strike "PAPER" and substitute "PHYSICAL".

23 Page 12, line 6, before "(3);" insert "(1) and".

24 Page 12, line 7, strike "(3) The A" and substitute "(1) Upon receipt of a

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

9 (3) ~~The A~~".

10 Page 12, line 18, strike "under seal" and substitute "~~under seal~~".

11 Page 12, line 19, strike everything after the period.

12 Strike line 20.

13 Page 13, strike lines 5 through 13.

14 Renumber succeeding sections accordingly.

15 Page 13, line 24, strike everything after the period.

16 Page 13, line 25, strike "12-25-203 (2), all" and substitute "All".

17 Page 14, strike lines 3 through 12.

18 Renumber succeeding sections accordingly.

19 Page 14, strike lines 25 and 26 and substitute "as often as practicable. at
20 ~~such times and locations as the board shall designate~~. Written
21 ~~examination papers shall~~".

22 Page 18, line 17, strike "license or" and substitute "license ~~or~~".

23 Page 18, line 18, strike "registration" and substitute "~~registration~~".

24 Page 18, strike line 25 and substitute "(2) (b) (I) (C), (2) (b) (II) (C), and
25 (5) (b) (II) as follows:".

26 Page 19, after line 6 insert:

27 "(5) (b) (II) For any professional land surveyor who has been

1 retired for two or more years, the board may require reexamination ~~or~~
2 ~~recertification~~, unless the board is satisfied of ~~such~~ THE retired
3 professional land surveyor's continued competence."

4 Page 20, line 27, strike "seal, ~~or facsimile~~".

5 Page 21, line 1, strike "~~and~~" and substitute "seal or ~~facsimile~~ and EXACT
6 COPY THEREOF,".

7 Page 21, line 11, strike "(a)".

8 Page 21, strike lines 14 through 20 and substitute:

9 "(6) (a) The "practice of architecture" means ~~the performance of~~
10 ~~the professional~~ PROVIDING ANY OF THE FOLLOWING services of ~~planning~~
11 ~~and design of buildings, preparation of construction contract documents~~
12 ~~including working drawings and specifications for the construction of~~
13 ~~buildings, and the observation of construction pursuant to an agreement~~
14 ~~between an architect and any other person, but does not include the~~
15 ~~performance of the construction of buildings~~ IN CONNECTION WITH THE
16 DESIGN, CONSTRUCTION, ENLARGEMENT, OR ALTERATION OF A BUILDING
17 OR GROUP OF BUILDINGS AND THE SPACE WITHIN AND THE SITE
18 SURROUNDING THOSE BUILDINGS, WHICH HAVE AS THEIR PRINCIPAL
19 PURPOSE HUMAN OCCUPANCY OR HABITATION:

20 (I) PRE-DESIGN;

21 (II) PROGRAMMING;

22 (III) PLANNING;

23 (IV) PROVIDING DESIGNS, DRAWINGS, SPECIFICATIONS, AND OTHER
24 TECHNICAL SUBMISSIONS;

25 (V) ADMINISTERING CONSTRUCTION CONTRACTS; AND

26 (VI) COORDINATING ANY ELEMENTS OF TECHNICAL SUBMISSIONS
27 PREPARED BY OTHERS.

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

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

33 (I) Investigations, evaluations, schematic and preliminary studies,
34 designs, working drawings, and specifications for construction, or for one
35 or more buildings, and for the space within and surrounding the buildings
36 or structures;

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

- 1 (III) Compliance with generally applicable codes and regulations,
2 and assistance in the governmental review process;
- 3 (IV) Technical assistance in the preparation of bid documents and
4 agreements between clients and contractors;
- 5 (V) Contract administration; and
- 6 (VI) Construction observation."

7 Page 21, line 21, strike "(II)" and substitute "(d)".

8 Page 22, line 7, before "(6)" insert "(3) and".

9 Page 22, strike line 8 and substitute:

10 **"12-25-303. Exemptions.** (3) Nothing in this part 3 shall be
11 construed as curtailing or extending the rights of any other profession or
12 craft, INCLUDING THE PRACTICE OF LANDSCAPE ARCHITECTURE BY
13 LANDSCAPE ARCHITECTS PURSUANT TO ARTICLE 45 OF THIS TITLE.

14 (6) (c) As used in this subsection (6),"

15 Page 22, strike lines 16 through 27.

16 Strike page 23.

17 Page 24, strike lines 1 through 13.

18 Renumber succeeding sections accordingly.

19 Page 25, line 12, strike ""ARCHITECTURAL"" and substitute
20 ""ARCHITECTURAL", INCLUDING THE SPECIFIC USE OF THE TERM
21 "ARCHITECTURAL INTERN" BY AN INDIVIDUAL WHO IS WORKING UNDER
22 THE SUPERVISION OF AN ARCHITECT AND IS IN THE PROCESS OF
23 COMPLETING REQUIRED PRACTICE HOURS IN PREPARATION FOR THE
24 ARCHITECT LICENSING EXAMINATION,".

25 Page 26, line 7, strike "(1) (k),".

26 Page 26, strike lines 18 through 24.

27 Page 27, strike line 16 and substitute "pursuant to article".

28 Page 28, line 6, strike "WITHIN THIRTY DAYS".

1 Page 28, line 13, after "**repeal**" insert "**and reenact, with amendments,**".

2 Page 28, strike lines 15 through 19 and substitute:

3 "**12-25-312. Notification to board.** EACH ARCHITECT SHALL
4 REPORT TO THE BOARD ANY MALPRACTICE CLAIM AGAINST THE
5 ARCHITECT, OR AGAINST ANY ENTITY OF WHICH THE ARCHITECT IS A
6 MEMBER, THAT IS SETTLED OR IN WHICH JUDGMENT IS RENDERED, WITHIN
7 SIXTY DAYS AFTER THE EFFECTIVE DATE OF THE SETTLEMENT OR
8 JUDGMENT, IF THE CLAIM CONCERNED THE PRACTICE OF ARCHITECTURE
9 PERFORMED OR SUPERVISED BY THE ARCHITECT; EXCEPT THAT A LICENSEE
10 IS NOT REQUIRED TO REPORT ANY CLAIM THAT WAS DISMISSED BY A COURT
11 OF LAW."

12 Page 30, strike lines 7 through 9 and substitute:

13 "(3) THE BOARD SHALL ADOPT RULES GOVERNING USE OF THE SEAL
14 AND THE RETENTION, USE, AND DISTRIBUTION OF SEALED DOCUMENTS AND
15 COPIES THEREOF."

16 Page 32, line 12, before "(2)" insert "(1) and".

17 Page 32, line 13, strike "(2)" and substitute "(1) A professional land
18 surveyor may prepare an improvement location certificate for the use of
19 a specific client based upon ~~such~~ THE professional land surveyor's general
20 knowledge of land boundaries and monuments in a given area ~~if such~~
21 WHETHER OR NOT THE client is ~~not~~ the owner or buyer; except that, IF THE
22 CLIENT IS NOT THE OWNER OR BUYER, THE PROFESSIONAL LAND SURVEYOR
23 SHALL PROVIDE a copy of ~~such~~ THE certificate ~~shall be provided~~ to ~~such~~
24 THE owner or buyer.

25 (2)".

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