

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 15-0824.01 Thomas Morris x4218

SENATE BILL 15-202

SENATE SPONSORSHIP

Balmer,

HOUSE SPONSORSHIP

Pabon, Moreno

Senate Committees

Business, Labor, & Technology

House Committees

Local Government

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF WATER CONDITIONING APPLIANCES

102 PURSUANT TO THE PLUMBING CODE.

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>.)

The bill limits the inclusion of water conditioning appliances in the definition of "plumbing" to only the installation of such systems that are connected to potable water systems with a pipe that is greater than 2 inches nominal diameter and specifically excludes from that definition the design, installation, and repair of such systems with a pipe that is 2 inches or less nominal diameter. The bill also clarifies that a person does not

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 30, 2015

SENATE
3rd Reading Unamended
March 18, 2015

SENATE
Amended 2nd Reading
March 17, 2015

have to be registered as a plumbing contractor to subcontract with a plumber if all plumbing performed pursuant to the person's contract is performed by a licensed plumber.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-58-102, **amend**
3 (7); and **add** (10), (11), and (12) as follows:

4 **12-58-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (7) "Plumbing contractor" means any person, firm, partnership,
7 corporation, association, or other organization ~~who~~ THAT undertakes or
8 offers to undertake for another the planning, laying out, supervising,
9 installing, or making of additions, alterations, and repairs in the
10 installation of plumbing. In order to act as a plumbing contractor, the
11 person, firm, partnership, corporation, association, or other organization
12 must either be or employ full-time a master plumber. "PLUMBING
13 CONTRACTOR" DOES NOT INCLUDE A WATER CONDITIONING CONTRACTOR,
14 A WATER CONDITIONING INSTALLER, OR A WATER CONDITIONING
15 PRINCIPAL.

16 (10) (a) "WATER CONDITIONING CONTRACTOR" MEANS A PERSON
17 THAT:

18 (I) UNDERTAKES OR OFFERS TO UNDERTAKE FOR ANOTHER THE
19 PLANNING, LAYING OUT, SUPERVISING, INSTALLING, OR MAKING OF
20 ADDITIONS, ALTERATIONS, OR REPAIRS IN THE INSTALLATION OF WATER
21 CONDITIONING APPLIANCES IN ONE-, TWO-, THREE-, OR FOUR-FAMILY
22 DWELLINGS, WHICH MUST NOT EXTEND MORE THAN TWO STORIES
23 ABOVEGROUND; AND

24 (II) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION

1 12-58-105 (4).

2 (b) "WATER CONDITIONING CONTRACTOR" DOES NOT INCLUDE A
3 PLUMBING CONTRACTOR.

4 (11) (a) "WATER CONDITIONING INSTALLER" MEANS A PERSON
5 THAT:

6 (I) HAS THE NECESSARY QUALIFICATIONS, TRAINING, EXPERIENCE,
7 AND TECHNICAL KNOWLEDGE TO PROPERLY PLAN, LAY OUT, AND INSTALL
8 WATER CONDITIONING APPLIANCES IN ONE-, TWO-, THREE-, AND
9 FOUR-FAMILY DWELLINGS, WHICH MUST NOT EXTEND MORE THAN TWO
10 STORIES ABOVEGROUND, IN ACCORDANCE WITH THE STANDARDS AND
11 RULES ESTABLISHED BY THE BOARD;

12 (II) IS CERTIFIED BY A NATIONAL WATER CONDITIONING
13 ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF
14 CERTIFICATION SPECIFIED BY THE BOARD; AND

15 (III) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION
16 12-58-105 (5).

17 (b) "WATER CONDITIONING INSTALLER" DOES NOT INCLUDE A
18 LICENSED PLUMBER.

19 (12) (a) "WATER CONDITIONING PRINCIPAL" MEANS A PERSON
20 THAT:

21 (I) HAS THE NECESSARY QUALIFICATIONS, TRAINING, EXPERIENCE,
22 AND TECHNICAL KNOWLEDGE TO PROPERLY PLAN, LAY OUT, AND INSTALL
23 WATER CONDITIONING APPLIANCES IN ONE-, TWO-, THREE-, AND
24 FOUR-FAMILY DWELLINGS, WHICH MUST NOT EXTEND MORE THAN TWO
25 STORIES ABOVEGROUND, INCLUDING THE SUPERVISION OF SUCH WORK IN
26 ACCORDANCE WITH THE STANDARDS AND RULES ESTABLISHED BY THE
27 BOARD;

1 (II) IS CERTIFIED BY A NATIONAL WATER CONDITIONING
2 ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF
3 CERTIFICATION SPECIFIED BY THE BOARD; AND

4 (III) IS REQUIRED TO BE REGISTERED PURSUANT TO SECTION
5 12-58-105 (6).

6 (b) "WATER CONDITIONING PRINCIPAL" DOES NOT INCLUDE A
7 LICENSED PLUMBER.

8 **SECTION 2.** In Colorado Revised Statutes, 12-58-105, **amend**
9 (1); and **add** (4), (5), and (6) as follows:

10 **12-58-105. Plumber must have license - registration - control**
11 **and supervision.** (1) (a) ~~No~~ A person shall NOT engage in or work at the
12 business, trade, or calling of a residential, journeyman, or master plumber
13 in this state until he OR SHE has received a license from the division of
14 professions and occupations, upon written notice from the board or its
15 authorized agent, or a temporary permit from the board or its authorized
16 agent; EXCEPT THAT A PERSON MAY PRACTICE AS A WATER CONDITIONING
17 CONTRACTOR IF THE PERSON IS REGISTERED PURSUANT TO SUBSECTION (4)
18 OF THIS SECTION, AS A WATER CONDITIONING INSTALLER IF THE PERSON IS
19 REGISTERED PURSUANT TO SUBSECTION (5) OF THIS SECTION, OR AS A
20 WATER CONDITIONING PRINCIPAL IF THE PERSON IS REGISTERED PURSUANT
21 TO SUBSECTION (6) OF THIS SECTION.

22 (b) NOTHING IN THIS SECTION LIMITS THE ABILITY OF A LICENSED
23 RESIDENTIAL, JOURNEYMAN, OR MASTER PLUMBER, A PLUMBING
24 APPRENTICE, OR A REGISTERED PLUMBING CONTRACTOR TO PRACTICE
25 WITHIN HIS OR HER RESPECTIVE AREA AS AUTHORIZED BY THIS ARTICLE
26 WITH REGARD TO WATER CONDITIONING APPLIANCES.

27 (4) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF

1 THIS SECTION, EFFECTIVE APRIL 1, 2016, A PERSON SHALL NOT OPERATE
2 AS A WATER CONDITIONING CONTRACTOR UNLESS THE PERSON:

3 (a) IS CURRENTLY REGISTERED WITH THE BOARD PURSUANT TO
4 THIS SUBSECTION (4) AS SPECIFIED IN RULES PROMULGATED AND FORMS
5 ADOPTED BY THE BOARD. THE BOARD SHALL REGISTER A WATER
6 CONDITIONING CONTRACTOR UPON PAYMENT OF THE FEE AS PROVIDED IN
7 SECTION 12-58-104 AND PRESENTATION OF EVIDENCE THAT THE
8 APPLICANT HAS COMPLIED WITH THE APPLICABLE WORKERS'
9 COMPENSATION AND UNEMPLOYMENT COMPENSATION LAWS OF THIS
10 STATE; AND

11 (b) IS, OR EMPLOYS FULL-TIME, A WATER CONDITIONING
12 PRINCIPAL, WHO SHALL BE RESPONSIBLE FOR ALL WATER CONDITIONING
13 APPLIANCE WORK PERFORMED BY THE CONTRACTOR.

14 (5) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF
15 THIS SECTION, EFFECTIVE APRIL 1, 2016, A PERSON SHALL NOT ENGAGE IN
16 OR WORK AT THE BUSINESS, TRADE, OR CALLING OF A WATER
17 CONDITIONING INSTALLER UNLESS THE PERSON IS CURRENTLY REGISTERED
18 WITH THE BOARD PURSUANT TO THIS SUBSECTION (5) AS SPECIFIED IN
19 RULES PROMULGATED AND FORMS ADOPTED BY THE BOARD. THE BOARD
20 SHALL REGISTER A WATER CONDITIONING INSTALLER UPON PAYMENT OF
21 THE FEE AS PROVIDED IN SECTION 12-58-104 AND SUBMISSION OF PROOF
22 THAT THE APPLICANT IS CERTIFIED BY A NATIONAL WATER CONDITIONING
23 ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF
24 CERTIFICATION AS SPECIFIED BY THE BOARD.

25 (6) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1)
26 OF THIS SECTION, EFFECTIVE APRIL 1, 2016, A PERSON SHALL NOT ENGAGE
27 IN OR WORK AT THE BUSINESS, TRADE, OR CALLING OF A WATER

1 CONDITIONING PRINCIPAL UNLESS THE PERSON IS CURRENTLY REGISTERED
2 WITH THE BOARD PURSUANT TO THIS SUBSECTION (6) AS SPECIFIED IN
3 RULES PROMULGATED AND FORMS ADOPTED BY THE BOARD. THE BOARD
4 SHALL REGISTER A WATER CONDITIONING PRINCIPAL UPON PAYMENT OF
5 THE FEE AS PROVIDED IN SECTION 12-58-104 AND SUBMISSION OF PROOF
6 THAT THE APPLICANT IS CERTIFIED BY A NATIONAL WATER CONDITIONING
7 ASSOCIATION RECOGNIZED BY THE BOARD, WITH THE TYPE OF
8 CERTIFICATION AS SPECIFIED BY THE BOARD.

9 (b) A WATER CONDITIONING PRINCIPAL SHALL BE RESPONSIBLE
10 FOR NO MORE THAN ONE WATER CONDITIONING CONTRACTOR AT A TIME.
11 THE WATER CONDITIONING PRINCIPAL SHALL NOTIFY THE BOARD WITHIN
12 FIFTEEN DAYS AFTER HIS OR HER TERMINATION AS A WATER CONDITIONING
13 PRINCIPAL FOR A WATER CONDITIONING CONTRACTOR. FAILURE TO
14 PROVIDE THE NOTICE MAY LEAD TO SUSPENSION OR REVOCATION OF THE
15 WATER CONDITIONING PRINCIPAL'S REGISTRATION AS PROVIDED IN
16 SECTION 12-58-110.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-58-106 as
18 follows:

19 **12-58-106. Unauthorized advertising - use of title of plumber.**

20 (1) ~~No~~ A person shall NOT advertise in any manner or use the title or
21 designation of master plumber, journeyman plumber, or residential
22 plumber unless ~~he~~ THE PERSON is qualified and licensed under this article.

23 (2) A PERSON SHALL NOT ADVERTISE IN ANY MANNER THAT THE
24 PERSON IS A WATER CONDITIONING CONTRACTOR, WATER CONDITIONING
25 INSTALLER, OR A WATER CONDITIONING PRINCIPAL UNLESS THE PERSON IS
26 REGISTERED AS SUCH PURSUANT TO THIS ARTICLE.

27 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-58-108 as

1 follows:

2 **12-58-108. License renewal - reinstatement.** (1) All license and
3 contractor registration renewal and renewal fees shall be in accordance
4 with the provisions of sections 24-34-102 and 24-34-105, C.R.S.

5 (2) Any license or contractor registration that has lapsed shall be
6 IS deemed to have expired. Prior to reinstatement, the board is authorized
7 to require the licensee to demonstrate competency. Licenses AND
8 REGISTRATIONS shall be renewed or reinstated pursuant to a schedule
9 established by the director of the division of professions and occupations
10 within the department of regulatory agencies and pursuant to section
11 24-34-102 (8), C.R.S. The director of the division of professions and
12 occupations within the department of regulatory agencies may establish
13 renewal fees and delinquency fees for reinstatement pursuant to section
14 24-34-105, C.R.S. If a person fails to renew his or her license OR
15 REGISTRATION pursuant to the schedule established by the director of the
16 division of professions and occupations, such THE license or contractor
17 registration shall expire. Any person whose license or contractor
18 registration has expired shall be IS subject to the penalties provided in this
19 article or section 24-34-102 (8), C.R.S.

20 **SECTION 5.** In Colorado Revised Statutes, 12-58-110, amend
21 (1) (n), (1) (o), and (1) (p) as follows:

22 **12-58-110. Disciplinary action by board - licenses or**
23 **registrations denied, suspended, or revoked - cease-and-desist orders.**

24 (1) The board may deny, suspend, revoke, or refuse to renew any license
25 or registration issued or applied for under the provisions of this article or
26 place a licensee or a registrant on probation for any of the following
27 reasons:

1 (n) Disciplinary action against a plumber's license OR
2 REGISTRATION in another jurisdiction. Evidence of such disciplinary
3 action shall be IS prima facie evidence for denial of licensure OR
4 REGISTRATION or other disciplinary action if the violation would be
5 grounds for such disciplinary action in this state.

6 (o) Practicing as a WATER CONDITIONING CONTRACTOR, WATER
7 CONDITIONING INSTALLER, WATER CONDITIONING PRINCIPAL, OR A
8 residential, journeyman, or master plumber during a period when the
9 person's license OR REGISTRATION has been suspended or revoked;

10 (p) Selling or fraudulently obtaining or furnishing a license or
11 registration to practice as a residential, journeyman, or master plumber,
12 or WATER CONDITIONING CONTRACTOR, WATER CONDITIONING INSTALLER,
13 WATER CONDITIONING PRINCIPAL, OR plumbing contractor or aiding or
14 abetting in such activity;

15 **SECTION 6.** In Colorado Revised Statutes, amend 12-58-110.1
16 as follows:

17 **12-58-110.1. Reapplication after revocation of licensure or**
18 **registration.** No A person whose license OR REGISTRATION has been
19 revoked shall be IS NOT allowed to reapply for licensure OR REGISTRATION
20 earlier than two years from the effective date of the revocation.

21 **SECTION 7.** In Colorado Revised Statutes, 12-58-113, amend
22 (6) (a) introductory portion as follows:

23 **12-58-113. Exemptions.** (6) (a) Nothing in this article requires
24 a plumbing license, contractor registration, or permit to perform:

25 **SECTION 8.** In Colorado Revised Statutes, amend 12-58-115 as
26 follows:

27 **12-58-115. Municipal and county regulations.** (1) Any city,

1 town, county, or city and county of this state may provide for the
2 licensing of plumbing contractors OR WATER CONDITIONING
3 CONTRACTORS. Plumbing Contractors who obtain local licensing must
4 also register with the board in accordance with section 12-58-105. (3).

5 (2) ~~No~~ A local government agency ~~may~~ SHALL NOT promulgate
6 rules or regulations or provide for licenses ~~which~~ THAT would preclude
7 the holder of a valid license OR REGISTRATION issued under this article
8 from practicing ~~his~~ THE HOLDER'S trade.

9 **SECTION 9.** In Colorado Revised Statutes, 12-58-116, **add** (3)
10 as follows:

11 **12-58-116. Unauthorized practice - penalties.** (3) EFFECTIVE
12 APRIL 1, 2016, A PERSON WHO ENGAGES IN OR WORKS AT OR OFFERS OR
13 ATTEMPTS TO ENGAGE IN OR WORK AT THE BUSINESS, TRADE, OR CALLING
14 OF A WATER CONDITIONING CONTRACTOR, WATER CONDITIONING
15 INSTALLER, OR WATER CONDITIONING PRINCIPAL WITHOUT AN ACTIVE
16 REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2
17 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
18 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
19 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
20 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.; EXCEPT
21 THAT NOTHING IN THIS SUBSECTION (3) LIMITS THE ABILITY OF A LICENSED
22 RESIDENTIAL, JOURNEYMAN, OR MASTER PLUMBER, A PLUMBING
23 APPRENTICE, OR A REGISTERED PLUMBING CONTRACTOR TO PRACTICE
24 WITHIN HIS OR HER RESPECTIVE AREA AS AUTHORIZED BY THIS ARTICLE
25 WITH REGARD TO WATER CONDITIONING APPLIANCES.

26 **SECTION 10. Applicability.** This act applies to conduct
27 occurring on or after the effective date of this act.

1 **SECTION 11. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.