

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 10-0350.01 Jery Payne

HOUSE BILL 10-1225

HOUSE SPONSORSHIP

Soper,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Business Affairs and Labor

Senate Committees

Business, Labor and Technology

A BILL FOR AN ACT

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

Bill Summary

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

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

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unam ended
March 26, 2010

SENATE
Am ended 2nd Reading
March 25, 2010

HOUSE
3rd Reading Unam ended
February 22, 2010

HOUSE
Am ended 2nd Reading
February 19, 2010

state electrical board until 2019.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **12-23-116. Inspection - application - standards.** (1) (a) Any
25 AN individual required to have electrical inspection under this article may
26 SHALL apply through any private, municipal, or cooperative electric utility
27 rendering service to the ultimate public for an application for inspection

1 TO THE BOARD FOR AN ELECTRICAL PERMIT, except where any AN
2 incorporated town or city, any county, or any city and county of this state
3 has an established A building department where THAT MEETS THE
4 MINIMUM STANDARDS OF THIS ARTICLE AND THAT PROCESSES applications
5 for building permits and inspections, are processed, in which case such
6 THE individual shall apply to such building department. Such utility shall
7 provide forms furnished by the board to the applicant, who shall remit the
8 application for inspection to such board on such forms. Upon payment
9 by the applicant of the applicable fee to the board, the board shall issue
10 a temporary permit to the applicant and shall remit a copy of such permit
11 to the utility and the state inspector responsible for such inspection and
12 retain one copy in its office.

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

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

26 (2) (a) Any THE OWNER OF AN electrical installation in any new
27 construction, OTHER THAN MANUFACTURED UNITS CERTIFIED BY THE

1 DIVISION OF HOUSING PURSUANT TO SECTION 24-32-3311, C.R.S., or
2 remodeling or repair ~~other than manufactured units certified by the~~
3 ~~division of housing pursuant to section 24-32-3311, C.R.S.,~~ OF AN
4 EXISTING CONSTRUCTION, except in any incorporated town or city, any
5 county, or any city and county having its own electrical code and
6 inspection PROGRAM equal to the minimum standards as are provided in
7 this article, shall ~~be~~ HAVE THE ELECTRICAL PORTION OF THE
8 INSTALLATION, REMODELING, OR REPAIR inspected by a state electrical
9 inspector.

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

18 (c) ~~Every~~ A MANUFACTURED HOME, mobile home, or movable
19 structure owner shall have the ~~electric utility hookup~~ ELECTRICAL
20 INSTALLATION for such THE MANUFACTURED HOME, mobile home or
21 movable structure inspected prior to obtaining ~~new or different utility~~
22 ELECTRIC service. ~~except that nothing in this subsection (2) shall require~~
23 ~~a reinspection of electrical hookup facilities of any mobile home park or~~
24 ~~any mobile home or other movable structure by reason of the relocation~~
25 ~~of a mobile home or other movable structure within the park where a~~
26 ~~previous inspection has been performed, unless construction or~~
27 ~~remodeling or repair of such mobile home park hookup facilities or of the~~

1 mobile home or other movable structure involving the electrical system
2 has been performed, and except that, if the wiring thereof has not been
3 altered and either such mobile home or movable structure has a valid state
4 electrical board approval sticker in the panel of the mobile home or
5 movable structure with the number of the unit listed, the date inspected,
6 and the inspector's signature or if such mobile home or movable structure
7 has been certified by the division of housing in the department of local
8 affairs after June 30, 1988, the occupant of the mobile home or movable
9 structure may call the board with this information, and the board will
10 authorize the reinstallation of the meter by the utility company.

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

26 (9) (a) ~~Any~~ A person claiming to be aggrieved by the failure of a
27 state electrical inspector to inspect his property after proper application

1 or by notice of disapproval without setting forth the reasons for denying
2 the inspection permit REJECTING THE INSPECTION may request the program
3 administrator DIRECTOR to review the actions of the state electrical
4 inspector or the manner of the inspection. Such THE request may be made
5 by his AN authorized representative and shall be in writing.

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

11 (c) If the request is not granted within ten days after it is filed, it
12 may be treated as rejected. Any person aggrieved by the action of the
13 program administrator DIRECTOR in refusing the review requested or in
14 failing or refusing to grant all or part of the relief requested may file a
15 written complaint and request for a hearing with the board, specifying the
16 grounds relied upon.

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

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

25 **12-23-106. License requirements - rules. (1) Master**
26 **electrician.** (a) An applicant for a master electrician's license shall
27 furnish written evidence that:

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

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

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

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

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

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

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

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

25 (d) No holder of a master's license shall be named as the master
26 electrician, under ~~the provisions of~~ paragraphs (b) and (c) of this
27 subsection (5), for more than one contractor, and a master name shall be

1 actively engaged in a full-time capacity with that contracting company.
2 The qualifying master license holder shall be required to notify the ~~state~~
3 ~~electrical~~ board within fifteen days after his OR HER termination as a
4 qualifying master LICENSE holder. The master license holder is
5 responsible for all electrical work performed by the electrical contracting
6 company. Failure to comply with a notification may lead to ~~suspension~~
7 ~~or revocation~~ DISCIPLINE of the master license HOLDER as provided in
8 section 12-23-118.

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

11 **12-23-111. Exemptions.** (2) Nothing in this article shall be
12 construed to require any individual to hold a license before doing
13 electrical work on his OR HER own property or residence if all such
14 electrical work, except for maintenance OR repair ~~or alteration~~ of existing
15 facilities, is inspected as provided in this article; if, however, ~~such~~ THE
16 property or residence is intended for sale or resale by a person engaged
17 in the business of constructing or remodeling such facilities or structures
18 or is rental property ~~which~~ THAT is occupied or is to be occupied by
19 tenants for lodging, either transient or permanent, or is generally open to
20 the public, the owner shall be responsible for, and the property shall be
21 subject to, all of the provisions of this article pertaining to inspection and
22 licensing, unless specifically exempted therein.

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

27 (b) Nothing in this article shall be construed to require any firm

1 or corporation or its regular employees to be required to hold a license
2 before doing maintenance OR repair ~~or alteration~~ of existing facilities on
3 the property of ~~any such~~ SAID firm or corporation, whether or not ~~any~~
4 ~~such~~ THE property is generally open to the public; nor shall inspection by
5 the board or its inspectors ~~nor~~ OR the payment of any fees connected
6 therewith be required.

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

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

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

20 **12-23-104. Board powers and duties - repeal.** (1) (a) The
21 board, annually in the month of July, shall elect from ~~the~~ ITS membership
22 ~~thereof a~~ ~~president~~ CHAIR and ~~vice-president~~ VICE-CHAIR. The board shall
23 meet at least ~~once a month~~ ANNUALLY and at such other times as it deems
24 necessary.

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

27 **12-23-102. State electrical board.** (1) There is hereby

1 established a state electrical board, which shall consist of nine members
2 appointed by the governor, with the consent of the senate, who shall be
3 residents of the state of Colorado:

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

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

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

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

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

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

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

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

24 **12-23-107. Unauthorized use of title.** No person, firm,
25 partnership, corporation, or association shall advertise in any manner or
26 use the title or designation of ~~licensed~~ master electrician, ~~licensed~~
27 journeyman electrician, or ~~licensed~~ residential wireman unless qualified

1 and licensed under this article.

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

4 **12-23-117. Permit fees.** (1) As established pursuant to section
5 24-34-105, C.R.S., inspection fees shall be charged by the state electrical
6 board ~~for the following categories:~~ AND SHALL BE SET AND CATEGORIZED
7 BASED UPON THE ACTUAL EXPENSE OF INSPECTING EACH TYPE OF
8 ELECTRICAL INSTALLATION.

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

- 15 ~~Not more than 1,000 square feet~~
- 16 ~~More than 1,000 square feet but not more~~
- 17 ~~than 1,500 square feet~~
- 18 ~~More than 1,500 square feet but not more~~
- 19 ~~than 2,000 square feet~~
- 20 ~~Per 100 square feet in excess of 2,000 square~~
- 21 ~~feet~~
- 22 ~~Reinspections~~

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

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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

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(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

1 license from the division of registrations upon written notice from the
2 board or the program administrator DIRECTOR, acting as the agent thereof,
3 or a temporary permit from the board, the program administrator
4 DIRECTOR, or his agent OF THE DIRECTOR.

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

7 **12-23-110. Temporary permits.** The board or the program
8 administrator DIRECTOR or his THE DIRECTOR'S agent, as provided in the
9 rules and regulations promulgated by the board, shall issue temporary
10 permits to engage in the work of a master electrician in cases where an
11 electrical contractor no longer has the services of any master electrician
12 as required under this article and shall issue temporary permits to engage
13 in the work of a journeyman electrician or residential wireman to any
14 applicant who furnishes evidence satisfactory to the board that he THE
15 APPLICANT has the required experience to qualify for the examination
16 provided in this article and who pays the fee provided in section
17 12-23-112 for such permits. In addition, and in a similar manner, the
18 board or the program administrator DIRECTOR or his THE DIRECTOR'S
19 agent shall issue temporary permits to any applicant who furnishes
20 evidence satisfactory to the board that he THE APPLICANT qualifies for a
21 master electrician's license and who pays the required fee. Temporary
22 permits shall continue in effect ~~only until the next examination is given~~
23 FOR NO MORE THAN THIRTY DAYS AFTER ISSUANCE and may be revoked
24 by the board at any time. ~~If the applicant is granted a license, any fee paid~~
25 ~~for the temporary permit shall be applied to the fee required for a license.~~

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

1 **12-23-112. Fees.** (1) As established pursuant to section
2 24-34-105, C.R.S., fees shall be charged by the state electrical board for
3 the following:

4 (b) ~~Annual~~ Renewal of master electrician's license;

5 (d) ~~Annual~~ Renewal of journeyman electrician's license;

6 (h) ~~Annual~~ Renewal of electrical contractor registration;

7 (J) ~~Annual~~ Renewal of residential wireman's license;

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

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

11 **12-23-115. Inspectors - qualifications.** (1) (a) (I) The director
12 of the division of registrations is hereby authorized to appoint or employ,
13 with the power of removal, competent persons licensed under this article
14 as journeymen or master electricians as state electrical inspectors. The
15 division director is also authorized to appoint or employ, with the power
16 of removal, for the purpose of inspecting one-, two-, three-, or
17 four-family dwellings, competent persons with the following
18 qualifications:

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

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

25 (a) Conduct inspections and investigations pursuant to section
26 12-23-118 (4) on behalf of the program ~~administrator~~ DIRECTOR;

27 **SECTION 18.** 12-23-118 (1) (I), (4) (a), (4) (b) (I), (4) (b) (II),

1 (4) (c) (I), (6) (b), (6) (d) (II), (6) (d) (III), (6) (d) (IV), (6) (d) (V), (7) (b),
2 and (7) (c), Colorado Revised Statutes, are amended to read:

3 **12-23-118. Violations - citations - settlement agreements -**
4 **hearings - fines.** (1) The board may deny, suspend, revoke, refuse to
5 renew, or issue a letter of admonition in regard to any license or
6 registration issued or applied for under the provisions of this article, may
7 place a licensee or registrant on probation, or may issue a citation to a
8 licensee, registrant, or applicant for licensure for any of the following
9 reasons:

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

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

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

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

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

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

20 ~~(d) (II) When a complaint or investigation discloses an instance~~
21 ~~of misconduct that, in the opinion of the board, does not warrant formal~~
22 ~~action by the board but that should not be dismissed as being without~~
23 ~~merit, a letter of admonition may be issued and sent, by certified mail, to~~
24 ~~the licensee or registrant.~~ UPON COMPLETING AN INVESTIGATION, THE
25 BOARD SHALL MAKE ONE OF THE FOLLOWING FINDINGS:

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

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

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

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

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

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

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

1 (IV) If the request for adjudication is timely made, the letter of
2 admonition shall be deemed vacated and the matter shall be processed by
3 means of formal disciplinary proceedings.

4 (V) ~~When a complaint or investigation discloses an instance of~~
5 ~~conduct that does not warrant formal action by the board and, in the~~
6 ~~opinion of the board, the complaint should be dismissed, but the board~~
7 ~~has noticed indications of possible errant conduct by the licensee that~~
8 ~~could lead to serious consequences if not corrected, a confidential letter~~
9 ~~of concern may be issued and sent to the licensee.~~ THE BOARD SHALL
10 CONDUCT ALL PROCEEDINGS PURSUANT TO THIS SUBSECTION (2)
11 EXPEDITIOUSLY AND INFORMALLY SO THAT NO LICENSEE OR REGISTRANT
12 IS SUBJECTED TO UNFAIR AND UNJUST CHARGES AND THAT NO
13 COMPLAINANT IS DEPRIVED OF THE RIGHT TO A TIMELY, FAIR, AND PROPER
14 INVESTIGATION OF A COMPLAINT.

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

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

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

1 **SECTION 20. 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.