

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



**SENATE BILL 07-137**

**SENATE SPONSORSHIP**

**Tochtrop,**

**HOUSE SPONSORSHIP**

**White,**

**Senate Committees**

Business, Labor and Technology  
Appropriations

**House Committees**

Business Affairs and Labor  
Appropriations

**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF PLUMBERS, AND MAKING AN**  
102 **APPROPRIATION THEREFOR.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the examining board of plumbers (board) to set and collect fees for application and renewal of a license or registration of a master plumber, journeyman plumber, residential plumber, apprentice plumber, or plumbing contractor.

Prohibits a journeyman plumber, master plumber, or residential plumber from supervising more than 3 apprentice plumbers at one jobsite.

Adds the following to the list of reasons the board may deny,

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suspend, revoke, or refuse to renew a license or a registration:

In connection with any construction or building project requiring the services of any person regulated by the statutes governing plumbers, to willfully disregard or violate:

Any building or construction law of this state or any of its political subdivisions;

Any safety or labor law;

Any health law;

Any workers' compensation insurance law;

Any state or federal law governing withholdings from employee income including income taxes, unemployment taxes, or social security taxes; or

Any reporting, notification, or filing law of this state or the federal government.

Provides that 1/2 of any fine imposed by the board shall be credited to the city, town, county, or city and county in which the offense occurred.

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

2 **SECTION 1. [12-58-102](#)** (4) and (5) (a), Colorado Revised  
3 Statutes, are amended to read:

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

6 (4) "Colorado plumbing code" means a code established by the  
7 board ~~which~~ THAT consists of standards for plumbing installation, plumbing  
8 materials, MEDICAL GAS, SANITARY DRAINAGE SYSTEMS, and solar  
9 plumbing ~~which~~ THAT could directly affect the potable water supply.

10 (5) (a) "Plumbing" includes the following items located within the  
11 building or extending five feet from the building foundation, ~~to the first~~  
12 ~~joint~~, excluding any service line extending from the first joint to the  
13 property line: All potable water supply and distribution pipes and piping;  
14 all plumbing fixtures and traps; all drainage and vent pipes; all building  
15 drains, including their respective joints and connections, devices,  
16 receptacles, and appurtenances; and all medical gas and vacuum systems in

1 health care facilities. "Plumbing" does not include:

2 (I) The installation, extension, alteration, or maintenance, including  
3 the related water piping and the indirect waste piping therefrom, of  
4 domestic appliances equipped with backflow preventers, including lawn  
5 sprinkling systems, residential ice makers, humidifiers, electrostatic filter  
6 washers, water heating appliances, water conditioning appliances not  
7 directly connected to the sanitary sewer system, building heating  
8 appliances and systems, fire protection systems, air conditioning  
9 installations, process and industrial equipment and piping systems, or  
10 indirect drainage systems not a part of a sanitary sewer system; or

11 (II) The repair and replacement of garbage disposal units and  
12 dishwashers directly connected to the sanitary sewer system, including the  
13 necessary replacement of all tail pipes and traps, or the repair,  
14 maintenance, and replacement of sinks, faucets, drains, showers, tubs, and  
15 toilets.

16

17 **SECTION 2. [12-58-104](#)** (1), Colorado Revised Statutes, is  
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19 **[12-58-104. Powers of board - fees.](#)** (1) In addition to all other  
20 powers and duties conferred or imposed upon the board by this article, the  
21 board is authorized and empowered to:

22 (c.5) ESTABLISH FEES FOR THE ISSUANCE OF A NEW  
23 REGISTRATION AND FOR EACH RENEWAL OF REGISTRATION, PURSUANT TO  
24 SECTION [24-34-105](#), C.R.S.

25 **SECTION 3. [12-58-105](#)**, Colorado Revised Statutes, is amended  
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **[12-58-105. Plumber must have license - control and](#)**

1 **supervision.** (3) NO PERSON, FIRM, PARTNERSHIP, CORPORATION, OR  
2 ASSOCIATION SHALL OPERATE AS A PLUMBING CONTRACTOR UNTIL SUCH  
3 CONTRACTOR HAS OBTAINED REGISTRATION FROM THE BOARD. THE BOARD  
4 SHALL REGISTER A PLUMBING CONTRACTOR UPON PAYMENT OF THE FEE AS  
5 PROVIDED IN SECTION [12-58-104](#) AND PRESENTATION OF EVIDENCE THAT  
6 THE APPLICANT HAS COMPLIED WITH THE APPLICABLE WORKERS'  
7 COMPENSATION AND UNEMPLOYMENT COMPENSATION LAWS OF THIS  
8 STATE. IN ORDER TO ACT AS A PLUMBING CONTRACTOR, THE PERSON,  
9 FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION, OR OTHER  
10 ORGANIZATION MUST EITHER BE, OR EMPLOY FULL-TIME, A MASTER  
11 PLUMBER, WHO SHALL BE IN CHARGE OF THE SUPERVISION OF ALL  
12 PLUMBING WORK PERFORMED BY SUCH CONTRACTOR. A MASTER PLUMBER  
13 SHALL BE RESPONSIBLE FOR NO MORE THAN ONE PLUMBING CONTRACTOR  
14 AT A TIME. THE MASTER PLUMBER SHALL BE REQUIRED TO NOTIFY THE

15 BOARD WITHIN FIFTEEN DAYS AFTER HIS OR HER TERMINATION AS A  
16 MASTER PLUMBER FOR THAT PLUMBING CONTRACTOR THE MASTER  
17 PLUMBER IS RESPONSIBLE FOR ALL PLUMBING WORK PERFORMED BY THE  
18 PLUMBING CONTRACTOR. FAILURE TO COMPLY WITH A NOTIFICATION MAY  
19 LEAD TO SUSPENSION OR REVOCATION OF THE MASTER PLUMBER LICENSE  
20 AS PROVIDED IN SECTION [12-58-110](#).

21 **SECTION 4.** The introductory portion to [12-58-110](#) (1), Colorado  
22 Revised Statutes, is amended, and the said [12-58-110](#) (1) is further  
23 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24 **[12-58-110](#). Disciplinary action by board - licenses or**  
25 **registrations denied, suspended, or revoked - cease and desist orders.**  
26 (1) The board may deny, suspend, revoke, or refuse to renew any license  
27 or registration issued or applied for under the provisions of this article or

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1 place a licensee OR A REGISTRANT on probation for any of the following  
2 reasons:

3 (q) IN CONNECTION WITH A CONSTRUCTION OR BUILDING PROJECT  
4 REQUIRING THE SERVICES OF A PERSON REGULATED BY THIS ARTICLE, TO  
5 WILLFULLY DISREGARD OR VIOLATE:

6 (I) ANY BUILDING OR CONSTRUCTION LAW OF THIS STATE OR ANY  
7 OF ITS POLITICAL SUBDIVISIONS;

8 (II) ANY SAFETY OR LABOR LAW;

9 (III) ANY HEALTH LAW;

10 (IV) ANY WORKERS' COMPENSATION INSURANCE LAW;

11 (V) ANY STATE OR FEDERAL LAW GOVERNING WITHHOLDINGS  
12 FROM EMPLOYEE INCOME, INCLUDING, BUT NOT LIMITED TO, INCOME  
13 TAXES, UNEMPLOYMENT TAXES, OR SOCIAL SECURITY TAXES; OR

14 (VI) ANY REPORTING, NOTIFICATION, OR FILING LAW OF THIS  
15 STATE OR THE FEDERAL GOVERNMENT.

16 **SECTION 5.** [12-58-116.5](#) (1), (2), and (4), Colorado Revised  
17 Statutes, are amended, and the said [12-58-116.5](#) is further amended BY  
18 THE ADDITION OF A NEW SUBSECTION, to read:

19 **[12-58-116.5](#). Violation - fines - rules.** (1) (a) ~~Notwithstanding~~  
20 ~~the provisions of section [12-58-116](#), the board shall have authority to~~  
21 ~~assess a fine for any violation of the provisions of this article or any~~  
22 ~~standard, rule, or regulation adopted by the board.~~ IF THE BOARD  
23 CONCLUDES THAT ANY LICENSEE, REGISTRANT, OR APPLICANT FOR  
24 LICENSURE HAS VIOLATED ANY PROVISION OF SECTION [12-58-110](#) AND  
25 THAT DISCIPLINARY ACTION IS APPROPRIATE, THE PROGRAM  
26 ADMINISTRATOR OR THE PROGRAM ADMINISTRATOR'S DESIGNEE MAY  
27 ISSUE A CITATION IN ACCORDANCE WITH SUBSECTION (2.5) OF THIS

1 SECTION TO SUCH LICENSEE, REGISTRANT, OR APPLICANT.

2 (b) (I) THE LICENSEE, REGISTRANT, OR APPLICANT TO WHOM A  
3 CITATION HAS BEEN ISSUED MAY MAKE A REQUEST TO NEGOTIATE A  
4 STIPULATED SETTLEMENT AGREEMENT WITH THE PROGRAM  
5 ADMINISTRATOR OR THE PROGRAM ADMINISTRATOR'S DESIGNEE, IF SUCH  
6 REQUEST IS MADE IN WRITING WITHIN TEN WORKING DAYS AFTER  
7 ISSUANCE OF THE CITATION WHICH IS THE SUBJECT OF THE SETTLEMENT  
8 AGREEMENT.

9 (II) ALL STIPULATED SETTLEMENT AGREEMENTS SHALL BE  
10 CONDUCTED PURSUANT TO RULES ADOPTED BY THE BOARD PURSUANT TO  
11 SECTION [12-58-104](#) (1) (d). THE BOARD SHALL ADOPT A RULE TO ALLOW  
12 ANY LICENSEE, REGISTRANT, OR APPLICANT UNABLE, IN GOOD FAITH, TO  
13 SETTLE WITH THE PROGRAM ADMINISTRATOR TO REQUEST AN  
14 ADMINISTRATIVE HEARING PURSUANT TO PARAGRAPH (c) OF THIS  
15 SUBSECTION (1).

16 (III) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
17 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD,  
18 WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY  
19 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

20 (c) (I) THE LICENSEE, REGISTRANT, OR APPLICANT TO WHOM A  
21 CITATION HAS BEEN ISSUED MAY REQUEST AN ADMINISTRATIVE HEARING  
22 TO DETERMINE THE PROPRIETY OF SUCH CITATION IF SUCH REQUEST IS  
23 MADE IN WRITING WITHIN TEN WORKING DAYS AFTER ISSUANCE OF THE  
24 CITATION WHICH IS THE SUBJECT OF THE HEARING OR WITHIN A  
25 REASONABLE PERIOD AFTER NEGOTIATIONS FOR A STIPULATED  
26 SETTLEMENT AGREEMENT PURSUANT TO PARAGRAPH (b) OF THIS  
27 SUBSECTION (1) HAVE BEEN DEEMED FUTILE BY THE PROGRAM

1 ADMINISTRATOR.

2 (II) FOR GOOD CAUSE THE BOARD MAY EXTEND THE PERIOD OF  
3 TIME IN WHICH A PERSON WHO HAS BEEN CITED MAY REQUEST A HEARING.

4 (III) ALL HEARINGS CONDUCTED PURSUANT TO SUBPARAGRAPH (I)  
5 OF THIS PARAGRAPH (c) SHALL BE CONDUCTED IN COMPLIANCE WITH  
6 SECTION [24-4-105](#), C.R.S.

7 (d) ANY ACTION TAKEN BY THE BOARD PURSUANT TO THIS SECTION  
8 SHALL BE DEEMED FINAL AFTER THE PERIOD OF TIME EXTENDED TO THE  
9 LICENSEE, REGISTRANT, OR APPLICANT TO CONTEST SUCH ACTION  
10 PURSUANT TO THIS SUBSECTION (1) HAS EXPIRED.

11 (2) (a) ~~Such fine shall not be less than five hundred dollars or~~  
12 ~~greater than one thousand dollars and shall be transmitted to the state~~  
13 ~~treasurer, who shall credit the same to the general fund.~~ THE BOARD SHALL  
14 ADOPT A SCHEDULE OF FINES PURSUANT TO PARAGRAPH (b) OF THIS

15 SUBSECTION (2) AS PENALTIES FOR VIOLATING SECTION [12-58-110](#). SUCH  
16 FINES SHALL BE ASSESSED IN CONJUNCTION WITH THE ISSUANCE OF A  
17 CITATION, PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT, OR  
18 FOLLOWING AN ADMINISTRATIVE HEARING. SUCH SCHEDULE SHALL BE  
19 ADOPTED BY RULE IN ACCORDANCE WITH SECTION [12-58-104](#) (1) (d).

20 (b) IN DEVELOPING THE SCHEDULE OF FINES, THE BOARD SHALL:

21 (I) PROVIDE THAT A FIRST OFFENSE MAY CARRY A FINE OF UP TO  
22 ONE THOUSAND DOLLARS;

23 (II) PROVIDE THAT A SECOND OFFENSE MAY CARRY A FINE OF UP TO  
24 TWO THOUSAND DOLLARS;

25 (III) PROVIDE THAT ANY SUBSEQUENT OFFENSE MAY CARRY A FINE  
26 OF UP TO TWO THOUSAND DOLLARS FOR EACH DAY THAT ANY PROVISION  
27 OF SECTION [12-58-110](#) IS VIOLATED;

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1 (IV) CONSIDER HOW THE VIOLATION IMPACTS THE PUBLIC,  
2 INCLUDING ANY HEALTH AND SAFETY CONSIDERATIONS;

3 (V) CONSIDER WHETHER TO PROVIDE FOR A RANGE OF FINES FOR  
4 ANY PARTICULAR VIOLATION OR TYPE OF VIOLATION; AND

5 (VI) PROVIDE UNIFORMITY IN THE FINE SCHEDULE.

6 (2.5) (a) (I) ANY CITATION ISSUED PURSUANT TO THIS SECTION  
7 SHALL BE IN WRITING, SHALL ADEQUATELY DESCRIBE THE NATURE OF THE  
8 VIOLATION, AND SHALL REFERENCE THE STATUTORY OR REGULATORY  
9 PROVISION OR ORDER ALLEGED TO HAVE BEEN VIOLATED.

10 (II) ANY CITATION ISSUED PURSUANT TO THIS SECTION SHALL  
11 CLEARLY STATE WHETHER A FINE IS IMPOSED, THE AMOUNT OF SUCH FINE,  
12 AND THAT PAYMENT FOR SUCH FINE MUST BE REMITTED WITHIN THE TIME  
13 SPECIFIED IN SUCH CITATION IF SUCH CITATION IS NOT CONTESTED  
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

15 (III) ANY CITATION ISSUED PURSUANT TO THIS SECTION SHALL  
16 CLEARLY SET FORTH HOW SUCH CITATION MAY BE CONTESTED PURSUANT  
17 TO SUBSECTION (1) OF THIS SECTION, INCLUDING ANY TIME LIMITATIONS.

18 (b) A CITATION OR COPY OF A CITATION ISSUED PURSUANT TO THIS  
19 SECTION MAY BE SERVED BY CERTIFIED MAIL OR IN PERSON BY A  
20 PROGRAM ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE UPON A  
21 PERSON OR THE PERSON'S AGENT IN ACCORDANCE WITH C.R.C.P. 4.

22 (c) IF THE RECIPIENT FAILS TO GIVE WRITTEN NOTICE TO THE  
23 BOARD THAT THE RECIPIENT INTENDS TO CONTEST SUCH CITATION OR TO  
24 NEGOTIATE A STIPULATED SETTLEMENT AGREEMENT WITHIN TEN  
25 WORKING DAYS AFTER SERVICE OF A CITATION BY THE BOARD, SUCH  
26 CITATION SHALL BE DEEMED A FINAL ORDER OF THE BOARD.

27 (d) THE BOARD MAY SUSPEND OR REVOKE A LICENSE OR

1 REGISTRATION OR MAY REFUSE TO RENEW ANY LICENSE OR REGISTRATION  
2 ISSUED OR MAY PLACE ON PROBATION ANY LICENSEE OR REGISTRANT IF  
3 THE LICENSEE OR REGISTRANT FAILS TO COMPLY WITH THE REQUIREMENTS  
4 SET FORTH IN A CITATION DEEMED FINAL PURSUANT TO PARAGRAPH (c) OF  
5 THIS SUBSECTION (2.5).

6 (e) THE FAILURE OF AN APPLICANT FOR LICENSURE TO COMPLY  
7 WITH A CITATION DEEMED FINAL PURSUANT TO PARAGRAPH (c) OF THIS  
8 SUBSECTION (2.5) IS GROUNDS FOR DENIAL OF A LICENSE.

9 (f) NO CITATION MAY BE ISSUED UNDER THIS SECTION UNLESS THE  
10 CITATION IS ISSUED WITHIN THE SIX-MONTH PERIOD FOLLOWING THE  
11 OCCURRENCE OF THE VIOLATION.

12 (4) (a) ~~Any administrative fines collected pursuant to this section~~  
13 ~~shall be transmitted to the state treasurer, who shall credit such fines to the~~  
14 ~~general fund~~ FINE COLLECTED PURSUANT TO THIS SECTION SHALL BE  
15 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT ONE-HALF  
16 OF THE AMOUNT OF ANY SUCH FINE TO THE GENERAL FUND, AND ONE-HALF  
17 OF THE AMOUNT OF ANY SUCH FINE SHALL BE SHARED WITH THE  
18 APPROPRIATE CITY, TOWN, COUNTY, OR CITY AND COUNTY, WHICH  
19 AMOUNTS SHALL BE TRANSMITTED TO ANY SUCH ENTITY ON AN ANNUAL  
20 BASIS.

21 (b) ANY FINE ASSESSED IN A CITATION OR AN ADMINISTRATIVE  
22 HEARING OR ANY AMOUNT DUE PURSUANT TO A STIPULATED SETTLEMENT  
23 AGREEMENT THAT IS NOT PAID MAY BE COLLECTED BY THE PROGRAM  
24 ADMINISTRATOR THROUGH A COLLECTION AGENCY OR IN AN ACTION IN  
25 THE DISTRICT COURT OF THE COUNTY IN WHICH THE PERSON AGAINST  
26 WHOM THE FINE IS IMPOSED RESIDES OR IN THE COUNTY IN WHICH THE  
27 OFFICE OF THE PROGRAM ADMINISTRATOR IS LOCATED.

1 (c) THE ATTORNEY GENERAL SHALL PROVIDE LEGAL ASSISTANCE  
2 AND ADVICE TO THE PROGRAM ADMINISTRATOR IN ANY ACTION TO  
3 COLLECT AN UNPAID FINE.

4 (d) IN ANY ACTION BROUGHT TO ENFORCE THIS SUBSECTION (4),  
5 REASONABLE ATTORNEY FEES AND COSTS SHALL BE AWARDED.

6 **SECTION 6. [12-58-117](#)** (1), Colorado Revised Statutes, is  
7 amended to read:

8 **[12-58-117. Apprentices.](#)** (1) Any person may work as a plumbing  
9 apprentice for a licensed plumber but shall not do any plumbing work for  
10 which a license is required pursuant to this article except under the  
11 supervision of a licensed plumber. Supervision requires that the licensed  
12 plumber supervise apprentices at the jobsite. ONE LICENSED JOURNEYMAN  
13 PLUMBER, MASTER PLUMBER, OR RESIDENTIAL PLUMBER SHALL NOT  
14 SUPERVISE MORE THAN THREE APPRENTICE PLUMBERS AT THE SAME  
15 JOBSITE.

16           **SECTION 7. Appropriation.** (1) In addition to any other  
17 appropriation, there is hereby appropriated, out of any moneys in the  
18 division of registrations cash fund created in section [24-34-105](#) (2) (b) (I),  
19 Colorado Revised Statutes, not otherwise appropriated, to the department  
20 of regulatory agencies, for allocation to the executive director's office, for  
21 legal services, for the fiscal year beginning July 1, 2007, the sum of  
22 twenty-eight thousand four hundred sixty-three dollars (\$28,463), or so  
23 much thereof as may be necessary, for the implementation of this act.

24           (2) In addition to any other appropriation, there is hereby  
25 appropriated, out of any moneys in the division of registrations cash fund  
26 created in section [24-34-105](#) (2) (b) (I), Colorado Revised Statutes, not  
27 otherwise appropriated, to the department of regulatory agencies, for

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1       allocation to the division of registrations, for regulation of plumbers, for  
2 the fiscal year beginning July 1, 2007, the sum of one hundred thirty  
3 thousand nine hundred fifty-six dollars (\$130,956) and 0.7 FTE, or so  
4 much thereof as may be necessary, for the implementation of this act.

5           (3) In addition to any other appropriation, there is hereby  
6 appropriated to the department of law, for the fiscal year beginning July 1,  
7 2007, the sum of twenty-eight thousand four hundred sixty-three dollars  
8 (\$28,463) and 0.2 FTE, or so much thereof as may be necessary, for the  
9 provision of legal services to the department of regulatory agencies related  
10 to the implementation of this act. Said sum shall be from cash funds  
11 exempt received from the executive director's office out of the  
12 appropriation made in subsection (1) of this section.

13           **SECTION 8. Effective date.** This act shall take effect January 1,  
14 2008.

15           **SECTION 9. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.