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# Title 12

## Division of Professions and Occupations

### Article 155

### Plumbers

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**Editor's note:** This title 12 was repealed and reenacted, with relocations, in 2019. This article 30 contains provisions from several former C.R.S. sections of this title 12 and article 34 of title 24, as they existed prior to 2019. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index.

**Cross references:** For practicing a profession or operating a business without a license, see § 16-13-306; for rule-making procedures and license suspension and revocation procedures by state agencies, see article 4 of title 24; for an alternative disciplinary action for persons licensed, registered, or certified pursuant to this title 12, see § 24-34-106; for disposition of money collected under this title 12, see §§ 24-35-101 and 24-36-103.

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## ARTICLE 155

### Plumbers

**Editor's note:** This title 12 was repealed and reenacted, with relocations, in 2019. This article 155 was numbered as article 58 of this title 12 prior to 2019. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index.

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**12-155-101. Legislative declaration.** (1) The general assembly hereby finds that:

(a) Improper plumbing can adversely affect the health of the public and that faulty plumbing is potentially lethal and can cause widespread disease and an epidemic of disastrous consequences;

(b) To protect the health of the public, it is essential that plumbing be installed by persons who have proven their knowledge of the sciences of pneumatics and hydraulics and their skill in installing plumbing.

(2) Consistent with its duty to safeguard the health of the people of this state, the general assembly hereby declares that individuals who plan, install, alter, extend, repair, and maintain plumbing systems should be individuals of proven skill. To provide standards of skill for those in the plumbing trade and to authoritatively establish what shall be good plumbing practice, the general assembly hereby provides for the licensing of plumbers and for the promulgation of a model plumbing code of standards by the state plumbing board, and this article 155 is therefore declared to be essential to the public interest.

(3) The general assembly encourages the state plumbing board to adopt and incorporate by reference appendix C of the “International Plumbing Code” (I.P.C.), 2009 edition, promulgated by the International Code Council, first printing (January 2009), or the graywater provisions within a newer edition of the I.P.C., whether the provisions are contained in appendix C or elsewhere.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 987, § 1, effective October 1.

**Editor’s note:** This section is similar to former § 12-58-101 as it existed prior to 2019.

**12-155-102. Applicability of common provisions.** Articles 1 and 20 of this title 12 apply, according to their terms, to this article 155.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 987, § 1, effective October 1.

**12-155-103. Definitions.** As used in this article 155, unless the context otherwise requires:

(1) “Board” means the state plumbing board created in section 12-155-104.

(2) “Gas piping” means any arrangement of piping used to convey fuel gas, supplied by one meter, and each arrangement of gas piping serving a building, structure, or premises, whether individually metered or not. “Gas piping” or “gas piping system” does not include the installation of gas appliances where existing service connections are already installed, nor does the term include the installations, alterations, or maintenance of gas utilities owned by a public utility certified pursuant to article 5 of title 40 or a public utility owned or acquired by a city or town pursuant to article 32 of title 31.

(3) “Journeyman plumber” means any person, other than a master plumber, residential plumber, or plumber’s apprentice, who engages in or works at the actual installation, alteration, repair, and renovation of plumbing in accordance with the standards and rules established by the board.

(4) “Master plumber” means a person who has the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and install and repair plumbing apparatus and equipment including the supervision of such in accordance with the standards and rules established by the board.

(5) “Colorado plumbing code” or “the code” means a code established by the board that consists of standards for plumbing installation, plumbing materials, conservation, medical gas, sanitary drainage systems, and solar plumbing that could directly affect the potable water supply.

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(6) “Colorado fuel gas code” means a code adopted by rule of the board for the inspection of plumbing fuel gas pipe installations.

(7) (a) “Conservation” means efficiency measures that meet national guidelines and standards and are tested and approved by a nationally recognized testing laboratory, including:

(I) Water-efficient devices and fixtures; and

(II) The use of locally produced materials, when practicable, to reduce transportation impacts.

(b) When conservation conflicts with safety, the board shall give primary consideration to safety.

(c) Nothing in this subsection (7) affects the board’s authority to establish the Colorado plumbing code as specified in section 12-155-106.

(8) (a) “Plumbing” includes the following items located within the building or extending five feet from the building foundation, excluding any service line extending from the first joint to the property line: All potable water supply and distribution pipes and piping; all plumbing fixtures and traps; all drainage and vent pipes; all water conditioning appliances connected to the potable water system; all building drains, including their respective joints and connections, devices, receptacles, and appurtenances; all multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are part of the potable water supply; and all medical gas and vacuum systems in health-care facilities.

(b) Notwithstanding subsection (8)(a) of this section, the following is not included within the definition of “plumbing”:

(I) Installations, extensions, improvements, remodeling, additions, and alterations in water and sewer systems owned or acquired by counties pursuant to article 20 of title 30, cities and towns pursuant to article 35 of title 31, or water and sanitation districts pursuant to article 1 or article 4 of title 32; or

(II) Installations, extensions, improvements, remodeling, additions, and alterations performed by contractors employed by counties, cities, towns, or water and sewer districts that connect to the plumbing system within a property line; or

(I) Performance, location, construction, alteration, installation, and use of on-site wastewater treatment systems pursuant to article 10 of title 25 that are located within a property line.

(9) “Plumbing apprentice” means any person, other than a master, journeyman, or residential plumber, who, as his or her principal occupation, is engaged in learning and assisting in the installation of plumbing.

(10) “Plumbing contractor” means any person, firm, partnership, corporation, association, or other organization that undertakes or offers to undertake for another the planning, laying out, supervising, installing, or making of additions, alterations, and repairs in the installation of plumbing. In order to act as a plumbing contractor, the person, firm, partnership, corporation, association, or other organization must either be or employ a full-time master plumber. “Plumbing contractor” does not include a water conditioning contractor, a water conditioning installer, or a water conditioning principal.

(11) “Potable water” means water that is safe for drinking, culinary, and domestic purposes and that meets the requirements of the department of public health and environment.

(12) “Qualified state institution of higher education” means:

(a) One of the state institutions of higher education established under, specified in, and located upon the campuses described in sections 23-20-101 (1)(a) and 23-31-101, limited to the buildings owned or leased by those institutions on those campuses;

(b) The institution whose campus is established under and specified in section 23-20101 (1)(b), but limited to the buildings located in Denver at 1380 Lawrence street, 1250 Fourteenth street, and 1475 Lawrence street; and

(c) The institution whose campus is established under and specified in section 23-20101 (1)(d), but limited to current and future buildings owned or leased or built on land

owned on or before January 1, 2015, by the university of Colorado on the campus described in section 23-20-101 (1)(d).

(13) “Residential plumber” means any person, other than a master or journeyman plumber or plumbing apprentice, who has the necessary qualifications, training, experience, and technical knowledge, as specified by the board, to install plumbing and equipment in one-, two-, three-, and four-family dwellings, which dwellings shall not extend more than two stories aboveground.

(13.5) “Tiny home” has the meaning set forth in section 24-32-3302 (35).

(14) (a) “Water conditioning contractor” means a person that:

(I) Undertakes or offers to undertake for another the planning, laying out, supervising, installing, or making of additions, alterations, or repairs in the installation of water conditioning appliances in one-, two-, three-, or four-family dwellings, which dwellings must not extend more than two stories aboveground; and

(II) Is required to be registered pursuant to section 12-155-108 (4). (b)

“Water conditioning contractor” does not include a plumbing contractor.

(15) (a) “Water conditioning installer” means a person that:

(I) Has the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and install water conditioning appliances in one-, two-, three-, and four-family dwellings, which dwellings must not extend more than two stories aboveground, in accordance with the standards and rules established by the board;

(II) Is certified by a national water conditioning association recognized by the board, with the type of certification specified by the board; and

(III) Is required to be registered pursuant to section 12-155-108 (5). (b)

“Water conditioning installer” does not include a licensed plumber.

(16) (a) “Water conditioning principal” means a person that:

(I) Has the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and install water conditioning appliances in one-, two-, three-, and four-family dwellings, which dwellings must not extend more than two stories aboveground, including the supervision of the work in accordance with the standards and rules established by the board;

(II) Is certified by a national water conditioning association recognized by the board, with the type of certification specified by the board; and

(III) Is required to be registered pursuant to section 12-155-108 (6). (b)

“Water conditioning principal” does not include a licensed plumber.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 987, § 1, effective October 1. **L. 2022:** (13.5) added, (HB 22-1242), ch. 172, p. 1137, § 29, effective August 10.

**Editor’s note:** (1) This section is similar to former § 12-58-102 as it existed prior to 2019.

(2) Section 38(2) of chapter 172 (HB 22-1242), Session Laws of Colorado 2022, provides that the act changing this section applies to acts committed on or after August 10, 2022.

**12-155-104. State plumbing board - subject to review - repeal of article.** (1) There is established in the division the state plumbing board. The board is a **type 1** entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the department of regulatory agencies.

(2) (a) (I) The board consists of seven members appointed by the governor, with the power of removal, and with the confirmation of the senate, as follows:

(A) One a journeyman plumber;

(B) One a master plumber;

(C) Two engaged in the construction of residential or commercial buildings as plumbing contractors;

(D) One engaged in the construction of residential or commercial buildings as a general contractor;

(E) One a member or employee of a local government agency conducting plumbing inspections; and

(F) One appointed from the public at large.

(II) A representative of the department of public health and environment shall serve as an ex officio nonvoting member.

(III) At least one member shall be a resident of the western slope of the state, defined as that western part of the state separated from the eastern part of the state by the continental divide.

(b) A majority of the board shall constitute a quorum for the transaction of all business.

(3) (a) Board members are appointed for four-year terms. Any vacancy occurring in the membership of the board shall be filled by the governor by appointment for the unexpired term of the member.

(b) The governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

(6) No major political party shall be represented on the board by more than one member more than the other major political party.

(7) This article 155 is repealed, effective September 1, 2024. Before the repeal, the board, including provisions related to qualified state institutions of higher education, is scheduled for review in accordance with section 24-34-104.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 990, § 1, effective October 1. **L. 2022:** (2)(a) and (3)(a) amended, (SB 22-013), ch. 2, p. 14, § 13, effective February 25; (1) amended, (SB 22-162), ch. 469, p. 3394, § 121, effective August 10.

**Editor's note:** This section is similar to former § 12-58-103 as it existed prior to 2019.

**Cross references:** For the short title (the "Debbie Haskins 'Administrative Organization Act of 1968' Modernization Act" ) in SB 22-162, see section 1 of chapter 469, Session Laws of Colorado 2022.

**12-155-105. Powers of board - fees - rules.** (1) In addition to all other powers and duties conferred or imposed upon the board by this article 155, the board is authorized and empowered to:

(a) Elect its own officers and prescribe their duties;

(b) Conduct examinations as required by this article 155;

(c) Grant the licenses of duly qualified applicants for residential plumbers, journeymen plumbers, and master plumbers as provided in this article 155 and pursuant to the provisions of article 4 of title 24;

(d) Establish fees for the issuance of a new registration and for each renewal of registration, pursuant to section 12-20-105;

(e) Promulgate, adopt, amend, and repeal rules pursuant to section 12-20-204;

(f) In accordance with article 4 of title 24, prescribe, enforce, amend, and repeal rules governing the plumbing systems of all buildings in this state;

(g) Promulgate rules governing the installation and inspection of toilet and urinal systems and structures for which reclaimed domestic wastewater is used pursuant to section 25-8-205.8 (2)(c)(IV);

(h) Employ plumbers licensed under this article 155 as journeyman or master plumbers as state plumbing inspectors and charge fees for making inspections of plumbing work covered by the Colorado plumbing code in those areas where the local jurisdiction does not conduct inspections and issue permits;

(i) Conduct investigations and hearings and gather evidence in accordance with the provisions of sections 12-20-403 and 24-4-105;

(j) Cause the enjoinder, in accordance with section 12-20-406, of all persons violating this article 155;

(k) Inspect gas piping installations pursuant to the provisions of section 12-155-120;

(l) Find, upon holding a hearing, that an incorporated town or city, county, city and county, or qualified state institution of higher education fails to meet the minimum requirements of this article 155 if a local inspection authority or qualified state institution

of higher education has failed to adhere to the minimum standards required by this article 155 within twelve months after the board has adopted the standards by rule pursuant to this subsection (1);

(m) Issue an order to cease and desist from issuing permits or performing inspections under this article 155 to an incorporated town or city, county, city and county, or qualified state institution of higher education upon finding that the public entity or qualified state institution of higher education fails to meet the minimum requirements of this article 155 under this subsection (1);

(n) Apply to a court to enjoin an incorporated town or city, county, city and county, or qualified state institution of higher education from violating an order issued pursuant to subsection (1)(m) of this section.

(2) Notwithstanding any other provisions to the contrary, the board may, with regard to manufactured housing that is subject to article 32 of title 24:

(a) Promulgate, adopt, amend, and repeal rules pursuant to the provisions of article 4 of title 24 as may be necessary for the inspection of manufactured housing water and sewer hookups;

(b) Employ inspectors and charge fees for making inspections of manufactured housing water and sewer hookups.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 991, § 1, effective October 1. **L. 2022:** IP(2) amended, (HB 22-1242), ch. 172, p. 1137, § 30, effective August 10.

**Editor's note:** (1) This section is similar to former § 12-58-104 as it existed prior to 2019.

(2) Section 38(2) of chapter 172 (HB 22-1242), Session Laws of Colorado 2022, provides that the act changing this section applies to acts committed on or after August 10, 2022.

#### ANNOTATION

**Annotator's note.** The following annotations include a case decided under a former provision similar to this section.

**The provisions of this article are constitutional** and do not violate the natural rights of a

person to engage in a lawful occupation. *People v. Rogers*, 74 Colo. 184, 219 P. 1076 (1923).

**The plumbing trade is subject to regulation in the interest of public health.** *People v. Rogers*, 74 Colo. 184, 219 P. 1076 (1923).

**12-155-106. Colorado plumbing code - amendments - variances - Colorado fuel gas code.** (1) In accordance with article 4 of title 24, the board shall establish a Colorado plumbing code, as defined in section 12-155-103 (5). The code shall represent the minimum standards for installation, alteration, and repair of plumbing equipment and systems throughout the state.

(2) Local governments are permitted to amend the code for their jurisdictions as long as the amendments are at least equal to the minimum requirements set forth in the Colorado plumbing code.

(3) If petitioned, the board shall annually hold public hearings to consider amendments to the Colorado plumbing code.

(4) The board is authorized to review and approve or disapprove requests for exceptions to the code in unique construction situations where a strict interpretation of the code would result in unreasonable operational conditions or unreasonable economic burdens as long as public safety is not compromised.

(4.5) In the event of a conflict between the 2021 international energy conservation code, the 2024 international energy conservation code, the model electric ready and solar ready code developed by the energy code board pursuant to section 24-38.5-401 (5), or any energy codes adopted by either a local government or divisions in the executive branch of state government and the Colorado plumbing code, the Colorado plumbing code prevails.

(5) The board shall adopt a Colorado fuel gas code for the gas piping installations inspection requirement of section 12-155-105 (1)(k).

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 993, § 1, effective October 1. **L. 2022:** (4.5) added, (HB 22-1362), ch. 301, p. 2179, § 3, effective June 2.

**Editor's note:** This section is similar to former § 12-58-104.5 as it existed prior to 2019.

**12-155-107. Program administrator.** The director may appoint a program administrator pursuant to section 13 of article XII of the state constitution to work with the board in carrying out its duties under this article 155.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 993, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-104.6 as it existed prior to 2019.

**12-155-108. Plumber must have license - registration - control and supervision - rules.** (1) (a) A person shall not engage in or work at the business, trade, or calling of a residential, journeyman, or master plumber in this state until he or she has received a license from the division, upon written notice from the board or its authorized agent, or a temporary permit from the board or its authorized agent; except that a person may practice as a water conditioning contractor if the person is registered pursuant to subsection (4) of this section, as a water conditioning installer if the person is registered pursuant to subsection (5) of this section, or as a water conditioning principal if the person is registered pursuant to subsection (6) of this section.

(b) Nothing in this section limits the ability of a licensed residential, journeyman, or master plumber, a plumbing apprentice, or a registered plumbing contractor to practice within his or her respective area as authorized by this article 155 with regard to water conditioning appliances.

(2) (a) All plumbing apprentices working for plumbing contractors pursuant to this article 155 and all apprentices working under the supervision of any licensed plumber pursuant to section 12-155-124 shall, within thirty days after the date of initial employment, be registered with the board.

(b) The employer of a plumbing apprentice shall be responsible for the apprentice's registration with the board.

(c) No apprentice shall be registered until payment of a registration or registration renewal fee, as determined by the board, has been made.

(3) No person, firm, partnership, corporation, or association shall operate as a plumbing contractor until the contractor has obtained registration from the board. The board shall register a plumbing contractor upon payment of the fee as provided in section 12-155-105 and presentation of evidence that the applicant has complied with the applicable workers' compensation and unemployment compensation laws of this state. In order to act as a plumbing contractor, the person, firm, partnership, corporation, association, or other organization must either be, or employ full-time, a master plumber, who shall be in charge of the supervision of all plumbing work performed by the contractor. A master plumber shall be responsible for no more than one plumbing contractor at a time. The master plumber shall be required to notify the board within fifteen days after his or her termination as a master plumber for that plumbing contractor. The master plumber is responsible for all plumbing work performed by the plumbing contractor. Failure to comply with a notification may lead to suspension or revocation of the master plumber license as provided in section 12-155-113.

(4) Except as specified in subsection (1)(b) of this section, effective April 1, 2016, a person shall not operate as a water conditioning contractor unless the person:

(a) Is currently registered with the board pursuant to this subsection (4) as specified in rules promulgated and forms adopted by the board. The board shall register a water conditioning contractor upon payment of the fee as provided in section 12-155-105 and

presentation of evidence that the applicant has complied with the applicable workers' compensation and unemployment compensation laws of this state.

(b) Is, or employs full-time, a water conditioning principal, who shall be responsible for all water conditioning appliance work performed by the contractor.

(5) Except as specified in subsection (1)(b) of this section, effective April 1, 2016, a person shall not engage in or work at the business, trade, or calling of a water conditioning installer unless the person is currently registered with the board pursuant to this subsection (5) as specified in rules promulgated and forms adopted by the board. The board shall register a water conditioning installer upon payment of the fee as provided in section 12-155-105 and submission of proof that the applicant is certified by a national water conditioning association recognized by the board, with the type of certification as specified by the board.

(6) (a) Except as specified in subsection (1)(b) of this section, effective April 1, 2016, a person shall not engage in or work at the business, trade, or calling of a water conditioning principal unless the person is currently registered with the board pursuant to this subsection (6) as specified in rules promulgated and forms adopted by the board. The board shall register a water conditioning principal upon payment of the fee as provided in section 12-155-105 and submission of proof that the applicant is certified by a national water conditioning association recognized by the board, with the type of certification as specified by the board.

(b) A water conditioning principal shall be responsible for no more than one water conditioning contractor at a time. The water conditioning principal shall notify the board within fifteen days after his or her termination as a water conditioning principal for a water conditioning contractor. Failure to provide the notice may lead to suspension or revocation of the water conditioning principal's registration as provided in section 12-155-113.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 994, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-105 as it existed prior to 2019.

#### ANNOTATION

**Annotator's note.** The following annotations include cases decided under former provisions similar to this section.

**In the prosecution of one for working as a plumber without a license,** the contention that as the ordinance applied to helpers and apprentices as well as master plumbers, it was unconstitutional, is overruled, it appearing that it did not so apply. *Evans v. City & County of Denver*, 79 Colo. 533, 247 P. 173 (1926).

**Contracts for services by one who is required by statute to have a license to engage in the particular profession,** trade, or calling, and who does not have such a license are gen

erally unenforceable. *Carter v. Thompkins*, 133 Colo. 279, 294 P.2d 265 (1956).

**It is no defense that one charged with the violation of city ordinance** concerning the licensing of plumbers was acting as the employee of another. *Evans v. City & County of Denver*, 79 Colo. 533, 247 P. 173 (1926).

**Although one convicted of working as a plumber without a license was an apprentice** of a licensed plumber, it appeared that he worked so independently of his master as to be acting as a journeyman. *Evans v. City & County of Denver*, 79 Colo. 533, 247 P. 173 (1926).

**12-155-109. Unauthorized advertising - use of title.** (1) A person shall not advertise in any manner or use the title or designation of "master plumber", "journeyman plumber", or "residential plumber" unless the person is qualified and licensed under this article 155.

(2) A person shall not advertise in any manner that the person is a water conditioning contractor, water conditioning installer, or a water conditioning principal unless the person is registered as such pursuant to this article 155.

(3) No person shall advertise in any manner that the person is a plumbing contractor or use the title or designation of "plumbing contractor" unless the person meets the definition of plumbing contractor set out in section 12-155-103 (10).

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 995, § 1, effective October 1.

**Editor's note:** Subsection (1) is similar to former § 12-58-106 (1); subsection (2) is similar to former § 12-58-106 (2); and subsection (3) is similar to former § 12-58-106.5, as those sections existed prior to 2019.

**12-155-110. License issuance - examination - rules.** (1) (a) The board shall issue licenses to persons who have, by examination and experience, shown themselves competent and qualified to engage in the business, trade, or calling of a residential plumber, journeyman plumber, or master plumber. The board shall establish the minimum level of experience required for an applicant to receive a residential, journeyman, or master plumber's license. The maximum experience the board may require for an applicant to qualify to test for a residential plumber's license is three thousand four hundred hours of practical experience. The maximum experience the board may require for an applicant to qualify to test for a journeyman plumber's license is six thousand eight hundred hours of practical experience. The maximum experience the board may require for an applicant to test for a master plumber's license is eight thousand five hundred hours of practical experience.

(b) Any applicant for the license shall be permitted to substitute for required practical experience evidence of academic training in the plumbing field, which training shall be credited as follows:

(I) If the applicant is a graduate of a community college or trade school plumbing program approved by the board, he or she shall receive one year of work experience credit.

(II) If the applicant has academic training, including military training, in the plumbing field that is not sufficient to qualify under subsection (1)(b)(I) of this section, the board shall provide work experience credit for the training according to a uniform ratio established by rule.

(c) No license shall be issued until the applicant has paid a license fee set by the board pursuant to section 12-20-105.

(2) An applicant for a license under this section shall file an application on forms prepared and furnished by the board, together with the examination fee. The time and place of examination shall be designated in advance by the board, and examinations shall be held at least four times each calendar year and at other times as, in the opinion of the board, the number of applicants warrants.

(3) The contents of the examinations provided for in this section shall be determined by the board. The examination shall be administered by the board or its authorized agent pursuant to rules prescribed by the board. Each examination shall be designed and given in such a manner as to fairly test the applicant's knowledge of plumbing and rules governing plumbing. Examinations may include written tests and applied tests of the practices that the license will qualify the applicant to perform and related studies or subjects as the board may determine are necessary for the proper and efficient performance of the practices. The examinations shall be consistent with current practical and theoretical requirements of the practice of plumbing and shall be reviewed, revised, and updated on an annual basis by the board. The board shall ensure that the examination passing grade reflects a minimum level of competency.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 995, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-107 as it existed prior to 2019.

**12-155-111. Credit for experience received outside of Colorado.** For all applicants seeking work experience credit toward licensure for plumbing work experience received outside of Colorado, the board shall give credit for such work experience if the applicant can show to the satisfaction of the board that the particular experience is adequate to comply with the requirements of this article 155.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 996, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-107.5 as it existed prior to 2019.

**12-155-112. License and registration renewal - fees - reinstatement - continuing education - rules.** (1) All license and registration renewal and renewal fees shall be in accordance with sections 12-20-105 and 12-20-202 (1).

(2) (a) Licenses and registrations issued pursuant to this article 155 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license or registration has expired is subject to the penalties provided in this article 155 or section 12-20-202 (1).

(b) This subsection (2)(b) does not apply to water conditioning installers and water conditioning principals. To reinstate a license or registration that has been expired for two or more years, a person must demonstrate competency by:

(I) Providing verification of a license in good standing from another state and proof of active practice in that state for the year previous to the date of receipt of the reinstatement application;

(II) Satisfactorily passing the state plumbing examination in accordance with section 12-155-110; or

(III) Any other means approved by the board.

(c) To reinstate a license or registration that has been expired for less than two years, a person must comply with subsection (3)(a) of this section; except that this subsection (2)(c) does not apply to water conditioning installers and water conditioning principals.

(3) (a) On or after May 1, 2021, the board shall not renew or reinstate a license unless the applicant has completed eight hours of continuing education for every twelve months that have passed after the later of the last date of renewal or reinstatement. This subsection (3)(a) does not apply to the first renewal or reinstatement of a license for which, as a condition of issuance, the applicant successfully completed a licensing examination pursuant to section 12-155-110.

(b) On or before July 1, 2020, the board, in collaboration with established industry training programs and industry representatives, shall adopt rules establishing continuing education requirements and standards. The requirements and standards must include course work related to the code, including core competencies, as determined by the board. The board may count a licensed plumber's enrollment in a course designed to help the plumber attain nationally recognized plumbing and building inspection certifications towards the plumber's continuing education requirements. A renewal or reinstatement license applicant must furnish, or cause to be furnished, to the board, in a form and manner determined by the board, documentation demonstrating compliance with this subsection (3) and rules promulgated to implement this subsection (3).

(c) To ensure consumer protection, the board's rules may include audit standards for licensee compliance with continuing education requirements and requirements pertaining to the testing of licensees by the continuing education vendor.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 997, § 1, effective October 1; (2) amended and (3) added, (HB 19-1086), ch. 109, p. 403, § 3, effective January 1, 2020.

**Editor's note:** This section is similar to former § 12-58-108 as it existed prior to 2019.

**12-155-113. Disciplinary action by board - procedures - cease-and-desist orders.**

(1) The board may take disciplinary or other action as authorized by section 12-20-404 for any of the following reasons:

(a) Violation of any of the provisions of this article 155 or an applicable provision of article 20 of this title 12;

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- (b) Violation of the rules or orders promulgated by the board in conformity with the provisions of this article 155 or aiding or abetting in such violation;
- (c) Failure or refusal to remove within a reasonable time the cause for disapproval of any plumbing installation as reported on the notice of disapproval, but reasonable time shall include time for appeal to and a hearing before the board;
- (d) Any cause for which the issuance of the license could have been refused had it then existed and been known to the board;
- (e) Commitment of any act or omission that does not meet generally accepted standards of plumbing practice;
- (f) Conviction of or acceptance of a plea of guilty or nolo contendere by a court to a felony. In considering the disciplinary action, the board shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.
- (g) Advertising by any licensee or registrant that is false or misleading;
- (h) Deception, misrepresentation, or fraud in obtaining or attempting to obtain a license;
  - (i) Failure of any licensee to adequately supervise an apprentice who is working at the trade pursuant to section 12-155-124;
  - (j) Failure of any licensee to report to the board:
    - (I) Known violations of this article 155;
    - (II) Civil judgments and settlements that arose from the licensee's work performance;
  - (k) Employment of any person required by this article 155 to be licensed or to obtain a permit who has not obtained the license or permit;
    - (l) A substance use disorder, as defined in section 27-81-102, or excessive use of any habit-forming drug, any controlled substance, as defined in section 18-18-102 (5), or any alcohol beverage;
    - (m) Any use of a schedule I controlled substance, as defined in section 18-18-203;
  - (n) Disciplinary action against a license or registration in another jurisdiction. Evidence of the disciplinary action is prima facie evidence for denial of licensure or registration or other disciplinary action if the violation would be grounds for disciplinary action in this state.
- (o) Practicing as a water conditioning contractor, water conditioning installer, water conditioning principal, or a residential, journeyman, or master plumber during a period when the person's license or registration has been suspended or revoked;
- (p) Selling or fraudulently obtaining or furnishing a license or registration to practice as a residential, journeyman, or master plumber, water conditioning contractor, water conditioning installer, water conditioning principal, or plumbing contractor or aiding or abetting in the activity;
- (q) In connection with a construction or building project requiring the services of a person regulated by this article 155, willfully disregarding or violating:
  - (I) Any building or construction law of this state or any of its political subdivisions;
  - (IV) Any safety or labor law;
  - (V) Any health law;
  - (VI) Any workers' compensation insurance law;
  - (VII) Any state or federal law governing withholdings from employee income, including, but not limited to, income taxes, unemployment taxes, or social security taxes; or
  - (VIII) Any reporting, notification, or filing law of this state or the federal government;
- (r) **[Editor's note: Subsection (1)(r) is effective January 1, 2023.]** Applying for a plumbing permit pursuant to section 12-155-120 (1) if the applicant is not a qualified applicant, as defined in section 12-155-120 (11).
  - (2) The board may issue and send a letter of admonition by certified mail to a licensee under the circumstances specified in and in accordance with section 12-20-404 (4).
  - (3) The board may issue and send a confidential letter of concern to a licensee or registrant under the circumstances specified in section 12-20-404 (5).
  - (4) Any disciplinary action taken by the board shall be in accordance with the provisions of section 12-20-403 and article 4 of title 24.
  - (5) The board may issue cease-and-desist orders under the circumstances and in accordance with the procedures specified in section 12-20-405.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 997, § 1, effective October 1. **L. 2020:** (1)(l) amended, (SB 20-007), ch. 286, p. 1410, § 30, effective July 13. **L. 2022:** (1)(r) added, (HB 22-1346), ch. 483, p. 3511, § 4, effective January 1, 2023.

**Editor's note:** This section is similar to former § 12-58-110 as it existed prior to 2019.

**12-155-114. Reconsideration and review of board action.** The board, on its own motion or upon application, at any time after the imposition of any discipline as provided for in section 12-155-113, may reconsider its prior action and reinstate or restore the license or terminate probation or reduce the severity of its prior disciplinary action. The taking of any such further action or the holding of a hearing with respect thereto shall rest in the sole discretion of the board.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1001, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-110.2 as it existed prior to 2019.

**12-155-115. Judicial review.** Section 12-20-408 governs judicial review of all final actions and orders of the board that are subject to judicial review.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1001, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-110.4 as it existed prior to 2019.

**12-155-116. License by endorsement - rules.** The board may issue a plumber's license by endorsement in this state to any person who is licensed to practice in another jurisdiction if the person presents proof satisfactory to the board that, at the time of application for a Colorado license by endorsement, the person possesses credentials and qualifications that are substantially equivalent to requirements in Colorado for licensure by examination. The board may specify by rule what shall constitute substantially equivalent credentials and qualifications and may further require a waiting period of six months after the issuance of a license in another state before issuing a license in Colorado.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1001, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-111 as it existed prior to 2019.

**12-155-117. Temporary permits - rules.** (1) The board or its authorized agent may issue a temporary permit to engage in the work of a journeyman plumber or a residential plumber to any applicant who has furnished satisfactory evidence to the board that he or she has the required experience to qualify for the examination, as provided in the rules promulgated by the board, and who has applied for an examination to entitle him or her to the license.

(2) The permits shall be issued only upon payment of a fee established by the board and may be revoked by the board at any time.

(3) Any permit issued pursuant to this section shall expire no later than thirty days after the date of the examination for which the applicant has applied or upon written notice by the board of the results of the examination, whichever date is earlier. No permit shall be issued pursuant to this section to any person who has twice previously failed an examination or who has received two temporary permits.

(4) Notwithstanding the requirements set forth in section 12-155-108 (3), a temporary master permit may be issued to an existing plumbing contractor who has lost the services

of his or her master plumber for completion of a current project underway as long as he or she has a journeyman plumber in his or her full-time employ. The permit shall only be valid until the next regularly scheduled examination.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1001, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-112 as it existed prior to 2019.

**12-155-118. Exemptions.** (1) Any person selling or dealing in plumbing materials or supplies, but not engaged in the installation, alteration, repairing, or removal of plumbing, shall not be required to employ or have a licensed plumber in charge.

(2) Nothing in this article 155 shall be construed to require any individual to hold a license to perform plumbing work on his or her own property or residence, nor shall it prevent a person from employing an individual on either a full- or a part-time basis to do routine repair, maintenance, and replacement of sinks, faucets, drains, showers, tubs, toilets, and domestic appliances and equipment equipped with backflow preventers; except that, if such property or residence is intended for sale or resale by a person engaged in the business of constructing or remodeling the facilities or structures or is rental property that is occupied or is to be occupied by tenants for lodging, either transient or permanent, or is a commercial or industrial building, the owner shall be responsible for and the property shall be subject to all of the provisions of this article 155 pertaining to licensing, unless specifically exempted therein.

(3) Nothing in this article 155 shall be construed to apply to the manufacture of housing that is subject to the provisions of article 32 of title 24 or the installation of individual residential or temporary construction units of manufactured housing water and sewer hookups inspected pursuant to section 12-155-105 (2).

(4) Persons who are engaged in the business of inspecting, testing, and repairing backflow prevention devices shall be exempt from licensure under this article 155, except when the persons engage in the installation and removal of the devices.

(5) Nothing in this article 155 shall be construed to require either that employees of the federal government who perform plumbing work on federal property shall be required to be licensed before doing plumbing work on the property or that the plumbing work performed on the property shall be regulated pursuant to this article 155.

(6) (a) Nothing in this article 155 requires a plumbing license, registration, or permit to perform:

(I) The installation, extension, alteration, or maintenance, including the related water piping and the indirect waste piping, of domestic appliances equipped with backflow preventers, including lawn sprinkling systems; residential ice makers, humidifiers, electrostatic filter washers, or water heating appliances; building heating appliances and systems; fire protection systems except for multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are part of the potable water supply; air conditioning installations; process and industrial equipment and piping systems; or indirect drainage systems not a part of a sanitary sewer system; or

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

(b) Notwithstanding subsection (6)(a) of this section, "plumbing" does not include:

(I) Installations, extensions, improvements, remodeling, additions, and alterations in water and sewer systems owned or acquired by counties pursuant to article 20 of title 30, cities and towns pursuant to article 35 of title 31, or water and sanitation districts pursuant to article 1 or article 4 of title 32;

(II) Installations, extensions, improvements, remodeling, additions, and alterations performed by contractors employed by counties, cities, towns, or water and sewer districts that connect to the plumbing system within a property line; or

(III) Performance, location, construction, alteration, installation, and use of on-site wastewater treatment systems pursuant to article 10 of title 25 that are located within a property line.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1002, § 1, effective October 1. **L. 2022:** (3) amended, (HB 22-1242), ch. 172, p. 1137, § 31, effective August 10.

**Editor's note:** (1) This section is similar to former § 12-58-113 as it existed prior to 2019.

(2) Section 38(2) of chapter 172 (HB 22-1242), Session Laws of Colorado 2022, provides that the act changing this section applies to acts committed on or after August 10, 2022.

**12-155-119. Plumbing inspectors - qualifications - enforcement of licensing and apprentice-supervision-ratio requirements - rules - legislative declaration - definitions.** (1) *[Editor's note: This version of subsection (1) is effective until January 1, 2023.]* The director is authorized to appoint or employ competent persons licensed under this article 155 as journeyman or master plumbers as state plumbing inspectors.

(1) *[Editor's note: This version of subsection (1) is effective January 1, 2023.]* (a) The director is authorized to appoint or employ competent persons licensed under this article 155 as journeyman or master plumbers as state plumbing inspectors.

(b) For purposes of conducting compliance checks specified in subsection (5) of this section, the director shall appoint or employ two individuals to conduct the compliance checks. The director may appoint or employ individuals who are licensed under this article 155 or may appoint or employ individuals who are not licensed under this article 155 but who demonstrate substantial prior work experience in the plumbing or construction industry. Individuals appointed or employed pursuant to this subsection (1)(b) shall limit their activities to conducting compliance checks of matters specified in said subsection (5).

(6) *[Editor's note: This version of subsection (2) is effective until January 1, 2023.]* The inspectors may be employed either on a full-time or on a part-time basis as the circumstances in each case warrant. State plumbing inspectors have the right of ingress and egress to and from all public and private premises during reasonable working hours where this article 155 applies for the purpose of making plumbing inspections or otherwise determining compliance with the provisions of this article 155.

(2) *[Editor's note: This version of subsection (2) is effective January 1, 2023.]* State plumbing inspectors and individuals conducting compliance checks pursuant to subsection

(5) of this section may be employed either on a full-time or on a part-time basis as the circumstances in each case warrant. State plumbing inspectors and individuals conducting compliance checks pursuant to subsection (5) of this section have the right of ingress and egress to and from all public and private premises during reasonable working hours where this article 155 applies for the purpose of making plumbing inspections, conducting compliance checks pursuant to subsection (5) of this section, or otherwise determining compliance with this article 155.

(3) (a) Beginning July 1, 2014, persons licensed under this article 155 or who are certified as residential plumbing inspectors by a nationally recognized model code organization are authorized to inspect residential plumbing. Any newly hired inspectors not licensed under this article 155 or certified by a nationally recognized model code organization have one year from the date of hire to acquire the necessary license or certification or meet the hiring requirements of the hiring authority, whichever is more stringent.

(b) Beginning July 1, 2014, persons licensed under this article 155 or who are certified as commercial plumbing inspectors by a nationally recognized model code organization are authorized to inspect commercial plumbing. Any newly hired inspectors not licensed under this article 155 or certified by a nationally recognized model code organization have one year from the date of hire to acquire the necessary license or certification or meet the hiring requirements of the hiring authority, whichever is more stringent.

(4) (a) Plumbing inspectors performing inspections who are employed by a qualified state institution of higher education shall be certified as commercial plumbing inspectors by a nationally recognized model code organization and possess a valid journeyman or master

plumber license issued by the state. In addition, the plumbing inspectors shall possess the same qualifications required of state plumbing inspectors under this article 155, shall be registered with the board prior to the assumption of their duties, shall not inspect any plumbing work in which the inspector has any financial or other personal interest, and shall not be engaged in the plumbing business by contracting, supplying material, or performing plumbing work as defined in this article 155. In addition, a plumbing inspector inspecting a medical gas installation shall hold the national inspection certification ASSE 6020 or recognized equivalent.

(b) **[Editor's note: This version of subsection (4)(b) is effective until January 1, 2023.]** As part of their duties, plumbing inspectors performing inspections who are employed by a qualified state institution of higher education have the authority to verify the plumbing licenses or apprenticeship registration cards issued by the state for those people performing the plumbing work on a project.

(b) **[Editor's note: This version of subsection (4)(b) is effective January 1, 2023.]** As part of their duties, plumbing inspectors performing inspections who are employed by a qualified state institution of higher education have the authority to verify the plumbing licenses or apprenticeship registration cards issued by the state for those people performing the plumbing work on a project and to verify compliance with section 12-155-124 (1).

(5) **[Editor's note: Subsection (5) is effective January 1, 2023.]** (a) Consistent with section 12-155-101 and the state's duty to safeguard the public health by ensuring that individuals who plan, install, alter, extend, repair, or maintain plumbing systems have the skills necessary to perform those tasks, the general assembly finds and determines that board enforcement of the licensing requirements in this article 155 and the limits on the number of plumbing apprentices a licensed plumber is permitted to supervise specified in section 12-155-124 (1) is a matter of statewide concern and is essential to protect public health.

(b) The board shall direct individuals appointed or employed pursuant to subsection (1)(b) of this section to:

(I) Conduct compliance checks to ensure compliance with the licensing and supervisor-to-apprentice ratio requirements specified in this article 155 on projects throughout the state where plumbing systems are being planned, installed, altered, extended, repaired, or maintained, regardless of whether the permit for the plumbing work was issued by the board, an incorporated town or city, a county, a city and county, or a qualified state institution of higher education; and

(II) Prioritize for compliance checks projects that provide or will provide critical services to residents of the state.

(c) To ensure compliance with the licensing and supervisor-to-apprentice ratio requirements pursuant to subsection (5)(a)(I) of this section, individuals appointed or employed pursuant to subsection (1)(b) of this section shall conduct compliance checks at projects throughout the state where plumbing is being performed to ensure that:

(I) The individual performing the plumbing work is licensed as a master, journeyman, or residential plumber or is a registered plumbing apprentice being supervised by a licensed master, journeyman, or residential plumber; and

(II) A master, journeyman, or residential plumber is complying with the limit on the number of plumbing apprentices the plumber may supervise per job site specified in section 12-155-124 (1).

(d) Nothing in this subsection (5) affects the ability of a local government to permit or inspect plumbing or gas piping installations in any new construction or remodeling or repair located within the boundaries of the local government.

(e) As used in this subsection (5):

(I) "Local government" means an incorporated town or city, a county, or a city and county.

(II) "Project that provides or will provide critical services" means a project involving the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, including:

(A) A public building;

(B) A public school or institution of higher education;

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- (C) An airport;
- (D) A train station or public transit station;
- (E) A hospital, nursing facility, assisted living residence, or other health-care facility licensed or certified by the department of public health and environment under title 25;
- (F) A renewable energy installation or a project of a utility regulated by the public utilities commission pursuant to title 40; and
- (G) Any other commercial or multifamily residential public project specified by the board by rule.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1003, § 1, effective October 1. **L. 2022:** (1), (2), and (4)(b) amended and (5) added, (HB 22-1346), ch. 483, p. 3511, § 5, effective January 1, 2023.

**Editor's note:** This section is similar to former § 12-58-114.2 as it existed prior to 2019.

**12-155-120. Inspection - plumbing permits - application - standards - definition.**

(1) [*Editor's note: This version of subsection (1) is effective until January 1, 2023.*] (a) Any plumbing or gas piping installation in any new construction or remodeling or repair, other than manufactured units or tiny homes inspected in accordance with article 32 of title 24, except for the new construction or remodeling or repair in any incorporated town or city, county, or city and county, or in a building owned or leased or on land owned by a qualified state institution of higher education where the local entity or qualified state institution of higher education conducts inspections and issues permits, must be inspected by a state plumbing inspector.

(b) A state plumbing inspector shall inspect any new construction, remodeling, or repair subject to this subsection (1) within three working days after the receipt of the application for inspection.

(c) Prior to the commencement of any plumbing or gas piping installation, the person making the installation shall apply for a permit and pay the required fee.

(d) Every mobile home, tiny home, or movable structure owner shall have the plumbing and gas piping hookup for the mobile home, tiny home, or movable structure inspected prior to obtaining new or different plumbing or gas service. An inspection of a tiny home performed in accordance with section 24-32-3329 complies with this subsection (1)(d).

(e) A qualified state institution of higher education with a building department that meets or exceeds the minimum standards adopted by the board under this article 155 shall process applications for permits and inspections only from the institution and from contractors working for the benefit of the institution, and shall conduct inspections only of work performed for the benefit of the institution. Each inspection must include a contemporaneous review to ensure that the requirements of section 12-155-108 have been met. A qualified state institution of higher education shall enforce standards that are at least as stringent as any minimum standards adopted by the board.

(1) [*Editor's note: This version of subsection (1) is effective January 1, 2023.*] (a) Any plumbing or gas piping installation in any new construction or remodeling or repair, other than manufactured units or tiny homes inspected in accordance with article 32 of title 24, and except for new construction or remodeling or repair in any incorporated town or city, county, or city and county, or in a building owned or leased or on land owned by a qualified state institution of higher education where the local entity or qualified state institution of higher education conducts inspections and issues plumbing permits, referred to within this section as "permits", must be inspected by a state plumbing inspector.

(b) A state plumbing inspector shall inspect any new construction, remodeling, or repair subject to this subsection (1) within three working days after the receipt of the application for inspection.

(c) (I) Prior to the commencement of any plumbing or gas piping installation, the person making the installation, who must be a qualified applicant, shall apply for a permit and pay the required fee.

(II) (A) Only a qualified applicant may apply for a permit pursuant to this subsection (1). A licensed master plumber who is not a registered plumbing contractor and who is

operating as an independent contractor for another business shall not apply for a permit pursuant to this subsection (1).

(B) Before issuing a permit pursuant to this subsection (1), the board or, if applicable, the local entity or qualified state institution of higher education that conducts inspections and issues permits shall verify that the permit applicant is a qualified applicant.

(C) The entity issuing the permit may use the permit application process to verify compliance with this subsection (1).

(d) Every mobile home, tiny home, or movable structure owner shall have the plumbing and gas piping hookup for the mobile home, tiny home, or movable structure inspected prior to obtaining new or different plumbing or gas service. An inspection of a tiny home performed in accordance with section 24-32-3329 complies with this subsection (1)(d).

(e) A qualified state institution of higher education with a building department that meets or exceeds the minimum standards adopted by the board under this article 155 shall process applications for permits and inspections only from the institution and from contractors working for the benefit of the institution, and shall conduct inspections only of work performed for the benefit of the institution. Each inspection must include a contemporaneous review to ensure that the requirements of section 12-155-108 have been met. A qualified state institution of higher education shall enforce standards that are at least as stringent as any minimum standards adopted by the board.

(2) **[Editor's note: This version of subsection (2) is effective until January 1, 2023.]** A state plumbing inspector shall inspect the work performed, and, if the work meets the minimum standards set forth in the Colorado plumbing code referred to in section 12-155-106, a certificate of approval shall be issued by the inspector. If the installation is disapproved, written notice together with the reasons for the disapproval shall be given by the inspector to the applicant. If the installation is hazardous to life or property, the inspector disapproving it may order the plumbing or gas service thereto discontinued until the installation is rendered safe. The applicant may appeal the disapproval to the board and shall be granted a hearing by the board within seven days after notice of appeal is filed with the board. After removal of the cause of the disapproval, the applicant shall make application for reinspection in the same manner as for the original inspection and pay the required reinspection fee.

(2) **[Editor's note: This version of subsection (2) is effective January 1, 2023.]** (a) A state plumbing inspector shall inspect the work performed, and, if the work meets the minimum standards set forth in the Colorado plumbing code referred to in section 12-155-106, the inspector shall issue a certificate of approval.

(b) (I) If the installation is disapproved, the inspector shall give written notice together with the reasons for the disapproval to the qualified applicant. If the installation is hazardous to life or property, the inspector disapproving it may order the plumbing or gas service to the installation discontinued until the installation is rendered safe. The qualified applicant may appeal the disapproval to the board, and the board shall grant the qualified applicant a hearing within seven days after notice of appeal is filed with the board.

(II) After removing the cause of the disapproval, the qualified applicant shall apply for reinspection in the same manner as for the original inspection and pay the required reinspection fee.

(3) **[Editor's note: This version of subsection (3) is effective until January 1, 2023.]** (a) All inspection permits issued by the board are valid for a period of twelve months. The board shall close a permit and mark its status as "expired" at the end of the twelve-month renewal period, except in the following circumstances:

(I) If an applicant makes a showing at the time of application for a permit that the plumbing or gas piping work is substantial and is likely to take longer than twelve months, the board may issue a permit to be valid for a period longer than twelve months, but not exceeding three years.

(II) If the applicant notifies the board prior to the expiration of the twelve-month period of extenuating circumstances, as determined by the board, during the twelve-month period, the board may extend the validity of the permit for a period not to exceed six months.

(b) If an inspection is requested by an applicant after a permit has expired or has been canceled, a new permit must be applied for and granted before an inspection is performed.

(3) [*Editor's note: This version of subsection (3) is effective January 1, 2023.*] (a) All permits issued by the board are valid for a period of twelve months. The board shall close a permit and mark its status as "expired" at the end of the twelve-month renewal period, except in the following circumstances:

(I) If a qualified applicant demonstrates at the time of application for a permit that the plumbing or gas piping work is substantial and is likely to take longer than twelve months, the board may issue a permit to be valid for a period longer than twelve months, but not exceeding three years.

(II) If the qualified applicant notifies the board prior to the expiration of the twelve-month period of extenuating circumstances, as determined by the board, during the twelve-month period, the board may extend the validity of the permit for a period not to exceed six months.

(b) If a qualified applicant requests an inspection after a permit has expired or has been canceled, the qualified applicant must apply for and be granted a new permit before an inspection is performed.

(4) Each application, certificate of approval, and notice of disapproval shall contain the name of the property owner, if known, the location and a brief description of the installation, the name of the general contractor if any, the name of the plumbing contractor or licensed plumber and state license number in the case of any plumbing installation, the name of the installer in the case of any liquefied petroleum gas piping installation, the state plumbing inspector, and the inspection fee charged for the inspection. The original of a notice of disapproval and written reasons for disapproval and corrective actions to be taken shall be mailed to the board, and a copy of the notice shall be mailed to the plumbing contractor in the case of any plumbing installation or the installer in the case of any liquefied petroleum gas piping installation, within two working days after the date of inspection, and a copy of the notice shall be posted at the installation site. The forms shall be furnished by the board, and a copy of each application, certificate, and notice made or issued shall be filed with the board.

(5) Notwithstanding the fact that any incorporated town or city, any county, or any city and county in which a public school is located or is to be located has its own plumbing code and inspection authority, any plumbing or gas piping installation in any new construction or remodeling or repair of a public school shall be inspected by a state plumbing inspector.

(6) If an incorporated town or city, county, city and county, or qualified state institution of higher education intends to commence or cease performing plumbing or gas piping inspections in its respective jurisdiction, or for its buildings owned or leased or on its land, written notice of such intent must be given to the board.

(7) (a) [*Editor's note: This version of subsection (7)(a) is effective until January 1, 2023.*] Any person claiming to be aggrieved by the failure of a state plumbing inspector to inspect his or her property after proper application or by notice of disapproval without setting forth the reasons for denying the inspection permit may request the program administrator to review the actions of the plumbing inspector or the manner of the inspection. The request may be made by the person's authorized representative and shall be in writing.

(7) (a) [*Editor's note: This version of subsection (7)(a) is effective January 1, 2023.*] Any person claiming to be aggrieved by the failure of a state plumbing inspector to inspect the person's property after proper application or by notice of disapproval without setting forth the reasons for denying the permit may request the program administrator to review the actions of the plumbing inspector or the manner of the inspection. The request may be made by the person's authorized representative and shall be in writing.

(b) Upon the filing of the request, the program administrator shall cause a copy thereof to be served upon the state plumbing inspector complained of, together with an order requiring the inspector to answer the allegations of the request within a time fixed by the program administrator.

(c) If the request is not granted within ten days after it is filed, it may be treated as rejected. Any person aggrieved by the action of the program administrator in refusing the review requested or in failing or refusing to grant all or part of the relief requested may file

a written complaint and request for a hearing with the board, specifying the grounds relied upon.

(d) Any hearing before the board shall be held pursuant to the provisions of section 24-4-105.

(8) If an incorporated town or city, county, city and county, or qualified state institution of higher education intends to commence or cease performing plumbing inspections in its jurisdiction or for the buildings owned or leased by or on land of a qualified state institution of higher education, it shall commence or cease the same only as of July 1 of any year, and written notice of intent must be given to the board on or before October 1 of the preceding calendar year. If notice is not given and the use of state plumbing inspectors is required within the respective jurisdiction or building affected by the notice requirement, the respective local government or qualified state institution of higher education of the respective jurisdiction or building requiring inspections shall reimburse the board for any expenses incurred in performing inspections, in addition to transmitting the required permit fees.

(9) A qualified state institution of higher education may choose not to require fees as part of the permitting process. A documented permitting and inspection system must be instituted by each qualified state institution of higher education as a tracking system that is available to the board for the purpose of investigating any alleged violation of this article 155. The permitting and inspection system must include information specifying the project, the name of the inspector, the date of the inspection, the job site address, the scope of the project, the type of the inspection, the result of the inspection, the reason and applicable code sections for partially passed or failed inspections, and the names of the contractors on the project who are subject to inspection.

(10) (a) An inspector performing an inspection for the state, an incorporated town or city, county, city and county, or qualified state institution of higher education, referred to in this subsection (10) as an “inspecting entity”, shall verify compliance with this article 155.

(b) **[Editor’s note: This version of subsection (10)(b) is effective until January 1, 2023.]**

(I) Inspections performed by an inspecting entity must include, for each project, a contemporaneous review to ensure compliance with sections 12-155-108 and 12-155-124. A contemporaneous review may include a full or partial review of the plumbers and apprentices working at a job site being inspected.

(II) To ensure that enforcement is consistent, timely, and efficient, each inspecting entity employing inspectors shall develop standard procedures to advise its inspectors on how to conduct a contemporaneous review. An inspecting entity’s standard procedures need not require a contemporaneous review for each inspection of a project, but the procedures must preserve an inspector’s ability to verify compliance with sections 12-155-108 and 12-155-124 at any time. Each inspecting entity’s procedures must include provisions that allow for inspectors to conduct occasional, random, on-site inspections while actual plumbing work is being conducted, with a focus on large commercial and multi-family residential projects permitted by the inspecting entity. Each inspecting entity subject to this subsection (10)(b)(II), including the state, shall post its current procedures regarding contemporaneous reviews in a prominent location on its public website and provide the director with a link to the web page on which the procedures have been posted or, if an inspecting entity does not have a website, provide its current procedures to the director for posting on the board’s website.

(III) An inspector may file a complaint with the board for any violation of this article 155.

(b) **[Editor’s note: This version of subsection (10)(b) is effective January 1, 2023.]** (I)

Inspections performed by an inspecting entity must include, for each project, a contemporaneous review to ensure compliance with sections 12-155-108 and 12-155-124. A contemporaneous review may include a full or partial review of the plumbers and apprentices working at a job site being inspected.

(II) To ensure that enforcement is consistent, timely, and efficient, each inspecting entity employing inspectors shall develop standard procedures to advise its inspectors on how to conduct a contemporaneous review. An inspecting entity’s standard procedures need not require a contemporaneous review for each inspection of a project, but the procedures

must preserve an inspector's ability to verify compliance with sections 12-155-108 and 12-155-124 at any time. Each inspecting entity's procedures must include provisions that allow for inspectors to:

(A) Conduct occasional, random, on-site inspections while actual plumbing work is being conducted, with a focus on large commercial and multi-family residential projects permitted by the inspecting entity; and

(B) Request documentation indicating who performed the plumbing work to ensure compliance with sections 12-155-108 and 12-155-124.

(III) Each inspecting entity subject to subsection (10)(b)(II) of this section, including the state, shall post its current procedures regarding contemporaneous reviews in a prominent location on its public website and provide the director with a link to the web page on which the procedures have been posted or, if an inspecting entity does not have a website, provide its current procedures to the director for posting on the board's website.

(IV) An inspector may file a complaint with the board for any violation of this article 155.

(c) (I) The board shall ensure compliance with this section. If the board determines, as a result of a formal complaint, that an inspecting entity is conducting plumbing inspections that do not comply with this section, the board may issue to the inspecting entity an order to show cause, in accordance with section 12-155-105 (1)(m), as to why the board should not issue a final order directing the inspecting entity to cease and desist conducting plumbing inspections until the inspecting entity comes into compliance to the satisfaction of the board.

(II) The board shall not issue a cease-and-desist order to an inspecting entity because the inspecting entity approved the occupancy of one or more tiny homes if the tiny homes have been approved in accordance with section 24-32-3329.

(III) If the use of state plumbing inspectors is required after the issuance of a final cease-and-desist order pursuant to this subsection (10)(c), the inspecting entity shall reimburse the board for any expenses incurred in performing the inspecting entity's inspections, in addition to transmitting the required permit fees.

(11) [*Editor's note: Subsection (11) is effective January 1, 2023.*] As used in this section, "qualified applicant" means:

(a) A licensed master plumber, including a licensed master plumber who is operating as a sole proprietor, so long as the licensed master plumber is also a registered plumbing contractor;

(b) A licensed master plumber who is directly employed by a registered plumbing contractor; or

(c) A homeowner performing work on the homeowner's home.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1004, § 1, effective October 1; (10) added, (HB 19-1086), ch. 109, p. 404, § 4, effective January 1, 2020. **L. 2022:** (1) and (10)(c) amended, (HB 22-1242), ch. 172, p. 1137, § 32, effective August 10; (1), (2), (3), (7)(a), and (10)(b) amended and (11) added, (HB 22-1346), ch. 483, p. 3513, § 6, effective January 1, 2023.

**Editor's note:** (1) This section is similar to former § 12-58-114.5 as it existed prior to 2019.

(2) Amendments to subsection (1) by HB 22-1242 and HB 22-1346 were harmonized.

(3) Section 38(2) of chapter 172 (HB 22-1242), Session Laws of Colorado 2022, provides that the act changing this section applies to acts committed on or after August 10, 2022.

**12-155-121. Municipal and county regulations.** (1) Any city, town, county, or city and county of this state may provide for the licensing of plumbing contractors or water conditioning contractors. Contractors who obtain local licensing must also register with the board in accordance with section 12-155-108.

(2) A local government agency shall not promulgate rules or regulations or provide for licenses that would preclude the holder of a valid license or registration issued under this article 155 from practicing the holder's trade.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1007, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-115 as it existed prior to 2019.

#### ANNOTATION

**Annotator's note.** The following annotations include a case decided under a former provision similar to this section.

**In the prosecution of one for working as a plumber without a license,** the contention that as the ordinance applied to helpers and apprentices as well as master plumbers, it was unconstitutional, is overruled, it appearing that it did

not so apply. *Evans v. City and County of Denver*, 79 Colo. 533, 247 P. 173 (1926).

**It is no defense that one charged with the violation of city ordinance** concerning the licensing of plumbers was acting as the employee of another. *Evans v. City and County of Denver*, 79 Colo. 533, 247 P. 173 (1926).

**12-155-122. Unauthorized practice - penalties.** (1) Any person who engages in or works at or offers or attempts to engage in or work at the business, trade, or calling of a residential, journeyman, master, or apprentice plumber without an active license, permit, or registration issued under this article 155 is subject to penalties pursuant to section 12-20-407 (1)(a).

(2) Effective April 1, 2016, a person who engages in or works at or offers or attempts to engage in or work at the business, trade, or calling of a water conditioning contractor, water conditioning installer, or water conditioning principal without an active registration issued under this article 155 is subject to penalties pursuant to section 12-20-407 (1)(a); except that nothing in this subsection (2) limits the ability of a licensed residential, journeyman, or master plumber, a plumbing apprentice, or a registered plumbing contractor to practice within his or her respective area as authorized by this article 155 with regard to water conditioning appliances.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1007, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-116 as it existed prior to 2019.

**12-155-123. Violation - fines - rules.** (1) (a) If the board concludes that any licensee, registrant, or applicant for licensure has violated any provision of section 12-155-113 and that disciplinary action is appropriate, the program administrator or the program administrator's designee may issue a citation in accordance with subsection (3) of this section to the licensee, registrant, or applicant.

(b) (I) The licensee, registrant, or applicant to whom a citation has been issued may make a request to negotiate a stipulated settlement agreement with the program administrator or the program administrator's designee, if the request is made in writing within ten working days after issuance of the citation that is the subject of the settlement agreement.

(II) All stipulated settlement agreements shall be conducted pursuant to rules adopted by the board pursuant to section 12-155-105 (1)(e). The board shall adopt a rule to allow any licensee, registrant, or applicant unable, in good faith, to settle with the program administrator to request an administrative hearing pursuant to subsection (1)(c) of this section.

(c) (I) The licensee, registrant, or applicant to whom a citation has been issued may request an administrative hearing to determine the propriety of the citation if the request is made in writing within ten working days after issuance of the citation that is the subject of the hearing or within a reasonable period after negotiations for a stipulated settlement agreement pursuant to subsection (1)(b) of this section have been deemed futile by the program administrator.

(II) For good cause the board may extend the period of time in which a person who has been cited may request a hearing.

(III) All hearings conducted pursuant to subsection (1)(c)(I) of this section shall be conducted in compliance with section 24-4-105.

(d) Any action taken by the board pursuant to this section shall be deemed final after the period of time extended to the licensee, registrant, or applicant to contest the action pursuant to this subsection (1) has expired.

(2) (a) The board shall adopt a schedule of fines pursuant to subsection (2)(b) of this section as penalties for violating section 12-155-113. The fines shall be assessed in conjunction with the issuance of a citation, pursuant to a stipulated settlement agreement, or following an administrative hearing. Such schedule shall be adopted by rule in accordance with section 12-155-105 (1)(e).

(b) In developing the schedule of fines, the board shall:

(I) Provide that a first offense may carry a fine of up to one thousand dollars;

(II) Provide that a second offense may carry a fine of up to two thousand dollars;

(III) Provide that any subsequent offense may carry a fine of up to two thousand dollars for each day that any provision of section 12-155-113 is violated;

(IV) Consider how the violation impacts the public, including any health and safety considerations;

(V) Consider whether to provide for a range of fines for any particular violation or type of violation; and

(VI) Provide uniformity in the fine schedule.

(3) (a) (I) Any citation issued pursuant to this section shall be in writing, shall adequately describe the nature of the violation, and shall reference the statutory or regulatory provision or order alleged to have been violated.

(II) Any citation issued pursuant to this section shall clearly state whether a fine is imposed, the amount of the fine, and that payment for the fine must be remitted within the time specified in the citation if the citation is not contested pursuant to subsection (1) of this section.

(III) Any citation issued pursuant to this section shall clearly set forth how the citation may be contested pursuant to subsection (1) of this section, including any time limitations.

(b) A citation or copy of a citation issued pursuant to this section may be served by certified mail or in person by a program administrator or the administrator's designee upon a person or the person's agent in accordance with rule 4 of the Colorado rules of civil procedure.

(c) If the recipient fails to give written notice to the board that the recipient intends to contest the citation or to negotiate a stipulated settlement agreement within ten working days after service of a citation by the board, the citation shall be deemed a final order of the board.

(d) The board may take disciplinary action as specified in section 12-20-404 (1)(b) or (1)(d) if the licensee or registrant fails to comply with the requirements set forth in a citation deemed final pursuant to subsection (3)(c) of this section.

(e) The failure of an applicant for licensure to comply with a citation deemed final pursuant to subsection (3)(c) of this section is grounds for denial of a license.

(f) No citation may be issued under this section unless the citation is issued within the six-month period following the occurrence of the violation.

(4) (a) Any fine collected pursuant to this section shall be transmitted to the state treasurer, who shall credit one-half of the amount of the fine to the general fund, and one-half of the amount of the fine shall be shared with the appropriate city, town, county, or city and county, which amounts shall be transmitted to the entity on an annual basis.

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

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

(d) In any action brought to enforce this subsection (4), reasonable attorney fees and costs shall be awarded.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1007, § 1, effective October 1.

**Editor's note:** This section is similar to former § 12-58-116.5 as it existed prior to 2019.

**12-155-124. Apprentices - rules.** (1) Any person may work as a plumbing apprentice for a registered plumbing contractor but shall not do any plumbing work for which a license is required pursuant to this article 155 except under the supervision of a licensed plumber. Supervision requires that a licensed plumber supervise apprentices at the job site. One licensed journeyman plumber, master plumber, or residential plumber shall not supervise more than three apprentice plumbers at the same job site.

(2) Any master, journeyman, or residential plumber who is the supervisor of any plumbing apprentice shall be responsible for the work performed by the apprentice. The license of any plumber may be revoked, suspended, or denied under the provisions of section 12-155-113 for any improper work performed by a plumbing apprentice while under the supervision of the licensee.

(3) By July 1, 2022, and by July 1 each year thereafter, a registered plumbing contractor, an apprenticeship program registered with the United States department of labor's employment and training administration, and a state apprenticeship council recognized by the United States department of labor that employs a plumbing apprentice in this state shall report to the board the name and contact information of each plumbing apprentice in the apprenticeship program and the cumulative number of practical training hours each plumbing apprentice has completed toward the licensure requirements specified in section 12-155-110. The board shall keep the information reported pursuant to this subsection (3) confidential from all parties other than from the plumbing apprentice through the plumbing apprentice's individual registration account. The department of regulatory agencies shall, if existing resources are available or if the department receives gifts, grants, or donations pursuant to subsection (8) of this section, indicate whether the plumbing apprentice has completed the required practical training hours in the department of regulatory agencies' online apprenticeship directory.

(4) On and after July 1, 2021, contingent on the availability of existing resources within the department or the receipt of gifts, grants, and donations pursuant to subsection (8) of this section:

(a) (I) A plumbing apprentice who has been registered for at least six years, has completed six thousand eight hundred hours of practical training, and meets all other license requirements specified in section 12-155-110 shall take the license examination at least every two years in alignment with the license renewal cycle until the plumbing apprentice receives a passing score.

(II) If a plumbing apprentice has failed to pass the license examination in two consecutive two-year periods, the plumbing apprentice may request an exemption from the board from future examination requirements. The board shall grant the exemption if the board determines that the plumbing apprentice has legitimate educational or professional circumstances that justify the exemption. The board shall promulgate rules concerning the process of requesting and approving license examination exemptions.

(e) A plumbing apprentice who has been registered for at least six years and who does not meet the license requirements specified in section 12-155-110 shall take the license examination at least once every two years in alignment with the license renewal cycle until the plumbing apprentice receives a passing score. Once the plumbing apprentice passes the license examination, the apprentice must meet all other license requirements specified in section 12-155-110 before the board may issue a license to the plumbing apprentice.

(5) (a) If the cumulative training hours of a plumbing apprentice are not reported as required by subsection (3) of this section or if a plumbing apprentice fails to take the license examination as required by subsection (4) of this section, the board may suspend the plumbing apprentice's registration until the requirements are met.

(b) If a plumbing apprentice who is required to take the license examination pursuant to subsection (4) of this section has a learning disability, the plumbing apprentice, plumbing

contractor, or apprenticeship program may request that the board make accommodations for the plumbing apprentice to take the examination with the appropriate level of support.

(6) A registered plumbing contractor, an apprenticeship program registered with the United States department of labor's employment and training administration, and a state

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apprenticeship council recognized by the United States department of labor shall remove each plumbing apprentice that is no longer employed as an apprentice from the apprenticeship program and annually notify the board of the termination of the employment.

(7) Repealed.

(8) The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this section.

**Source: L. 2019:** Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1010, § 1, effective October 1. **L. 2020:** (3) to (8) added, (SB 20-120), ch. 244, p. 1173, § 2, effective September 14.

**Editor's note:** (1) This section is similar to former § 12-58-117 as it existed prior to 2019.

(2) Subsection (7)(b) provided for the repeal of subsection (7), effective July 1, 2021. (See L. 2020, p. 1174.)

**ANNOTATION**

**Supervision by a licensed plumber of an apprentice at the job site required by subsection (1) does not require line-of-site supervision.** Instead, it requires the licensed plumber to be within a sufficient distance of an apprentice,

whether in or outside a building, in order to monitor, inspect, and sign off on the apprentice's work with reasonable frequency. *Welch v. Colo. State Plumbing Bd.*, 2020 COA 130, 474 P.3d 236.