

COLORADO DEPARTMENT OF REGULATORY AGENCIES  
OFFICE OF POLICY AND RESEARCH

# EXAMINING BOARD OF PLUMBERS

---

## 2002 SUNSET REVIEW



# STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES  
Office of the Executive Director  
M. Michael Cooke, Executive Director

1560 Broadway  
Suite 1550  
Denver, Colorado 80202  
V/TDD (303) 894-7880  
(303) 894-7855



Bill Owens  
Governor

October 15, 2002

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed the evaluation of the Examining Board of Plumbers. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2003 legislative committee of reference. The report is submitted pursuant to section 24-34-104(8)(a), of the Colorado Revised Statutes (C.R.S.), which states in part:

*The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...*

*The department of regulatory agencies shall submit a report and supporting materials to the office of legislative legal services no later than October 15 of the year preceding the date established for termination....*

The report discusses the question of whether there is a need for the regulation provided under Article 58 of Title 12, C.R.S. The report also discusses the effectiveness of the Examining Board of Plumbers and its staff in carrying out the intent of the statutes and makes recommendations for statutory changes in the event this regulatory program is continued by the General Assembly.

Sincerely,

A handwritten signature in cursive script that reads "M. Michael Cooke".

M. Michael Cooke  
Executive Director

# Table of Contents

Background .....	1
<i>The Sunset Process</i> .....	1
<i>Methodology</i> .....	1
<i>Profile of the Profession</i> .....	1
<i>History of Regulation</i> .....	3
Legal Framework.....	5
Program Description and Administration .....	10
<i>License/Registration Requirements</i> .....	11
<i>Examination</i> .....	13
<i>Permits and Inspections</i> .....	14
<i>Complaints/Disciplinary Actions</i> .....	16
Analysis and Recommendations .....	19
Appendix A – Sunset Statutory Evaluation Criteria .....	30
Appendix B – Letter from the Examining Board of Plumbers .....	31
Appendix C – Colorado Chapter, Inc. of the International Code Council	32
Appendix D – Letter from American Institute of Architects - Colorado ....	35
Appendix E – Letter from Jefferson County Commissioners.....	36
Appendix F – International Plumbing Code - States Adopting and Colorado Jurisdictions .....	38
Appendix G – Letter from the Examining Board of Plumbers regarding the Studor Valve Case .....	39
Appendix H – Colorado Local Inspections and State Plumbing Board Inspections Map .....	40
Appendix I – Plumbing Board Statute.....	41

---

## **Background**

### *The Sunset Process*

The regulatory functions of the Examining Board of Plumbers (Board) shall terminate on July 1, 2003, in accordance with section 12-58-103, Colorado Revised Statutes (C.R.S.), unless continued by the General Assembly. During the year prior to this date, it is the duty of the Department of Regulatory Agencies (DORA) to conduct an analysis and evaluation of the Board pursuant to section 24-34-104(9)(b), C.R.S.

The purpose of this review is to determine whether the Board should be continued for the protection of the public and to evaluate the performance of the Board and its staff. During this review, the Board must demonstrate that there is still a need for the licensing program and that regulation is the least restrictive consistent with the public interest. DORA's findings and recommendations are submitted via this report to the General Assembly. Statutory criteria used in sunset reviews may be found in Appendix A on page 30.

### *Methodology*

As part of this review, DORA staff attended board meetings, reviewed board minutes, interviewed program staff and stakeholders, spoke with other state officials, reviewed relevant literature and statutes, and visited an examination venue.

### *Profile of the Profession*

The following profile of the plumbing profession is based largely on the *Occupational Outlook Handbook, 2002-03* of the U.S. Department of Labor. Plumbers install and maintain the water, waste disposal, gas, and drainage systems in homes, commercial, and industrial buildings. Plumbers also install plumbing fixtures, such as bathtubs, showers, sinks, toilets, dishwashers, and water heaters.

---

Plumbers must be able to follow blueprints and instructions from supervisors, and be able to work efficiently with the materials and tools of the trade. Computers often are used to create blueprints and plan layouts. When construction plumbers install piping in a house, for example, they work from blueprints or drawings that show the planned location of pipes, plumbing fixtures, and appliances. After the piping is in place in the house, plumbers install the fixtures and appliances and connect the system to the outside water or sewer lines. Finally, using pressure gauges, they check the system to ensure that the plumbing works properly.

Traditionally, many industries with extensive pipe systems have employed their own plumbers or pipefitters to maintain equipment and keep systems running smoothly. But, to reduce labor costs, many of these firms no longer employ full-time, in-house plumbers or pipefitters. Instead, when they need a plumber, they rely on workers provided under service contracts by plumbing and pipefitting contractors.

Although there are no uniform national licensing requirements, most communities require plumbers to be licensed. Licensing requirements vary from area to area, but most localities require workers to pass an examination that tests their knowledge of the trade and of local plumbing codes. Virtually all plumbers undergo some type of apprenticeship training. Many programs are administered by local union-management committees made up of members of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, and local employers who are members of either the Mechanical Contractors Association of America, the National Association of Plumbing-Heating-Cooling Contractors, or the National Fire Sprinkler Association.

Many pipelayers, plumbers, pipefitters, and steamfitters are members of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada.

---

### *History of Regulation*

The regulation of plumbers in Colorado began in 1893. Municipalities with populations over 50,000 and all counties were authorized to establish individual boards of plumbers and issue certificates of competency. It was illegal for a person to practice the trade of plumbing without a valid certificate of competency.

In 1917, plumbing became a state-regulated occupation and the Board was constituted in the Department of Health (now known as the Colorado Department of Public Health and Environment). The Department of Health (DOH) was required to develop an examination for, and license, journeyman and master plumbers. The only licensing requirement was successful completion of the DOH examination. Each county health department was required to appoint licensed plumbers as inspectors. Municipalities were authorized to adopt regulations regarding plumbing materials, construction design, and inspection standards.

From 1917 to 1970, the Board consisted of three plumbing examiners, one master plumber, one journeyman plumber, and one representative of the DOH. A master plumber was defined as an individual engaged in the planning, supervision, and installation of plumbing who was also an owner or supervisor of a plumbing business. A journeyman was defined as any person, other than a master plumber, who performed the installation, alteration, repair or renovation of plumbing.

In 1970, the composition of the Board was changed to one master plumber, one journeyman, one representative from the DOH, one plumbing contractor, and one public member. The administration of the Board was transferred to the Division of Registrations (Division) in DORA, and the Board was authorized to promulgate rules and regulations regarding the practice of plumbing. The inspection of plumbing work remained in the DOH.

---

In 1982, the authority of the DOH over plumbing inspections was transferred to the Division. The Board was required to adopt a state plumbing code. The registration of plumbing apprentices was adopted, and a new licensing class, residential plumber, was created. Municipalities and counties maintained the ability to adopt a plumbing code at least as strict as the state code and retained the ability to perform inspections. The current seven member composition of the Board was adopted as a result of the 1987 Sunset Review of the Examining Board of Plumbers.

Subsequent to the 1997 sunset review, the Board undertook to revise its means of approving alternate materials and methods. In the Spring of 2002, the Board proposed Rule 2.3.1, which seeks to establish criteria and timelines for the approval of alternate materials and methods. Rule 2.3.1 was promulgated and becomes effective on November 1, 2002.

---

## **Legal Framework**

Although there is no specific federal law that directly relates to plumbers as an occupational group, the practice of plumbing is regulated at some level in all 50 states. Moreover, not all states have a state plumbing code, or a plumbing inspection program. Many states require local governments to develop and administer licensing and inspections programs.

States with plumbing regulatory programs also vary in the organizational placement of these programs. Some are in departments of health because of the waterborne disease concern, while others are in departments of labor due to the apprenticeship aspect of the occupation. A few states locate the plumbing regulation in an agency similar to Colorado's Division of Registrations.

According to the legislative declaration in section 12-58-101, Colorado Revised Statutes (C.R.S.), the purpose of the article is to provide standards of skill for those in the plumbing trade and to authoritatively establish what constitutes good plumbing practice. "Plumbing" is defined as all potable water supply and distribution pipes and piping, all plumbing fixtures and traps, all drainage and vent pipes, all building drains, including their respective joints and connections, devices, receptacles, and appurtenances, and all medical gas and vacuum systems in health care facilities located within a building, or extending five feet from the building foundation to the first joint. §12-58-102(5)(a), C.R.S.

Section 12-58-106, C.R.S. specifies that no person shall advertise in any manner or use the title or designation of master plumber, journeyman plumber, or residential plumber unless he is qualified and licensed. Similarly, section 12-58-106.5, C.R.S. makes the unauthorized use of the title of plumbing contractor unlawful.

### **Examining Board of Plumbers**

Section 12-58-103, C.R.S., establishes the Examining Board of Plumbers (Board) within the Division of Registrations (Division), of the Department of Regulatory Agencies (DORA). The Board is subject to repeal effective July 1, 2003.



---

The Governor is empowered to appoint a seven-member board subject to confirmation by the Senate. The composition of the Board must be as follows: one journeyman plumber, one master plumber, two individuals engaged in the construction of residential or commercial buildings as plumbing contractors, one person engaged in the construction of residential or commercial buildings as a general contractor, one member or employee of a local government agency conducting plumbing inspections, and one appointed from the public at large. A representative of the Department of Public Health and Environment serves as an *ex officio*, nonvoting member of the Board.

In practical terms, the Board administers a licensing program for plumbers (discussed below), and maintains and updates the state's plumbing code. "Colorado plumbing code" means a code established by the Board which consists of standards for plumbing installation, plumbing materials, and solar plumbing which could directly affect the potable water supply. Local governments are permitted to amend the code, as long as such amendments are at least equal to the minimum state requirements.

### **Powers and Duties of the Board**

The Board is empowered by section 12-58-104, C.R.S., to grant licenses to duly qualified applicants for residential plumbers, journeymen plumbers, and master plumbers. In addition, the Board is authorized to promulgate, adopt, amend, and repeal rules and regulations necessary for the administration of Article 58 (plumbers). In practice, these rules and regulations also govern the plumbing, plumbing ventilation, drainage, and sewage of all buildings in this state. The Board may also employ inspectors and charge fees for making inspections of plumbing work covered by the Colorado Plumbing Code in those areas where a local jurisdiction has not adopted its own plumbing code and has requested such inspections.

The Board may also seek injunctions against persons violating the article in any court of competent jurisdiction. Furthermore, the Board may subpoena records and documents, compel the attendance of witnesses, and conduct hearings in accordance with section 24-4-105, C.R.S.

The Board has the authority to impose a fine for any violation within its jurisdiction in the amount of \$500 to \$1,000.

---

## **Licensing and Registration Requirements**

Section 12-58-107, C.R.S., stipulates that the Board shall issue licenses to persons who have by examination and experience shown themselves to be competent and qualified to engage in the business, trade, or calling of a residential plumber, journeyman plumber, or master plumber. The Board is empowered to establish the minimum level of experience required for each type of license: residential, journeyman, and master plumber. Unlike the minimum experience requirement, the amount of maximum experience for each type of license is established by statute. More specifically, two years or 3,400 hours of practical experience is required for a residential plumber's license, four years or 6,800 hours for a journeyman plumber's license, and five years for a master plumber's license.

In addition, applicants are required to pass an examination that tests for minimum competency as reflected by the passing grade established by the Board. Each examination must be designed and given in such a manner so as to fairly test the applicant's knowledge of plumbing practices and the rules and regulations governing plumbing. Examinations may include written tests, as well as practical tests. Examinations must be consistent with current practical and theoretical requirements of the practice of plumbing and must be reviewed, revised, and updated on an annual basis by the Board.

The Board may issue a plumber's license by endorsement to any person who is licensed to practice in another jurisdiction if such 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 which are substantially equivalent to the Board's requirements for licensure by examination.

Upon registration with the Board, any person may work as a plumbing apprentice under the supervision of a licensed plumber. The licensed plumber is responsible for the work performed by the apprentice.

---

## **Plumbing Inspectors**

Section 12-58-114.5, C.R.S., stipulates that any plumbing or gas piping installation in any new construction or remodeling or repair, other than manufactured units, and except in any incorporated local jurisdiction having its own plumbing code equal to state minimum standards, must be inspected by a state plumbing inspector in those areas where a local jurisdiction has requested such inspections. A state plumbing inspector must inspect the work performed, and, if such work meets the standards of the Colorado Plumbing Code, a certificate of approval is issued by the inspector. If installations are not approved, applicants can appeal to the Board.

In general, inspection permits are valid for a period of 12 months and are removed from the Board's files at the end of the twelve-month period.

## **Disciplinary and Complaint Procedures**

Section 12-58-110, C.R.S., enumerates the Board's disciplinary authority. The Board may deny, suspend, revoke, or refuse to renew any license or registration issued or applied for under the provisions of the article or place a licensee on probation for cause, including:

- Violation of the rules and regulations or orders promulgated by the Board or aiding or abetting in such violation.
- Failure or refusal to remove within a reasonable time the cause for disapproval of any plumbing installation as reported on the notice of disapproval.
- Commitment of any act or omission that does not meet generally accepted standards of plumbing practice.
- Advertising by any licensee or registrant which is false or misleading.
- Disciplinary action against a plumber's license in another jurisdiction.

---

When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the Board, does not warrant formal action by the Board but which should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the licensee or registrant. Such person upon timely written application may request that formal disciplinary proceedings be initiated against him to adjudicate the propriety of the conduct upon which the letter of admonition is based.

Any disciplinary action taken by the Board and judicial review of such action must be in accordance with the provisions of Article 4 of Title 24, C.R.S., and the hearing and opportunity for review must be conducted pursuant to said article by the Board or an administrative law judge at the Board's discretion.

---

## **Program Description and Administration**

The Examining Board of Plumbers (Board) is comprised of seven members who are appointed by the Governor with the consent of the senate. The composition of the Board, as required by statute, is as follows: one journeyman plumber, one master plumber, two engaged in the construction of residential or commercial buildings as plumbing contractors, one engaged in the construction of residential or commercial buildings as a general contractor, one member or employee of a local government agency conducting plumbing inspections, and one appointed from the public at large. A representative of the department of public health and environment serves as an *ex officio* non-voting member. At least one member must 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. The Board meets monthly in meetings that are open to the public.

In general the Board establishes and administers the Colorado Plumbing Code, which represents the minimum standards for installation, alteration, and repair of plumbing equipment and systems. The Board utilizes inspectors responsible for performing inspections in designated areas of the state as depicted in Appendix H on page 40. The Board issues state licenses for all residential, journeyman, and master plumbers in Colorado. In addition, plumbing apprentices who work for plumbing contractors are registered with the Board. As of February 19, 2002 there were 5,934 active state plumbing licenses in Colorado. In practice when the Board meets it considers such matters as product approvals, license applicant qualifications, variance requests to the plumbing code, and complaints for possible violation of the plumbing statutes.

The Board is cash-funded from fees pursuant to Colorado statute. Fees are paid for registration and licensing of plumbers and for plumbing permits. Fee amounts are established annually for the purpose of covering the direct and indirect costs incurred by the Board for licensing, inspections, and enforcement. Table 1 depicts board expenditures for the last five fiscal years.

---

**Table 1**  
**Agency Budget Information**

<b>Fiscal Year</b>	<b>Total Board Expenditure</b>	<b>FTE</b>
96-97	\$754,040	9
97-98	\$894,359	9
98-99	\$959,708	10
99-00	\$1,027,771	12
00-01	\$1,051,507	12

The Board is headed by a program administrator who oversees a staff of 12 Full Time Equivalent (FTE's). There are two main functional sections. The Permit and Inspection Section issues all plumbing permits in 25 counties and processes completed inspections from all state inspectors. The License, Exam, and Renewal Section reviews applications for licensure and apprentice registrations by checking for completeness, accuracy, and compliance with statutory requirements. This section also ensures that individuals who wish to take the written and practical examination meet prerequisites. In addition, this unit maintains the records of licensed plumbers, renews licenses, and verifies licensure status.

**License/Registration Requirements**

In order to receive licensing in Colorado as a master, journeyman or residential plumber, a fully completed plumbing application must be submitted to the Examining Board of Plumbers with documentation of plumbing experience. The applicant must provide verification of plumbing installation experience by submitting letters from current, or former employers, or both. Letters must be on a company letterhead and signed by the master plumber. The letters must include the exact dates of employment and a specific job description detailing the type of plumbing work performed. In addition to the above requirements, verification for out-of-state candidates must include a copy of the relevant state license.

To qualify for a Colorado residential plumber's license, an applicant must be able to verify two years or 3,400 hours of practical experience. Experience requirements increase to four years or 6,800 hours of practical experience for a journeyman plumber's license. An applicant for a master plumber's license must furnish evidence of having obtained five full-time years of practical experience.

[http://www.dora.state.co.us/plumbing/pb\\_apprentice.htm](http://www.dora.state.co.us/plumbing/pb_apprentice.htm)An apprentice must be registered with the Board until such time as the individual has actually obtained a Colorado plumber's license. A plumbing apprentice is any individual employed in the plumbing trade who is not currently licensed in the State of Colorado.

All plumbing licenses are renewed every two years on August 31 of odd numbered years. Current licenses will expire in 2003. The initial cost for a license is \$170 (\$50 application fee, \$45 for the practical exam, and \$75 for the written exam). The cost to renew a residential license is \$42, a journeyman license \$52, and a master plumber license \$92 respectively.

Licensees from another state may be eligible for licensure by endorsement providing that the applicant possesses credential and qualifications that are substantially equivalent to requirements in Colorado for licensure by examination. Upon application for examination, a candidate may request a temporary work permit. Only one permit may be issued to an applicant. Work permits expire on the next scheduled examination date. The number of licensees in Colorado is depicted in Table 2.

T

**Table 2  
Number of Licenses**

Number of Licenses				
Fiscal Year	New	Endorsement	Renewal	TOTAL
96-97	450	1	34*	986
97-98	354	0	5300	6224
98-99	469	4	45*	998
99-00	477	1	5880	6985
00-01	546	1	36*	1129

\* Plumbing licenses are renewed every other year.

---

## Examination

The Examining Board of Plumbers has adopted the 2000 edition of the Uniform Plumbing Code. It is the basis for all plumbing examinations.

A practical examination is given to all applicants taking the residential and journeyman examination, as well as all applicants taking the master examination who do not hold a Colorado journeyman license. A \$45 fee is required prior to scheduling. At the examination venue, candidates are required to complete a specific project with materials that they were instructed to bring to the test site. Projects are graded on overall appearance, accuracy of dimensions, cutting and reaming, flux and solder run-through, and quality of soldered joint after peeling. Residential examinees are required to solder their project. In addition to soldering, journeyman and master applicants are also required to braze a portion of their project. An overall score of 75 percent is required to pass the practical exam at each level of licensure. Candidates must take and pass the practical examination before qualifying for the written examination. Examination statistics are presented in Table 3.

**Table 3  
Examination Information**

<b>Fiscal Year</b>	<b>Number of Written Examinations Given</b>	<b>Pass / Fail Rate</b>	<b>Number of Practical Examinations Given</b>	<b>Pass / Fail Rate</b>
96-97	785	57%	718	51%
97-98	540	66%	850	47%
98-99	717	65%	918	52%
99-00	816	58%	1046	50%
00-01	912	60%	830	56%

Practical examinations are administered monthly in different locations of the state (Denver, Delta, Pueblo, and Cortez). Any applicant who does not pass the practical exam can be re-examined until he or she receives a passing grade.



---

A written examination is the second and final component of ensuring entry-level plumbing competencies. The written exam is administered by *Promissor*, which is a private testing organization. Candidates receive a handbook prior to the written exam with scheduling and other instructions. Written exams are offered several days a week in Denver, as well as other locations. The examination is in a multiple-choice format and may include subjects such as: cross connections; calculations and blueprint reading; combination waste and vent systems; gas piping; hangers, supports and system protection; indirect and special waste piping; installation techniques; plumbing fixtures; sanitary drainage systems; storm drainage systems; traps, interceptors, separators; vents / venting; and water distribution systems. An overall score of 70 percent is required to pass the written portion of the examination for residential and journeyman candidates. Master plumber candidates must attain a passing score of 75 percent.

Any applicant who fails the written examination twice must complete 16 hours of training on the Uniform Plumbing Code. An alternative to the training is to wait six months after the second failure in order to be eligible for re-examination.

### *Permits and Inspections*

A valid Colorado State Plumbing permit must be applied for and issued before requesting a state inspection (see discussion below). All permits are valid for one year from their date of issuance unless a longer period has been approved. In FY01, the Board of Plumbing Examiners issued 6,082 permits and conducted 12,267 inspections.

Plumbing contractors are required to take out permits on jobs performed by their companies. Homeowners may do their own plumbing installation on their residence provided that the work is performed personally by the homeowner; the property is not generally open to the public; and the property is not for sale, resale, and not considered a rental property.

Upon application, the Board of Plumbing Examiners may grant a variance from the currently adopted plumbing code for a specific plumbing installation. Approval must be obtained prior to installation. In areas where the state does not currently conduct plumbing inspections, the local jurisdiction must be contacted. All plumbing work must be inspected prior to covering of the plumbing system, and again upon completion prior to occupancy.

The state currently employs ten plumbing inspectors who conduct inspections in the 25 Colorado counties that are not inspected by local authorities. All public schools and state buildings regardless of their location must be inspected by state inspectors. Table 4 depicts the number of inspections and outcomes over five fiscal years.

**Table 4  
Audit and Inspection Information**

Fiscal Year	Number of Inspections	Number of Audits	Outcomes
96-97	12,966	3008	3008 inspections requiring some form of corrective action
			23.2% of overall inspections w/corrections
97-98	13,119	2955	2955 requiring some form of corrective action
			22.5% of overall inspections w/corrections
98-99	13,023	3106	3106 requiring some form of corrective action
			23.8% of overall inspections w/corrections
99-00	13,073	2918	2918 requiring some form of corrective action
			22.3% of overall inspections w/corrections
00-01	12,410	2657	2657 requiring some form of corrective action
			21.4% of overall inspections w/corrections
TOTAL	64, 591	14, 644	

---

## Complaints/Disciplinary Actions

### **Complaint Process**

The Examining Board of Plumbers reviews consumer and other complaints to determine whether there has been a violation of the controlling statute. Complaints for five fiscal years are depicted in Table 5.

If legal proceedings are required, the case is assigned to an investigator in the Division of Registrations, Complaints and Investigations Section. When the investigator begins work on the complaint, a copy of the complaint is sent to the licensee for his or her response. After the licensee has had a reasonable length of time to respond, the investigator begins the actual investigation. The investigator acts as an impartial, fact-finding third party.

Investigators try to process a complaint within six months, however, there are many cases that take longer than six months. When the investigation is complete, the investigator prepares a written report that is reviewed by the Examining Board of Plumbers. The Board may dismiss the case if there appears to be no violation of the licensing law. A hearing may result in any of a number of different sanctions including probation, suspension, revocation, or other appropriate action.

**Table 5  
Complaint Information**

<b>Nature of Complaints</b>	<b>FY 96-97</b>	<b>FY 97-98</b>	<b>FY 98-99</b>	<b>FY 99-00</b>	<b>FY 00-01</b>
Practicing w/o a License	21	5	6	3	2
Standard of Practice	10	9	10	7	13
Fee Dispute	3	4	7	4	0
Scope of Practice	2	5	0	0	0
Substance Abuse	0	0	0	0	0
Theft	0	1	0	0	0
Felony Conviction	0	0	0	0	0
Other*	10	13	31	35	32
<b>TOTAL</b>	<b>46</b>	<b>37</b>	<b>54</b>	<b>49</b>	<b>47</b>

\* Other complaints include matters such as inappropriate advertising, building maintenance, and issues beyond the Board's jurisdiction.

The Examining Board of Plumbers does not appear to handle an inordinate number of complaints. The number of complaints for the period under review are relatively low considering that, on average, there are over 6,000 licensed plumbers in Colorado.

### Disciplinary Actions

Sunset evaluation criteria direct DORA to assess “whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession.” Table 6 below depicts the number and type of disciplinary actions taken by the Examining Board of Plumbers across a five-year period. The number and type of disciplinary actions taken by policy autonomous boards has been of special concern to the General Assembly in the past. Table 6 depicts disciplinary actions over the preceding five fiscal years.

**Table 6  
Disciplinary Action Information**

Type of Action	FY 96-97	FY 97-98	FY 98-99	FY 99-00	FY 00-01
Revocation	0	0	0	0	2
Surrender of License / Retirement	0	0	0	0	0
Suspension with / without Probation	4	2	7	0	0
Probation (no suspension) / Practice Limitation	0	0	0	0	0
Letter of Admonition	3	3	3	5	5
License Granted with Probation / Limitations	0	0	0	0	0
License Denied after Hearing	0	0	0	0	0
Injunction / Stipulated Agreement	4	1	4	0	0
Fine	0	0	0	0	0
<b>TOTAL</b>	<b>11</b>	<b>6</b>	<b>14</b>	<b>5</b>	<b>7</b>

---

For the five-year period, FY 96-01, no fines were issued by the Examining Board of Plumbers. By way of contrast, the Board utilized letters of admonition to a considerable degree. Letters of admonition may be considered to be the least stern form of disciplinary action. Furthermore, the letters of concern, as well as the cease and desist orders shown in the last row of Table 6 are not usually regarded as disciplinary action. Furthermore, for the five-year period under review, the Board did not utilize its option to grant licenses with specified limitations. Doing so would be beneficial to individual licensees who do not meet all criteria at any given time, and would not jeopardize public safety. We also took particular note of the fact that the Board has issued cease and desist orders when it does not have the clear statutory authority to do so.

---

## **Analysis and Recommendations**

### ***Recommendation 1 - Continue the Examining Board of Plumbers until 2008 and institute term limits for board members.***

Recent economic growth in Colorado has led to a population and construction boom that has greatly increased the demand for qualified plumbers. Indications are that this trend will continue for a number of years. In keeping up with increasing license, permit, and inspection demands, the Examining Board of Plumbers (Board) functions to maintain a safe and orderly marketplace for Colorado consumers and licensees. As part of this review we observed the Board in action and received comments from stakeholders. General indications are that the Board performs efficiently and effectively in the public interest. More specifically, in FY 00-01 the Board and its staff performed 12,410 inspections, issued or renewed 1,129 licenses, processed 912 written examinations, administered 830 practical examinations, accepted 47 complaints, and took 16 actions against licensees. In addition, the Board maintains the Colorado Plumbing Code, which represents the minimum standards for installation, alteration, and repair of plumbing equipment and systems that are an essential component of modern living.

One shortcoming that came to our attention about the Board itself is the lack of terms limits for board members. Arguments in favor of term limits are generally well known. Term limits encourage greater representation by means of member rotation while preserving a core of expertise necessary to regulate the practice of plumbing in Colorado. Board members currently serve one four-year term with the possibility of reappointment. Limiting terms of board members to two four-year consecutive terms would be consistent with other Colorado regulatory boards. For example, the Board of accountancy, the Board of Pharmacy, the State Board of Dental Examiners, and the State Board of Registration for Professional Engineers and Professional Land surveyors all have four-year terms.

Finally, an accelerated review date of 5 years is warranted due to the conditions described in Recommendation 2.

---

***Recommendation 2 – Allow local governments to adopt any nationally recognized plumbing code. Amend section 12-58-104.5, C.R.S. as follows:***

**(2) Local governments shall be permitted to amend the code OR ADOPT ANY NATIONALLY RECOGNIZED CODE when ~~adopting~~ PROMULGATING a plumbing code for their jurisdictions as long as such amendments OR CODES are at least equal to the ~~minimum requirements~~ AS SAFE AS THOSE set forth in the Colorado plumbing code.**

Statutory evaluation criteria direct DORA to assess “if regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent” (§24-34-104 (9)(b)(II), C.R.S.)

There are two nationally recognized plumbing codes at play in Colorado: the Uniform Plumbing Code and the International Plumbing Code. Several stakeholders we contacted in connection with this sunset review expressed the opinion that additional flexibility was warranted and that both the Uniform Plumbing Code and the International Plumbing Code provide sufficient safeguards for the public. Consequently, the issue of an appropriate statewide plumbing code for Colorado was central to this review. This issue was also discussed extensively in the last sunset review, but remains an open and important question. We summarize arguments for and against each of these plumbing codes next.

***Arguments for and against the Uniform Plumbing Code.***

The Examining Board of Plumbers is authorized to adopt a state plumbing code. The Board has traditionally adopted the Uniform Plumbing Code (UPC), which is the code developed by the International Association of Plumbing and Mechanical Officials (IAPMO). This is an organization of plumbers, contractors, plumbing inspectors, engineers, architects, manufacturers, suppliers and other construction related businesses. The UPC was first published in 1945 and is updated about every three years.

---

The current UPC in force in Colorado is approximately 400 pages long. It details procedures for installing plumbing in a wide variety of conditions and construction designs. It also lists approved materials and methods for use in plumbing installations. The Board may allow for variances to the code on a case-by-case basis. The 1997 Sunset Review of the Examining Board of Plumbers noted that “the Board has been criticized for apparent arbitrariness in approving alternative materials and methods. There are no standards for documentation, and no time limits for the Board to respond to a request for approval” (p. 31). In the Spring of 2002, the Board proposed Rule 2.3.1 which sought to establish criteria and timelines for the approval of alternate materials and methods. Rule 2.3.1 was promulgated and becomes effective on November 1, 2002.

One criticism leveled against the UPC is that product approval is slow. Some manufacturers and developers claim that this is purposeful to protect jobs in the plumbing industry given that many new products are cheaper, or reduce labor costs.

Arguments in favor of the UPC include that it has a proven track record over many years, providing adequate health and safety standards. In addition, having a single code represents an unambiguous, enforceable standard. The UPC may be said to be prescriptive in nature, meaning that it sets out in detail the fixtures and methods to be used in a particular plumbing setting.

Denver Plumbers Local Union No. 3 favors the UPC as the state-wide plumbing code, as well disallowing local jurisdictions from adopting a separate code.<sup>1</sup> The Board of Examining Plumbers also prefers the UPC. A letter representing the Board’s views is reproduced in Appendix B on page 31.

---

<sup>1</sup> Response to sunset questionnaire titled “Sunset Review 2002, Examining Board of Plumbers”.



---

*Arguments for and against the International Plumbing Code.*

The International Conference of Building Officials (ICBO) has developed a plumbing code based on the International Building Code (IBC), which is used in several states.<sup>2</sup> Building officials favor the ICBO code because it is more consistent with other building codes, such as the international building code, the international fire code, and the international mechanical code. The original intent of the IPC was to acknowledge all acceptable plumbing methods and systems. Consequently, no attempt was made to arbitrarily exclude any method, material, or system. The IPC may be said to be performance based in that it mandates a particular outcome rather than the specific means and materials to achieve a particular outcome.

Opponents of the IPC point out that it was only published on or around 1996 and is therefore not time tested. Members of the plumbing trade do not favor the IPC because plumbers have less input on the development of this code. Plumbing industry representatives also point out that Colorado does not have a state building code, therefore consistency with the IPC is not relevant. Opponents also assert that adoption of the IPC would lead to increased litigation.

Proponents of the IPC maintain that in addition to the code's compatibility with the other international codes (fire, mechanical, etc.) it has features that are more attuned with the accessibility guidelines of the American with Disabilities Act and HUD's Fair Housing Act floodproofing and equipment efficiency requirements. Another argument in favor of the IPC is that adoption of the IPC would permit more advanced products to be used in plumbing systems. The cost of construction may also be reduced with these more advanced products.

The Colorado Chapter of the International Code Council, The American Institute of Architects and its Colorado Chapter, and Jefferson County are among those who favor adoption of the IPC. Correspondence in support of the IPC from each of these parties is reproduced in Appendix C, D, and E respectively beginning on page 32.

---

<sup>2</sup> See Appendix F on page 39.

---

### Discussion

One of the concerns against the IPC is that it is not time tested having only been in force since 1996. This criticism, however, does not take into account that the IPC represents a compilation of three other codes.<sup>3</sup> These other plumbing codes were, or have been in force in other parts of the country for many years. The first edition of the IPC did not include any new plumbing concepts, but was merely a reflection of methods already in place. Consequently, it is not reasonable to conclude that the IPC does not have an adequate track record on safety.

It is also important to note that both the UPC and IPC have provisions that could be considered more rigorous than the other concerning a particular plumbing application. Given this set of circumstances, flexibility for local jurisdictions to implement their own plumbing standards becomes essential so as to take into account local variability, such as different soil compositions.

In Colorado, local jurisdictions have the authority to amend the code in force (currently the UPC). More specifically, Subsection (2) of section 12-58-104.5, C.R.S. holds that “local governments shall be permitted to amend the code when adopting a plumbing code for their jurisdictions as long as such amendments are at least equal to the minimum requirements set forth in the Colorado plumbing code.” In practice, local jurisdictions can, and have deviated from, the state code to incorporate other standards, like the IPC, when creating their local ordinances. The problem arises with the term “amend” and the question of how the “at least equal to the minimum requirements” provision is to be interpreted and enforced.

On this question, we begin by pointing out that Colorado’s local jurisdictions, as government agencies, have a similar mission as that of the Examining Board of Plumbers, namely, to protect the health and welfare of the public by enforcing appropriate plumbing standards. We also note that the issue of an appropriate state-wide plumbing code is becoming increasing immaterial given that, by one count, 29 local Colorado

---

<sup>3</sup>. *BOCA National Plumbing Code* (“BOCA” stands for Building Officials and Code Administrators International); *ICBO Plumbing Code* (“ICBO” stands for International Conference of Building Officials); and the *SBCCI Standard Plumbing Code* (“SBCCI” stands for Southern Building Code Congress International).

---

jurisdictions have adopted the International Plumbing Code (See Appendix F on page 38). If this trend continues, the IPC will be Colorado's *de facto* plumbing code, but one that is not recognized in law (should the General Assembly choose not to support this recommendation). As noted in Recommendation 1 above, we propose an accelerated review so as to assess what the "marketplace of plumbing codes" brings, as well as to take into account the Board's concern that "new plumbing board members have not made a direct comparison between the two codes."<sup>4</sup>

The interplay between the UPC (the current state-wide code), the IPC, and the plumbing codes that local jurisdictions may choose is at the core of the present public policy debate. The following three examples are illustrative. First, the city council of the City of Boulder states in ordinance "the city council hereby *adopts* the 1997 edition of the International Plumbing Code with certain amendments and deletions thereto found to be in the best interests of the residents of the city [emphasis supplied]."<sup>5</sup> Second, the county commissioners of Jefferson County state that "after due consideration, the Jefferson County Board of County Commissioners hereby *adopts* and promulgates the 2000 Edition of the International Plumbing Code...[emphasis supplied]."<sup>6</sup> Finally, the IPC was also promulgated by the City of Louisville by way of Ordinance 1316, but a civil suit was filed in Boulder County District Court by the Colorado State Pipe Trades Association, an unincorporated labor organization.<sup>7</sup> The suit sought injunctive relief and the repeal of Ordinance 1316. The City of Louisville settled the case and reverted to the UPC by way of Ordinance 1346. Subsequently, the City Council of Louisville by way of active debate chose to wait and see what other local jurisdictions do with regard to the IPC before revisiting the issue.

---

<sup>4</sup> We are also concerned that this line of thinking could lead to an endless cycle of postponement given that new editions of both the International Plumbing Code and the Uniform Plumbing Code are generated at least every three years. Coupled with the call to accommodate new board members, this would lead to a situation of "paralysis by analysis". See also Appendix B.

<sup>5</sup> Ordinance No. 4636, amended by Ordinance No. 6015.

<sup>6</sup> Resolution CC01-348.

<sup>7</sup> Case No. 2000CV1009, DIV 3

---

This brings us to the concern raised by opponents of the IPC who raise the prospect of greater litigation under the IPC. In addition to the case involving the City of Louisville discussed above, the Examining Board of Plumbers was the defendant in a lawsuit brought by *Studor, Inc.*, a manufacturer of air admittance valves, who sought approval for its valves as alternate materials and methods under Section 301.2 of the 1997 edition of the Uniform Plumbing Code. This case went to the Colorado Court of Appeals which ruled in favor of *Studor* on substantive grounds.<sup>8</sup> To comply with the court's order, the Examining Board of Plumbers had two choices: to amend the Uniform Plumbing Code, or to allow the use of *Studor* valves by way of informing the manufacturer that they had won approval. A letter to this end was written and forwarded to *Studor* (see Appendix G on page 39). In terms of policy outcomes, the result of these actions was to essentially allow the use of one specific product rather than the generic class of products known as air admittance valves. Furthermore, the element of transparency was lost by not amending and publishing a revised version of the UPC. Consequently, any other manufacturer or any licensed plumber wishing to use an alternative to the *Studor* valve would have had to seek approval from the Board anew.

On the other hand, had the IPC been in force at the time of the *Studor* controversy, litigation would have been unlikely. The reason for this is simply that under Sections 917.3, 917.3.1, and 917.3.2 of the 1997 IPC air admittance valves were permitted, as is currently the case. In the interests of full disclosure it is also important to report that the UPC was amended on March 31, 2001 to permit air admittance valves for use with sinks. In terms of flexibility, however, this still falls short of the IPC which permits air admittance valves without regard to the type of plumbing fixture concerned (toilets, washing machines, etc.). In consequence, based on this recent litigation history, we deduce that the argument that the IPC would lead to more litigation is unsupported, and that the opposite may actually be true.

In conclusion, finding both the Uniform Plumbing Code and the International Plumbing Code to be nationally recognized standards of plumbing safety, tested by time, and applying statutory criterion II enumerated earlier, we recommend that the adoption of either code be left to local jurisdictions as the best means of meeting both the test of safety and flexibility.

---

<sup>8</sup> Case No. 99CA0996.

---

***Recommendation 3 – Provide statutory authority to the Board to issue cease and desist orders. Enact a new subsection 12-58-110 (1.5), C.R.S. as follows:***

**THE BOARD MAY ISSUE A CEASE AND DESIST ORDER IF THE BOARD DETERMINES, EITHER SUMMARILY OR AFTER DUE NOTICE AND HEARING, THAT A VIOLATION OF THIS SECTION EXISTS, OR HAS OCCURRED AND WILL PROBABLY BE REPEATED. SUCH ORDER SHALL SET FORTH THE STANDARD ALLEGED TO HAVE BEEN VIOLATED AND THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION. THE ORDER SHALL REQUIRE THAT THE CONDITIONS OR PRACTICE ALLEGED TO BE A VIOLATION CEASE IMMEDIATELY AND NOT BE REPEATED.**

An important enforcement tool for several Colorado boards is the ability to issue cease and desist orders. Potential violators are at times unaware that they are in contravention of the law until they receive a cease and desist order. The order has the effect of placing alleged violators on notice that they may be acting unlawfully. If an individual chooses to ignore such an order, it establishes a degree of culpability that may be used for progressive discipline or prosecution by a district attorney, as well as enhancing the civil remedy options of consumers. Granting this authority to the Examining Board of Plumbers would make their disciplinary options more consistent with other state boards. For example, the Financial Services Board may issue cease and desist orders under section 11-44-101.7 (4). The State Board of Veterinary Medicine may issue cease and desist orders under Section 12-64-105 (9)(I), and the Banking Board under section 11-2-103 (7), C.R.S.

In conclusion, this recommendation makes the disciplinary authority of the Examining Board of Plumbers more consistent with other Colorado boards.

---

***Recommendation 4 – Make the powers and duties of the Examining Board of Plumbers consistent with other state policy autonomous boards. Amend paragraph (d) of section 12-58-104, C.R.S. as follows:***

**(d) Promulgate, adopt, amend, and repeal such rules and regulations, not inconsistent with the laws of this state, as may be necessary for the orderly conduct of its affairs and for the administration of this article, pursuant to the provisions of article 4 of title 24, C.R.S., ~~and with the approval of the executive director of the department of regulatory agencies;~~**

The Examining Board of Plumbers, like other policy autonomous state boards, issues licenses and promulgates rules and regulations necessary for the administration of Article 58 (plumbers). In practice, these rules and regulations also govern the plumbing, plumbing ventilation, drainage, and sewage of all buildings in this state. In adopting a statewide plumbing code and conducting its other duties, the Board performs a highly technical function. However, paragraph (d) of section 12-58-104, C.R.S. has a provision which is inconsistent with the practice of other boards and subject matter expertise. Namely, it requires the Executive Director of the Department of Regulatory Agencies to approve the rules and regulations promulgated by the Board.

In conclusion, this recommendation makes the powers and duties of the Examining Board of Plumbers consistent with other state policy autonomous boards.

***Recommendation 5 - Change the timelines for appealing a letter of admonition to 30 days from the date of mailing, rather than 20 days from the date of proven receipt. Amend section 12-58-110(2) C.R.S., to read as follows:***

**. . . when a letter of admonition is sent by certified mail by the board to a licensee or registrant complained against, such person shall be advised that he has the right to request in writing, within ~~twenty~~ THIRTY days after ~~proven receipt of the DATE ON WHICH~~ the letter WAS MAILED, that formal disciplinary proceedings be initiated against him to adjudicate the propriety of the conduct upon which the letter of admonition is based.**

---

In practice, the current statutory provision requires a letter of admonition to be mailed via certified mail, return receipt requested. This is the only verifiable way to prove the date on which such letter is received.

However, it is not uncommon for letters of admonition to be returned to the Board as undeliverable or unclaimed. One reason is that plumbers relocate and do not always notify the Board of their new addresses as required. An additional consideration here is that State mail is not forwarded, it is returned to the Board as undeliverable.

A more pessimistic explanation is that the plumber simply refuses to sign for the letter, thus preventing the tolling period from beginning.

The Colorado Court of Appeals recently addressed this issue in *Colorado State Board of Medical Examiners v. Roberts*, 42 P.3d 70 (Colo. App. 2001). In *Roberts*, the court reviewed a provision in the Medical Practice Act that is substantially similar to the statute under discussion here. The Board of Medical Examiners issued a letter of admonition to Dr. Roberts and mailed it to him at his place of business via certified mail, return receipt requested. However, Dr. Roberts and his staff refused to sign for the letter on two separate occasions. Three months later, Dr. Roberts requested that the Board of Medical Examiners vacate the letter of admonition and institute formal disciplinary proceedings against him. The Board of Medical Examiners refused, stating that two notices of attempted delivery by the U.S. Postal Service was sufficient to constitute receipt and begin the 20-day tolling period for requesting formal disciplinary proceedings.

Dr. Roberts and the Court of Appeals disagreed. In focusing on the plain language of the statute, the court held that “receipt” in the statute requires actual receipt.

Since the section 12-58-110(2), C.R.S., contains language that is substantially similar to the statutory provision reviewed in *Roberts*, it is not unreasonable to believe that at some point, the Board could encounter a similar problem.

---

The recommended language attempts to expedite the disciplinary process while protecting the rights of the plumber. By requiring the letter of admonition to be mailed by certified mail, the Board will be able to establish the date on which it is mailed. To allow for delivery time, and to be consistent with other appeals timelines, the time in which a plumber may request formal disciplinary proceedings is extended from 20 days to 30 days.

This recommendation neither restricts nor expands the powers of the Board or the rights of the plumber. Rather, it attempts to correct a procedural problem that may be exacerbated by the *Roberts* decision.



---

## **Appendix A – Sunset Statutory Evaluation Criteria**

- (I) Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- (II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- (III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;
- (IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- (V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- (VI) The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;
- (VII) Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- (VIII) Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action; and
- (IX) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

---

## **Appendix B – Letter from the Examining Board of Plumbers**

July 11, 2002

NONDAS BELLOS, PH.D.  
OFFICE OF POLICY AND RESEARCH  
1560 BROADWAY SUITE #1540  
DENVER CO 80202

Dear Mr. Bellos:

The Examining Board of Plumbers met on Thursday, July 11, 2002, and reviewed the questions you presented concerning the International Plumbing Code. The Board responses are as follows:

Q. Whether the Board supports adopting the International Plumbing Code on a statewide basis (why or why not?)

A. The Board does not currently support the adoption of the International Plumbing Code. New Plumbing Board members have not made a direct comparison between the two codes.

Q. Whether the International Plumbing Code provides adequate health and safety safeguards at least equal to the Uniform Plumbing Code.

A. The consensus was that this was not the case. The Board is concerned that having first been published in 1996, the International Plumbing Code does not have a proven track record of safety to the public.

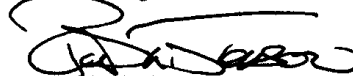
Q. Whether the International Plumbing code is less restrictive than the Uniform Plumbing Code and is consistent with the public interest.

A. The Board members felt that the International Plumbing Code was less restrictive than the Uniform Plumbing Code.

As was reflected in our discussion, the Board is open to reviewing other standards such as the International Plumbing Code. The Board does not want to imply that the International Plumbing Code is inferior but it is relatively unknown to the newer Board members and does not have a long-standing history for review. New Board members have not had the opportunity to do a side-by-side comparison of the International Plumbing Code and the Uniform Plumbing Code. As the Board has previously stated, the statutes as currently written provide local jurisdictions with the ability to adopt local ordinances based on any code they feel appropriate, so long as it does not fall below the minimum standards set forth in the Colorado State Code. This provides flexibility to the local governments and still sets out a statewide standard protecting the public.

Thank you for providing the Board an opportunity to discuss these issues with you.

Examining Board of Plumbers



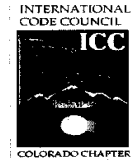
Richard Johnson  
Board Chairman

RJ:lh

---

# **Appendix C – Colorado Chapter, Inc. of the International Code Council**

**Colorado Chapter, Inc. of the  
International Code Council**  
Post Office Box 921, Arvada Colorado 80001



## **MEMORANDUM**

**DATE:** April 23, 2002  
**TO:** Nondas Bellos, DORA  
**FROM:** Greg Wheeler  
**CC:** Board of Directors  
Legislative Committee  
**SUBJECT:** Survey Responses Regarding Sunset Review of the Examining Board of Plumbers

---

With the short turn around time, many of the Chapter members were unable to respond. Many of our members were in Pittsburgh, PA attending the code hearings on the International Codes. I have taken the liberty to summarize the responses that were received.

What are the three most important issues facing your organization? Why is each issue important?

- a. Assurance, ability, and support for the adoption of the International Codes.
  - b. Continued testing and licensure of plumbers statewide.
  - c. The ability to adopt and enforce a local plumbing code without reprisal from the Examining Board of Plumbers and the local plumbing unions. This threat makes it difficult to convince city councils and/or county commissioners to adopt a plumbing code different from the State Plumbing Code.
  - d. Confusion in the State law regarding the requirement of a local plumbing code having to be equal to or more restrictive than the State Plumbing Code. Is a model plumbing code promulgated by a national model code group equal? Who makes the determination whether the local code is equal to or more restrictive?
-

What specific recommendations do you have, if any to resolve the issues that you have identified in question number two?

- a. Adopt the International Plumbing Code and allow local jurisdictions to make and enforce local amendments.
- b. Amend the State law to delete the requirement that another plumbing code must be equal to or more restrictive than the State Plumbing Code or revise the language by stating that a national promulgated code is equivalent to the State Plumbing Code.

If your recommendations were to be implemented, how would each proposed change affect your organization? (From question number three).

- a. This would allow local jurisdictions to adopt a nationally recognized model plumbing code of their choice.
- b. This would allow us to work in close cooperation and in support of the Examining Board of Plumbers.

If your recommendations were to be implemented, how would each proposed change affect others, including your organization's clients, competitors, and the general public? (From question number three).

- a. It would provide for uniformity, consistency, and coordination between other adopted codes.
- b. The adoption of different code would permit more advanced products to be used in plumbing systems. The cost of construction would also be reduced with these more advanced products.

Are you satisfied with the performance of the Examining Board of Plumbers? (Why? or Why not?). What specific experiences or examples support your conclusion? (*A variety of comments were received on this one question. I'll record all of them.*)

- a. The Board has been very reluctant to approve advanced products. One manufacturer was forced to go to court to get their product approved. It appears that the local plumbing unions influence the Board and making decisions based on this pressure.

- b. Yes, I have seen improved changes over the years, especially in the last couple of years.
- c. No, I am not satisfied with the performance of the Board. It appears that they do not represent the plumbing interests in a professional manner as should be expected from such a group. From the two or three meetings that I have attended, they do not seem to weigh in, to any extent, the testimony they receive at their meetings. It is almost as if they have already reached the conclusion before the meeting to receive input.
- d. The make-up of the Board is balanced. Regulators and the public are under-represented whereas the plumbers union has four of the seven seats and is over-represented.
- e. Any nationally recognized model plumbing code should be deemed equivalent to the Colorado Plumbing Code. Local governments should be permitted to adopt which ever they deemed to be the best nationally recognized model plumbing code for their jurisdictions without concern of retribution by the Board or their dominate organization.
- f. Currently the Board does not reciprocate with any other state licenses, therefore Colorado can neither import nor export plumbers across state lines.
- g. To effectively protect the public health, the department needs additional inspectors.

---

# Appendix D – Letter from American Institute of Architects - Colorado

**AIA Colorado**  
The American Institute of Architects

August 2, 2002



Nondas Bellos, Policy Analyst  
Office of Policy and Research  
State of Colorado  
1560 Broadway, Suite 1540  
Denver, CO 80202

RE: Sunset Review – Examining Board of Plumbers

Dear Mr. Bellos:

The American Institute of Architects (AIA) strongly supports national, uniform adoption of the all of the International Codes without technical amendment. The AIA recognizes such codes as serving the best interest of the public in providing consistency of code interpretation and enforcement.

Respectively, the International Plumbing Code represents a significant enhancement to effective, efficient regulations meeting public, government and industry needs and is fully endorsed by The American Institute of Architects.

The adoption of the International Plumbing Code will provide great improvement in service to the people of the State of Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Wright Ingraham".

Elizabeth Wright Ingraham, FAIA  
President

One Park Central  
1515 Arapahoe Street, Suite 110  
Denver, CO 80202  
303/446-2266  
800/628-5598  
Fax: 303/446-0066

---

# Appendix E – Letter from Jefferson County Commissioners



June 27, 2002

**Board of County Commissioners**

**Michelle Lawrence**  
District No. 1  
**Patricia B. Holloway**  
District No. 2  
**Richard M. Sheehan**  
District No. 3

Nondas Bellos  
Office of Policy and Research  
State of Colorado  
1560 Broadway, Suite 1540  
Denver, CO 80202

Re: Examining Board of Plumbers Sunset Review

Dear Mr. Bellos:

Jefferson County endorses the continuation of the examining board of plumbers and in particular, supports the licensing, testing and inspection activities. However, plumbing code adoption has become more challenging as local governments adopt the International Codes. This is a relatively new circumstance in that prior to 1995, there was only one code. Currently there are two plumbing codes, the International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC).

The Colorado plumbing code is established by the examining board of plumbers and may be amended by local governments so long as such amendments are at least equal to the minimum requirements set forth in the Colorado plumbing code. The dilemma comes with defining what "at least equal to the minimum requirements" means. We suggest it should mean "no less safe than the Colorado plumbing code". If safety is the focus, both codes ARE safe; and therefore, as local governments adopt the International Codes, the IPC would be acceptable without spending a great deal of time on the "at least equal to the minimum requirements" debate.

If the statute were changed to "no less safe" rather than "at least equal to the minimum requirements", it would refocus the health and safety concerns issue on the reason for the regulation. It would also allow local jurisdictions to work within the regulatory framework that works best for that community because both the IPC and UPC are safe and therefore, completely acceptable. Alternatively, if the statute were changed to allow jurisdictions to "adopt" an alternative code rather than "amend" the code, it would simplify the code compatibility issue and would codify what is already taking place in many jurisdictions.

Under the above scenarios, a local government can make decisions about which code is best for its jurisdiction based on which code best addresses unique

100 Jefferson County Parkway, Golden, Colorado 80419  
(303) 271-6511

---

Letter to Nondas Bellos  
June 27, 2002

Page 2

considerations for that jurisdiction since both codes are safe. Jefferson County prefers the IPC because of its compatibility with other codes such as building, fire, mechanical, and energy. It also has features that are more aligned with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and HUD's Fair Housing Act, floodproofing, and equipment efficiency; however, that is our choice, within the all-important parameter of safety.

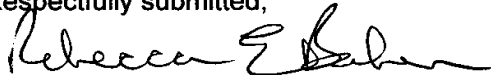
Local governments typically adopt up-to-date codes once every three years, just as the state's examining board of plumbers. It is anticipated that in 2003 many more local jurisdictions will consider and adopt the IPC.

The IPC was developed by the International Code Council (ICC) and has been adopted by 19 states and the District of Columbia. The ICC is a nonprofit organization governed by governmental representatives and was established to lessen the burden of government through development of a single set of model codes for use by federal, state and local governments.

The present situation for plumbers already requires them to be aware of both codes. By allowing jurisdictions to adopt a code that is no less safe than the state code, plumbers would be facing the same regulatory climate they already face. Colorado's skilled plumbers have proven they are adaptable and can easily achieve competencies as may be necessary. We look forward to working with the examining board of plumbers as we go through this time of change.

Thank you for the opportunity to provide comment. Please feel free to contact me if I can be of further assistance.

Respectfully submitted,



Rebecca E. Baker  
Director of Building Safety  
100 Jefferson County Parkway  
Golden, CO 80419-3540  
303-271-8260

Enclosures: Colorado Adoption Chart  
State Adoption Chart

cc Board of County Commissioners  
Dan Brindle, Acting County Administrator  
Richard Turner, Acting Director of Public Works  
Lynnae Flora, Legislative Liaison



---

# **Appendix F – International Plumbing Code - States Adopting and Colorado Jurisdictions**

## **International Plumbing Code August, 2002**

### **State Adoptions**

1. Connecticut
2. Delaware
3. District of Columbia
4. Florida
5. Georgia
6. Michigan
7. Missouri (*State buildings only*)
8. New Hampshire (*effective Sept 2002*)
9. New York
10. North Carolina
11. Ohio
12. Oklahoma
13. Pennsylvania
14. Rhode Island
15. South Carolina
16. Tennessee
17. Texas (*acceptable for local adoption*)
18. Utah
19. Virginia

### **Colorado Jurisdictions**

1. Aspen
2. Basalt
3. Boulder
4. Carbondale
5. Central City
6. Commerce City
7. Fort Lupton
8. Frisco
9. Garfield County
10. Glenwood Springs
11. Jefferson County
12. Johnstown
13. Littleton
14. Longmont
15. Minturn
16. Mt. Crested Butte
17. Northglenn
18. Pitkin County
19. Rangely
20. Rio Blanco County
21. Routt County
22. Silverthorne
23. Steamboat Springs
24. Summit County
25. Superior
26. Thornton
27. Vail
28. Weld County
29. Westminster (*effective Sept 1*)

08/16/02

# Appendix G – Letter from the Examining Board of Plumbers regarding the Studor Valve Case

## STATE OF COLORADO

### EXAMINING BOARD OF PLUMBERS

Gary Fugate  
Program Administrator

1580 Logan Street, Suite 550  
Denver, Colorado 80203-1939  
Phone (303) 894-2319  
Fax (303) 894-2310  
V/TDD (303) 894-7880  
<http://www.dora.state.co.us/plumbing>

### Department of Regulatory Agencies

M. Michael Cooke  
Executive Director

Division of Registrations  
Bruce M. Douglas  
Director



Bill Owens  
Governor

October 31, 2000

Mr. Jack Beuschel  
Studor, Inc.  
2030 Main Street  
Dunedin, FL 34698

Dear Mr. Beuschel:

The Colorado Examining Board of Plumbers met on October 5, 2000, to decide how to comply with the Colorado Court of Appeals order in case number 99CA0996. You and Studor's counsel, Lynne Hufnagel, were present at the meeting and participated in the discussion. As a result of that discussion and pursuant to Studor's specific request, the Board voted to issue this letter to Studor.

The Court of Appeals has ordered that Studor air admittance valves receive an approval under Colorado Plumbing Code section 301.2 as an alternate material and/or method as Studor had requested. The Design and Installation Guide attached to this letter describes the materials and the installation requirements that Studor had included in its request. This letter constitutes the Board's issuance of an approval under section 301.2 for such a request.

As the Board also discussed with you during the meeting on October 5, 2000, changes to the technical requirements of the Colorado Plumbing Code require the initiation of rulemaking procedures. We had a lengthy discussion about this requirement, and you maintained your request that the Board not initiate rulemaking or create any amendment to the Colorado Plumbing Code. Accordingly, this letter does not amend or modify the requirements of the Colorado Plumbing Code, and does not constitute an entry into Table 3-1A of the Colorado Plumbing Code.

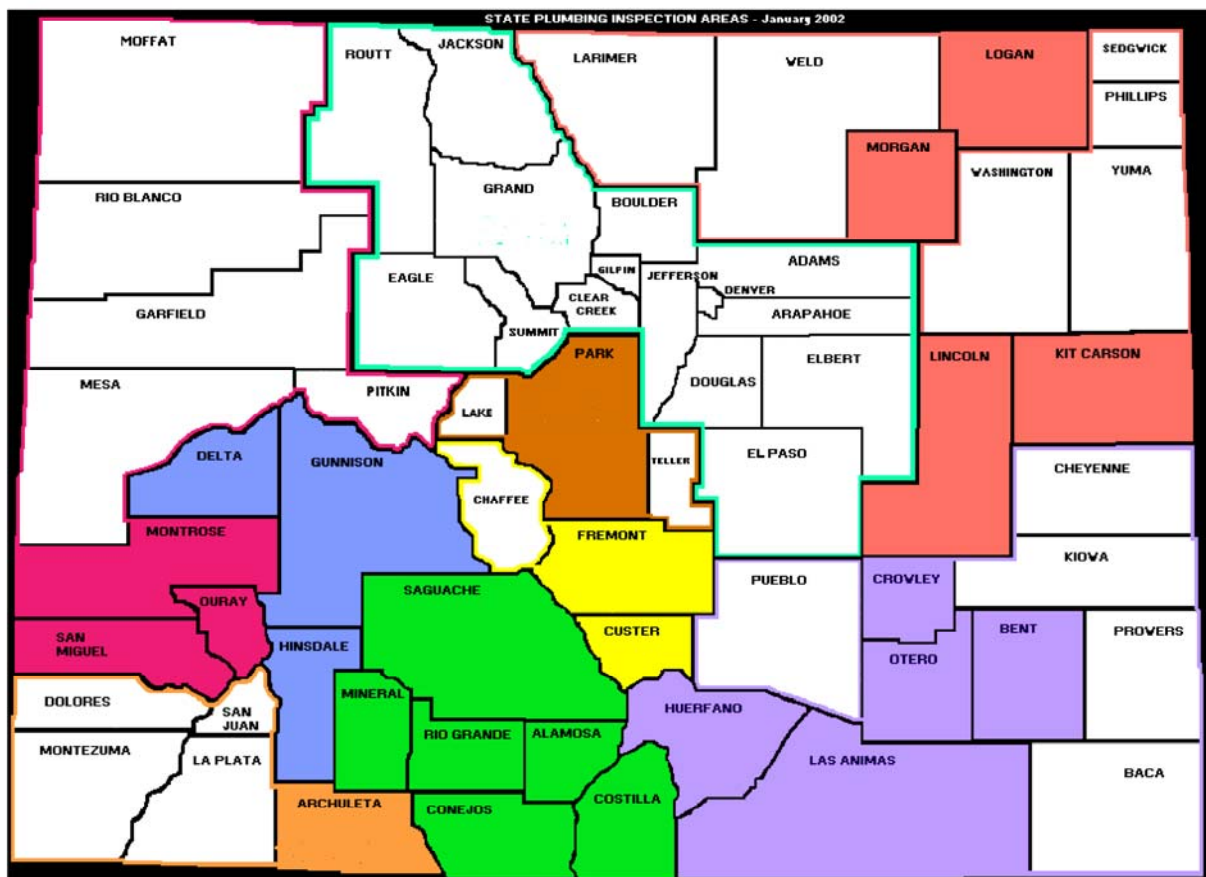
Sincerely,

COLORADO STATE ELECTRICAL BOARD

Gary Fugate  
Program Administrator

GF:ep

**Appendix H –  
Colorado Local  
Inspections and  
State Plumbing  
Board  
Inspections Map**



Areas uncolored are inspected locally. The State Plumbing Board inspects state buildings only in these areas.

---

## **Appendix I – Plumbing Board Statute**

### **12-58-101 - 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 examining board of plumbers, and this article is therefore declared to be essential to the public interest.

### **12-58-102 - Definitions.**

As used in this article, unless the context otherwise requires:

(1) "Board" means the examining board of plumbers.

(1.5) "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 such term include the installations, alterations, or maintenance of gas utilities owned by a public utility certified pursuant to article 5 of title 40, C.R.S., or a public utility owned or acquired by a city or town pursuant to article 32 of title 31, C.R.S.

(2) "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, rules, and regulations established by the Board.

(3) "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, rules, and regulations established by the Board.

(4) "Colorado plumbing code" means a code established by the Board which consists of standards for plumbing installation, plumbing materials, and solar plumbing which could directly affect the potable water supply.

(5) (a) "Plumbing" includes the following items located within the building or extending five feet from the building foundation to the first joint, 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 building drains, including their respective joints and connections, devices, receptacles, and appurtenances, and all medical gas and vacuum systems in health care facilities. "Plumbing" does not include: The installation, extension, alteration, or maintenance, including the related water piping and the indirect waste piping therefrom, of domestic appliances equipped with backflow preventers, including lawn sprinkling systems, residential ice makers, humidifiers, electrostatic filter washers, water heating appliances, water conditioning appliances not directly connected to

---

the sanitary sewer system, building heating appliances and systems, fire protection systems, air conditioning installations, process and industrial equipment and piping systems, or indirect drainage systems not a part of a sanitary sewer system or 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 the provisions of paragraph (a) of this subsection (5), the following shall not be 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, C.R.S., cities and towns pursuant to article 35 of title 31, C.R.S., or water and sanitation districts pursuant to article 1 or article 4 of title 32, C.R.S.; or

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

(III) Performance, location, construction, alteration, installation, and use of individual sewage disposal systems pursuant to article 10 of title 25, C.R.S., which are located within a property line.

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

(7) "Plumbing contractor" means any person, firm, partnership, corporation, association, or other organization who 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 full-time a master plumber.

(8) "Potable water" means water which is safe for drinking, culinary, and domestic purposes and which meets the requirements of the department of health.

(9) "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 shall not extend more than two stories aboveground.

#### **12-58-103 - Examining board of plumbers - repeal of article.**

(1) There is hereby established within the division of registrations of the department of regulatory agencies the examining board of plumbers. The Board shall exercise its powers and perform its duties and functions in the department of regulatory agencies as if it were transferred to the department by a type 1 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(2) (a) The Board shall consist of seven appointed members as follows, one a journeyman plumber, one a master plumber, two engaged in the construction of residential or commercial buildings as plumbing contractors, one engaged in the construction of residential or commercial buildings as a general contractor, one a member or employee of a local government agency conducting plumbing inspections, and one appointed from the public at large. A representative of the department of public health and environment shall

---

serve as an ex officio nonvoting member. 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) The Governor, with power of removal, shall appoint the members of the Board, subject to confirmation by the senate; except that the five members serving on June 30, 1982, shall continue to serve until the expiration of their respective terms of office. The Governor shall appoint one additional member to serve until July 1, 1983, and another additional member to serve until July 1, 1986. Thereafter, members shall be 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 such member.

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

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

(5) This article is repealed, effective July 1, 2003. Prior to such repeal, the examining board of plumbers shall be reviewed as provided for in section 24-34-104, C.R.S.

#### **12-58-104 - Powers of board.**

(1) In addition to all other powers and duties conferred or imposed upon the Board by this article, the Board is authorized and empowered to:

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

(b) Conduct examinations as required by this article;

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

(d) Promulgate, adopt, amend, and repeal such rules and regulations, not inconsistent with the laws of this state, as may be necessary for the orderly conduct of its affairs and for the administration of this article, pursuant to the provisions of article 4 of title 24, C.R.S., and with the approval of the executive director of the department of regulatory agencies;

(e) In accordance with the provisions of article 4 of title 24, C.R.S., prescribe, enforce, amend, and repeal rules and regulations governing the plumbing, drainage, sewerage, and plumbing ventilation of all buildings in this state;

(f) Employ inspectors and charge fees for making inspections of plumbing work covered by the Colorado plumbing code in those areas where the local jurisdiction has not adopted its own plumbing code and where that jurisdiction has requested such inspections;

(g) Subpoena records and documents and compel the attendance of witnesses pursuant to an investigation or a hearing of the Board;

(h) Conduct hearings in accordance with the provisions of section 24-4-105, C.R.S.; except that the Board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to conduct such hearings;

(i) Cause the enjoinder, in any court of competent jurisdiction, of all persons violating this article. When seeking an injunction, the Board shall not be required to prove that an adequate remedy at law does not exist or that substantial or irreparable damages would result if an injunction is not granted.

(j) Inspect gas piping installations pursuant to the provisions of section 12-58-114.5.

---

(2) Notwithstanding any other provisions to the contrary, the Board may, with regard to manufactured housing which is subject to part 7 of article 32 of title 24, C.R.S.:

(a) Promulgate, adopt, amend, and repeal such rules and regulations pursuant to the provisions of article 4 of title 24, C.R.S., 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.

**12-58-104.5 - Colorado plumbing code - amendments - variances.**

(1) In accordance with the provisions of article 4 of title 24, C.R.S., the Board shall establish a Colorado plumbing code, as defined in section 12-58-102 (4). Such code shall represent the minimum standards for installation, alteration, and repair of plumbing equipment and systems throughout the state.

(2) Local governments shall be permitted to amend the code when adopting a plumbing code for their jurisdictions as long as such 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.

**12-58-104.6 - Program administrator.**

The director of the division of registrations 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.

**12-58-105 - Plumber must have license - control and supervision.**

(1) No person shall engage in or work at the business, trade, or calling of a residential, journeyman, or master plumber in this state until he has received a license from the division of registrations, upon written notice from the Board or its authorized agent, or a temporary permit from the Board or its authorized agent.

(2) (a) All plumbing apprentices working for plumbing contractors pursuant to this article and all apprentices working under the supervision of any licensed plumber pursuant to section 12-58-117 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 such 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.

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

No person shall advertise in any manner or use the title or designation of master plumber, journeyman plumber, or residential plumber unless he is qualified and licensed under this article.

---

**12-58-106.5 - Unauthorized use of title of plumbing contractor.**

No person shall advertise in any manner that such person is a plumbing contractor or use the title or designation of plumbing contractor unless such person meets the definition of plumbing contractor set out in section 12-58-102 (7).

**12-58-107 - License issuance - examination.**

(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 receive a residential plumber's license is two years or three thousand four hundred hours of practical experience. The maximum experience the Board may require for an applicant to qualify to receive a journeyman plumber's license is four years or six thousand eight hundred hours of practical experience. An applicant for a master plumber's license shall furnish evidence that he has five years of practical experience.

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

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

(II) If he has academic training, including military training, in the plumbing field which is not sufficient to qualify under subparagraph (I) of this paragraph (b), the Board shall provide work experience credit for such training according to a uniform ratio established by rule and regulation.

(c) No license shall be issued until the applicant has paid a license fee set by the Board pursuant to section 24-34-105, C.R.S.

(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 such 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 and regulations governing plumbing. Examinations may include written tests and applied tests of the practices which the license will qualify the applicant to perform and such related studies or subjects as the Board may determine are necessary for the proper and efficient performance of such practices. Such 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.



---

**12-58-107.5 - Credit for experience not subject to supervision of a licensed plumber.**

For all applicants seeking work experience credit toward licensure, the Board shall give credit for plumbing work that is not required to be performed by or under the supervision of a licensed plumber if the applicant can show that the particular experience received or the supervision under which the work has been performed is adequate. Work experience credit awarded under this section shall not exceed one-half of the applicable experience requirement for a license issued under this article.

**12-58-108 - License renewal - reinstatement.**

(1) All license renewal and renewal fees shall be in accordance with the provisions of sections 24-34-102 and 24-34-105, C.R.S.

(2) Any license that has lapsed shall be deemed to have expired. Prior to reinstatement, the Board is authorized to require the licensee to demonstrate competency after two years if the Board determines that such a showing is necessary and to require the payment of the appropriate fee.

**12-58-110 - Disciplinary action by board - licenses or registrations denied, suspended, or revoked.**

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

(a) Violation of any of the provisions of this article;

(b) Violation of the rules and regulations or orders promulgated by the Board in conformity with the provisions of this article 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 such 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 section 24-5-101, C.R.S.

(g) Advertising by any licensee or registrant which is false or misleading;

(h) Deception, misrepresentation, or fraud in obtaining or attempting to obtain a license;

(i) Failure of any such licensee to adequately supervise an apprentice who is working at the trade pursuant to section 12-58-117;

(j) Failure of any licensee to report to the Board:

(I) Known violations of this article;

(II) Civil judgments and settlements which arose from such licensee's work performance;

(k) Employment of any person required by this article to be licensed or to obtain a permit who has not obtained such license or permit;

(l) Habitual intemperance with respect to or excessive use of any habit-forming drug, as defined in section 12-22-102 (13), any controlled substance, as defined in section 12-22-303 (7), or any alcoholic beverage;

(m) Any use of a schedule I controlled substance, as defined in section 18-18-203, C.R.S.;

---

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

(2) When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the Board, does not warrant formal action by the Board but which should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the licensee or registrant against whom a complaint was made and a copy thereof to the person making the complaint, but, when a letter of admonition is sent by certified mail by the Board to a licensee or registrant complained against, such person shall be advised that he has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against him to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.

(3) Any disciplinary action taken by the Board and judicial review of such action shall be in accordance with the provisions of article 4 of title 24, C.R.S., and the hearing and opportunity for review shall be conducted pursuant to said article by the Board or an administrative law judge at the Board's discretion.

**12-58-110.1 - Reapplication after revocation of licensure.**

No person whose license has been revoked shall be allowed to reapply for licensure earlier than two years from the effective date of the revocation.

**12-58-110.2 - 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 12-58-110, may reconsider its prior action and reinstate or restore such 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.

**12-58-110.3 - Immunity.**

Any member of the Board and any witness appearing before the Board or in any criminal proceeding involving the person who is the subject of disciplinary action shall be immune from suit in any civil action brought by the person who is the subject of the disciplinary action if such member or witness acts in good faith. The immunity provided by this section shall also extend to any person, including consultants and complainants, participating in good faith in any investigative proceeding pursuant to this article.

**12-58-110.4 - Judicial review.**

The court of appeals shall have initial jurisdiction to review all final actions and orders that are subject to judicial review of the Board. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S.

---

**12-58-111 - License by endorsement.**

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 such 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 which are substantially equivalent to requirements in Colorado for licensure by examination. The Board may specify by rule and regulation 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.

**12-58-112 - Temporary permits.**

(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 has the required experience to qualify for the examination, as provided in the rules and regulations promulgated by the Board, and who has applied for an examination to entitle him to such license.

(2) Such 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 12-58-107 (1), a temporary master permit may be issued to an existing plumbing contractor who has lost the services of his master plumber for completion of a current project underway as long as he has a journeyman plumber in his full-time employ. This shall only be valid until the next regularly scheduled examination.

**12-58-113 - 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 shall be construed to require any individual to hold a license to perform plumbing work on his 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 such facilities or structures or is rental property which 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 pertaining to licensing, unless specifically exempted therein.

(3) Nothing in this article shall be construed to apply to the manufacture of housing which is subject to the provisions of part 7 of article 32 of title 24, C.R.S., or the installation of individual residential or temporary construction units of manufactured housing water and sewer hookups inspected pursuant to section 12-58-104.

---

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

(5) Nothing in this article 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 such property or that the plumbing work performed on such property shall be regulated pursuant to this article.

**12-58-114 - Disposition of fees.**

All fees shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for the expenditures of the Board incurred in the performance of its duties under this article, which expenditures shall be made out of such appropriations upon vouchers and warrants drawn pursuant to law.

**12-58-114.2 - State plumbing inspectors.**

(1) The director of the division of registrations is authorized to appoint or employ competent persons as state plumbing inspectors.

(2) Such 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 applies for the purpose of making plumbing inspections or otherwise determining compliance with the provisions of this article.

**12-58-114.5 - Inspection - application - standards.**

(1) Any plumbing or gas piping installation in any new construction or remodeling or repair, other than manufactured units inspected in accordance with the provisions of part 7 of article 32 of title 24, C.R.S., except in any incorporated town or city, any county, or any city and county having its own plumbing code equal to the minimum standards provided in this article, shall be inspected by a state plumbing inspector in those areas where a local jurisdiction has requested such inspections. A state plumbing inspector shall inspect any new construction, remodeling, or repair subject to the provisions of this subsection (1) within three working days after the receipt of the application for inspection. If the inspection is not performed within five working days, work may resume on any such construction, repair, or remodeling. Prior to the commencement of any such plumbing or gas piping installation, the person making such installation shall make application for inspection and pay the required fee therefor. Every mobile home or movable structure owner shall have the plumbing and gas piping hookup for such mobile home or movable structure inspected prior to obtaining new or different plumbing or gas service.

(2) A state plumbing inspector shall inspect the work performed, and, if such work meets the minimum standards set forth in the Colorado plumbing code referred to in section 12-58-104.5, a certificate of approval shall be issued by the inspector. If such installation is disapproved, written notice thereof together with the reasons for such disapproval shall be given by the inspector to the applicant. If such installation is hazardous to life or property, the inspector disapproving it may order the plumbing or gas service thereto discontinued until such installation is rendered safe. The applicant may appeal such 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 such disapproval, the applicant shall make application for reinspection in the same manner as for the original inspection and pay the required reinspection fee.

(3) (a) All inspection permits issued by the Board shall be valid for a period of twelve months, and the Board shall cancel the permit and remove it from its files at the end of the twelve-month 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 cancelled, a new permit must be applied for and granted 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 such 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. Such 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) In the event that any incorporated town or city, any county, or any city and county intends to commence or cease performing plumbing or gas piping inspections in its respective jurisdiction, written notice of such intent shall be given to the Board.

(7) (a) Any person claiming to be aggrieved by the failure of a state plumbing inspector to inspect his 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. Such request may be made by his authorized representative and shall be in writing.

(b) Upon the filing of such a request, the program administrator shall cause a copy thereof to be served upon the state plumbing inspector complained of, together with an order requiring such inspector to answer the allegations of said 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, C.R.S.

**12-58-115 - Municipal and county regulations.**

(1) Any city, town, county, or city and county of this state may provide for the licensing of plumbing contractors.

(2) No local government agency may promulgate rules or regulations or provide for licenses which would preclude the holder of a valid license issued under this article from practicing his trade.

**12-58-116 - Violations - penalty.**

(1) It is unlawful for any person:

(a) To violate the provisions of section 12-58-105, unless practicing pursuant to section 12-58-106 or 12-58-113;

(b) To practice as a residential, journeyman, or master plumber during a period when his license has been suspended or revoked;

(c) To sell or fraudulently obtain or furnish a license to practice as a residential, journeyman, or master plumber or to aid or abet therein.

(2) Any person who violates any provision of this section commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

**12-58-116.5 - Violation - fines.**

(1) Notwithstanding the provisions of section 12-58-116, the Board shall have authority to assess a fine for any violation of the provisions of this article or any standard, rule, or regulation adopted by the Board.

(2) Such fine shall not be less than five hundred dollars or greater than one thousand dollars and shall be transmitted to the state treasurer, who shall credit the same to the general fund.

(3) All fines shall be imposed in accordance with the provisions of section 24-4-105, C.R.S.

**12-58-117 - Apprentices.**

(1) Any person may work as a plumbing apprentice for a licensed plumber but shall not do any plumbing work for which a license is required pursuant to this article except under the supervision of a licensed plumber. Supervision requires that the licensed plumber supervise apprentices at the jobsite.

(2) Any master, journeyman, or residential plumber who is the supervisor of any plumbing apprentice shall be responsible for the work performed by such apprentice. The license of any plumber may be revoked, suspended, or denied under the provisions of section 12-58-110 for any improper work performed by a plumbing apprentice while under the supervision of such licensee.