

**EXAMINING BOARD OF PLUMBERS  
RULES AND REGULATIONS  
3 CCR 720-1**

**SEPTEMBER 1, 2011**

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## **DEPARTMENT OF REGULATORY AGENCIES**

### **Examining Board of Plumbers**

#### **PLUMBING**

#### **3 CCR 720-1**

##### **1.0 STATEMENT OF BASIS AND PURPOSE**

1.1 Following are the Rules and Regulations of the Colorado State Examining Board of Plumbers (“the Board”), for general clarification, for efficient management and expeditious procedures of the Board and for the safeguard of the general public, in compliance with Title 12, Article 58, of the Colorado Revised Statutes.

##### **2.0 STANDARDS**

2.1 The Board hereby adopts and incorporates by reference the following:

- A. Chapter 1, Sections 101.2, 102, 105, 107, Chapters 2-13; and Appendices B, D, E, F, G, of the International Plumbing Code (“IPC”), 2009 edition, promulgated by the International Code Council, 1<sup>st</sup> printing (January 2009).
- B. Chapter 1, Section R101, R102, Chapter 2, Chapters 24-32; and Appendices A-C of the International Residential Code (“IRC”), 2009 edition, promulgated by the International Code Council, 1<sup>st</sup> printing (January 2009).
- C. Chapter 1 Section 101, 102, 105, 107, Chapters 2-8 Appendices A-C of the International Fuel Gas Code (“IFGC”), 2009 edition, promulgated by the International Code Council, 1<sup>st</sup> printing (January, 2009).
- D. Standard 99C, Gas and Vacuum Systems, 2005 edition, promulgated by the National Fire Protection Association (“NFPA”).

The adopted and incorporated portions of the IPC, IFGC, IRC, and NFPA 99C, together with the Colorado rules, shall be known as the Colorado Plumbing Code. The Colorado Plumbing Code sets forth the minimum standards governing the installation, alteration, and repair of the plumbing fixtures, appliances, and systems throughout Colorado. The Colorado Plumbing Code does not include any later amendments to or editions of the IPC, IFGC, IRC, or NFPA 99C provisions listed above.

Copies of the provisions of the IPC, IFGC, IRC, and NFPA 99C listed herein are available for public inspection during regular business hours at the Board office at the Division of Registrations, Department of Regulatory Agencies, 1560 Broadway, Suite 1300, Denver, Colorado, 80202, and at any state publications depository library. For further information regarding how this material can be obtained or examined, contact the Program Director for the Board (“Program Director”) at 1560 Broadway, Suite 1300, Denver, Colorado, 80202, (303) 894-2309.

2.2 “Plumbing” shall include potable water heaters, which are connected to the potable water supply and are not downstream of an isolation backflow preventer.

### 2.3 **Alternate Materials and Methods Review.**

**A. Criteria for Board Approval as an Alternate Material or Method.** The Board shall consider requests for approval of materials or methods under the procedures and limitations of Section 105 of the IPC.

**B. Procedures:**

1. Petitions for Approval. Any interested person may petition the Board to amend the Colorado Plumbing Code so as to approve the use of an alternate material or method, pursuant to Section 105 of the IPC. Such petition shall conform to the requirements in B.2. Incomplete petitions will not be processed.
2. Petition Contents. Each petition filed under this rule shall comply with the following requirements:
  - (a) Where to Submit. Petitions shall be submitted in duplicate to the Program Director.
  - (b) Petition Document. Petitions shall begin with a short concise document labeled as the “petition,” and which includes the following information:
    - (1) Identification of the petitioner and the petitioner's interest in the alternate materials or methods approval. This identification shall designate one person as the Board's contact for the petition, and list telephone, fax, and mailing addresses for that person.
    - (2) A full description of the types of uses for which the petitioner would like approval. This list should be sufficiently detailed to allow the Board to consider specific types of applications or uses for the alternate material and/or method.
    - (3) A complete identification of the applicable standards from the Referenced Standards identified in Chapter 13 of the IPC that the petitioner proposes to be the acceptance criteria for the alternate material or method.
    - (4) If the petition is for approval of an alternate material, one sample of the material. The sample will be returned to the petitioner after completion of the review process.

- (5) Copy of approval language of each code the petitioner cites.
- (c) Submission of National Standards. Each petition shall be accompanied by a set of the applicable standards from the Referenced Standards identified in Chapter 13 of the IPC listed by the petitioner in B.2.b.3. If the petitioner has referenced standards from Chapter 13 that are not the most current version of the standard available as of the date of submission, the applicant shall identify the most current version of the standard. In addition, the petitioner shall explain any reason, other than it is not the version listed in Chapter 13, that the most current version is not incorporated into the petition. If the listed standard incorporates other standards into its criteria, copies of the incorporated standards shall be submitted as well.
- (d) Results of Independent Third Party Compliance Testing. Each petition shall be supported with complete copies of test reports with protocols issued within the previous eighteen (18) months prior to the date of submission by a laboratory or other testing facility that is recognized as a nationally recognized testing laboratory pursuant to 29 C.F.R. § 1910.7, or by an ANSI accredited third-party certifier.
- (e) Compliance with Section 105. Each petition shall be supported by detailed written discussion as to why the proposed alternate material or method meets the following requirements from Section 105 of the IPC:
- (1) That the proposed design of the proposed alternate material is satisfactory and complies with the intent of the Colorado Plumbing Code.
  - (2) That the proposed material is appropriate for the proposed intended use at least the equivalent of that prescribed in the Colorado Plumbing Code with respect to quality, strength, effectiveness, durability and safety. This description requires that the petitioner directly compare the quality, strength, effectiveness, durability and safety data on the applicable conventional systems with the tested and documented performance characteristics of the proposed alternate material and/or method.
  - (3) When an alternate installation method is proposed, the petitioner shall describe how the proposed method of installation conforms to the most recently adopted edition of the Colorado Plumbing Code. Petitioner shall also

comply with all other requirements as set forth in Rule 2.3.1.

3. Timeline.

- (a) The Board shall determine within ninety (90) days of receiving the petition for consideration whether to initiate rulemaking proceedings to amend the Colorado Plumbing Code.
- (b) Any amendment to the Colorado Plumbing Code shall be in accordance with the Colorado Administrative Procedure Act, Title 24, Article 4, C.R.S. and § 12-58-104.5, C.R.S.

4. Notice of Denial. When it is determined that a petition filed under this rule should be denied, either before or after the institution of rulemaking proceedings, a letter indicating the denial and the reasons for denial shall be mailed to the petitioner within thirty (30) days.

5. Reconsideration of Board Action. Any petitioner whose petition has not been fully granted by the Board may apply for reconsideration of the Board's decision within thirty (30) days of the mailing of the Board's notice of denial, publication of notice of termination, or publication of the Board rule that partially granted the petition. A request for reconsideration shall be in writing and shall explain why reconsideration is warranted. Action on any request for reconsideration is within the sole discretion of the Board.

**2.4 Revisions and Exceptions to the Incorporated Codes**

**2.4.1 Revisions and Exceptions to the IPC**

**General Interpretation.** Whenever the 2009 IPC refers to “the code official”, we shall mean the Board or its designee, if any.

**IPC Section 308 Addition:**

**Minimum Hanger Rod Sizes**

Pipe and tube size	Rod size
Inches	Inches
1/2 - 4	3/8
5 - 8	1/2
10 - 12	5/8

**IPC Section 312.1 Revise sentence in tenth line to read:**

All Plumbing systems piping shall be tested with either water or by air. Air pressure not to exceed 5 PSI.

**IPC Section 312.5 Delete from first sentence:**

“for piping systems other than plastic”

**IPC Section 312.9 Addition at end:**

Where there is no visible threshold, the threshold shall be determined as the termination point of the ¼” per foot sloped shower floor.

**IPC Section 312.9.2 Addition:**

The premise owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation.

**IPC Section 405.3.2 Addition:**

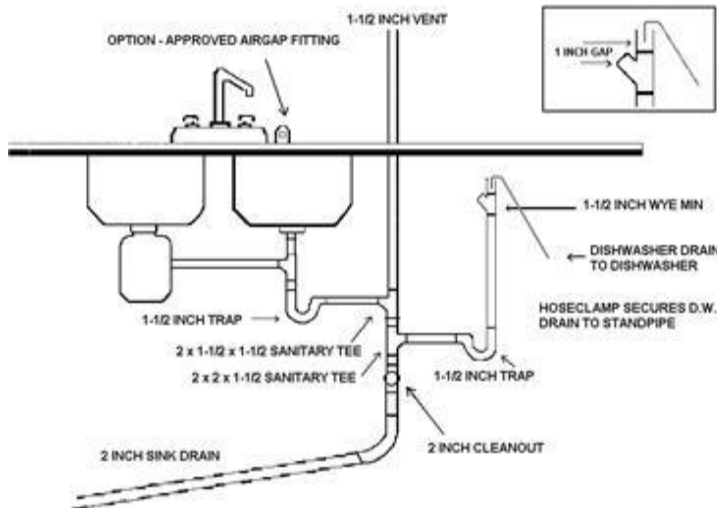
Exception 1: Public lavatories serving toilet rooms located in school classrooms.

Exception 2: Common lavatories in schools may serve separate toilet facilities provided no door exists in the pathways between the lavatories and either toilet facility.

**IPC Section 608.17 Delete (see Rule 6.5)**

**IPC Section 802.1.6 Addition of a New Section 802.1.6**

No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher airgap fitting on the discharge side of the dishwashing machine. Listed airgaps shall be installed with the flood level (FL) marking at or above the flood level of the sink or drainboard, whichever is higher, or separately trapped with the airgap located on the stand pipe.



**IPC Section 904.1 Revised:**

**Roof Extension.** All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent shall be extended at least 7 feet (2134 mm) above the roof.

**IPC Section 905.2 Revised:**

**Grade.** All vent and branch pipes shall be level or so graded and connected as to drain back to the drainage pipe by gravity.

**IPC Section 1002.4 Trap Seals.**

**Exception:** A trap seal primer valve is not required where the trap seal is protected by a barrier type floor drain trap seal protection device conforming to ASSE 1072.

**IPC Section 1003 Addition:**

Special regulations by the waste water and/or sanitation district into which the grease trap or interceptor effluent is transported and/or treated may supersede this requirement.

**2.4.2 Revisions and Exceptions to the IRC**

**IRC Addition of Section R101.0:**

Where the term “building official” is found it shall mean the Board or its designee.

**IRC Section G2417.4.1 Amend:**

Test pressure shall be inspected at 10 PSIG

**IRC Section G2420.5.3 Delete section**

**IRC Section P2503.8.2 Addition:**

The premise owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation.

**IRC Section P2717.2 Delete last sentence and replace:**

No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher airgap fitting on the discharge side of the dishwashing machine. Listed airgaps shall be installed with the flood level (FL) marking at or above the flood level of the sink or drainboard, whichever is higher, or separately trapped with the airgap located on the stand pipe.

**IRC Section P2717.3 Delete and replace last sentence:**

No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher airgap fitting on the discharge side of the dishwashing machine. Listed airgaps shall be installed with the flood level (FL) marking at or above the flood level of the sink or drainboard, whichever is higher, or separately trapped with the airgap located on the stand pipe.

**IRC Section P3103.1 Revise:**

**Roof Extension.** All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent shall be extended at least 7 feet (2134 mm) above the roof.

**IRC Section P3201.2 Trap seals and trap seal protection.**

**Exception:** A trap seal primer valve is not required where the trap seal is protected by a barrier type floor drain trap seal protection device conforming to ASSE 1072.

**2.4.3 Revisions and exceptions to the IFGC**

**IFGC Addition of Section 101.0:**

Where the term “building official” is found it shall mean the Board or its designee.

**Section 101.2.2 Amend last sentence to read:**

Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspections, and operation.

**IFGC Section 406.1 Addition:**

Inspection and pressure testing shall apply to temporary installations connected to a primary fuel gas source.

**IFGC Section 406.4.1 Amend:**

Test pressure shall be inspected at 10 PSIG

**IFGC Section 408.4 Delete**

**IFGC Section 409.5.3 Delete**

**3.0 EXAMINATIONS AND APPLICATIONS**

3.1 All applications shall be submitted to the Division of Registrations.

- 3.2 An application for a license by examination or endorsement submitted without all required fees and documentation will be considered incomplete. Incomplete applications will be retained for one year from the date originally received, after which applicants shall begin the process again including payment of the application fee.
- 3.3 Any applicant for the residential, journeyman, or master plumber's license shall furnish evidence as to his or her training and experience to qualify for the examination by:
- A. A record of employment as an apprentice doing plumbing work, exact dates so employed, and, at time of application, submission of original documented written evidence, verified by the master license holder to include a specific job description and a breakdown (commercial, residential, industrial and/or maintenance/service) of the actual work performed.
  - B. If training and experience were obtained outside the State of Colorado, the applicant shall provide the Board with documented, written evidence verified by the employer of actual work performed.
  - C. If the plumbing program is an accredited community college or trade school program, a transcript from the accredited community college or trade school verifying completion of the program shall be submitted with the application.
  - D. If training includes school courses in plumbing work from an accredited trade school or community college, a transcript from the accredited community college or trade school shall be submitted with the application. Such education may replace actual field experience under a licensed master as follows: one hour of classroom training equals one hour of on the job training up to a maximum of one year.
  - E. Applicants with military training or experience in plumbing work shall detail and submit such for evaluation with the application. Such experience may replace actual field experience under a licensed master as follows: one month for every six (6) months' training or experience up to a maximum of one year.
  - F. The minimum hours of practical experience required for examinations are:
    - 1. Residential 3400
    - 2. Journeyman 6800
    - 3. Master 9780.
  - G. The minimum years of experience required for the master examination is five (5) years or sixty (60) full time months. One month is equivalent to 163 hours.
- 3.4 Work experience gained in the plumbing maintenance or service field that is not required to be performed under a permit, inspection, or the direct supervision of a licensed plumber may replace actual field experience as follows: one month credit for each two

months experience up to a maximum of one-half of the applicable experience requirement for a license issued under Title 12, Article 58, C.R.S., and pursuant to § 12-58-107.5, C.R.S.

- 3.5 Licensees from another state may be eligible for licensure by endorsement providing that the applicant meets the requirements of § 12-58-111, C.R.S. and all of the following conditions:
- A. Completion of a state or federally approved or registered apprenticeship program, or completion of the required years and type of experience for the comparable license.
  - B. Successful completion of a comparable state plumbing examination based on the current or most previous edition of the IPC adopted by the Board.
  - C. Currently holds an active license by the endorsing state.
- 3.6 An applicant requesting reconsideration of a Board action or requesting a personal interview before the Board, shall submit the request in writing, accompanied by additional information or documentation. This request shall be submitted within forty-five (45) days of the date on which the Board made the decision. The Board may not consider requests filed thereafter.
- 3.7 The applicant shall present positive photo identification in order to be admitted to the examination area.
- 3.8 An approved applicant for licensure by examination who does not take the examination within one year from the original approval date may be required to submit an updated application.
- 3.9 Examination results will be provided in writing to each examinee. Results will not be given in any other manner. In keeping with widely accepted testing practices, applicants who pass the examination will be given their results in a pass/fail format.
- 3.10 Examinations shall not be subject to review by applicants.

#### **4.0 TEMPORARY WORK PERMITS**

- 4.1 Pursuant to § 12-58-112, C.R.S., a temporary work permit may be issued at the time of approval for an examination. The temporary permit will be valid for a period of no more than thirty (30) days after the date of approval or as otherwise limited in § 12-58-112, C.R.S.
- 4.2 A temporary work permit shall not be accepted to meet the requirements for contractor registration.

Exception: A temporary master plumber work permit may be issued to a qualified applicant of an existing plumbing contractor pursuant to § 12-58-112(4), C.R.S.

## 5.0 RENEWAL AND REINSTATEMENT

- A. A licensee or registrant shall have a sixty-day grace period after the expiration of his or her license or registration to renew such license or registration without the imposition of a disciplinary sanction for practicing on an expired license or registration. During this grace period a delinquency fee will be charged for late renewals.
  - B. A licensee or registrant who does not renew his or her license or registration within the sixty-day grace period shall be treated as having an expired license or registration and shall be ineligible to practice until such license or registration is reinstated. If the licensee or registrant practices with an expired license or registration, the Board may impose disciplinary actions.
  - C. An expired license or registration may be reinstated by submitting a reinstatement application and paying the current reinstatement fee.
  - D. If the license or registration has expired for two years or more, the licensee or registrant shall demonstrate competency to practice by satisfactorily passing the State plumbing examination.
- 5.1 Any individual who has become licensed as a journeyman and master plumber in the State of Colorado by examination, and keeps his or her master plumber license active in Colorado may reinstate the expired journeyman license without re-examination by submitting a reinstatement application and paying the current reinstatement fee.

## 6.0 LICENSEE AND REGISTRANT RESPONSIBILITIES

- 6.1 Any licensed or registered individual working as a plumber shall be required to carry on his or her person the appropriate license, temporary work permit or registration.
- 6.2 **Plumbing Contractor's loss of Responsible Master.** A plumbing contractor that, for any reason, loses the services of the responsible master plumber will be allowed twenty (20) days in which to hire another master plumber. If another master plumber has not been hired during that period, the plumbing contractor registration will be placed into a "Need Master Hire-Cannot Practice" status until such time as a master has been hired, and the appropriate fee paid.
- 6.3 **Termination or Separation of Plumbing Apprentice.** Plumbing Contractors shall notify the Board within thirty (30) days after the termination or separation of a plumbing apprentice.
- 6.4 **Notice of Change of Address.**
- A. A licensee or registrant shall inform the Board in a clear, explicit, and unambiguous written statement of any name, address, telephone, or email change within thirty (30) days of the change. The Board will not change the licensee or registrant

information without explicit written notification from the licensee or registrant. Notification by any manner approved by the Board is acceptable.

1. The Division of Registrations maintains one (1) contact address for each licensee or registrant, regardless of the number of licenses or registrations the licensee or registrant may hold.
  2. Address change requests for some, but not all, communications or for confidential communications only are not accepted.
- B. The Board requires one (1) of the following forms of documentation to change the name or social security number of a licensee or registrant:
1. Marriage license;
  2. Divorce decree;
  3. Court order; or
  4. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Division of Registrations.

6.5 Any individual licensed as a residential plumber, journeyman plumber, or master plumber under Title 12, Article 58 of the Colorado Revised Statutes who intends to install, alter, or repair "pumping equipment" shall apply for and obtain licensure with the Water Well Construction and Pump Installation Contractors Board prior to commencing any such activity. Failure to comply with the licensure requirements set forth herein shall be, if proven, a violation of § 12-58-110(1)(b), C.R.S.

## **7.0 ENFORCEMENT**

7.1 Licensees and registrants having knowledge of, and/or involvement in, any alleged violation of Title 12, Article 58, C.R.S., and/or Board rules, shall cooperate with any investigation initiated by the Board and furnish such information or assistance as may be requested.

### **7.2 Reporting Felony Convictions**

- A. A licensee or registrant, as defined in §§ 12-58-102(2), (3), (6), (7), (9), C.R.S., including but not limited to registered plumbing apprentices, registered plumbing contractors, or licensed plumbers (residential, journeyman, and master), shall inform the Board, in a manner set forth in this rule, within forty-five (45) days of the conviction of the licensee or registrant of a felony under the laws of any state or of the United States.
- B. The conviction of the licensee or registrant of a felony under the laws of any state or of the United States is grounds for discipline pursuant to § 12-58-116.5, C.R.S.

- C. For purposes of this rule, a “conviction” includes:
  - 1. A guilty verdict;
  - 2. A plea of guilty accepted by the court; or
  - 3. A plea of nolo contendere (no contest) accepted by the court.
- D. The notice to the Board shall include the following information:
  - 1. The court;
  - 2. The jurisdiction;
  - 3. The case name;
  - 4. The case number; and
  - 5. A description of the matter or a copy of the indictment or charges.
- E. The licensee or registrant shall inform the Board of the following information within forty-five (45) days of each such occurrence:
  - 1. The imposition of sentence for a felony conviction; and
  - 2. The completion of all terms of a sentence for a felony conviction.
- F. The licensee or registrant notifying the Board may submit a written statement with any notice under this rule to be included in the registrant or licensee records.
- G. This rule shall apply to any conviction or plea as described in paragraph C of this rule.

### **7.3 CITATIONS**

- 7.3.1 The citation form will be completed by the State plumbing inspector or by the Board. Citations shall be served by certified mail, in person by a State plumbing inspector, or by waiver of personal service. Personal service provided by the plumbing inspector shall be verified by affidavit. The Program Director will approve the completed and served citation. The Board maintains the discretion to dismiss the citation at any time.
- 7.3.2 The citation form shall direct the recipient to respond in one of the following ways within ten (10) working days after service of the citation:
  - A. Pay the fine;
  - B. Submit a written request to negotiate a stipulated settlement agreement with the Program Director; or

C. Submit a written request for a formal administrative hearing.

7.3.3 **Fines.** If one of the following actions is not taken by the citation recipient within ten (10) working days following service of the citation, recipient will be deemed to have failed to comply with the citation:

A. Full payment of the fine;

B. Written request for negotiation of a stipulated settlement agreement; or

C. Written request for a formal administrative hearing.

Reasonable attorney fees and costs may be assessed by the Board when taking formal action to collect fines. A citation offense that is more than four (4) years old will not be considered by the Board when determining disciplinary action.

7.3.4 **Negotiations.** All requests and explanation for negotiation of a stipulated settlement agreement shall be submitted to the Program Director or designee in writing and may include information in mitigation of the violation. The date the request for negotiation of a stipulated settlement agreement is received by the Program Director constitutes the submittal date. After reviewing the requested settlement information, the Program Director has the option to authorize any of the following actions:

A. Reduce the fine;

B. Arrange a payment schedule for the fine;

C. Permit a personal appearance before the Board;

D. Refer the matter to the Board.

7.3.4.1 Negotiations may terminate for reasons including but not limited to:

A. The recipient admits to committing the violation;

B. The recipient does not conduct settlement negotiations timely and in writing;

C. The recipient does not present reasonable mitigating or extenuating information in writing;

D. The Program Director determines the settlement negotiations are not being conducted in good faith or are being conducted for the purpose of delay;

E. It appears unlikely the parties will reach a negotiated resolution;

F. The recipient has prior violations that need to be brought to the Board's attention prior to attempting settlement negotiations.

7.3.4.2 A stipulated settlement agreement shall be signed and dated by the Program Director and the citation recipient. The stipulated settlement agreement shall be approved by the Board to become final and shall contain an admission of the violation(s), unless good cause exists, in the Program Director's discretion, to omit one or more admissions. A stipulated settlement agreement shall be considered a violation for the purpose of determining the fine amount of subsequent violations.

7.3.4.3 A written request from the citation recipient to proceed to a formal hearing may be submitted at any time during settlement negotiations. If the negotiations are subsequently deemed futile, the citation recipient shall be notified that payment of the fine or request for a formal administrative hearing shall be submitted within ten calendar days. Written settlement information may be used against the licensee, registrant, applicant or respondent at the hearing when unsuccessful settlement negotiations proceed to a formal administrative hearing.

7.3.4.4 The Board or Program Director may request that the Attorney General assist with settlement negotiations when the citation recipient retains an attorney for assistance during the stipulated settlement negotiations.

7.3.5 **Hearings.** Hearings shall be conducted by an administrative law judge at the Office of Administrative Courts. The citation recipient may be represented at the hearing by counsel of his or her choosing. Hearings shall be conducted in accordance with the Administrative Procedure Act.

7.3.5.1 At the formal administrative hearing, the Board may pursue the award of the maximum fine allowed by statute. At the formal administrative hearing, the Board may also pursue the award of any other disciplinary sanctions such as revocation, suspension, or probation.

7.3.6 Inspectors shall not negotiate settlements or accept payment of fines.

## 7.4 FINE SCHEDULE

The following is the current fine schedule adopted by the Board pursuant to § 12-58-116.5(2), C.R.S.

Violation	Statutory Provision	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
Engaging in the business, trade, or calling of a residential plumber without a license.	12-58-105(1) 12-58-110(1)(a) 12-58-110 (1)(o)	\$150	\$375	Up to \$2,000 per day
Engaging in the business, trade or calling of a journeyman plumber without a license.	12-58-105(1) 12-58-110(1)(a) 12-58-110(1)(o)	\$225	\$600	Up to \$2,000 per day
Engaging in the business, trade or calling of a master plumber without a license	12-58-105(1) 12-58-110(1)(a) 12-58-110(1)(o)	\$300	\$600	Up to \$2,000 per day

Failure of a plumbing contractor to register an apprentice	12-58-105(2)(b) 12-58-110(1)(a)	\$225	\$600	Up to \$2,000 per day
Failure of an apprentice to work under the supervision of a licensed plumber	12-58-117(1) 12-58-110(1)(a)	\$50	\$200	Up to \$2,000 per day
Employment of unlicensed personnel to perform plumbing work	12-58-110(1)(k)	\$300	\$600	Up to \$2,000 per day
Operating as a plumbing contractor without obtaining registration from the Board	12-58-105(3) 12-58-110(1)(a)	\$750	\$1,500	Up to \$2,000 per day
Failure of a licensee to supervise a plumbing apprentice	12-58-110 (1)(i) 12-58-117	\$375	\$600	Up to \$2,000 per day
Supervision by a residential, journeyman, or master plumber of more than three apprentice plumbers at the same jobsite.	12-58-117(1) 12-58-110(1)(a)	\$375	\$600	Up to \$2,000 per day
Failure of a licensed or registered individual working as a plumber to carry on his or her person the appropriate license, temporary work permit, or registration.	12-58-110(1)(b)	\$150	\$375	Up to \$2,000 per day
Failure to obtain a permit and/or failure to obtain an inspection	12-58-114.5(1) 12-58-110(1)(a)	\$375	\$900	Up to \$2,000 per day
Failure to remove a cause for disapproval of any plumbing installation within a reasonable time	12-58-110(1)(c)	\$450	\$900	Up to \$2,000 per day
Advertising by a licensee or registrant which is false or misleading	12-58-110(1)(g)	\$375	\$750	Up to \$2,000 per day
Deception, misrepresentation or fraud in obtaining or attempting to obtain a license	12-58-110(1)(h)	\$1,000	\$2,000	Up to \$2,000 per day
Failure to comply with other state law (i.e., building or construction safety, labor, worker's compensation insurance, health, or tax laws)	12-58-105(3) 12-58-110(1)(q)	\$375	\$750	Up to \$2,000 per day
Other violations of Article 58 of Title 12, C.R.S. or any Board rule	12-58-110(1)	Up to \$1,000	Up to \$2,000	Up to \$2,000 per day

## 8.0 FEES

8.1 Licensing, permit, and re-inspection fees shall be established pursuant to § 24-34-105, C.R.S., and shall be categorized appropriately, such as original license, registration, endorsement, renewal, reinstatement fees, permit fees, and re-inspection fees.

## **9.0 PERMITS AND INSPECTIONS**

- 9.1 All applicants for the position of state plumbing inspector must possess a current Colorado journeyman or master plumber license.
- 9.2 As used in § 12-58-110(1)(c), C.R.S., the term “reasonable time” shall mean thirty (30) calendar days.
- 9.3 The Board or its Program Director may revoke a permit that was issued in error or on the basis of incorrect information supplied by the applicant.
- 9.4 Persons requesting a plumbing inspection shall provide reasonable access to the inspection area during the normal working hours of the Board.
- 9.5 A re-inspection shall not be performed until the re-inspection fee has been paid.
- 9.6 An addition, alteration, or repair may be made to any plumbing system and equipment without requiring the existing plumbing system and equipment to comply with all the requirements of the Board standards, provided that the addition, alteration or repair conforms to that required for a new plumbing system and equipment, and provided that no hazard to life, health or safety will be created by such addition, alteration or repair.
- 9.7 Existing plumbing systems may continue to be utilized provided that they were lawfully installed and that they present no hazard to life, health or property.
- 9.8 Moved buildings with a pre-existing plumbing system
- A. New potable water supply and sanitary system may be connected upon written verification to the Board from a plumbing contractor that the existing system presents no hazard to life, health, or property. A permit and inspection are required to witness proper connections are made.
  - B. Prior to connecting a pre-existing gas piping system to a new gas supply, a permit must be obtained, a pressure test performed, and a gas inspection must be approved.
  - C. Any new plumbing or gas piping system shall require a permit and inspections according to the codes and amendments adopted at the time the permit was obtained.
- 9.9 Temporary buildings used by the public shall incorporate sanitary facilities and potable water. Permits and inspections are required.
- 9.10 If a permit application is not filed in advance of the commencement of an installation, the permit fee shall be twice the amount prescribed.

## **10.0 DECLARATORY ORDERS**

- 10.1 Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.
- 10.2 The Board will determine, in its discretion and without notice to the petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- 10.3 In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:
- A. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Board.
  - B. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more of the petitioners.
  - C. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter of investigation currently pending before the Board or a court but not involving any petitioner.
  - D. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
  - E. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ.P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- 10.4 Any petition filed pursuant to this rule shall set forth the following:
- A. The name and address of the petitioner and whether the petitioner is licensed pursuant to the organic act;
  - B. The statute, rule or order to which the petition relates;
  - C. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
- 10.5 If the Board determines that it will rule on the petition, the following procedures shall apply:

- A. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
1. Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
  2. The Board may order the petitioner to file a written brief, memorandum or statement of position.
  3. The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
  4. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
  5. The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
  6. The Board may take administrative notice of facts pursuant to the Administrative Procedure Act, § 24-4-105(8), C.R.S. and may utilize its experience, technical competence and specialized knowledge in the disposition. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
- B. The Board may, in its discretion, set the petition for hearing upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.
- 10.6 The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section 4 of this rule. Any reference to a “petitioner” in this rule also refers to any person who has been granted leave to intervene by the Board.
- 10.7 Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to § 24-4-106, C.R.S.