
Colorado Revised Statutes 2020

TITLE 12

PROFESSIONS AND OCCUPATIONS

ARTICLE 115: ELECTRICIANS

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019. This article 100 was numbered as article 2 of this title 12 prior to 2019. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index or <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-table.pdf>.

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

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ARTICLE 115

Electricians

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019. This article 115 was numbered as article 23 of this title 12 prior to 2019. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index or <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-table.pdf>.

12-115-101. Legislative declaration. The general assembly hereby declares that the state electrical board shall be specifically involved in the testing and licensing of electricians and shall provide for inspections of electrical installations where local inspection authorities are not providing the service to the standards required by this article 115.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 843, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-100.2 as it existed prior to 2019.

12-115-102. Applicability of common provisions. Articles 1 and 20 of this title 12 apply, according to their terms, to this article 115.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 843, § 1, effective October 1.

12-115-103. Definitions. As used in this article 115, unless the context otherwise requires:

(1) "Apprentice" means a person who is required to be registered as such under section 12-115-115 (3)(a), who is in compliance with the provisions of this article 115, and who is working at the trade in the employment of a registered electrical contractor and is under the direct supervision of a licensed master electrician, journeyman electrician, or residential wireman.

(2) "Board" means the state electrical board created in section 12-115-104.

(2.5) "Direct supervision" means that the supervising licensed master electrician, journeyman electrician, or residential wireman is physically present at the same physical address where the apprentice is working.

(3) "Electric light, heat, and power" means the standard types of electricity that are supplied by an electric utility, regardless of whether the source is an electric utility or the inverter output circuit of a photovoltaic system, direct-current lighting system, or a similar circuit from another type of renewable energy system or electric vehicle charging infrastructure, and used and consumed in a real estate improvement or real estate fixture.

(4) "Electrical contractor" means any person, firm, copartnership, corporation, association, or combination thereof that undertakes or offers to undertake for another the planning, laying out, supervising, and installing or the making of additions, alterations, and

repairs in the installation of wiring apparatus and equipment for electric light, heat, and power. A licensed professional engineer who plans or designs electrical installation shall not be classed as an electrical contractor.

(5) "Electrical work" means wiring for, installing, and repairing electrical apparatus and equipment for electric light, heat, and power.

(6) "Journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for electric light, heat, and power, and for other purposes, in accordance with standard rules governing the work.

(7) "Master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation and repair of wiring apparatus and equipment for electric light, heat, and power, and for other purposes, in accordance with standard rules governing the work, such as the national electrical code.

(8) "National electrical code" means the code for the safe installation of electrical wiring and equipment, as amended, published by the National Fire Protection Association and approved by the American National Standards Institute, or successor organizations.

(9) "Permanent state highway tunnel facilities" means all permanent state highway tunnels, shafts, ventilation systems, and structures and includes all structures, materials, and equipment appurtenant to the facilities. The term includes all electrical equipment, materials, and systems to be constructed, furnished, and installed as part of the final construction features specified by the applicable contract plans and specifications or by the national electrical code. For the purposes of this article 115 and article 20 of title 34, permanent state highway tunnel facilities shall be deemed to be mines during the construction of the facilities.

(10) "Qualified state institution of higher education" means:

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

(b) The institution whose campus is established under and specified in section 23-20-101 (1)(b), but limited to the buildings located in Denver at 1380 Lawrence street, 1250 Fourteenth street, and 1475 Lawrence street; and

(c) The institution whose campus is established under and specified in section 23-20-101 (1)(d), but limited to current and future buildings owned, leased, or built on land owned on or before January 1, 2015, by the university of Colorado on the campus described in section 23-20-101 (1)(d).

(11) "Residential wireman" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, and install, electrical apparatus and equipment for wiring one-, two-, three-, and four-family dwellings.

(12) "Supervision" means the management of a project to ensure that work on the project is done correctly and according to the law.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 843, § 1, effective October 1; (2.5) and (12) added and (3) amended, (SB 19-156), ch. 346, p. 3203, § 10, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-101 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-104. State electrical board. (1) There is hereby established a state electrical board, which consists of nine members appointed by the governor, with the consent of the senate, who must be residents of the state of Colorado. The governor shall strongly consider appointing an electrician who works primarily in the residential sector to at least one of the four seats allotted to master or journeyman electricians pursuant to subsection (1)(a) or (1)(b) of this section. The qualifications of the members are as follows:

- (a) Two members shall be electrical contractors who have masters' licenses;
- (b) Two members shall be master or journeymen electricians who are not electrical contractors;
- (c) One member shall be a representative of private, municipal, or cooperative electric utilities rendering electric service to the ultimate public;
- (d) One member shall be a building official from a political subdivision of the state performing electrical inspections;
- (e) One member shall be a general contractor actively engaged in the building industry; and
- (f) Two members shall be appointed from the public at large.

(2) All members of the board shall serve for three-year terms and all appointees shall be limited to two full terms each. Any vacancy occurring in the membership of the board shall be filled by the governor by appointment for the unexpired term of the member. The governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 845, § 1, effective October 1; IP(1) amended, (SB 19-156), ch. 346, p. 3203, § 11, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-102 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-105. Repeal of article - subject to review. This article 115 is repealed, effective September 1, 2032. Before the repeal, the state electrical board, including provisions relating to qualified state institutions of higher education, is scheduled for review in accordance with section 24-34-104.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 845, § 1, effective October 1; entire section amended, (SB 19-156), ch. 346, p. 3204, § 12, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-102.5 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-106. Board under department of regulatory agencies. The state electrical board and its powers, duties, and functions are transferred, effective July 1, 1978, by a **type 1** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, to the department and allocated to the division.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 846, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-103 as it existed prior to 2019.

12-115-107. Board powers and duties - rules - definition. (1) (a) The board, annually in the month of July, shall elect from its membership a chair and vice-chair. The board shall meet at least annually and at such other times as it deems necessary.

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

(2) In addition to all other powers and duties conferred or imposed upon the board by this article 115, the board is authorized to:

(a) Adopt, and from time to time revise, rules pursuant to section 12-20-204. In adopting the rules, the board shall be governed when appropriate by the standards in the most current edition of the national electrical code or by any modifications to the standards made by the board after a hearing is held pursuant to the provisions of article 4 of title 24. These standards are adopted as the minimum standards governing the planning, laying out, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power in this state. A copy of the code shall be kept in the office of the board and open to public inspection. Nothing contained in this section prohibits any city, town, county, city and county, or qualified state institution of higher education from making and enforcing any such standards that are more stringent than the minimum standards adopted by the board, and any city, town, county, city and county, or qualified state institution of higher education that adopts more stringent standards shall furnish a copy thereof to the board. The standards adopted by the board shall be prima facie evidence of minimum approved methods of construction for safety to life and property. The affirmative vote of two-thirds of all appointed members of the board is required to set any standards that are different from those set forth in the national electrical code. If requested in writing, the board shall send a copy of newly adopted standards and rules to any interested party at least thirty days before the implementation and

enforcement of the standards or rules. The copies may be furnished for a fee established pursuant to section 12-20-105.

(b) Register apprentices and register and renew the registration of qualified electrical contractors and examine, license, and renew licenses of journeymen electricians, master electricians, and residential wiremen as provided in this article 115;

(c) Cause the prosecution and enjoinder, in accordance with section 12-20-406, of all persons violating this article 115 and incur necessary expenses therefor;

(d) Inspect and approve or disapprove the installation of electrical wiring, renewable energy systems, apparatus, or equipment for electric light, heat, and power according to the minimum standards in the national electrical code or as prescribed in this article 115. With respect to:

(I) An inverter-based hydroelectric energy facility generating one hundred kilowatts or less, regardless of whether the facility is connected to utility or other distribution lines, an inspector shall inspect a hydroelectric energy installation in accordance with the minimum standards set forth in the edition of the national electrical code in effect on May 29, 2015; however, if a microhydro assembly manufactured for the purpose of generating electricity in a microhydro system uses an inverter that is listed and identified for interconnection service, the inspector shall deem the system's equipment compliant with section 705.4 of the edition of the national electrical code in effect on May 29, 2015. For purposes of this subsection (2)(d), a "microhydro system" means a hydroelectric generation system that generates one hundred kilowatts or less.

(II) An induction-based hydroelectric energy facility generating one hundred kilowatts or less, regardless of whether the facility is connected to utility or other distribution lines, the installation of a hydroelectric energy turbine, induction generator, and control panel shall be certified:

(A) To a listing standard by a field evaluation body or nationally recognized testing laboratory; or

(B) By a professional engineer, by means of signing and stamping documentation of the project, as required in a form and manner determined by the board, indicating that the installation meets design criteria set forth in the Institute of Electrical and Electronics Engineers' (IEEE) standard for interconnecting distributed resources with electric power systems.

(e) Apply any hydroelectric energy provisions of an updated national electrical code, notwithstanding any provision in subsection (2)(d) of this section to the contrary, if the national electrical code is updated to address hydroelectric energy specifically;

(f) Regulate a licensed master electrician, journeyman electrician, or residential wireman who, acting within his or her scope of competence, supervises a solar photovoltaic installation pursuant to section 40-2-128. On and after January 1, 2020, all photovoltaic electrical work for installations of at least three hundred kilowatts, including the interconnection of the modules, grounding of the modules, any balance of system wiring, and the customer-side point of connection to the utility grid, must be performed by a licensed master electrician, licensed journeyman electrician, licensed residential wireman, or properly supervised electrical apprentices and must comply with all applicable requirements of this article 115, including sections 12-115-109 and 12-115-115, and all applicable rules of the board.

(g) Review and approve or disapprove requests for exceptions to the national electrical 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;

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

(i) Enter into reciprocal licensing agreements with the electrical board, or its equivalent, of another state or states where the qualifications for electrical licensing are substantially equivalent to licensure requirements in Colorado;

(j) Find, upon holding a hearing, that an incorporated town or city, county, city and county, or qualified state institution of higher education fails to meet the minimum requirements of this article 115 if the local inspection authority, including a qualified state institution of higher education, has failed to adopt or adhere to the minimum standards required by this article 115 within twelve months after the board has adopted the standards by rule pursuant to this subsection (2);

(k) Issue an order to cease and desist from issuing permits or performing inspections under this article 115 to an incorporated town or city, county, city and county, or qualified state institution of higher education upon finding that the public entity or qualified state institution of higher education fails to meet the minimum requirements of this article 115 pursuant to subsection (2)(j) of this section;

(l) Apply to a court to enjoin an incorporated town or city, county, city and county, or qualified state institution of higher education from violating an order issued pursuant to subsection (2)(k) of this section.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 846, § 1, effective October 1; (2)(f) amended, (HB 19-1003), ch. 360, p. 3339, § 4, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-104 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1003. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1003, chapter 360, Session Laws of Colorado 2019.

12-115-108. Program director. The director of the division may appoint a program director pursuant to section 13 of article XII of the state constitution to work with the board in carrying out its duties under this article 115.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 848, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-104.5 as it existed prior to 2019.

12-115-109. Electrician must have license - control and supervision. (1) No person shall engage in or work at the business, trade, or calling of a journeyman electrician, master electrician, or residential wireman in this state until the person has received a license from the

division upon written notice from the board or the program director, acting as the agent thereof, or a temporary permit from the board, the program director, or agent of the director.

(2) A residential wireman shall not perform electrical work of a type that is beyond the authorization of the license held.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 849, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-105 as it existed prior to 2019.

12-115-110. License requirements - rules - continuing education. (1) Master electrician. (a) An applicant for a master electrician's license shall furnish written evidence that:

(I) The applicant is a graduate electrical engineer of an accredited college or university and has one year of practical electrical experience in the construction industry;

(II) The applicant is a graduate of an electrical trade school or community college and has at least four years of practical experience in electrical work; or

(III) The applicant has had at least one year of practical experience in planning, laying out, supervising, and installing wiring, apparatus, or equipment for electric light, heat, and power beyond the practical experience requirements for the journeyman's license.

(b) Each applicant for a license as a master electrician must file an application on forms prepared and furnished by the board, together with the application fee provided in section 12-115-117 (1). The board shall notify each applicant that the evidence submitted with the application is sufficient to qualify the applicant for licensure or that the evidence is insufficient and the application is rejected. If the application is rejected, the board shall set forth the reasons for the rejection in the notice to the applicant.

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

(I) At least four years' apprenticeship in the electrical trade or four years' practical experience in wiring for, installing, and repairing electrical apparatus and equipment for electric light, heat, and power;

(II) At least two of the applicant's years' experience required by subsection (2)(a)(I) of this section has been in commercial, industrial, or substantially similar work; and

(III) Effective January 1, 2011, during the last four years of training, apprenticeship, or practical experience in wiring for, installing, and repairing electrical apparatus and equipment for electric light, heat, and power, at least two hundred eighty-eight hours of training in safety, the national electrical code and its applications, and any other training required by the board that is provided by an accredited college or university, an established industry training program, or any other provider whose training is conducted in compliance with rules promulgated by the board, in collaboration with established industry training programs and industry representatives.

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

(I) If the applicant is a graduate electrical engineer of an accredited college or university or the graduate of a community college or trade school program approved by the board, the applicant shall receive one year of work experience credit.

(II) If the applicant has academic training, including military training, that does not qualify under subsection (2)(b)(I) of this section, the board shall provide work experience credit for the training or for substantially similar training established by rule.

(c) Any application for a license and notice to the applicant shall be made and given as provided for in the case of a master electrician's license.

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

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

(I) If the applicant is a graduate electrical engineer of an accredited college or university or the graduate of a community college or trade school program approved by the board, the applicant shall receive one year of work experience credit.

(II) If the applicant has academic training, including military training, that is not sufficient to qualify under subsection (3)(b)(I) of this section, the board shall provide work experience credit for the training according to a uniform ratio established by rule.

(c) Any residential wireman's license issued under this section shall be clearly marked as such across its face.

(4) (a) The board shall provide for licensing examinations. Any examination that is given for master electricians, journeymen electricians, and residential wiremen shall be subject to board approval. The board, or its designee, shall conduct and grade the examination and shall set the passing score to reflect a minimum level of competency. If it is determined that the applicant has passed the examination, the division, upon written notice from the board or the program director, acting as an agent thereof, and upon payment by the applicant of the fee provided in section 12-115-117, shall issue to the applicant a license that authorizes him or her to engage in the business, trade, or calling of a master electrician, journeyman electrician, or residential wireman.

(b) All license and registration expiration and renewal schedules shall be in accord with the provisions of section 12-20-202. Fees in regard to such renewals shall be those set forth in section 12-115-117.

(c) Licenses issued pursuant to this article 115 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license has expired shall be subject to the penalties provided in this article 115 or section 12-20-202 (1).

(d) (I) (A) Except as otherwise provided in subsection (4)(d)(I)(B) of this section, on or after January 1, 2018, the department shall not renew or reinstate a license unless the applicant has completed twenty-four hours of continuing education since the date of issuance of the applicant's initial license or, if the applicant's license was renewed or reinstated, the most recent renewal or reinstatement.

(B) Subsection (4)(d)(I)(A) of this section does not apply to the first renewal or reinstatement of a license for which, as a condition of issuance, the applicant successfully completed a licensing examination pursuant to subsection (4)(a) of this section.

(II) On or before April 1, 2017, the board, in collaboration with established industry training programs and industry representatives, shall adopt rules establishing continuing education requirements and standards, which requirements and standards must include course

work related to the national electrical code, including core competencies as determined by the board. A renewal or reinstatement license applicant shall furnish or cause to be furnished to the board, in a form and manner required by the board, documentation to demonstrate compliance with this subsection (4)(d)(II) and rules promulgated pursuant to this subsection (4)(d)(II). To ensure consumer protection, the board's rules may include audit standards for licensee compliance with continuing education requirements and requirements pertaining to the testing of licensees by the continuing education vendor.

(5) (a) No person, firm, copartnership, association, or combination thereof shall engage in the business of an electrical contractor without having first registered with the board. The board shall register the contractor upon payment of the fee as provided in section 12-115-117, presentation of evidence that the applicant has complied with the applicable workers' compensation and unemployment compensation laws of this state, and satisfaction of the requirements of subsection (5)(b) or (5)(c) of this section.

(b) If either the owner or the part owner of any firm, copartnership, corporation, association, or combination thereof has been issued a master electrician's license by the division and is in charge of the supervision of all electrical work performed by the contractor, upon written notice from the board or the program director, acting as the agent thereof, the division shall promptly, upon payment of the fee as provided in section 12-115-117, register the licensee as an electrical contractor.

(c) If any person, firm, copartnership, corporation, association, or combination thereof engages in the business of an electrical contractor and does not comply with subsection (5)(b) of this section, it shall employ at least one licensed master electrician, who shall be in charge of the supervision of all electrical work performed by the contractor.

(d) No holder of a master's license shall be named as the master electrician, under subsection (5)(b) or (5)(c) of this section, for more than one contractor, and a master name shall be actively engaged in a full-time capacity with that contracting company. The qualifying master license holder shall be required to notify the board within fifteen days after his or her termination as a qualifying master license holder. The master license holder is responsible for all electrical work performed by the electrical contracting company. Failure to comply with a notification may lead to discipline of the master license holder as provided in section 12-115-122.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 849, § 1, effective October 1; (1)(b) amended, (SB 19-156), ch. 346, p. 3204, § 13, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-106 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-111. Credit for experience not subject to supervision of a licensed electrician. For all applicants seeking work experience credit toward licensure, the board shall give credit for electrical work that is not required to be performed by or under the supervision of

a licensed electrician if the applicant can show that the particular experience received or the supervision under which the work has been performed is adequate.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 852, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-106.5 as it existed prior to 2019.

12-115-112. Unauthorized use of title. No person, firm, partnership, corporation, or association shall advertise in any manner or use the title or designation of "master electrician", "journeyman electrician", or "residential wireman" unless qualified and licensed under this article 115.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 852, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-107 as it existed prior to 2019.

12-115-113. License by endorsement or reciprocity - rules. (1) The board shall issue an electrical license by endorsement in this state to any person who is licensed to practice in another jurisdiction if the person presents proof satisfactory to the board that, at the time of application for a Colorado license by endorsement, the person possesses credentials and qualifications that are substantially equivalent to requirements in Colorado for licensure.

(2) The board shall issue an electrical license by reciprocity where a reciprocal agreement for an equivalent license exists, pursuant to section 12-115-107 (2)(i), between the board and the electrical board, or its equivalent, of the state or states where the applicant is licensed. The board shall strive to reduce barriers for Colorado licensees to be licensed by endorsement or through reciprocity in other states.

(3) The board may specify by rule what shall constitute substantially equivalent credentials and qualifications.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 852, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-109 as it existed prior to 2019.

12-115-114. Temporary permits - rules. The board or the program director or the director's agent, as provided in the rules promulgated by the board, shall issue temporary permits to engage in the work of a master electrician in cases where an electrical contractor no longer has the services of any master electrician as required under this article 115 and shall issue temporary permits to engage in the work of a journeyman electrician or residential wireman to any applicant who furnishes evidence satisfactory to the board that the applicant has the required experience to qualify for the examination provided in this article 115 and who pays the fee provided in section 12-115-117 for the permits. In addition, and in a similar manner, the board or the program director or the director's agent shall issue temporary permits to any applicant who

furnishes evidence satisfactory to the board that the applicant qualifies for a master electrician's license and who pays the required fee. Temporary permits shall continue in effect for no more than thirty days after issuance and may be revoked by the board at any time.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 853, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-110 as it existed prior to 2019.

12-115-115. Apprentices - supervision - registration - discipline - rules - repeal. (1) Any person may work as an apprentice but shall not do any electrical wiring for the installation of electrical apparatus or equipment for light, heat, or power except under the direct supervision of a licensed electrician. A licensed electrician shall not directly supervise more than three apprentices at a job site.

(2) An electrical contractor, journeyman electrician, master electrician, or residential wireman who is the employer or direct supervisor of any electrical apprentice working at the trade is responsible for the work performed by the apprentice. The board may take disciplinary action against the contractor, electrician, or residential wireman under section 12-115-122 for any improper work performed by an electrical apprentice working at the trade while employed by and under the direct supervision of that person. The registration of the apprentice may also be subject to disciplinary action under section 12-115-122.

(3) (a) Upon employing an apprentice to work at the trade, the electrical contractor, within thirty days after the initial employment, shall register the apprentice with the board. The employer shall also remove each apprentice that is no longer employed as an apprentice from the apprenticeship program and annually notify the board of the termination of the employment.

(b) An apprentice must be under the direct supervision of a licensed electrician as set forth in subsection (1) of this section.

(c) By January 1, 2022, and by January 1 each year thereafter, an electrical contractor, an apprenticeship program registered with the United States department of labor's employment and training administration, and a state apprenticeship council recognized by the United States department of labor that employs an apprentice in this state shall report to the board the name and contact information of each apprentice in the apprenticeship program and the cumulative number of practical training hours and certified classroom hours each apprentice has completed toward the journeyman electrician licensure requirements specified in section 12-115-110. The board shall keep the information reported pursuant to this subsection (3)(c) confidential from all parties other than from the apprentice through the apprentice's individual registration account. The department of regulatory agencies shall, if existing resources are available or if the department receives gifts, grants, or donations pursuant to subsection (7) of this section, indicate whether the apprentice has completed the required practical training hours and classroom hours in the department of regulatory agency's online apprenticeship directory.

(4) On and after January 1, 2021, contingent on the availability of existing resources within the department or the receipt of gifts, grants, and donations pursuant to subsection (7) of this section:

(a) (I) An apprentice who has been registered for at least six years, has completed eight thousand hours of practical training, and meets all other journeyman electrician license

requirements specified in section 12-115-110 shall take the journeyman electrician license examination at least every three years in alignment with the license renewal cycle until the apprentice receives a passing score.

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

(b) An apprentice who has been registered for at least six years and who does not meet the journeyman electrician license requirements specified in section 12-115-110 shall take the journeyman electrician license examination at least once every three years in alignment with the license renewal cycle until the apprentice receives a passing score. Once the apprentice passes the license examination, the apprentice must meet all other journeyman electrician license requirements specified in section 12-115-110 before the board may issue a journeyman electrician license to the apprentice.

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

(b) If an apprentice who is required to take the license examination pursuant to subsection (4) of this section has a learning disability, the apprentice, electrical contractor, or apprenticeship program may request that the board make accommodations for the apprentice to take the examination with the appropriate level of support.

(6) (a) If the department of regulatory agencies is able to implement subsection (4) of this section, the department of regulatory agencies, in consultation with the board, industry stakeholders, examination proctors, national code organizations, apprenticeship training coordinators, and the department of labor and employment, shall conduct research to determine what barriers exist in the preparation and taking of the examination provided for in section 12-115-110 for apprentices for whom English is a second language and, on or before January 1, 2021, shall report its findings, including any legislative or regulatory recommendations, to the general assembly.

(b) This subsection (6) is repealed, effective July 1, 2021.

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

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 853, § 1, effective October 1; (1), (2), and (3)(b) amended, (SB 19-156), ch. 346, p. 3204, § 14, effective October 1. **L. 2020:** (3)(a) amended and (3)(c) and (4) to (7) added, (SB 20-120), ch. 244, p. 1171, § 1, effective September 14.

Editor's note: (1) This section is similar to former § 12-23-110.5 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1,

2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-116. Exemptions - definition. (1) Employees of public service corporations, rural electrification associations, or municipal utilities generating, distributing, or selling electrical energy for light, heat, or power or for operating street railway systems, or telephone or telegraph systems, or their corporate affiliates and their employees or employees of railroad corporations, or lawfully permitted or franchised cable television companies and their employees shall not be required to hold licenses while doing electrical work for those purposes.

(2) Nothing in this article 115 shall be construed to require any individual to hold a license before doing electrical work on his or her own property or residence if all such electrical work, except for maintenance or repair of existing facilities, is inspected as provided in this article 115; if, however, the property or residence is intended for sale or resale by a person engaged in the business of constructing or remodeling the facilities or structures or is rental property that is occupied or is to be occupied by tenants for lodging, either transient or permanent, or is generally open to the public, the owner shall be responsible for, and the property shall be subject to, all of the provisions of this article 115 pertaining to inspection and licensing, unless specifically exempted therein.

(3) (a) Nothing in this article 115 requires a regular employee of a firm or corporation to hold a license before doing any electrical work on the property of the firm or corporation, whether or not the property is owned, leased, or rented if:

(I) The firm or corporation employing the employee performing the work has all the electrical work installed in conformity with the minimum standards as set forth in this article 115;

(II) The work is subject to inspection by the board or its inspectors by request in writing in accordance with section 12-115-120; and

(III) The property of the firm or corporation is not generally open to the public.

(b) Neither a license for the firm or corporation, nor an inspection by the board or its inspectors, nor the payment of any fees thereon shall be required, with the exception of inspection by the board or its inspectors when performed by written request. Nothing contained in this article 115 requires a license, an inspection by the board or its inspectors, or the payment of any fees for any electrical work performed for the maintenance or repair of existing facilities that are exempt as provided in this section.

(4) If the property of any person, firm, or corporation is: Rental property or is developed for sale, lease, or rental; occupied or is to be occupied by tenants for lodging, either transient or permanent; or generally open to the public, the property is subject to all the provisions of this article 115 pertaining to inspection and licensing; except that the maintenance or repair of existing property specified in this subsection (4) is not subject to this article 115.

(5) Nothing in this article 115 shall be construed to cover the installation, maintenance, repair, or alteration of vertical transportation or passenger conveyors, elevators, escalators, moving walks, dumbwaiters, stage lifts, man lifts, or appurtenances thereto beyond the terminals of the controllers. Furthermore, elevator contractors or constructors performing any installation, maintenance, repair, or alteration under this exemption, or their employees, shall not be covered by the licensing requirements of this article 115.

(6) (a) Nothing in this article 115 shall be construed to require an individual to hold a license before doing any maintenance or repair of existing facilities on his or her own property or residence, nor to require inspection by the board or its inspectors, nor to pay any fees connected therewith.

(b) Nothing in this article 115 shall be construed to require any firm or corporation or its regular employees to be required to hold a license before doing maintenance or repair of existing facilities on the property of the firm or corporation, whether or not the property is generally open to the public; nor shall inspection by the board or its inspectors or the payment of any fees connected therewith be required.

(c) For the purposes of this subsection (6), "maintenance or repair of existing facilities" means to preserve or keep in good repair lawfully installed facilities by repairing or replacing components with new components that serve the same purpose.

(7) An individual, firm, copartnership, or corporation may engage in business as an electrical contractor without an electrician's license if all electrical work performed by the individual, firm, copartnership, or corporation is under the direction and control of a licensed master electrician.

(8) Any person who plugs in any electrical appliance where an approved electrical outlet is already installed shall not be considered an installer.

(9) No provision of this article 115 shall in any manner interfere with, hamper, preclude, or prohibit any vendor of any electrical appliance from selling, delivering, and connecting any electrical appliance, if the connection of the appliance does not necessitate the installation of electrical wiring of the structure where the appliance is connected.

(10) The provisions of this article 115 shall not be applicable to the installation or laying of metal or plastic electrical conduits in bridge or highway projects where the conduits must be laid according to specifications complying with applicable electrical codes.

(11) Repealed.

(12) Inasmuch as electrical licensing and the examination of persons performing electrical work is a matter of statewide concern, the examination, certification, licensing, or registration of electrical contractors, master electricians, journeymen electricians, residential wiremen, or apprentices who are licensed, registered, or certified under this article 115 shall not be required by any city, town, county, city and county, or qualified state institution of higher education; however, any such local governmental authority or qualified state institution of higher education may impose reasonable registration requirements on any electrical contractor as a condition of performing services within the jurisdiction of the authority or within buildings owned or leased or on land owned by the qualified state institution of higher education. No fee shall be charged for the registration.

(13) The provisions of this article 115 shall not be applicable to any surface or subsurface operation or property used in, around, or in conjunction with any mine that is inspected pursuant to the "Federal Mine Safety and Health Amendments Act of 1977", Pub.L. 95-164, as amended, except permanent state highway tunnel facilities, which shall conform to standards based on the national electrical code. Nothing contained in this subsection (13) shall prohibit the department of transportation from adopting more stringent standards or requirements than those provided by the minimum standards specified in the national electrical code, and the department of transportation shall furnish a copy of the more stringent standards to the board.

(14) (a) The permit and inspection provisions of this article 115 do not apply to:

(I) Installations under the exclusive control of electric utilities for the purpose of communication or metering or for the generation, control, transformation, transmission, or distribution of electric energy, whether the installations are located in buildings used exclusively for utilities for those purposes or located outdoors on property owned or leased by the utility or on public highways, streets, or roads or outdoors by virtue of established rights on private property; or

(II) Load control devices for electrical hot water heaters that are owned, leased, or otherwise under the control of, and are operated by, an electric utility, and are on the load side of the single-family residential meter, if the equipment was installed by a registered electrical contractor. The contractor will notify appropriate local authorities that the work has been completed in order that an inspection may be made at the expense of the utility company.

(b) This subsection (14) does not exempt any premises wiring on buildings, structures, or other premises not owned by or under the exclusive control of the utility nor wiring in buildings used by the utility for purposes other than those listed in this subsection (14), such as office buildings, garages, warehouses, machine shops, and recreation buildings. This subsection (14) exempts all of the facilities, buildings, and the like inside the security fence of a generating station, substation, control center, or communication facility.

(15) Nothing in this article 115 shall be construed to:

(a) Cover the installation, maintenance, repair, or alteration of security systems of fifty volts or less, lawn sprinkler systems, environmental controls, or remote radio-controlled systems beyond the terminals of the controllers. Furthermore, the contractors performing any installation, maintenance, repair, or alteration under this exemption, or their employees, shall not be covered by the licensing requirements of this article 115.

(b) Cover the installation, maintenance, repair, or alteration of electronic computer data processing equipment and systems beyond the terminals of the controllers. Furthermore, the contractors performing any installation, maintenance, repair, or alteration under this exemption, or their employees, shall not be covered by the licensing requirements of this article 115.

(c) (I) Except to the extent that a communication system's cables and systems utilized for conveying power are hard-wired into a building's electrical system but subject to subsection (16)(a) of this section, cover the installation, maintenance, repair, or alteration of communications systems, including:

(A) Telephone and telegraph systems not exempted as utilities in subsection (1) of this section;

(B) Radio and television receiving and transmitting equipment and stations; and

(C) Antenna systems other than community antenna television systems beyond the terminals of the controllers.

(II) The contractors performing any installation, maintenance, repair, or alteration under the exemption specified in this subsection (15)(c) and their employees are not covered by the licensing requirements of this article 115.

(d) Cover the installation, maintenance, repair, or alteration of electric signs, cranes, hoists, electroplating, industrial machinery, and irrigation machinery beyond the terminals of the controllers. Furthermore, the contractors performing any installation, maintenance, repair, or alteration under this exemption, or their employees, shall not be covered by the licensing requirements of this article 115.

(e) Cover the installation, maintenance, repair, or alteration of equipment and wiring for sound recording and reproduction systems, centralized distribution of sound systems, public address and speech-input systems, or electronic organs beyond the terminals of the controllers. Furthermore, the contractors performing any installation, maintenance, repair, or alteration under this exemption, or their employees, shall not be covered by the licensing requirements of this article 115.

(f) Require either that employees of the federal government who perform electrical work on federal property shall be required to be licensed before doing electrical work on the property or that the electrical work performed on the property shall be regulated pursuant to this article 115;

(g) Require licensing that covers the installation, maintenance, repair, or alteration of fire alarm systems operating at fifty volts or less. Furthermore, the contractors performing any installation, maintenance, repair, or alteration under this exemption, or their employees, shall not be covered by the licensing requirements of this article 115 but shall be subject to all provisions of this article 115 pertaining to inspections and permitting.

(16) Nothing in this article 115 applies to:

(a) (I) The installation, maintenance, repair, or alteration of class 2 and class 3 remote-control, signaling, and power-limited circuits, as defined by the national electrical code; or

(II) Contractors or their employees performing any installation, maintenance, repair, or alteration of the circuits specified in subsection (16)(a)(I) of this section; or

(b) The installation, maintenance, repair, or alteration of traffic signals or requires licensure for that work.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 854, § 1, effective October 1; (3), (4), IP(14)(a), (14)(a)(II), and (15)(c) amended, (11) repealed, and (16) added, (SB 19-156), ch. 346, p. 3204, § 15, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-111 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-117. Fees. (1) As established pursuant to section 12-20-105, fees shall be charged by the board for the following:

- (a) Master electrician's license or permit;
- (b) Renewal of master electrician's license;
- (c) Journeyman electrician's license or permit;
- (d) Renewal of journeyman electrician's license;
- (e) Examination for master electrician;
- (f) Examination for journeyman electrician;
- (g) Electrical contractor registration;
- (h) Renewal of electrical contractor registration;
- (i) Residential wireman's license or permit;

- (j) Renewal of residential wireman's license;
- (k) Examination for residential wireman;
- (l) Apprentice registration.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 858, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-112 as it existed prior to 2019.

12-115-118. Publications. Publications of the board circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 858, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-114 as it existed prior to 2019.

12-115-119. Inspectors - qualifications - repeal. (1) (a) (I) The director of the division is hereby authorized to appoint or employ, with the power of removal, competent persons licensed under this article 115 as journeymen or master electricians as state electrical inspectors. The director is also authorized to appoint or employ, with the power of removal, for the purpose of inspecting one-, two-, three-, or four-family dwellings, competent persons with the following qualifications:

(A) Persons who have passed the written residential wireman's examination described in section 12-115-110; or

(B) Persons employed by any city, town, county, or city and county on or before January 1, 2019, who have been certified as residential electrical inspectors by a national certification authority approved by the board and who have furnished satisfactory evidence of at least two years' practical experience in the electrical inspection of residential dwellings. This subsection (1)(a)(I)(B) is repealed, effective January 1, 2023.

(II) The inspectors may be employed either on a full-time or on a part-time basis as the circumstances in each case shall warrant; except that the director of the division may contract with any electrical inspector regularly engaged as such and certify him or her to make inspections in a designated area at such compensation as shall be fixed by the director. State electrical inspectors have the right of ingress and egress to and from all public and private premises during reasonable working hours where this law applies for the purpose of making electrical inspections or otherwise determining compliance with the provisions of this article 115. In order to avoid conflicts of interest, a state electrical inspector hired under this section shall not inspect any electrical work in which the inspector has any financial or other personal interest and shall not be engaged in the electrical business by contracting, supplying material, or performing electrical work as defined in this article 115.

(b) Any employee of a private, municipal, or cooperative electric utility rendering service to the ultimate public shall be prohibited from employment as an electrical inspector only when in the performance of any electrical work as defined in this article 115. Electrical inspectors performing electrical inspections who are employed by any city, town, county, city

and county, or qualified state institution of higher education shall possess the same qualifications required of state electrical inspectors under this section; shall be registered with the board prior to the assumption of their duties; shall not inspect any electrical work in which the inspector has any financial or other personal interest; and shall not be engaged, within the jurisdiction employing the inspector, in the electrical business by contracting, supplying material, or performing electrical work as defined in this article 115. Additionally, electrical inspectors performing electrical inspections who are employed by a qualified state institution of higher education shall possess an active journeyman or master electrician license. A supervisor overseeing the work of an electrical inspector who is employed by a qualified state institution of higher education shall not direct the electrical inspector to violate any provision of this article 115. An electrical inspector employed by a qualified state institution of higher education shall not be coerced by a supervisor when filing a complaint with the board or when the electrical inspector disapproves an electrical installation that violates the provisions of this article 115.

(c) Nothing in this article 115 shall be construed to limit any inspector from qualifying as an inspector in other construction specialties.

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

(a) Conduct inspections and investigations pursuant to section 12-115-122 (2) on behalf of the program director;

(b) Provide service of process for a citation served pursuant to section 12-115-122 (4)(b) in compliance with rule 4 of the Colorado rules of civil procedure.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 858, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-115 as it existed prior to 2019.

12-115-120. Inspection - application - standard - rules. (1) (a) An individual required to have electrical inspection under this article 115 shall apply to the board for an electrical permit, except where an incorporated town or city, county, city and county, or qualified state institution of higher education has a building department that meets the minimum standards of this article 115 and that processes applications for building permits and inspections, in which case the individual shall apply to the building department. A qualified state institution of higher education with a building department that meets or exceeds the minimum standards adopted by the board under this article 115 shall process applications for permits and inspections only from the institution and from contractors working for the benefit of the institution and shall conduct inspections only of work performed for the benefit of the institution. Each inspection must include a contemporaneous review to ensure that the requirements of this article 115, and specifically section 12-115-115, have been met.

(b) Upon final inspection and approval by the state electrical inspector, notice shall be issued by the board to the utility, and the office of the board shall retain one copy of the record of approval.

(c) A utility shall not provide service to any person required to have electrical inspection under this article 115 without proof of final approval as provided in subsection (1)(b) of this section; except that service shall be provided in those situations determined by the local electrical

inspection authority, or by the board, whichever has jurisdiction, to be emergency situations for a maximum period of seven days or until the inspection has been made.

(2) (a) The owner of an electrical installation in any new construction, other than manufactured units certified by the division of housing pursuant to section 24-32-3311, or remodeling or repair of an existing construction, except in any incorporated town or city, county, city and county, or qualified state institution of higher education having its own electrical code and inspection program equal to the minimum standards as are provided in this article 115, shall have the electrical portion of the installation, remodeling, or repair inspected by a state electrical inspector. A qualified state institution of higher education with a building department that meets or exceeds the minimum standards adopted by the board under this article 115 shall process applications for permits and inspections only from the institution and from contractors working for the benefit of the institution and shall conduct inspections only of work performed for the benefit of the institution.

(b) A state electrical inspector shall inspect any new construction, remodeling, or repair subject to this subsection (2) within three working days after the receipt of the application for inspection. Prior to the commencement of any electrical installation, the person making the installation shall apply for an electrical permit and pay the required permit fee.

(c) A manufactured home, mobile home, or movable structure owner shall have the electrical installation for the manufactured home, mobile home, or movable structure inspected prior to obtaining electric service.

(3) A state electrical inspector shall inspect the work performed, and, if the work meets the minimum standards set forth in the national electrical code referred to in section 12-115-107 (2)(a), a certificate of approval shall be issued by the inspector. If the installation is disapproved, written notice thereof together with the reasons for the disapproval shall be given by the inspector to the applicant. If the installation is hazardous to life or property, the inspector disapproving it may order the electrical service thereto discontinued until the installation is rendered safe and shall send a copy of the notice of disapproval and order for discontinuance of service to the supplier of electricity. The applicant may appeal the disapproval to the board and shall be granted a hearing by the board within seven days after notice of appeal is filed with the board. After removal of the cause of the disapproval, the applicant shall make application for reinspection in the same manner as for the original inspection and pay the required reinspection fee.

(4) The person or inspector making an application, certificate of approval, or notice of disapproval shall include the name of the property owner, if known; the location and a brief description of the installation; the name of the electrical contractor and state registration number; the state electrical inspector; and the fee charged for the permit. The notice of disapproval and corrective actions to be taken shall be submitted to the board, and a copy of the notice shall be submitted to the electrical contractor within two working days after the date of inspection. The inspector shall post a copy of the notice at the installation site. The board shall furnish the forms. A copy of each application, certificate, and notice made or issued shall be filed with the board.

(5) Nothing in this section shall be construed to require any utility as defined in this article 115 to collect or enforce collection or in any way handle the payment of any fee connected with the application.

(6) (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 electrical 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.

(7) 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 electrical code and inspection authority, any electrical installation in any new construction or remodeling or repair of a public school shall be inspected by a state electrical inspector.

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

(9) (a) A person claiming to be aggrieved by the failure of a state electrical inspector to inspect property after proper application or by notice of disapproval without setting forth the reasons for rejecting the inspection may request the program director to review the actions of the state electrical inspector or the manner of the inspection. The request may be made by an authorized representative and shall be in writing.

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

(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 director 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.

(10) (a) An inspector performing an inspection for the state, an incorporated town or city, a county, a city and county, or a qualified state institution of higher education may verify compliance with this article 115; however, for each project, inspections performed by the state, an incorporated town or city, a county, a city and county, or a qualified state institution of higher education must include a contemporaneous review to ensure that the specific requirements of

sections 12-115-109 and 12-115-115 have been met. A contemporaneous review may include a full or partial review of the electricians and apprentices working on a job site being inspected.

(b) To ensure that enforcement is consistent, timely, and efficient, each entity, including the state, as described in this subsection (10), shall develop standard procedures to advise its inspectors how to conduct a contemporaneous review. Each entity's standard procedures need not require a contemporaneous review for each and every inspection of a project, but the procedures must preserve an inspector's ability to verify compliance with sections 12-115-109 and 12-115-115 at any time. Each entity's procedures must also include provisions that allow for inspectors to conduct occasional, random, on-site inspections while actual electrical work is being conducted, with a focus on large commercial and multi-family residential projects permitted by the entity. Each entity, including the state, shall post its current procedures regarding contemporaneous reviews in a prominent location on its public website. Each entity shall provide a website link to or an electronic copy of its procedures to the board, and the board shall post all of the procedures on a single location on the department's website.

(c) An inspector may file a complaint with the board for any violation of this article 115.

(d) The board shall ensure compliance with this section. If the board determines, as a result of a complaint, that an entity other than the state is conducting electrical inspections that do not comply with this section, the board may issue to that entity an order to show cause, in accordance with sections 12-20-405 and 12-115-122 (6), as to why the board should not issue a final order directing that entity to cease and desist conducting electrical inspections until that entity comes into compliance to the satisfaction of the board. If the use of state electrical inspectors is required after the issuance of a final cease-and-desist order pursuant to this subsection (10)(d), that entity shall reimburse the board for any expenses incurred in performing that entity's inspections, in addition to transmitting the required permit fees.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 860, § 1, effective October 1; (10) amended, (SB 19-156), ch. 346, p. 3206, § 16, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-116 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-121. Inspection fees. (1) As established pursuant to section 12-20-105, inspection fees shall be charged by the board and shall be set and categorized based upon the actual expense of inspecting each type of electrical installation.

(2) (a) The maximum fee, established annually, chargeable for electrical inspections by any city, town, county, city and county, or qualified state institution of higher education shall not be more than one hundred twenty dollars, as adjusted annually, starting January 1, 2021, based on the annual percentage change in the United States department of labor's bureau of labor statistics consumer price index for Denver-Aurora-Lakewood for all items paid by all urban consumers, or its applicable predecessor or successor index. Additionally, a local government described in this subsection (2) or a qualified state institution of higher education may adjust the

fee by imposing an additional tiered charge based on size or valuation of the improvement and a multiplier of eight percent of the fee. Neither a local government described in this subsection (2) nor a qualified state institution of higher education shall impose or collect any other fee or charge related to electrical inspections or permits.

(b) A qualified state institution of higher education may choose not to require fees as part of the permitting process. A documented permitting and inspection system must be instituted by each qualified state institution of higher education as a tracking system that is available to the board for the purpose of investigating any alleged violation of this article 115. The permitting and inspection system must include information specifying the project, the name of the inspector, the date of the inspection, the job-site address, the scope of the project, the type of the inspection, the result of the inspection, the reason and applicable code sections for partially passed or failed inspections, and the names of the contractors on the project who are subject to inspection.

(3) If an application is not filed in advance of the commencement of an installation, the inspection fee shall be twice the amount of the inspection fee set by the board pursuant to subsection (1) of this section.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 863, § 1, effective October 1; (2) amended, (HB 19-1035), ch. 93, p. 341, § 2, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-117 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1035. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1035, chapter 93, Session Laws of Colorado 2019.

12-115-122. Violations - citations - settlement agreements - hearings - fines - rules.

(1) The board may take disciplinary or other action as authorized by section 12-20-404 in regard to any license or registration issued or applied for under the provisions of this article 115 or may issue a citation to a licensee, registrant, or applicant for licensure for any of the following reasons:

(a) Violation of or aiding or abetting in the violation of any of the provisions of this article 115 or an applicable provision of article 20 of this title 12;

(b) Violation of the rules or orders promulgated by the board in conformity with the provisions of this article 115 or aiding or abetting in the violation;

(c) Failure or refusal to remove within a reasonable time the cause of the disapproval of any electrical installation as reported on the notice of disapproval, but a reasonable time shall include time for appeal to and a hearing before the board;

(d) Failure or refusal to maintain or adhere to the minimum standards set forth in rules adopted by the board pursuant to section 12-115-107 (2)(a);

(e) Any cause for which the issuance of the license could have been refused had it then existed and been known to the board;

(f) Commitment of one or more acts or omissions that do not meet generally accepted standards of electrical practice;

(g) Conviction of or acceptance of a plea of guilty or nolo contendere by a court to a felony. In considering the disciplinary action, the board shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.

(h) Advertising by any licensee or registrant that is false or misleading;

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

(j) Failure of a master electrician who is charged with supervising all electrical work performed by a contractor pursuant to section 12-115-110 (5)(c) to adequately supervise the work or failure of any licensee to adequately directly supervise an apprentice who is working at the trade pursuant to section 12-115-115;

(k) Employment of any person required by this article 115 to be licensed or registered or to obtain a permit who has not obtained the license, registration, or permit;

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

(m) Providing false information to the board during an investigation with the intent to deceive or mislead the board;

(n) Practicing as a residential wireman, journeyman, master, contractor, or apprentice during a period when the licensee's license or the registrant's registration has been suspended or revoked;

(o) Selling or fraudulently obtaining or furnishing a license to practice as a residential wireman, journeyman, or master or aiding or abetting therein;

(p) In conjunction with any construction or building project requiring the services of any person regulated by this article 115, willfully disregarding or violating:

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

(II) Any safety or labor law;

(III) Any health law;

(IV) Any workers' compensation insurance law;

(V) Any state or federal law governing withholdings from employee income, including but not limited to income taxes, unemployment taxes, or social security taxes; or

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

(2) (a) If, pursuant to an inspection or investigation by a state electrical inspector, the board concludes that any licensee, registrant, or applicant for licensure has violated any provision of subsection (1) of this section and that disciplinary action is appropriate, the program director or the program director's designee may issue a citation in accordance with subsection (4) of this section to the licensee, registrant, or applicant.

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

(II) All stipulated settlement agreements shall be conducted pursuant to rules adopted by the board pursuant to section 12-115-107 (2)(a). The board shall adopt a rule to allow any licensee, registrant, or applicant unable, in good faith, to settle with the program director to request an administrative hearing pursuant to subsection (2)(c) of this section.

(c) (I) The licensee, registrant, or applicant to whom a citation has been issued may request an administrative hearing to determine the propriety of the citation if the request is made in writing within ten working days after issuance of the citation that is the subject of the hearing or within a reasonable period after negotiations for a stipulated settlement agreement pursuant to subsection (2)(b) of this section have been deemed futile by the program director.

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

(III) All hearings conducted pursuant to subsection (2)(c)(I) of this section shall be conducted in compliance with section 24-4-105.

(d) Any action taken by the board pursuant to this section shall be deemed final after the period of time extended to the licensee, registrant, or applicant to contest the action pursuant to this subsection (2) has expired.

(3) (a) The board shall adopt a schedule of fines pursuant to subsection (3)(b) of this section as penalties for violating subsection (1) of this section. The fines shall be assessed in conjunction with the issuance of a citation, pursuant to a stipulated settlement agreement, or following an administrative hearing. The schedule shall be adopted by rule in accordance with section 12-115-107 (2)(a).

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

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

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

(III) Provide that any subsequent offense may carry a fine of up to two thousand dollars for each day that subsection (1) of this section is violated;

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

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

(VI) Provide uniformity in the fine schedule.

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

(II) Any citation issued pursuant to this section shall clearly state whether a fine is imposed, the amount of the fine, and that payment for such fine must be remitted within the time specified in the citation if such citation is not contested pursuant to subsection (2) of this section.

(III) Any citation issued pursuant to this section shall clearly set forth how the citation may be contested pursuant to subsection (2) of this section, including any time limitations.

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

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

(d) (I) The board may take disciplinary action as specified in section 12-20-404 (1)(b) or (1)(d) if the licensee or registrant fails to comply with the requirements set forth in a citation deemed final pursuant to subsection (4)(c) of this section.

(II) Upon completing an investigation, the board shall make one of the following findings:

(A) The complaint is without merit and no further action need be taken.

(B) There is no reasonable cause to warrant further action.

(C) The investigation discloses an instance of conduct that does not warrant formal action and should be dismissed, but the investigation also discloses indications of possible errant conduct that could lead to serious consequences if not corrected. If this finding is made, the board shall send a confidential letter of concern to the licensee or registrant in accordance with section 12-20-404 (5).

(D) The investigation discloses an instance of conduct that does not warrant formal action but should not be dismissed as being without merit. If this finding is made, the board may send a letter of admonition to the licensee or registrant by certified mail in accordance with section 12-20-404 (4).

(E) The investigation discloses facts that warrant further proceedings by formal complaint. If this finding is made, the board shall refer the complaint to the attorney general for preparation and filing of a formal complaint.

(III) The board shall conduct all proceedings pursuant to this subsection (4) expeditiously and informally so that no licensee or registrant is subjected to unfair and unjust charges and that no complainant is deprived of the right to a timely, fair, and proper investigation of a complaint.

(e) The failure of an applicant for licensure to comply with a citation deemed final pursuant to subsection (4)(c) of this section is grounds for denial of a license.

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

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

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

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

(d) In any action brought to enforce this subsection (5), reasonable attorney fees and costs shall be awarded.

(6) The board may issue cease-and-desist orders under the circumstances and in accordance with the procedures specified in section 12-20-405.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 863, § 1, effective October 1; (1)(j) amended, (SB 19-156), ch. 346, p. 3207, § 17, effective October 1.

Editor's note: (1) This section is similar to former § 12-23-118 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in SB 19-156. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from July 1, 2019, to October 1, 2019, see SB 19-156, chapter 346, Session Laws of Colorado 2019.

12-115-123. Unauthorized practice - penalties. Any person who practices or offers or attempts to practice the profession of an electrician without an active license issued under this article 115 is subject to penalties pursuant to section 12-20-407 (1)(a).

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 870, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-119 (2) as it existed prior to 2019.

12-115-124. Judicial review. Section 12-20-408 governs judicial review of all final actions and orders of the board.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 870, § 1, effective October 1.

Editor's note: This section is similar to former § 12-23-120 as it existed prior to 2019.

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