

An Act

HOUSE BILL 16-1073

BY REPRESENTATIVE(S) Duran and DelGrosso, Brown, Court, Esgar, Fields, Garnett, Ginal, Hamner, Kraft-Tharp, Lebsock, Lontine, Melton, Mitsch Bush, Pabon, Pettersen, Primavera, Roupe, Tyler, Williams, Winter, Young, Hullinghorst;
also SENATOR(S) Guzman and Scheffel, Garcia, Grantham, Heath, Jahn, Todd, Woods.

CONCERNING THE QUALIFICATIONS OF LICENSED ELECTRICIANS.

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

SECTION 1. In Colorado Revised Statutes, 12-23-106, **amend** (4) (d) as follows:

12-23-106. License requirements - rules - repeal. (4) (d) (I) (A) ~~On or after January 1, 2011,~~ BEFORE JUNE 1, 2017, the department shall not renew a license unless the applicant has demonstrated competency through an assessment of competency, which may be performed by private entities in accordance with rules promulgated by the board.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

(II) 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.

~~(H)~~ (III) ON OR BEFORE APRIL 1, 2017, the board, in collaboration with established industry training programs and industry representatives, shall adopt rules establishing continuing competency standards. The rules shall include, but shall not be limited to, the following elements:

~~(A)~~ Assessment of the knowledge and skills required to renew a license;

~~(B)~~ The methods to obtain the required knowledge and skills, and

~~(C)~~ The 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 necessary to demonstrate compliance with this subparagraph ~~(H)~~ (III) AND RULES PROMULGATED PURSUANT TO THIS SUBPARAGRAPH (III). 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.

~~(H)~~ The assessment required by sub-subparagraph (A) of subparagraph (H) of this paragraph (d) shall provide sufficient information to each licensee to allow the licensee to address any areas of deficiency. If the licensee fails to demonstrate competency, the license may be renewed if the licensee provides evidence that the licensee has complied with the requirements of the continuing competency program.

SECTION 2. In Colorado Revised Statutes, 12-23-116, amend (10) as follows:

12-23-116. Inspection - application - standard - rules - repeal.
(10) 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 ~~any provision of this article;~~ **and 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 12-23-105 AND 12-23-110.5 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. 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 12-23-105 AND 12-23-110.5 AT ANY TIME. EACH ENTITY, INCLUDING THE STATE, SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE. AN INSPECTOR may file a complaint with the board for a ANY violation of this article.**

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Bill L. Cadman
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Effie Ameen
SECRETARY OF
THE SENATE

APPROVED 3:34 PM 4/15/16



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO



C.R.S. 12-23-105

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

TITLE 12. PROFESSIONS AND OCCUPATIONS
GENERAL
ARTICLE 23. ELECTRICIANS

C.R.S. 12-23-105 (2015)

12-23-105. 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 of professions and occupations 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 which is beyond the authorization of the license held.

HISTORY: Source: L. 59: p. 418, § 5. CRS 53: § 107-2-5. C.R.S. 1963: § 142-2-5. L. 71: p. 1290, § 3. L. 73: pp. 932, 1419, § § 16, 17, 108. L. 88: (1) amended, p. 492, § 6, effective July 1. L. 2010: (1) amended, (HB 10-1225), ch. 198, p. 864, § 14, effective July 1.

C.R.S. 12-23-110.5

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TITLE 12. PROFESSIONS AND OCCUPATIONS
GENERAL
ARTICLE 23. ELECTRICIANS

C.R.S. 12-23-110.5 (2015)

12-23-110.5. Apprentices - supervision - registration - discipline

(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 supervision of a licensed electrician. The degree of supervision required shall be no more than one licensed electrician to supervise no more than three apprentices at the jobsite.

(2) Any electrical contractor, journeyman electrician, master electrician, or residential wireman who is the employer or supervisor of any electrical apprentice working at the trade shall be responsible for the work performed by such apprentice. The board may take disciplinary action against any such contractor or any such electrician or residential wireman under the provisions of section 12-23-118 for any improper work performed by an electrical apprentice working at the trade during the time of his employment while under the supervision of such person. The registration of such apprentice may also be subject to disciplinary action under the provisions of section 12-23-118.

(3) (a) Upon employing an electrical apprentice to work at the trade, the electrical contractor, within thirty days after such initial employment, shall register such apprentice with the board. The employer shall also notify the board within thirty days after the termination of such employment.

(b) Such apprentice shall be under the supervision of either a licensed electrician or a residential wireman as set forth in subsection (1) of this section.

HISTORY: Source: L. 88: Entire section added, p. 495, § 11, effective July 1. L. 99: (1) amended, p. 1393, § 2, effective October 15.

Cross references: For the legislative declaration contained in the 1999 act amending subsection (1), see section 1 of chapter 336, Session Laws of Colorado 1999.

ANNOTATION

The Employee Retirement Income Security Act of 1974 (ERISA) does not preempt the Colorado apprentice supervision requirement set forth in this section. The Colorado law is one of myriad state laws of general applicability that impose some burdens on the administration of ERISA plans but nevertheless do not relate to them within the meaning of the governing statute. *Willmar Elec. Serv., Inc. v. Cooke*, 212 F.3d 533 (10th Cir. 2000) (decided under law in effect prior to the 1999 amendment).