

## DEPARTMENT OF REGULATORY AGENCIES

### Examining Board of Plumbers

#### PLUMBING

#### 3 CCR 720-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

#### 1.0 STATEMENT OF BASIS AND PURPOSE

- 1.1 Following are the adopted changes in the Rules and Regulations of the Colorado State Examining Board of Plumbers, for general clarification, for efficient management and expeditious procedures of the Board and for the safeguard of the general public, in compliance with Title 12, Article 58, of the Colorado Revised Statutes: accepted through formal public hearing and approved by the Attorney General.

#### 2.0 STANDARDS

- 2.1 The Examining Board of Plumbers hereby adopts Chapter 1, Section 101.2, 102, Chapters 2-13; Appendices B, D, E, F, G, of the International Plumbing Code, 2006 edition, promulgated by the International Code Council, 1<sup>st</sup> printing, January 2006. This Code and the Colorado rules will be known as the Colorado Plumbing Code. This rule does not include later amendments to or editions of the International Plumbing Code, 2006 edition.

**Note:** This code is effective January 1, 2008.

The administrative office of the Examining Board of Plumbers maintains a certified copy of the International Plumbing Code, 2006 edition. Certified copies of the International Plumbing Code, 2006 edition, will be provided at cost, upon request. The administrative office of the Examining Board of Plumbers maintains one copy of the Colorado Plumbing Code, as amended, available for public inspection. The Program Director of the Examining Board of Plumbers located at 1560 Broadway, Suite 1500, Denver, Colorado 80202 will provide information regarding how the International Plumbing Code, 2006 edition may be obtained or examined. A copy of the materials that have been incorporated by reference may be examined at any state publications depository library.

- 2.1.1 The Examining Board of Plumbers hereby adopts Chapter 1 Section 101, 102, Chapters 2-8 Appendices A-D of the International Fuel Gas Code, (IFGC), 2006 edition, promulgated by the International Code Council, 1<sup>st</sup> printing, January, 2006. The Colorado Plumbing Code sets forth the minimum standards governing the installation, alteration, and repair of plumbing equipment and systems throughout this state. To the extent the International Fuel Gas Code as adopted herein conflicts or is otherwise not consistent with the standards set forth in the Colorado Plumbing Code, deference shall be given to the standards of the Colorado Plumbing Code and shall be considered controlling. This rule does not include later amendments to or editions of the International Fuel Gas Code, 2006 edition.

**Note:** This code is effective January 1, 2008.

The administrative office of the Examining Board of Plumbers maintains a certified copy of the International Fuel Gas Code, 2006 edition, as amended, available for public inspection during regular business hours. Certified copies of the International Fuel Gas Code, 2006 edition, will be provided at cost, upon request. The Program Director of the Examining Board of Plumbers located at 1560 Broadway, Suite 1500, Denver, Colorado 80202 will provide information regarding

how the International Fuel Gas Code, 2006 edition, may be obtained or examined. A copy of the materials that have been incorporated by reference may be examined at any state publications depository library.

- 2.1.2 The Examining Board of Plumbers hereby adopts Chapter 1 Section 101, 102, Chapters 2-15 and Appendix A of the International Mechanical Code, (IMC), 2006 edition, promulgated by the International Code Council, 1<sup>st</sup> printing, February, 2006. The Colorado Plumbing Code sets forth the minimum standards governing the installation, alteration, and repair of plumbing equipment and systems throughout this state. To the extent the International Mechanical Code as adopted herein conflicts or is otherwise not consistent with the standards set forth in the Colorado Plumbing Code, deference shall be given to the standards of the Colorado Plumbing Code and shall be considered controlling. This rule does not include later amendments to or editions of the International Mechanical Code, 2006 edition.

**Note:** This code is effective January 1, 2008.

The administrative office of the Examining Board of Plumbers maintains a certified copy of the International Mechanical Code, 2006 edition, as amended, available for public inspection during regular business hours. Certified copies of the International Mechanical Code, 2006 edition, will be provided at cost, upon request. The Program Director of the Examining Board of Plumbers located at 1560 Broadway, Suite 1500, Denver, Colorado 80202 will provide information regarding how the International Mechanical Code, 2006 edition, may be obtained or examined. A copy of the materials that have been incorporated by reference may be examined at any state publications depository library.

- 2.1.3 The Examining Board of Plumbers hereby adopts Chapter 1 Section R101, R102, Chapter 2, Chapters 24-32; Appendices A-E of the International Residential Code, (IRC), 2006 edition, promulgated by the International Code Council, 1<sup>st</sup> printing, January, 2006. The Colorado Plumbing Code sets forth the minimum standards governing the installation, alteration, and repair of plumbing equipment and systems throughout this state. This rule does not include later amendments to or editions of the International Residential Code, 2006 edition.

**Note:** This code is effective January 1, 2008.

The administrative office of the Examining Board of Plumbers maintains a certified copy of the International Residential Code, 2006 edition, as amended, available for public inspection during regular business hours. Certified copies of the International Residential Code, 2006 edition, will be provided at cost, upon request. The Program Director of the Examining Board of Plumbers located at 1560 Broadway, Suite 1500, Denver, Colorado 80202 will provide information regarding how the International Residential Code, 2006 edition, may be obtained or examined. A copy of the materials that have been incorporated by reference may be examined at any state publications depository library.

- 2.1.4 The Examining Board of Plumbers hereby adopts the NFPA 99C, Gas and Vacuum Systems.

The administrative office of the Examining Board of Plumbers maintains a certified copy of the latest edition of the NFPA 99C, Gas and Vacuum Systems and it is available for public inspection during regular business hours. The Program Director of the Examining Board of Plumbers located at 1560 Broadway, Suite 1500, Denver, Colorado 80202 will provide information regarding how the latest edition of the NFPA 99C, Gas and Vacuum Systems, may be obtained or examined. A copy of the materials that have been incorporated by reference may be examined at any state publications depository library.

## 2.2 Reserve

## 2.3 Delete and Reserve

### 2.3.1 Alternate Materials and Methods Review

#### A. Criteria for Board Approval as an Alternate Material or Method

1. The Board shall consider requests for approval of materials or methods under the procedures and limitations of Section 105 of the most recently adopted edition of the International Plumbing Code.
2. Approval under Section 105 of the International Plumbing Code will result in an amendment to the Colorado Plumbing Code stating the type of material and/or method, the allowable uses, and the acceptance criteria.
3. The Board will not require a petition under this rule for materials and/or methods that have been included in the International Plumbing Code or have received an unconditional/unrestrictive certification for the material and/or method against the applicable criteria from an ANSI accredited third-party certifier.

#### B. Procedures:

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

(5) Copy of approval language of each code the petitioner cites.

- (c) Submission of National Standards. Each petition shall be accompanied by a set of the applicable standards from the Referenced Standards identified in Chapter 13 of the International Plumbing Code listed by the petitioner in B.2.b.3. If the petitioner has referenced standards from Chapter 13 that are not the most current version of the standard available as of the date of submission, the applicant shall identify the most current version of the standard. In addition, the petitioner shall explain any reason, other than it is not the version listed in Chapter 13, that the most current version is not incorporated into the petition. If the listed standard incorporates other standards into its criteria, copies of the incorporated standards shall be submitted as well.
- (d) Results of Independent Third Party Compliance Testing. Each petition shall be supported with complete copies of test reports with protocols issued within the previous 18 months prior to the date of submission by a laboratory or other testing facility that is recognized as a nationally recognized testing laboratory pursuant to 29 C.F.R. § 1910.7, or by an ANSI accredited third-party certifier.
- (e) Discussion on Compliance With Section 105. Each petition shall be supported by detailed written discussion as to why the proposed alternate material or method meets the following requirements from Section 105 of the most recently adopted International Plumbing Code.
  - (1) That the proposed design of the proposed alternate material is satisfactory and complies with the intent of the Colorado Plumbing Code.
  - (2) That the proposed material is appropriate for the proposed intended use at least the equivalent of that prescribed in the Colorado Plumbing Code with respect to quality, strength, effectiveness, durability and safety. This description requires that the petitioner directly compare the quality, strength, effectiveness, durability and safety data on the applicable conventional systems with the tested and documented performance characteristics of the proposed alternate material and/or method.
  - (3) When an alternate installation method is proposed, the petitioner shall describe how the proposed method of installation conforms to the most recently adopted edition of the Colorado Plumbing Code. Petitioner shall also comply with all other requirements as set forth in Rule 2.3.1.

### 3. Timeline.

- (a) The Board shall determine within 3 months of receiving the petition for consideration whether to initiate rulemaking proceedings in accordance with subsection 3(b).
- (b) The Board shall hold a public hearing to consider any petition completed according to the requirements set forth in Rule 2.3.1. on a 6-month interval commencing upon adoption of Rule 2.3.1. In the event the Board has received 3 or more completed petitions prior to the 6-month hearing date, the Board, upon its discretion, may convene a public hearing to consider those petitions.

4. Notice of Denial. When it is determined that a petition filed under this rule should be denied, either before or after the institution of rulemaking proceedings, a letter indicating the denial and the reasons for denial shall be mailed to the petitioner within thirty (30) days.
5. Reconsideration of Board Action. Any petitioner whose petition has not been fully granted by the Board may apply for reconsideration of the Board's decision within thirty (30) days of the mailing of the Board's notice of denial, publication of notice of termination, or publication of the Board rule that partially granted the petition. A request for reconsideration shall be in writing and shall explain why reconsideration is warranted. Action on any request for reconsideration is within the sole discretion of the Board.

2.3.2 When the phrase "the most recently adopted Colorado Plumbing Code" is referred to in any rule contained in 3CCR 720-1, that reference is to the International Plumbing Code, 2006 edition.

## **2.4 Revisions and Exceptions to the Colorado Plumbing Code.**

### **IPC Section 202 Addition:**

Shall - indicates a mandatory requirement.

### **IPC Section 301.2 Addition:**

Concealment of cracks, holes, or other imperfections in material by welding, brazing, or soldering, or by using therein or thereon any paint, wax, tar, or other leak-sealing or repair agent shall not be deemed acceptable by this code.

### **IPC Section 308 Addition:**

#### **Minimum Hanger Rod Sizes**

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

### **IPC Section 312.9.2 Addition:**

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

### **IPC Section 406.3 Revised:**

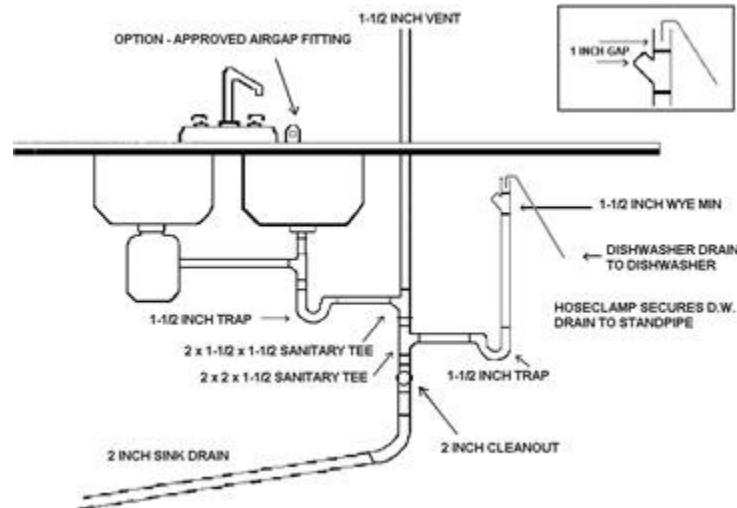
Waste Connection. The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with Section 802.4 or into a laundry sink. No trap for any clothes washer standpipe shall be installed below the floor, but shall be roughed in not less than 6 inches (152 mm) and not more than 18 inches (457 mm) above the floor. The trap and fixture drain for an automatic clothes washer standpipe shall be a minimum of 2 inches (51 mm) in diameter. The automatic clothes washer fixture drain shall connect to a branch drain or drainage stack a minimum of 3 inches (76 mm) in diameter. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an approved trench drain as long as the waste receptor is on the same floor as the clothes washer.

### **IPC Section 608.17 Delete (see Rule 5.4)**

#### IPC Section 802.1.6 Addition of a New Section 802.1.6

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

#### DOMESTIC DISHWASHER AIRGAP ILLUSTRATION



#### IPC Section 904.1 Revised:

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

#### IPC Section 905.2 Revised:

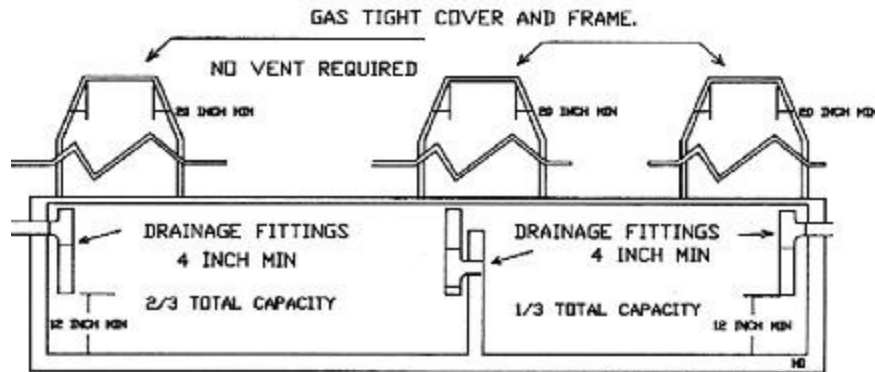
**Grade.** All vent and branch pipes shall be level or so graded and connected as to drain back to the drainage pipe by gravity.

#### IPC Section 1003 Addition:

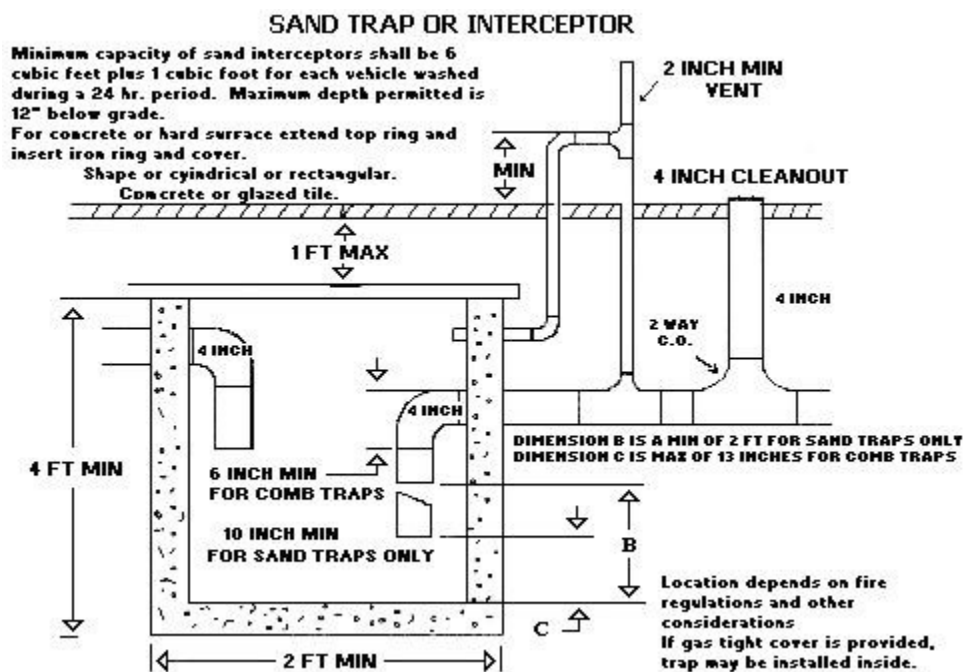
Special regulations by the waste water and/or sanitation district into which the grease trap or interceptor effluent is transported and/or treated may supersede this requirement.

#### IPC Section 1003.3.1 Addition

#### MINIMUM REQUIREMENTS FOR GREASE INTERCEPTOR



**IPC Section 1003.5** Illustration for the minimum requirements for grease trap, grease interceptor, oil or sand trap.



## 2.4.1 REVISIONS AND EXCEPTIONS TO THE INTERNATIONAL RESIDENTIAL CODE

IRC Section G2414.5.4 Addition:

Corrugated Stainless Steel Tubing (CSST) gas pipe and fittings are allowed, provided the product meets standards ANSI LC-1b, 2001 CSA 6.26B-2001, is marked as such, and is installed as per manufacturer installation guidelines. CSST shall be installed by a qualified installer who has passed the individual manufacturer's certification program.

**IRC Section P2503.7.2 Addition:**

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

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

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

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

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

**IRC Section p3103.1 Revised:**

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

**2.4.2 Revisions and exceptions to the International Fuel Gas Code**

**IFGC Section 403.5.4 Addition:**

Corrugated Stainless Steel Tubing (CSST) gas pipe and fittings are allowed, provided the product meets with ANSI LC-1b, 2001; CSA 6.26B-2001, is marked as such, and is installed as per manufacturer installation guidelines. CSST shall be installed by a qualified installer who has passed the individual manufacturer's certification program.

**3.0 EXAMINATIONS AND APPLICATIONS**

- 3.1 All applications shall be submitted to the Division of Registrations.
- 3.2 The applicant shall present positive photo identification in order to be admitted to the examination area.
- 3.3 An applicant who wishes to request reconsideration of a board action, or to request a personal interview before the Board, shall submit the request in writing, accompanied by additional information or documentation. This request shall be submitted within 45 days of the date on which the Board made the decision. Requests filed after 45 days will not be considered by the Board.
- 3.4 An approved applicant for licensure by examination who does not take the examination within one year from the original approval date may be required to submit an updated application.
- 3.5 An application for a license by examination or endorsement submitted without all required fees and documentation will be considered incomplete. Incomplete applications will be retained for one year from the date originally submitted, after which applicants shall begin the process again including payment of the application fee.
- 3.6 Examination results will be provided in writing to each examinee. Results will not be given in any other manner. In keeping with widely accepted testing practices, applicants who pass the examination will be given their results in a pass/fail format.
- 3.7 Examinations shall not be subject to review by applicants.



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

4.1 Pursuant to §12-58-112, C.R.S., a temporary work permit may be issued at the time of approval for an examination. The temporary permit will be valid for a period of no more than 30 days after the date of approval or as otherwise limited in §12-58-112, C.R.S.

4.2 A temporary work permit shall not be accepted to meet the requirements for contracting plumbing work.

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

#### **5.0 LICENSURE AND REGISTRATION**

5.1 Any applicant for the residential or journeyman plumber's license shall furnish evidence as to his/her training and experience to qualify for the examination by:

a. A record of employment as an apprentice doing plumbing work, exact dates so employed, and, at time of application, submission of original documented written evidence, verified by the master license holder to include a specific job description and a breakdown (commercial, residential, industrial and/or maintenance/service) of the actual work performed.

b. If training and experience were obtained outside the state of Colorado, the applicant shall provide the Board with documented, written evidence verified by the employer of actual work performed.

c. If training includes school courses in plumbing work from an accredited trade school or community college, a transcript shall be included with the application. Such education will replace actual field experience under a licensed master as follows: one hour of classroom training equals one hour of on the job training up to a maximum of one year.

d. Military training or experience in plumbing work shall be detailed and submitted for evaluation with the application. Such experience will replace actual field experience under a licensed master as follows: one month for every six months' training or experience up to a maximum of one year.

e. The minimum hours of practical experience required for examinations are:

1. Residential 3400

2. Journeyman 6800

3. Master 9780

f. The minimum years of experience required for the master examination is five years or 60 full time months. One month is equivalent to 163 hours.

5.2 Work experience gained in the plumbing maintenance/service field that is not required to be performed under a permit, inspection or the direct supervision of a licensed plumber may replace actual field experience as follows: one month credit for each two months experience up to a maximum of one-half of the applicable experience requirement for a license issued under Article 58, and pursuant to § 12-58-107.5, C.R.S.

5.3 Licensees from another state may be eligible for licensure by endorsement providing that the applicant meets the requirements of § 12-58-111, C.R.S. and all of the following conditions:

- a. Completion of a state or federally approved apprenticeship program, or completion of the required years and type of experience for the comparable license.
- b. Successful completion of a comparable state plumbing examination based on the current or most previous edition of the International Plumbing Code adopted by the Colorado Examining Board of Plumbers.
- c. Currently holds an active license by the endorsing state.

5.4 Pursuant to §12-58-104(1)(d), C.R.S., any individual licensed as a residential plumber, journeyman plumber, or master plumber as provided in Title 12, Article 58 of the Colorado Revised Statutes intending to install, alter or repair “pumping equipment” shall apply for and obtain licensure with the Water Well Construction and Pump Installation Contractors Board prior to commencing any such activity. Failure to comply with the licensure requirements set forth herein shall be, if proven, a violation of §12-58-110(1)(b), C.R.S.

5.5 A licensed plumber or registered apprentice plumber shall give notice to the Board, in writing, of any change of address within thirty (30) days of such change.

## **6.0 ENFORCEMENT**

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

## **6.2 CITATIONS**

6.2.1 The citation form will be completed by the State plumbing inspector. Citations shall be served by certified mail, in person by a state plumbing inspector, or by waiver of personal service. Personal service provided by the plumbing inspector shall be verified by affidavit. The Program Director for the State Plumbing Board will approve the completed and serviced citation. The Plumbing Board maintains the discretion to dismiss the citation at any time.

6.2.2 The Citation form shall direct the recipient to respond in one of the following ways within ten working days after service of the citation:

- (a) pay the fine; or
- (b) submit a written request to negotiate a stipulated settlement agreement with the Plumbing Board Program Director; or
- (c) submit a written request for a formal administrative hearing .

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

- (a) full payment of the fine; or
- (b) written request for negotiation of a stipulated settlement agreement; or
- (c) written request for a formal administrative hearing.

Reasonable attorney fees and costs shall be assessed by the Plumbing Board when taking formal action to collect fines.

6.2.4 **Negotiations.** A written request and explanation for negotiation of a stipulated settlement agreement shall be submitted to the Plumbing Board Program Director or designee and shall include information in mitigation of the violation. The postmarked date or date received by the Plumbing Board Program Director, whichever is earlier, constitutes the submittal date for requesting negotiation of a stipulated settlement agreement. After reviewing the requested settlement information, the Program Director has the option to authorize one of the following actions:

- (a) reduce the fine; or
- (b) arrange a payment schedule for the fine; or
- (c) permit a personal appearance before the Board; or
- (d) refer the matter to the Board.

6.2.4.1 Negotiations may become moot for any of, but are not limited to, the following reasons:

- (a) the recipient admits to committing the violation;
- (b) the recipient does not conduct settlement negotiations timely and in writing;
- (c) the recipient does not present reasonable mitigating or extenuating information in writing;
- (d) the Program Director determines the settlement negotiations are not being conducted in good faith or are being conducted for the purpose of delay;
- (e) it appears unlikely the parties will reach a negotiated resolution;
- (f) the recipient has prior violations that need to be brought to the Board's attention prior to attempting settlement negotiations.

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

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

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

6.2.5 **Hearings.** Hearings shall be conducted by an administrative law judge at the Office of Administrative Courts. The citation recipient may be represented by counsel of his/her choosing. The proceedings will be recorded. All parties shall have the right to cross-examine witnesses who testify. The administrative law judge shall issue a written initial decision that shall be reviewed by the Board and either affirmed, reversed, and/or modified.

6.2.5.1 At the formal administrative hearing, the Plumbing Board shall pursue the award of the maximum allowable fine of one thousand dollars for the first offense and two thousand dollars for the second offense. At the formal administrative hearing, the Plumbing Board may also pursue the award of disciplinary sanctions such as revocation, suspension or probation. The Plumbing Board shall review the entire citation history of a licensee, as found in the Board's records, in any disciplinary action against a licensee.

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

#### 6.2.7 CITATION SCHEDULE OF FINES

Violation	Statute or Rule Provision	1 <sup>st</sup>	2 <sup>nd</sup>
(A) Failure of a residential plumber to hold a current license while engaging in plumbing installation	12-58-105(1), 12-58-110(1)(o)	\$100	\$250
(B) Failure of a Journeyman plumber to hold a current license while engaging in plumbing installation	12-58-105(1), 12-58-110(1)(o)	\$150	\$300
(C) Failure of a master plumber to be licensed while engaging in plumbing installation	12-58-105(1), 12-58-110(1)(o)	\$200	\$400
(D) Failure of a plumbing contractor to register an apprentice	12-58-105(2)	\$150	\$400
(E) Failure of an apprentice to work under the supervision of a licensed plumber	12-58-117	\$25	\$100
(F) Employment by a plumbing contractor of unlicensed personnel installing plumbing	12-58-110(1)(k)	\$200	\$400
(G) Failure of a plumbing contractor to register	12-58-105(3)	\$500	\$1000
(H) Failure to supervise an apprentice	12-58-110(1)(i), 12-58-117	\$250	\$400
(I) Failure of a plumbing contractor to maintain a supervisory ratio of one licensed plumber to three apprentices	12-58-117	\$250	\$400
(J) Performing plumbing work beyond the	12-58-105(1)	\$250	\$500

authorization of the plumbing license or registration			
(K) Failure to obtain a permit and/or failure to obtain an inspection	12-58-114.5(1)	\$250	\$600
(L) Failure to correct plumbing code violations within a reasonable period of time (30 days)	12-58-110(1)(c)	\$300	\$600
(M) Providing false or misleading advertising	12-58-106; 12-58-106.5, 12-58-110(1)(g)	\$250	\$500
(N) Deception, misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)	12-58-110(1)(h), 12-58-110(1)(p)	\$1000	\$2000
(O) Failure to comply with other state law (safety, health, insurance, tax)	12-58-105(3), 12-58-110(1)(q)(I)-(VI)	\$250	\$500
(P) Other violations of the state plumbing statute	12-58-110(1)(a)	Up to \$1000	Up to \$2000

## 7.0 FEES

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

## 8.0 PERMITS AND INSPECTIONS

8.1 A pressure test of 10 PSI for no less than 15 minutes on screwed pipe and 60 PSI for 30 minutes on a welded pipe shall be required prior to supplying gas to the piping system. On manufactured housing units, which have had the required 10 PSI air test performed at the factory, a test with a water manometer or equivalent device to a pressure of an 11 inch water column with no indication of loss or gain of pressure for a minimum of three (3) minutes will be accepted.

8.2 A waste and vent system shall be tested by either of the methods listed below:

- a. A 10' head of water
- b. An uninterrupted 15 minute 5 pound air test

8.3 Water piping shall be tested by either of the methods listed below:

- a. Under full working water pressure

- b. An uninterrupted 15 minute 50 pound air test
- 8.4 Any licensed or registered individual working as a plumber shall be required to carry on his/her person the appropriate license, temporary work permit or registration.
- 8.5 The Board or its administrative officer may revoke a permit that was issued in error or on the basis of incorrect information supplied by the applicant.
- 8.6 Persons requesting a plumbing inspection shall provide reasonable access to the inspection area during the normal working hours of the Board.
- 8.7 A reinspection shall not be performed until the reinspection fee has been paid.
- 8.8 An addition, alteration or repair may be made to any plumbing system and equipment without requiring the existing plumbing system and equipment to comply with all the requirements of the Examining Board of Plumbers standards, provided that the addition, alteration or repair conforms to that required for a new plumbing system and equipment, and provided that no hazard to life, health or safety will be created by such addition, alteration or repair.
- 8.9 Existing plumbing systems may continue to be utilized provided that they were lawfully installed and that they present no hazard to life, health or property.
- 8.10 Temporary and moved buildings shall comply with the standards of the Examining Board of Plumbers for new installations. The pre-existing plumbing system may be re-connected provided that a plumbing contractor gives written verification to the Board that the pre-existing plumbing installation presents no hazard to life, health or property. Permits and inspections shall be required.
- 8.11 If a permit application is not filed in advance of the commencement of an installation, the inspection fee shall be twice the amount prescribed.

## **9.0 DECLARATORY ORDERS**

- 9.1 Any person may petition the board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the board.
- 9.2 The board will determine, in its discretion and without notice to the petitioner, whether to rule upon any such petition. If the board determines that it will not rule upon such a petition, the board shall promptly notify the petitioner of its action and state the reasons for such action.
- 9.3 In determining whether to rule upon a petition filed pursuant to this rule, the board will consider the following matters, among others:
  - a. Whether a rule on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the board.
  - b. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the board or a court involving one or more of the petitioners.
  - c. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter of investigation currently pending before the board or a court but not involving any petitioner.

- d. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
- e. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to rule 57, Colo. R. Civ.P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.

9.4 Any petition filed pursuant to this rule shall set forth the following:

- a. The name and address of the petitioner and whether the petitioner is licensed pursuant to the organic act.
- b. The statute, rule or order to which the petition relates.
- c. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.

9.5 If the board determines that it will rule on the petition, the following procedures shall apply:

- a. The board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
  - 1. Any ruling of the board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
  - 2. The board may order the petitioner to file a written brief, memorandum or statement of position.
  - 3. The board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
  - 4. The board may dispose of the petition on the sole basis of the matters set forth in the petition.
  - 5. The board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
  - 6. The board may take administrative notice of facts pursuant to the Administrative Procedure Act §24-4-105 (8), C.R.S. and may utilize its experience, technical competence and specialized knowledge in the disposition. If the board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
- b. The board may, in its discretion, set the petition for hearing upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the board intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the board to consider.

9.6 The parties to any proceeding pursuant to this rule shall be the board and the petitioner. Any other person may seek leave of the board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the board. A petition to intervene shall set forth the same matters as required by section 4 of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the board.

9.7 Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to §24-4-106, C.R.S.

## **10.0 RENEWAL AND REINSTATEMENT**

a. A licensee shall have a sixty-day grace period after the expiration of his or her license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license. During this grace period a delinquency fee will be charged for late renewals.

b. A licensee who does not renew his or her license within the sixty-day grace period shall be treated as having an expired license and shall be ineligible to practice until such license is reinstated. If the licensee practices with an expired license, the Board may impose disciplinary actions.

c. An expired license may be reinstated by submitting a reinstatement application and paying the current renewal fee plus a delinquency fee.

d. If the license has expired for more than two years, the licensee shall demonstrate competency to practice by satisfactorily passing the State plumbing examination.

10.1 Any individual who has become licensed as a journeyman and master plumber in the state of Colorado by examination, and keeps his/her master plumber license active in Colorado may reinstate the lapsed journeyman license without re-examination by submitting a reinstatement application and paying the current reinstatement fee.

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### **Editor's Notes**

### **History**

Entire Rule eff. 01/01/2008.