

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

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LLS NO. 13-0152.01 Duane Gall x4335

SUNSET BILL

Sunset Process - Senate Business,
Labor, and Technology Committee

SHORT TITLE: "Sunset Licensing Architects Engineers Surveyors"

DEADLINES: Finalize by: 23 JAN 2013 File by: 25 JAN 2013

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE STATE BOARD FOR LICENSURE OF**
102 **ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL**
103 **LAND SURVEYORS, AND, IN CONNECTION THEREWITH,**
104 **IMPLEMENTING THE RECOMMENDATIONS OF THE 2012 SUNSET**
105 **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - Senate Business, Labor, and Technology

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Committee. The bill implements the recommendations of the sunset review and report on the state board for licensure of architects, professional engineers, and professional land surveyors (board) by:

- Extending the repeal date of the board for 11 years, until September 1, 2024 (*Recommendation 1, sections 1 and 2*);
- Allowing professional engineers and land surveyors licensed in other states to advertise in Colorado, subject to the requirement to obtain a Colorado license before providing services here (*Recommendation 2, sections 4, 5, 6, 11, 12, and 13*);
- Clarifying what constitutes an "offer" to practice one of the professions (*Recommendation 3, sections 3, 10, and 17*);
- Repealing the ownership requirements for performing services on behalf of a firm (*Recommendation 4, sections 5, 12, and 18*);
- Requiring architects to report to the board any malpractice claim that is settled or reduced to judgment, under the same conditions as apply to engineers and land surveyors (*Recommendation 5, sections 20 and 21*);
- Removing "mental incompetency" from the grounds for discipline of architects and revising references to drug and alcohol use in all 3 practice acts (*Recommendations 6 and 8, sections 7, 14, and 20*);
- Clarifying that an improvement location certificate is valid only for use by a specified client and reflects the condition of property only as of a specified date (*Recommendation 7, section 26*);
- Repealing the requirement that letters of admonition be sent by certified mail (*Recommendation 9, sections 7, 14, and 20*);
- Updating the requirements for stamping and sealing of documents and giving the board regulatory authority to define retention and copying requirements for sealed documents (*Recommendation 10, sections 9, 16, 19, and 23*);
- Eliminating the obsolete and undefined term "survey point" (*Recommendation 11, sections 24 and 25*);
- Requiring licensees to update their contact information on file with the board within 30 days after any change (*Recommendation 12, sections 8, 15, and 22*);
- Extending title protection to derivatives of the word "architect" (*Recommendation 13, section 19*); and
- Making fining provisions consistent among the 3 practice acts (*Recommendation 14, sections 7, 14, and 19*).

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

2 *Recommendation 1*

3 **SECTION 1.** In Colorado Revised Statutes, 12-25-106, **amend**
4 (2) (b) as follows:

5 **12-25-106. State board of licensure - subject to termination -**
6 **repeal of article.** (2) (b) This article is repealed, effective ~~July 1, 2013~~
7 SEPTEMBER 1, 2024.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**
9 (44) introductory portion; **repeal** (44) (1); and **add** (55) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for termination, continuation, or reestablishment.**

12 (44) The following agencies, functions, or both, ~~shall~~ terminate on July
13 1, 2013:

14 (1) ~~The state board of licensure for architects, professional~~
15 ~~engineers, and professional land surveyors in the department of regulatory~~
16 ~~agencies, created by section 12-25-106, C.R.S.;~~

17 (55) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, TERMINATE
18 ON SEPTEMBER 1, 2024:

19 (a) THE STATE BOARD OF LICENSURE FOR ARCHITECTS,
20 PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS IN THE
21 DEPARTMENT OF REGULATORY AGENCIES, CREATED BY SECTION
22 12-25-106, C.R.S.

23 *Recommendation 3*

24 **SECTION 3.** In Colorado Revised Statutes, 12-25-102, **amend**
25 (10) (b) as follows:

26 **12-25-102. Definitions.** As used in this part 1, unless the context

1 otherwise requires:

2 (10) (b) An individual ~~shall be construed as practicing or offering~~
3 PRACTICES OR OFFERS to practice "professional engineering" within the
4 meaning and intent of this section if the individual, by ~~verbal~~ ORAL claim,
5 sign, advertisement, letterhead, card, or in any other way, represents
6 himself or herself to be a professional engineer; through the use of any
7 other means implies that the individual is licensed under this part 1; or
8 performs engineering services.

9 *Recommendation 2*

10 **SECTION 4.** In Colorado Revised Statutes, 12-25-103, **add** (2)
11 as follows:

12 **12-25-103. Exemptions.** (2) NOTHING IN THIS PART 1 PROHIBITS
13 A PERSON LICENSED AS AN ENGINEER IN ANOTHER JURISDICTION OF THE
14 UNITED STATES FROM OFFERING TO PRACTICE ENGINEERING IN
15 COLORADO. THE PERSON SHALL NOT PRACTICE ENGINEERING IN THIS
16 STATE WITHOUT FIRST OBTAINING A LICENSE FROM THE BOARD OR
17 ASSOCIATING WITH A PROFESSIONAL ENGINEER LICENSED IN THIS STATE
18 WHO IS ASSOCIATED WITH THE PROJECT AT ALL STAGES OF THE PROJECT.

19 *Recommendations 2 and 4*

20 **SECTION 5.** In Colorado Revised Statutes, **amend** 12-25-104 as
21 follows:

22 **12-25-104. Forms of organizations permitted to practice.**

23 ~~(1) No partnership, corporation, limited liability company, or joint stock~~
24 ~~association shall be licensed under this part 1. No partnership,~~
25 ~~corporation, limited liability company, or joint stock association shall~~
26 ~~practice or offer to practice engineering in the state except under the~~
27 ~~following conditions:~~ A PARTNERSHIP, CORPORATION, LIMITED LIABILITY

1 COMPANY, JOINT STOCK ASSOCIATION, OR OTHER ENTITY IS NOT ELIGIBLE
2 FOR LICENSURE UNDER THIS PART 1. AN ENTITY MAY PRACTICE OR OFFER
3 TO PRACTICE ENGINEERING IN THIS STATE ONLY IF THE INDIVIDUAL IN
4 RESPONSIBLE CHARGE OF THE ENTITY'S ENGINEERING ACTIVITIES
5 PERFORMED IN THIS STATE IS A PROFESSIONAL ENGINEER. UNLESS
6 EXEMPTED UNDER SECTION 12-25-103 (2), ALL ENGINEERING DOCUMENTS,
7 PLATS, AND REPORTS ISSUED BY OR FOR THE ENTITY MUST BEAR THE SEAL
8 AND SIGNATURE OF THE PROFESSIONAL ENGINEER WHO IS IN RESPONSIBLE
9 CHARGE OF AND DIRECTLY RESPONSIBLE FOR THE ENGINEERING WORK.

10 ~~(a) Professional engineers may practice under this part 1 as~~
11 ~~individuals or partners or through joint stock associations, registered~~
12 ~~limited liability partnerships, limited liability companies, or corporations.~~

13 ~~(b) In the case of practice through a partnership, at least one of the~~
14 ~~partners shall be a professional engineer licensed under this part 1, and all~~
15 ~~engineering plans, designs, drawings, specifications, or reports issued by~~
16 ~~or for the partnership shall bear the seal of said professional engineer~~
17 ~~partner or a professional engineer in responsible charge of, and directly~~
18 ~~responsible for, such engineering work when issued.~~

19 ~~(c) In the case of the practice of engineering through a joint stock~~
20 ~~association, limited liability company, or corporation, engineering~~
21 ~~services or work involving the practice of engineering may be offered~~
22 ~~through such joint stock association, limited liability company, or~~
23 ~~corporation if the person in responsible charge of the engineering~~
24 ~~activities of the joint stock association, limited liability company, or~~
25 ~~corporation is a professional engineer licensed pursuant to this part 1. All~~
26 ~~engineering plans, designs, drawings, specifications, or reports that are~~
27 ~~involved in such practice, issued by or for such joint stock association,~~

1 ~~limited liability company, or corporation, shall bear the seal and signature~~
2 ~~of a professional engineer in responsible charge of, and directly~~
3 ~~responsible for, such engineering work when issued.~~

4 *Recommendation 2*

5 **SECTION 6.** In Colorado Revised Statutes, 12-25-105, **amend**
6 (7) as follows:

7 **12-25-105. Unlawful practice - penalties - enforcement.**

8 (7) UNLESS EXEMPTED UNDER SECTION 12-25-103 (2), any person who
9 practices or offers or attempts to practice professional engineering
10 without an active license issued under this part 1 commits a class 2
11 misdemeanor and shall be punished as provided in section 18-1.3-501,
12 C.R.S., for the first offense, and, for the second or any subsequent
13 offense, the person commits a class 6 felony and shall be punished as
14 provided in section 18-1.3-401, C.R.S.

15 *Recommendations 8, 9, and 14*

16 **SECTION 7.** In Colorado Revised Statutes, 12-25-108, **amend**
17 (1) (i), (2) (a), (2) (b), and (4) (a) as follows:

18 **12-25-108. Disciplinary actions - grounds for discipline.**

19 (1) The board has the power to deny, suspend, revoke, or refuse to renew
20 the license and certificate of licensure or enrollment of, limit the scope of
21 practice of, or place on probation, any professional engineer or
22 engineer-intern who is found guilty of:

23 (i) ~~Being addicted to or dependent upon alcohol or habit-forming~~
24 ~~drugs or controlled substances as defined in section 18-18-102 (5), C.R.S.~~
25 HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL, CONTROLLED
26 SUBSTANCES, OR ANY HABIT-FORMING DRUG;

27 (2) (a) When a complaint or investigation discloses an instance of

1 misconduct that, in the opinion of the board, does not warrant formal
2 action by the board but that should not be dismissed as being without
3 merit, THE BOARD MAY ISSUE AND SEND a letter of admonition ~~may be~~
4 ~~issued and sent, by certified~~ FIRST-CLASS mail to the professional engineer
5 or engineer-intern AT HIS OR HER LAST-KNOWN ADDRESS.

6 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
7 ~~board by certified mail,~~ to a professional engineer or engineer-intern, the
8 BOARD SHALL ADVISE THE professional engineer or engineer-intern ~~shall~~
9 ~~be advised~~ that he or she has the right to request in writing, within twenty
10 days after receipt of the letter, that formal disciplinary proceedings be
11 initiated to adjudicate the propriety of the conduct upon which the letter
12 of admonition is based.

13 (4) (a) In addition to any other penalty that may be imposed
14 pursuant to this article, THE BOARD MAY FINE any professional engineer
15 violating any provision of this article or any rule promulgated pursuant to
16 this article ~~may be fined for each violation proven by the board as~~
17 ~~follows:~~

18 ~~(I) In the first administrative proceeding against a professional~~
19 ~~engineer, a fine of not less than fifty dollars and not more than five~~
20 ~~hundred dollars;~~

21 ~~(II) In any subsequent administrative proceeding against a~~
22 ~~professional engineer determining that a violation of this article has~~
23 ~~occurred, a fine of not less than two hundred fifty dollars and not more~~
24 ~~than five thousand dollars for each violation proven by the board.~~

25 *Recommendation 12*

26 **SECTION 8.** In Colorado Revised Statutes, 12-25-115, **amend**
27 (7) as follows:

1 **12-25-115. Licenses - certificates.** (7) A professional engineer
2 shall give ~~immediate~~ notice to the board, in writing, of any change of
3 address WITHIN THIRTY DAYS AFTER THE CHANGE.

4 *Recommendation 10*

5 **SECTION 9.** In Colorado Revised Statutes, 12-25-117, **amend**
6 (3); and **add** (5) as follows:

7 **12-25-117. Professional engineer's seal - rules.** (3) ~~The A~~
8 PROFESSIONAL ENGINEER SHALL USE A seal and signature ~~shall be used by~~
9 ~~an engineer~~ only when the work ~~being stamped~~ TO WHICH THE SEAL IS
10 APPLIED WAS PREPARED under the engineer's responsible charge.

11 (5) THE BOARD SHALL ADOPT RULES GOVERNING USE OF THE SEAL
12 AND THE RETENTION, USE, AND DISTRIBUTION OF SEALED DOCUMENTS AND
13 COPIES THEREOF.

14 *Conforming amendment for Recommendation 3*

15 **SECTION 10.** In Colorado Revised Statutes, 12-25-202, **amend**
16 (6) (b) as follows:

17 **12-25-202. Definitions.** As used in this part 2, unless the context
18 otherwise requires:

19 (6) (b) An individual ~~shall be construed as practicing or offering~~
20 PRACTICES OR OFFERS to practice "professional land surveying" within the
21 meaning and intent of this part 2 if ~~such~~ THE individual engages therein
22 or, by ~~verbal~~ ORAL claim, sign, letterhead, or card or in any other way
23 holds himself or herself out to be a professional land surveyor or as being
24 able to perform any professional land surveying service or if ~~such~~ THE
25 individual ~~does perform~~ PERFORMS any professional land surveying
26 service or work.

27 *Recommendation 2*

1 **SECTION 11.** In Colorado Revised Statutes, 12-25-203, **add** (2)
2 as follows:

3 **12-25-203. Exemptions.** (2) NOTHING IN THIS PART 2 PROHIBITS
4 A PERSON LICENSED AS A LAND SURVEYOR IN ANOTHER JURISDICTION OF
5 THE UNITED STATES FROM SOLICITING WORK IN COLORADO. THE PERSON
6 SHALL NOT PERFORM PROFESSIONAL LAND SURVEYING IN THIS STATE
7 WITHOUT FIRST OBTAINING A LICENSE FROM THE BOARD OR ASSOCIATING
8 WITH A PROFESSIONAL LAND SURVEYOR WHO IS ASSOCIATED WITH THE
9 PROJECT AT ALL STAGES OF THE PROJECT.

10 *Recommendations 2 and 4*

11 **SECTION 12.** In Colorado Revised Statutes, **amend** 12-25-204
12 as follows:

13 **12-25-204. Forms of organizations permitted to practice.**

14 (1) ~~No~~ A partnership, corporation, limited liability company, or joint
15 stock association, ~~shall be licensed~~ OR OTHER ENTITY IS NOT ELIGIBLE FOR
16 LICENSURE under this part 2.

17 (2) ~~No partnership, corporation, limited liability company, or joint~~
18 ~~stock association, shall~~ AN ENTITY MAY practice or offer to practice land
19 surveying in this state ~~unless~~ ONLY IF the individual in responsible charge
20 of the ENTITY'S land surveying activities ~~of the organization~~ IN THIS STATE
21 is a professional land surveyor. UNLESS EXEMPTED UNDER SECTION
22 12-25-203 (2), all PROFESSIONAL LAND SURVEYING documents, plats, and
23 reports ~~that are involved in such practice~~ issued by or for ~~such~~
24 ~~organizations shall~~ THE ENTITY MUST bear the seal and signature of the
25 professional land surveyor who is in responsible charge of and directly
26 responsible for ~~such~~ THE land surveying work.

27 *Recommendation 2*

1 **SECTION 13.** In Colorado Revised Statutes, 12-25-205, **amend**
2 (4) as follows:

3 **12-25-205. Unlawful practice - penalties - enforcement.**

4 (4) UNLESS EXEMPTED UNDER SECTION 12-25-203 (2), any person who
5 practices or offers or attempts to practice professional land surveying
6 without an active license issued under this part 2 commits a class 2
7 misdemeanor and shall be punished as provided in section 18-1.3-501,
8 C.R.S., for the first offense, and, for the second or any subsequent
9 offense, the person commits a class 6 felony and shall be punished as
10 provided in section 18-1.3-401, C.R.S.

11 *Recommendations 8, 9, and 14*

12 **SECTION 14.** In Colorado Revised Statutes, 12-25-208, **amend**
13 (1) (i), (2) (a), (2) (b), and (4) (a) as follows:

14 **12-25-208. Disciplinary actions - grounds for discipline.**

15 (1) The board has the power to deny, suspend, revoke, or refuse to renew
16 the license of, or place on probation, limit the scope of practice of, or
17 require additional training of any professional land surveyor or land
18 surveyor-intern who is found guilty of:

19 (i) ~~Being addicted to or dependent upon alcohol or any~~
20 ~~habit-forming drugs or controlled substances as defined in section~~
21 ~~18-18-102 (5), C.R.S. HABITUAL OR EXCESSIVE USE OR ABUSE OF~~
22 ~~ALCOHOL, CONTROLLED SUBSTANCES, OR ANY HABIT-FORMING DRUG;~~

23 (2) (a) When a complaint or investigation discloses an instance of
24 misconduct that, in the opinion of the board, does not warrant formal
25 action by the board but that should not be dismissed as being without
26 merit, THE BOARD MAY ISSUE AND SEND a letter of admonition ~~may be~~
27 ~~issued and sent,~~ by ~~certified~~ FIRST-CLASS mail to the professional land

1 surveyor or land surveyor-intern AT HIS OR HER LAST-KNOWN ADDRESS.

2 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
3 ~~board by certified mail~~, to a professional land surveyor or land
4 surveyor-intern, ~~such~~ THE BOARD SHALL ADVISE THE professional land
5 surveyor or land surveyor-intern ~~shall be advised~~ that he or she has the
6 right to request in writing, within twenty days after receipt of the letter,
7 that formal disciplinary proceedings be initiated to adjudicate the
8 propriety of the conduct upon which the letter of admonition is based.

9 (4) (a) In addition to any other penalty that may be imposed
10 pursuant to this section, THE BOARD MAY FINE any professional land
11 surveyor violating any provision of this article or any rule promulgated
12 pursuant to this article ~~may be fined for each violation proven by the~~
13 ~~board as follows:~~

14 ~~(I) In the first administrative proceeding against a professional~~
15 ~~land surveyor, a fine of not less than fifty dollars and not more than five~~
16 ~~hundred dollars;~~

17 ~~(II) In any subsequent administrative proceeding against a~~
18 ~~professional land surveyor determining that a violation of this article has~~
19 ~~occurred, a fine of not less than two hundred fifty dollars and not more~~
20 ~~than five thousand dollars for each violation proven by the board.~~

21 *Recommendation 12*

22 **SECTION 15.** In Colorado Revised Statutes, 12-25-215, **amend**
23 (6) as follows:

24 **12-25-215. Licenses - certificates.** (6) A professional land
25 surveyor shall give ~~immediate~~ notice to the board, in writing, of any
26 change of address WITHIN THIRTY DAYS AFTER THE CHANGE.

27 *Recommendation 10*

1 **SECTION 16.** In Colorado Revised Statutes, **amend** 12-25-217
2 as follows:

3 **12-25-217. Professional land surveyor's seal - rules.** (1) Upon
4 ~~receipt of a certificate of licensure, the newly licensed~~ RECEIVING A
5 LICENSE FROM THE BOARD, A professional land surveyor may obtain a
6 ~~seal. A crimp type seal, a rubber stamp type seal, or an electronic type~~
7 ~~seal may be used. The seal shall be~~ of a design approved by the board.
8 ~~and shall contain~~ THE SEAL MUST CONTAIN the LICENSED professional land
9 surveyor's name and license number and the designation "Colorado
10 licensed professional land surveyor". Colorado land surveyors licensed
11 before July 1, 2004, may continue to use their prior existing seals.

12 (2) All documents, plats, and reports resulting from the practice
13 of land surveying shall be identified with and bear the seal, ~~or facsimile~~
14 ~~and~~ signature, AND DATE OF SIGNATURE of the land surveyor in
15 responsible charge.

16 (3) ~~The~~ A PROFESSIONAL LAND SURVEYOR SHALL USE A seal and
17 signature ~~shall be used by a professional land surveyor~~ only when the
18 work ~~being stamped~~ TO WHICH THE SEAL IS APPLIED WAS PREPARED under
19 ~~such~~ THE professional land surveyor's responsible charge.

20 (4) THE BOARD SHALL ADOPT RULES GOVERNING USE OF THE SEAL
21 AND THE RETENTION, USE, AND DISTRIBUTION OF SEALED DOCUMENTS AND
22 COPIES THEREOF.

23 *Recommendation 3*

24 **SECTION 17.** In Colorado Revised Statutes, 12-25-302, **amend**
25 (6) (a) and (7) as follows:

26 **12-25-302. Definitions.** As used in this part 3, unless the context
27 otherwise requires:

1 (6) (a) (I) The "practice of architecture" means PERFORMING OR
2 OFFERING TO PERFORM the ~~performance of the professional services of~~
3 planning and design of buildings, preparation of construction contract
4 documents including working drawings and specifications for the
5 construction of buildings, and the observation of construction pursuant to
6 an agreement between an architect and any other person, but does not
7 include ~~the performance of the construction of buildings.~~

8 (II) AN INDIVIDUAL PRACTICES OR OFFERS TO PRACTICE
9 ARCHITECTURE WITHIN THE MEANING AND INTENT OF THIS SUBSECTION (6)
10 IF THE INDIVIDUAL, BY ORAL CLAIM, SIGN, ADVERTISEMENT, LETTERHEAD,
11 CARD, OR IN ANY OTHER WAY, REPRESENTS HIMSELF OR HERSELF TO BE AN
12 ARCHITECT, IMPLIES THAT HE OR SHE IS LICENSED UNDER THIS PART 3, OR
13 PERFORMS OR OFFERS TO PERFORM A SERVICE LISTED IN PARAGRAPH (b)
14 OF THIS SUBSECTION (6).

15 (7) "Responsible control" means that amount of control over and
16 detailed knowledge of the content of ~~technical submissions as defined in~~
17 ~~section 12-25-304 (3) (c)~~ PLANS, DESIGNS, DRAWINGS, SPECIFICATIONS,
18 AND REPORTS during their preparation as is ordinarily exercised by a
19 licensed architect applying the required standard of care.

20 *Recommendation 4*

21 **SECTION 18.** In Colorado Revised Statutes, **amend** 12-25-304
22 as follows:

23 **12-25-304. Forms of organizations permitted to practice -**
24 **requirements.** ~~(1) Except as otherwise provided in this section, no firm,~~
25 ~~partnership, entity, or group of persons shall be licensed to practice~~
26 ~~architecture; except that a partnership, entity, or group of persons may use~~
27 ~~the term "architects" in its business name if a majority of the individual~~

1 ~~officers and directors or members or partners are either licensed architects~~
2 ~~under this part 3 or persons who qualify for a license by endorsement~~
3 ~~under section 12-25-314 (3) A PARTNERSHIP, CORPORATION, LIMITED~~
4 ~~LIABILITY COMPANY, JOINT STOCK ASSOCIATION, OR OTHER ENTITY IS NOT~~
5 ~~ELIGIBLE FOR LICENSURE UNDER THIS PART 3. AN ENTITY MAY PRACTICE~~
6 ~~ARCHITECTURE IN THIS STATE ONLY IF THE INDIVIDUAL IN RESPONSIBLE~~
7 ~~CONTROL OF THE ENTITY'S ARCHITECTURAL SERVICES PERFORMED IN THIS~~
8 ~~STATE IS AN ARCHITECT. ALL ARCHITECTURAL PLANS, DESIGNS,~~
9 ~~DRAWINGS, SPECIFICATIONS, AND REPORTS THAT ARE INVOLVED IN SUCH~~
10 ~~PRACTICE AND ISSUED BY OR FOR THE ENTITY MUST BEAR THE SEAL AND~~
11 ~~SIGNATURE OF THE ARCHITECT WHO IS IN RESPONSIBLE CONTROL OF AND~~
12 ~~DIRECTLY RESPONSIBLE FOR THE ARCHITECTURAL WORK.~~

13 ~~(2) The practice of architecture by the following entities is~~
14 ~~permitted, subject to subsection (3) of this section:~~

15 ~~(a) A corporation that complies with the "Colorado Business~~
16 ~~Corporation Act", articles 101 to 117 of title 7, C.R.S.;~~

17 ~~(b) A limited liability company that complies with the "Colorado~~
18 ~~Limited Liability Company Act", article 80 of title 7, C.R.S.;~~

19 ~~(c) A registered limited liability partnership that has registered in~~
20 ~~accordance with section 7-60-144, C.R.S., or qualified in accordance with~~
21 ~~section 7-64-1002, C.R.S.~~

22 ~~(3) An entity listed in subsection (2) of this section may practice~~
23 ~~architecture, but only if:~~

24 ~~(a) The practice of architecture by such entity is under the direct~~
25 ~~supervision of an architect, licensed in the state of Colorado, who is an~~
26 ~~officer of the corporation, a member of the limited liability company, or~~
27 ~~a partner in the registered limited liability partnership;~~

1 ~~(b) Such architect remains individually responsible to the board~~
2 ~~and the public for his or her professional acts and conduct; and~~

3 ~~(c) All architectural plans, designs, drawings, specifications, or~~
4 ~~reports that are involved in such practice, issued by or for such entity,~~
5 ~~bear the seal and signature of an architect in responsible control of, and~~
6 ~~directly responsible for, such architectural work when issued.~~

7 ~~(4) (a) Nothing in this part 3 shall be construed as prohibiting the~~
8 ~~formation of a corporation, limited liability company, registered limited~~
9 ~~liability partnership, joint venture, partnership, or association consisting~~
10 ~~of one or several architects or corporations meeting the requirements of~~
11 ~~subsection (3) of this section and one or several professional engineers,~~
12 ~~all duly licensed under the respective provisions of the applicable laws of~~
13 ~~this state.~~

14 ~~(b) It is lawful for such an entity to use in its title the words~~
15 ~~"architects and engineers".~~

16 ~~(c) No identifying media used by any member of such entity shall~~
17 ~~mislead the public as to the fact that such member is licensed as an~~
18 ~~architect or as a professional engineer.~~

19 *Recommendations 10, 13, and 14*

20 **SECTION 19.** In Colorado Revised Statutes, 12-25-305, **amend**
21 **(1); and add (2.5), (9), and (10) as follows:**

22 **12-25-305. Unauthorized practice - penalties - enforcement.**

23 (1) UNLESS EXEMPTED UNDER SECTION 12-25-303 (7), any person who
24 practices or offers or attempts to practice architecture without an active
25 license issued under this ~~article~~ PART 3 commits a class 2 misdemeanor
26 and shall be punished as provided in section 18-1.3-501, C.R.S., for the
27 first offense, and, for the second or any subsequent offense, the person

1 commits a class 6 felony and shall be punished as provided in section
2 18-1.3-401, C.R.S.

3 (2.5) (a) IT IS UNLAWFUL FOR ANY INDIVIDUAL TO HOLD HIMSELF
4 OR HERSELF OUT TO THE PUBLIC AS AN ARCHITECT UNLESS THE INDIVIDUAL
5 HAS COMPLIED WITH THIS PART 3.

6 (b) IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE, OR OFFER TO
7 PRACTICE, ARCHITECTURE IN THIS STATE UNLESS THE INDIVIDUAL IN
8 RESPONSIBLE CONTROL HAS COMPLIED WITH THIS PART 3.

9 (c) UNLESS LICENSED PURSUANT TO THIS PART 3, IT IS UNLAWFUL
10 FOR ANY PERSON TO USE ANY OF THE FOLLOWING TITLES: "ARCHITECT",
11 "ARCHITECTS", "ARCHITECTURE", "ARCHITECTURAL", OR "LICENSED
12 ARCHITECT". IN ADDITION, UNLESS LICENSED PURSUANT TO THIS PART 3,
13 IT IS UNLAWFUL FOR ANY PERSON TO USE THE WORDS "ARCHITECT",
14 "ARCHITECTS", "ARCHITECTURE", "ARCHITECTURAL", OR "LICENSED
15 ARCHITECT" IN ANY OFFER TO THE PUBLIC TO PERFORM THE SERVICES SET
16 FORTH IN SECTION 12-25-302 (6). NOTHING IN THIS SUBSECTION (2.5)
17 PROHIBITS THE GENERAL USE OF THE WORDS "ARCHITECT",
18 "ARCHITECTURE", OR "ARCHITECTURAL" SO LONG AS THOSE WORDS ARE
19 NOT BEING USED IN AN OFFER TO THE PUBLIC TO PERFORM THE SERVICES
20 SET FORTH IN SECTION 12-25-302 (6).

21 (9) AFTER FINDING THAT A PERSON HAS UNLAWFULLY ENGAGED
22 IN THE PRACTICE OF ARCHITECTURE, THE BOARD MAY JOINTLY AND
23 SEVERALLY ASSESS AGAINST THE PERSON A FINE OF NOT LESS THAN FIFTY
24 DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH
25 VIOLATION PROVEN BY THE BOARD. THE BOARD SHALL TRANSMIT THE
26 MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (9) TO THE STATE
27 TREASURER, WHO SHALL CREDIT THEM TO THE GENERAL FUND.

1 (10) AN INDIVIDUAL PRACTICING ARCHITECTURE WHO IS NOT
2 LICENSED OR EXEMPT FROM LICENSURE SHALL NOT COLLECT
3 COMPENSATION OF ANY KIND FOR SUCH PRACTICE, AND, IF COMPENSATION
4 HAS BEEN PAID, THE INDIVIDUAL SHALL REFUND THE COMPENSATION IN
5 FULL.

6 *Recommendations 5, 6, 8, and 9*

7 **SECTION 20.** In Colorado Revised Statutes, 12-25-308, **amend**
8 (1) (i), (1) (k), (2) (a), (2) (b), and (4) (a); and **repeal** (1) (o) as follows:

9 **12-25-308. Disciplinary actions - grounds for discipline.**

10 (1) The board may deny, suspend, revoke, or refuse to renew the license
11 of, place on probation, or limit the scope of practice of a licensee for the
12 following:

13 ~~(i) Habitual intemperance with respect to, or excessive use of, any~~
14 ~~habit-forming drug, any controlled substance as defined in section~~
15 ~~18-18-102 (5), C.R.S., or any alcoholic beverage, any of which renders~~
16 ~~him or her unfit to practice architecture~~ HABITUAL OR EXCESSIVE USE OR
17 ABUSE OF ALCOHOL, CONTROLLED SUBSTANCES, OR ANY HABIT-FORMING
18 DRUG;

19 ~~(k) Violation of the notification requirements in section 12-25-312~~
20 FAILING TO REPORT TO THE BOARD ANY MALPRACTICE CLAIM AGAINST THE
21 ARCHITECT, OR AGAINST ANY ENTITY OF WHICH THE ARCHITECT IS A
22 MEMBER, THAT IS SETTLED OR IN WHICH JUDGMENT IS RENDERED, WITHIN
23 SIXTY DAYS AFTER THE EFFECTIVE DATE OF THE SETTLEMENT OR
24 JUDGMENT, IF THE CLAIM CONCERNED THE PRACTICE OF ARCHITECTURE
25 PERFORMED OR SUPERVISED BY THE ARCHITECT;

26 (o) ~~Mental incompetency;~~

27 (2) (a) When a complaint or investigation discloses an instance of

1 misconduct that, in the opinion of the board, does not warrant formal
2 action by the board but that should not be dismissed as being without
3 merit, THE BOARD MAY ISSUE AND SEND a letter of admonition ~~may be~~
4 ~~issued and sent,~~ by ~~certified~~ FIRST-CLASS mail to the licensee AT THE
5 LICENSEE'S LAST-KNOWN ADDRESS.

6 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
7 ~~board by certified mail,~~ to a licensee, ~~such~~ THE BOARD SHALL ADVISE THE
8 licensee ~~shall be advised~~ that he or she has the right to request in writing,
9 within twenty days after receipt of the letter, that formal disciplinary
10 proceedings be initiated to adjudicate the propriety of the conduct upon
11 which the letter of admonition is based.

12 (4) (a) In addition to the penalties provided for in subsection (2)
13 of this section, any person violating any provision of this part 3 or any
14 standards or rules promulgated pursuant to this part 3 may be punished
15 upon a finding of misconduct by the board, made pursuant to article 4 of
16 title 24, C.R.S. In an administrative proceeding against a licensee, the
17 board may impose a fine of NOT LESS THAN FIFTY DOLLARS AND not more
18 than five thousand dollars.

19 *Recommendation 5*

20 **SECTION 21.** In Colorado Revised Statutes, **repeal** 12-25-312
21 as follows:

22 **12-25-312. Notification to board.** ~~Each architect shall notify the~~
23 ~~board of any judgment or settlement involving the architect and resulting~~
24 ~~from a claim concerning the life safety of the occupants of a building. The~~
25 ~~architect shall notify the board within sixty days after the judgment or~~
26 ~~settlement.~~

27 *Recommendation 12*

1 **SECTION 22.** In Colorado Revised Statutes, 12-25-315, **add** (4)
2 as follows:

3 **12-25-315. Licenses.** (4) AN ARCHITECT SHALL GIVE NOTICE TO
4 THE BOARD, IN A MANNER PRESCRIBED BY THE BOARD, OF ANY CHANGE OF
5 ADDRESS WITHIN THIRTY DAYS AFTER THE CHANGE.

6 *Recommendation 10*

7 **SECTION 23.** In Colorado Revised Statutes, **repeal and reenact,**
8 **with amendments,** 12-25-317 as follows:

9 **12-25-317. Architect's seal - rules.** (1) UPON RECEIVING A
10 LICENSE FROM THE BOARD, AN ARCHITECT MAY OBTAIN A CRIMP TYPE
11 SEAL, A RUBBER STAMP TYPE SEAL, OR AN ELECTRONIC TYPE SEAL IN A
12 DESIGN APPROVED BY THE BOARD. THE SEAL MUST CONTAIN THE
13 ARCHITECT'S NAME AND LICENSE NUMBER AND THE DESIGNATION
14 "COLORADO LICENSED ARCHITECT". ARCHITECTS LICENSED BEFORE JULY
15 1, 2013, MAY CONTINUE TO USE THEIR EXISTING SEALS.

16 (2) AN ARCHITECT SHALL USE HIS OR HER SEAL, SIGNATURE, AND
17 THE DATE OF SIGNATURE ONLY WHEN THE WORK TO WHICH THE SEAL IS
18 APPLIED WAS PREPARED UNDER THE ARCHITECT'S RESPONSIBLE CONTROL.

19 (3) AN ARCHITECT SHALL RETAIN A RECORD OF ALL STAMPED AND
20 SEALED DOCUMENTS FOR A TIME PERIOD AND IN A FORMAT ESTABLISHED
21 BY THE BOARD BY RULE.

22 *Recommendation 11*

23 **SECTION 24.** In Colorado Revised Statutes, 38-51-104, **amend**
24 (2) as follows:

25 **38-51-104. Monumentation of land surveys.** (2) If the points
26 designated in subsection (1) of this section fall on solid bedrock, concrete,
27 stone curbs, gutters, or walks, a durable metal disk or cap shall be

1 securely anchored in the rock or concrete and stamped with the survey
2 ~~point and the~~ registration number of the professional land surveyor
3 responsible for the establishment of the monument or marker.

4 *Recommendation 11*

5 **SECTION 25.** In Colorado Revised Statutes, 38-51-105, **amend**
6 (6) as follows:

7 **38-51-105. Monumentation of subdivisions.** (6) For any points
8 designated in subsection (1), (2), or (3) of this section that fall on solid
9 bedrock, concrete, stone curbs, gutters, or walks, a durable metal disk or
10 cap shall be securely anchored in the rock or concrete and stamped with
11 the ~~survey point and the~~ license number of the professional land surveyor
12 responsible for the establishment of the monument or marker.

13 *Recommendation 7*

14 **SECTION 26.** In Colorado Revised Statutes, 38-51-108, **amend**
15 (2) (a) (II) as follows:

16 **38-51-108. Improvement location certificate.** (2) (a) (II) Such
17 certificate shall be prominently labeled "improvement location certificate"
18 and contain a statement in the following form:

19 IMPROVEMENT LOCATION CERTIFICATE

20 I hereby certify that this improvement location
21 certificate was prepared for (individual or firm), that
22 it is not a land survey plat or improvement survey plat, and
23 that it is not to be relied upon for the establishment of
24 fence, building, or other future improvement lines. THIS
25 CERTIFICATE IS VALID ONLY FOR USE BY (INDIVIDUAL OR
26 FIRM) AND DESCRIBES THE PARCEL'S APPEARANCE ON
27 (DATE)

1 I further certify that the improvements on the above
2 described parcel on this date, ... (insert date) ..., except
3 utility connections, are entirely within the boundaries of the
4 parcel, except as shown, that there are no encroachments
5 upon the described premises by improvements on any
6 adjoining premises, except as indicated, and that there is no
7 apparent evidence or sign of any easement crossing or
8 burdening any part of said parcel, except as noted.

9 Stamp By(Signed).....

10 or

11 Seal Date

12 **SECTION 27. Effective date.** This act takes effect July 1, 2013.

13 **SECTION 28. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.