NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 06-1196

BY REPRESENTATIVE(S) Balmer, Borodkin, Coleman, Liston, Marshall, McCluskey, Paccione, Welker, Berens, Hall, Jahn, Kerr J., Rose, Stafford, and Sullivan;
also SENATOR(S) Tapia, Kester, Teck, Tochtrop, and Williams.

CONCERNING THE CONSOLIDATION OF THE EXISTING REGULATION OF ENGINEERING-RELATED PROFESSIONS, AND, IN CONNECTION THEREWITH, CONSOLIDATING THE STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS AND THE STATE BOARD OF EXAMINERS OF ARCHITECTS INTO THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS, CONTINUING THE REGULATION OF ARCHITECTURE, CLARIFYING WHAT CONSTITUTES A RECORD SET OF DRAWINGS AND THE PROPER USE OF AN ARCHITECT'S STAMP ON SUCH DRAWINGS, IMPOSING PROFESSIONAL LIABILITY, CLARIFYING ISSUES CONCERNING ARCHITECTURAL FIRMS, AUTHORIZING THE USE OF THE NAME OF A DEPARTED PARTNER IN THE NAME OF A FIRM, CHANGING CERTAIN NOTIFICATIONS CONCERNING SETTLEMENTS OR JUDGMENTS, REQUIRING THAT A CRIME THAT TRIGGERS DISCIPLINE BE RELATED TO THE PRACTICE OF ARCHITECTURE, AND REPEALING CERTAIN BOARD NOTIFICATION REQUIREMENTS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

SECTION 1. Repeal. 24-34-104 (37) (h), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (37) The following agencies, functions, or both, shall terminate on July 1, 2006:

(h) ~~The state board of examiners of architects, created by article 4 of title 12, C.R.S.;~~

SECTION 2. 24-34-104 (44) (l), Colorado Revised Statutes, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (44) The following agencies, functions, or both, shall terminate on July 1, 2013:

(l) The state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors in the department of regulatory agencies, created by ~~part 1 of article 25 of title 12~~ SECTION 12-25-106, C.R.S.;

SECTION 3. 10-1-122, Colorado Revised Statutes, is amended to read:

10-1-122. Reporting of malpractice claims against architects. Each insurance company doing business in this state and engaged in the writing of malpractice insurance for architects shall send to the ~~Colorado state board of examiners of architects~~ STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS, in the form prescribed by the commissioner, information relating to each malpractice claim against a licensed architect or a corporation, partnership, or group of persons practicing architecture that is settled or in which judgment is rendered against the insured within ninety days after the effective date of such settlement or judgment.

SECTION 4. 12-25-101, Colorado Revised Statutes, is amended to read:

12-25-101. General provisions. In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering is declared to be subject to regulation in the public interest. It shall be deemed that the right to engage in the practice of engineering is a privilege granted by the state through the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors, created in section 12-25-106; that the profession involves personal skill and presupposes a period of intensive preparation, internship, due examination, and admission; and that a professional engineer's license is solely such professional engineer's own and is nontransferable.

SECTION 5. 12-25-102 (1), Colorado Revised Statutes, is amended to read:

12-25-102. Definitions. As used in this part 1, unless the context otherwise requires:

(1) "Board" means the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors, created in section 12-25-106.

SECTION 6. 12-25-106 (1) and (3), Colorado Revised Statutes, are amended to read:

12-25-106. State board of licensure - subject to termination - repeal of article. (1) A state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors is hereby created, the duty of which shall be to administer the provisions of ~~this part 1 and part 2 of~~ this article. Duties of the board shall include those provided in sections 12-25-107, ~~and~~ 12-25-207, AND 12-25-307.

(3) The board shall consist of ~~nine~~ THIRTEEN members. Four members shall be professional engineers, with no more than two OF THE FOUR engaged in the same discipline of engineering service or practice; three members shall be practicing professional land surveyors; THREE MEMBERS SHALL BE PRACTICING LICENSED ARCHITECTS; and ~~two~~ THREE members shall be citizens of the United States and residents of this state for at least one year who have not ~~been engaged in~~ PRACTICED ARCHITECTURE, engineering, or land surveying.

SECTION 7. 12-25-119, Colorado Revised Statutes, is amended to read:

12-25-119. Prior actions. (1) The board shall take over, assume, and continue all actions and requirements regarding engineers from its predecessor, the state board of registration for professional engineers and land surveyors. There shall be no legal discontinuity, and previously licensed engineers shall continue their licensure as professional engineers.

(2) THE NAME CHANGE FROM THE STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS TO THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS SHALL NOT BE CONSTRUED TO CHANGE THE ENTITY. THERE SHALL BE NO LEGAL DISCONTINUITY, AND PREVIOUSLY LICENSED ENGINEERS SHALL CONTINUE THEIR LICENSURE AS PROFESSIONAL ENGINEERS, AND ANY OBLIGATIONS OF THE BOARD OR OF PERSONS TO THE BOARD SHALL NOT BE AFFECTED BY THE NAME CHANGE.

SECTION 8. 12-25-202 (1), Colorado Revised Statutes, is amended to read:

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

(1) "Board" means the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors, created by section 12-25-106.

SECTION 9. 12-25-219, Colorado Revised Statutes, is amended to read:

12-25-219. Prior actions. (1) The board shall take over, assume, and continue all actions and requirements regarding land surveyors from its predecessor, the state board of registration for professional engineers and professional land surveyors. There shall be no legal discontinuity, and previously licensed land surveyors shall continue their licensure as professional land surveyors.

(2) THE NAME CHANGE FROM THE STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS TO THE

STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS SHALL NOT BE CONSTRUED TO CHANGE THE ENTITY. THERE SHALL BE NO LEGAL DISCONTINUITY, AND PREVIOUSLY LICENSED LAND SURVEYORS SHALL CONTINUE THEIR LICENSURE AS LAND SURVEYORS, AND ANY OBLIGATIONS OF THE BOARD OR OF PERSONS TO THE BOARD SHALL NOT BE AFFECTED BY THE NAME CHANGE.

SECTION 10. 24-1-122 (3) (c) and (3) (u), Colorado Revised Statutes, are amended to read:

24-1-122. Department of regulatory agencies - creation. (3) The following boards and agencies are transferred by a **type 1** transfer to the department of regulatory agencies and allocated to the division of registrations:

(c) ~~Colorado state board of examiners of architects, created by article 4 of title 12, C.R.S.;~~

(u) State board of licensure for ARCHITECTS, professional engineers, and professional land surveyors, created by ~~part 1 of article 25 of title 12~~ SECTION 12-25-106, C.R.S.;

SECTION 11. 25-5-702 (5), Colorado Revised Statutes, is amended to read:

25-5-702. Definitions. As used in this part 7, unless the context otherwise requires:

(5) "Qualified tramway design engineer" or "qualified tramway construction engineer" means an engineer licensed by the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors pursuant to part 1 of article 25 of title 12, C.R.S., to practice professional engineering in this state.

SECTION 12. 38-50-103 (1), (2) (a), (3), and (4), Colorado Revised Statutes, are amended to read:

38-50-103. Public records - monument records. (1) The state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors, created in section 12-25-106, C.R.S., shall employ

personnel at the expense of such board's licensed professional land surveyors to maintain a monument record filing system for all monument records filed in accordance with section 38-53-104.

(2) (a) The state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors shall transmit a copy of each monument record accepted for filing, without fee, to the county clerk and recorder for the county in which the monument is located.

(3) Certified copies of monument records of the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors shall be evidence in all courts and places in this state.

(4) No fee shall be charged by the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors for the filing of monument records. The cost of maintaining the monument record files shall be recouped as part of the renewal fee charged to licensees. Such renewal fee shall be calculated to cover the costs of the staff and equipment necessary to maintain the monument record filing system.

SECTION 13. 38-51-102 (5), Colorado Revised Statutes, is amended to read:

38-51-102. Definitions. As used in this article, unless the context otherwise requires:

(5) "Board" means the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors, created in section 12-25-106, C.R.S.

SECTION 14. 38-53-103 (5), Colorado Revised Statutes, is amended to read:

38-53-103. Definitions. As used in this article, unless the context otherwise requires:

(5) "Board" means the state board of licensure for ARCHITECTS, professional engineers, and professional land surveyors, created in section 12-25-106, C.R.S.

SECTION 15. Article 25 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART, CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

PART 3
ARCHITECTS

12-25-301. [Formerly 12-4-101] General provisions. The regulatory authority established by this ~~article~~ PART 3 is necessary to safeguard the life, health, property, and public welfare of the people of this state and to protect them against unauthorized, unqualified, and improper practice of architecture.

12-25-302. [Formerly 12-4-102] Definitions. As used in this ~~article~~ PART 3, unless the context otherwise requires:

(1) "Architect" means a person licensed under ~~the provisions of~~ this ~~article~~ PART 3 and entitled thereby to conduct a practice of architecture in the state of Colorado.

(2) "Board" means the ~~Colorado state board of examiners of architects~~ STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS, CREATED IN SECTION 12-25-106.

(3) "Buildings" means buildings of any type for public or private use, including the structural, mechanical, and electrical systems, utility services, and other facilities required for said buildings.

~~(3.5)~~ (4) "Drawings" means the original documents produced to describe a project. Such original documents may be produced by computer assisted design and drafting software, commonly known as "CADD", or other means.

~~(4)~~ (5) "Dwellings" means private residences intended for permanent occupancy by one or more families but does not include apartment houses, lodging houses, hotels, or motels.

~~(5)~~ (6) (a) The "practice of architecture" means the performance of the professional services of planning and design of buildings, preparation

of construction contract documents including working drawings and specifications for the construction of buildings, and the observation of construction pursuant to an agreement between an architect and any other person, but does not include the performance of the construction of buildings.

(b) An architect's professional services, unless performed pursuant to the exemptions set forth in section ~~12-4-112~~ 12-25-303 by a person who is not an architect, may include any or all of the following:

(I) Investigations, evaluations, schematic and preliminary studies, designs, working drawings, and specifications for construction, or for one or more buildings, and for the space within and surrounding the buildings or structures;

(II) Coordination of the work of technical and special consultants;

(III) Compliance with generally applicable codes and regulations, and assistance in the governmental review process;

(IV) Technical assistance in the preparation of bid documents and agreements between clients and contractors;

(V) Contract administration; and

(VI) Construction observation.

~~(6)~~ (7) "Responsible control" means that amount of control over and detailed knowledge of the content of technical submissions as defined in section ~~12-4-110 (2) (c)~~ 12-25-304 (3) (c) during their preparation as is ordinarily exercised by a licensed architect applying the required standard of care.

12-25-303. [Formerly 12-4-112] Exemptions. (1) Nothing in this ~~article~~ PART 3 shall prevent any person, firm, corporation, or association from preparing plans and specifications for, designing, planning, or administering the construction contracts for construction, alterations, remodeling, additions to, or repair of, any of the following:

(a) One-, two-, three-, and four-family dwellings, including

accessory buildings commonly associated with such dwellings;

(b) Garages, industrial buildings, offices, farm buildings, and buildings for the marketing, storage, or processing of farm products, and warehouses, ~~which~~ THAT do not exceed one story in height, exclusive of a one-story basement, and, ~~which~~ under applicable building ~~code, or~~ codes, are not designed for occupancy by more than ten persons;

(c) Additions, alterations, or repairs to the ~~foregoing~~ buildings ~~which~~ REFERRED TO IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1) THAT do not cause the completed buildings to exceed the applicable limitations set forth in this subsection (1);

(d) Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

(2) Nothing in this ~~article~~ PART 3 shall prevent, prohibit, or limit any municipality or county of this state, home rule or otherwise, from adopting such building codes as may, in the reasonable exercise of the police power of said governmental unit, be necessary for the protection of the inhabitants of said municipality or county.

(3) Nothing in this ~~article~~ PART 3 shall be construed as curtailing or extending the rights of any other profession or craft.

(4) Nothing in this ~~article~~ PART 3 shall be construed as prohibiting the practice of architecture by any employee of the United States government or any bureau, division, or agency thereof while in the discharge of his OR HER official duties.

(5) Nothing in this ~~article~~ PART 3 shall be construed to prevent the independent employment of a licensed professional engineer practicing pursuant to part 1 of article 25 of this title.

(6) (a) Except as provided in paragraph (b) of this subsection (6), nothing in this ~~article~~ PART 3 shall be construed to prevent an interior designer from preparing interior design documents and specifications for interior finishes and nonstructural elements within and surrounding interior spaces of a building or structure of any size, height, and occupancy and filing such documents and specifications for the purpose of obtaining

approval for a building permit as provided by law from the appropriate city, city and county, or regional building authority, which may approve or reject any such filing in the same manner as for other professions.

(b) Interior designers shall not be engaged in the construction of the structural frame system supporting a building; mechanical, plumbing, heating, air conditioning, ventilation, OR electrical vertical transportation systems; fire-rated vertical shafts in any multi-story structure; fire-related protection of structural elements; smoke evacuation and compartmentalization; emergency sprinkler systems; emergency alarm systems; or any other alteration affecting the life safety of the occupants of a building. Any interior designer shall, as a condition of filing interior design documents and specifications for the purpose of obtaining approval for a building permit, provide to the responsible building official of the jurisdiction a current copy of the interior designer's professional liability insurance coverage that is in force. No interior designer shall be subject to any of the restrictions set forth in paragraphs (b) and (d) of subsection (1) of this section.

(c) As used in this subsection (6), "interior designer" means a person who:

(I) Engages in:

(A) Consultation, study, design analysis, drawing, space planning, and specification for nonstructural or nonseismic interior construction with due concern for the life safety of the occupants of the building;

(B) Preparing and filing interior design documents for the purpose of obtaining approval for a building permit as provided by law for nonstructural or nonseismic interior construction, materials, finishes, space planning, furnishings, fixtures, equipment, lighting, and reflected ceiling plans;

(C) Designing for fabrication nonstructural elements within and surrounding interior spaces of buildings; or

(D) The administration of design construction and contract documents, as the clients' agent, relating to the functions described in sub-subparagraphs (A) to (C) of this subparagraph (I), and collaboration

with specialty consultants and licensed practitioners in other areas of technical expertise; and

(II) Possesses written documentation that he or she:

(A) Has graduated with a degree in interior design from a college or university offering such program consisting of four or more years of study and has completed two years of interior design experience; or

(B) Has graduated with a degree in interior design from a college or university offering such program consisting of two or more years of study and has completed four years of interior design experience; and

(C) Has met the education and experience requirements of, and has subsequently passed, the qualification examination promulgated by the national council for interior design qualification or its successor organization.

(d) As used in this subsection (6), "nonstructural or nonseismic" includes interior elements or components that are not load-bearing or that do not assist in the seismic design and do not require design computations for a building's structure. Common nonstructural or nonseismic elements or components include, but are not limited to, ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

12-25-304. [Formerly 12-4-110 (1), (1.5), (2), and (4)] Forms of organizations permitted to practice - requirements. (1) Except as otherwise provided in this section, no firm, partnership, entity, or group of persons ~~may~~ SHALL be licensed to practice architecture; ~~but~~ EXCEPT THAT a partnership, entity, or group of persons may use the term "architects" in its business name if a majority of the INDIVIDUAL officers, and directors, or members or partners are EITHER licensed architects UNDER THIS PART 3 OR PERSONS WHO QUALIFY FOR A LICENSE BY ENDORSEMENT UNDER SECTION 12-25-314 (3).

~~(1.5)~~ (2) The practice of architecture by the following entities is permitted, subject to subsection ~~(2)~~ (3) of this section:

(a) A corporation that complies with the "Colorado Business

Corporation Act", articles 101 to 117 of title 7, C.R.S.;

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

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

~~(2)~~ (3) An entity listed in subsection ~~(1.5)~~ (2) of this section may practice architecture, but only if:

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

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

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

~~(d) (I) The articles of incorporation, operating agreement, or partnership agreement, as the case may be, of such entity provide and all shareholders, members, or partners of the entity agree that all shareholders, members, or partners of the entity are liable for all acts, errors, and omissions of the employees, members, and partners of the entity except during periods of time when the entity maintains in good standing professional liability insurance which meets the following minimum standards:~~

~~(A) The policy insures the entity against liability imposed upon it by law for damages arising out of the negligent acts, errors, and omissions of all professional and nonprofessional employees, members, and partners; and~~

~~(B) The insurance is in a policy amount of at least seventy-five thousand dollars multiplied by the number of architects, up to a maximum~~

~~of five hundred thousand dollars, or, if practicing with an entity composed of architects and professional engineers, by the number of architects and engineers, up to a maximum of five hundred thousand dollars.~~

~~(II) In addition, the policy may include:~~

~~(A) A provision that it shall not apply to: Any dishonest, fraudulent, criminal, or malicious act or omission of the insured entity or any stockholder, employee, member, or partner thereof; and the conduct of any business enterprise (as distinguished from the practice of architecture) engaged in by the insured entity or in which the insured entity may be a partner or which may be controlled, operated, or managed by the insured entity in its own or in a fiduciary capacity, including the ownership, maintenance, or use of any property in connection therewith, any bodily injury to, or sickness, disease, or death of, any person, or any injury to or destruction of any tangible property, including the loss of use thereof;~~

~~(B) Any other reasonable provisions with respect to policy periods, territory, claims, conditions, and other usual matters.~~

(4) (a) Nothing in this ~~article~~ PART 3 shall be construed as prohibiting THE FORMATION OF a corporation, limited liability company, registered limited liability partnership, joint venture, partnership, or association ~~between~~ CONSISTING OF one or several architects or corporations meeting the requirements of subsection ~~(2)~~ (3) of this section and one or several professional engineers, all duly licensed ~~or registered~~ under the respective provisions of the applicable laws of this state.

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

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

12-25-305. [Formerly 12-4-113 (1), (1.5), (2), and (2.5)] Unlawful practice - penalties - enforcement. (1) It is a class 3 misdemeanor for any person, including any corporation, association, or partnership, to:

(a) Sell or fraudulently obtain or furnish a license or renewal of a

license to practice architecture; or

(b) Engage in conduct ~~which~~ THAT is intended or reasonably might be expected to mislead the public into believing that such person is an architect; or

(c) Without having a license issued under this ~~article~~ PART 3:

(I) Advertise, represent, or hold himself OR HERSELF out in any manner as an architect unless practicing pursuant to section ~~12-4-112~~ 12-25-303 (4);

(II) Engage in the practice of architecture unless practicing pursuant to section ~~12-4-112~~ 12-25-303 (4) or, if a corporation or partnership or group of persons, practicing pursuant to section ~~12-4-110~~ 12-25-304;

(III) (Deleted by amendment, L. 98, p. 776, § 8, effective July 1, 1998.)

(IV) Engage in the practice of an architect as a corporation or partnership or group of persons unless such entity meets the requirements of section ~~12-4-110~~ 12-25-304.

(1.5) Nothing in this section shall prohibit a person who is licensed to practice architecture in another jurisdiction of the United States from soliciting work in Colorado. Such person shall not ~~perform the~~ practice ~~of~~ architecture in this state without first having obtained a license from the board or having associated with an architect licensed in this state who is associated with the project at all stages of the project.

(2) Such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed, or the attorney general of the state of Colorado, in the name of the people of the state of Colorado.

(3) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S ASSISTANT SHALL ACT AS LEGAL ADVISOR TO THE BOARD AND RENDER SUCH TIMELY LEGAL ASSISTANCE AS MAY BE NECESSARY IN CARRYING OUT THIS PART 3. WITH THE CONCURRENCE OF THE ATTORNEY GENERAL, THE BOARD MAY EMPLOY COUNSEL AND ASSISTANCE NECESSARY TO AID IN THE

ENFORCEMENT OF THIS PART 3, AND THE COMPENSATION AND EXPENSES THEREFOR SHALL BE PAID FROM THE FUNDS OF THE BOARD.

~~(2.5)~~ (4) (a) ~~If the board has reasonable cause to believe that any person is violating any provision of this section or any lawful rule or regulation issued under this section, in addition to all other actions provided for in this article and without prejudice thereto, the board or its designee may enter an order requiring such person to cease and desist from violating this section or such rule or regulation and, in addition, may request that an action be brought on relation of the people of the state of Colorado by the attorney general or by the district attorney of the district in which the violation is alleged to have occurred, to enjoin such person from engaging in or continuing such violation or from doing any act in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), THE LICENSEE OR PERSON ALLEGED TO HAVE ACTED WITHOUT A LICENSE MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 3 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(5) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PROVISION OF THIS PART 3, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 3, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE; BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID; OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (5) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY SUCH PERSON, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 3, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (5), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(6) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE; ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 3, ANY RULE PROMULGATED PURSUANT TO THIS PART 3, OR ANY ORDER ISSUED PURSUANT TO THIS PART 3; OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 3, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(7) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(8) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

12-25-306. Board - composition - appointments - terms. (1) TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD, AN ARCHITECT SHALL BE:

(a) A UNITED STATES CITIZEN AND A RESIDENT OF COLORADO FOR AT LEAST ONE YEAR; AND

(b) A LICENSED ARCHITECT IN THE STATE OF COLORADO AND HAVE PRACTICED ARCHITECTURE FOR AT LEAST THREE YEARS PRIOR TO THEIR APPOINTMENT.

(2) THE GOVERNOR, IN MAKING APPOINTMENTS OF ARCHITECTS TO

THE BOARD, SHALL ENDEAVOR TO SELECT THE MOST HIGHLY QUALIFIED MEMBERS OF THE PROFESSION WILLING TO SERVE ON THE BOARD. STAGGERED APPOINTMENTS SHALL BE MADE SO THAT NOT MORE THAN ONE MEMBER'S TERM EXPIRES IN ANY ONE YEAR, AND THEREAFTER APPOINTMENTS SHALL BE FOR TERMS OF FOUR YEARS EACH. APPOINTEES SHALL BE LIMITED TO TWO FULL TERMS EACH. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OR (4) OF THIS SECTION, EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF THE TERM FOR WHICH SUCH MEMBER IS APPOINTED OR UNTIL A SUCCESSOR HAS BEEN DULY APPOINTED, WHICHEVER OCCURS FIRST.

(3) IN THE EVENT OF AN ARCHITECTURE VACANCY ON THE BOARD DUE TO RESIGNATION, DEATH, OR ANY CAUSE RESULTING IN AN UNEXPIRED TERM, THE GOVERNOR SHALL FILL SUCH VACANCY PROMPTLY.

(4) THE GOVERNOR MAY REMOVE AN ARCHITECT MEMBER OF THE BOARD FOR OFFICIAL MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

12-25-307. [Formerly 12-4-104 (2) and (5)] Powers and duties of the board. ~~(2)~~ (1) The board is authorized to:

(a) Adopt such rules ~~and regulations~~ as may be necessary to implement ~~the provisions of~~ this ~~article~~ PART 3, including rules for disciplining licensed architects;

~~(b) Adopt a seal, of which the secretary shall have the care and custody;~~

~~(c)~~ (b) Examine and license duly qualified applicants, and renew the licenses of duly qualified architects;

~~(d)~~ (c) Conduct hearings upon complaints concerning the conduct of architects;

~~(e)~~ (d) Cause the prosecution of all persons violating this ~~article~~ PART 3 by the district attorney or by the attorney general pursuant to section ~~12-4-113~~ 12-25-305;

~~(f)~~ (e) Require every licensed architect to have a stamp as prescribed by the board.

~~(5)~~ (2) The board shall: ~~communicate annually in writing to all architects licensed pursuant to this article stating any changes in board rules or this title, making specific reference to any changes to licensing requirements enacted over the course of the previous year.~~

(a) KEEP A RECORD OF ITS PROCEEDINGS AND OF ALL APPLICATIONS FOR LICENSING OR CERTIFICATION UNDER THIS PART 3. THE APPLICATION RECORD FOR EACH APPLICANT SHALL INCLUDE:

(I) NAME, AGE, AND RESIDENCE OF THE APPLICANT;

(II) DATE OF APPLICATION;

(III) PLACE OF BUSINESS;

(IV) EDUCATION OF THE APPLICANT;

(V) ARCHITECTURE AND OTHER APPLICABLE EXPERIENCE OF THE APPLICANT;

(VI) TYPE OF EXAMINATION REQUIRED;

(VII) DATE AND TYPE OF ACTION BY THE BOARD; AND

(VIII) SUCH OTHER INFORMATION AS MAY BE DEEMED NECESSARY BY THE BOARD.

(b) MAKE AVAILABLE THROUGH PRINTED OR ELECTRONIC MEANS THE FOLLOWING:

(I) THE ARCHITECT STATUTES ADMINISTERED BY THE BOARD;

(II) A LIST OF THE NAMES AND ADDRESSES OF RECORD OF ALL CURRENTLY LICENSED ARCHITECTS;

(III) THE RULES OF CONDUCT FOR ARCHITECTS ADOPTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION; AND

(IV) THE RULES OF THE BOARD AND SUCH OTHER PERTINENT INFORMATION AS THE BOARD DEEMS NECESSARY.

12-25-308. [Formerly 12-4-111 (2), (2.5), (3) (b), (4), and (5)] Disciplinary actions - grounds for discipline. ~~(2)~~ (1) ~~Grounds for disciplinary action include:~~ THE BOARD MAY DENY, SUSPEND, REVOKE, OR REFUSE TO RENEW THE LICENSE OF, PLACE ON PROBATION, OR LIMIT THE SCOPE OF PRACTICE OF A LICENSEE FOR THE FOLLOWING:

(a) Fraud, misrepresentation, deceit, or material misstatement of fact in procuring or attempting to procure a license; ~~or~~

(b) Any act or omission ~~which~~ THAT fails to meet the generally accepted standards of the practice of architecture, as evidenced by conduct ~~which~~ THAT endangers life, health, property, or the public welfare; ~~or~~

~~(h)~~ (c) Conviction of, or pleading guilty OR NOLO CONTENDERE to, a felony in Colorado CONCERNING THE PRACTICE OF ARCHITECTURE or ~~to any~~ AN EQUIVALENT crime outside Colorado. ~~that would constitute a felony in Colorado.~~ A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea in any hearing under this ~~article; for the purposes of this paragraph (h), a plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction; however,~~ PART 3. The board shall be governed by ~~the provisions of~~ section 24-5-101, C.R.S., in considering such conviction or plea.

~~(e)~~ (d) Affixing a seal or allowing a seal to be affixed to any document of which the architect was neither the author nor in responsible control of preparation; ~~or~~

~~(f)~~ (e) Violation of, or aiding or abetting in the violation of, ~~the provisions of~~ this ~~article~~ PART 3 or any ~~adopted~~ rule ~~or regulation~~ promulgated by the board in conformance with ~~the provisions of~~ this ~~article~~ PART 3 or any order of the board issued in conformance with ~~the provisions of~~ this ~~article; or~~ PART 3;

~~(i)~~ (f) Use of false, deceptive, or misleading advertising; ~~or~~

~~(o)~~ (g) Performing services beyond one's competency, training, or education;

~~(n)~~ (h) Failure to render adequate professional control of persons

practicing architecture under the responsible control of a licensed architect; ~~or~~

~~(j)~~ (i) Habitual intemperance with respect to, or excessive use of, any habit-forming drug, any controlled substance as defined in section 12-22-303 (7), or any alcoholic beverage, any of which renders him OR HER unfit to practice architecture; ~~or~~

~~(k)~~ (j) Any use of a schedule I controlled substance, as defined in section 18-18-203, C.R.S.; ~~or~~

(k) VIOLATION OF THE NOTIFICATION REQUIREMENTS IN SECTION 12-25-312;

(l) FAILURE TO PAY A FINE ASSESSED UNDER THIS PART 3;

~~(l)~~ (m) Failure to report to the board any architect known to have violated any provision of this article or any board order or rule or regulation; ~~or~~

~~(d)~~ (n) Fraud or deceit in the practice of architecture; ~~or~~

~~(e)~~ (o) Mental incompetency; or

~~(m)~~ (p) Making or offering to make any gift (other than a gift of nominal value such as reasonable entertainment or hospitality), donation, payment, or other valuable consideration to influence a prospective or existing client or employer regarding the employment of the architect; except that nothing in this paragraph ~~(m)~~ (p) shall restrict an employer's ability to reward an employee for work obtained or performed. ~~or~~

~~(g) (Deleted by amendment, L. 88, p. 466, § 7, effective July 1, 1988.)~~

~~(3) (b) (I)~~ (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

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

~~(III)~~ (c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

~~(2.5)~~ (3) Any disciplinary action in another state or jurisdiction on grounds substantially similar to those that would constitute a violation under this ~~article~~ PART 3 shall be prima facie evidence of grounds for disciplinary action, including denial of licensure, under this section.

~~(5)~~ (4) (a) In addition to the penalties provided for in subsection ~~(3)~~ (2) of this section, any person violating any provision of this ~~article~~ PART 3 or any standards or rules ~~or regulations~~ promulgated pursuant to this ~~article~~ PART 3 may be punished upon a finding of misconduct by the board, made pursuant to article 4 of title 24, C.R.S. In an administrative proceeding against a licensee, the board may impose a fine of not more than five thousand dollars.

(b) All fines collected pursuant to this section shall be transferred to the state treasurer, who shall credit such moneys to the general fund.

~~(4)~~ (5) If, as a result of a proceeding held pursuant to article 4 of title 24, C.R.S., the board determines that a person licensed to practice architecture pursuant to this ~~article~~ PART 3 has acted in such a manner as to be subject to disciplinary action, the board may, in lieu of or in addition to other forms of disciplinary action that may be authorized by this section, require a licensee to take courses of training or education relating to his OR HER profession. The board shall determine the conditions ~~which~~ THAT may be imposed on such licensee, including, but not limited to, the type and number of hours of training or education. All training or education courses are subject to approval by the board, and the licensee shall be required to furnish satisfactory proof of completion of any such training or education.

12-25-309. [Formerly 12-4-104 (3), 12-4-111 (1) and (8), and 12-4-113 (3)] Disciplinary proceedings - injunctions. (1) **[Formerly**

12-4-111 (1)] The board upon its own motion may, and upon the receipt of a signed complaint in writing from any person shall, investigate the activities of any licensee or other person ~~which~~ THAT present grounds for disciplinary action as specified in this ~~article~~ PART 3.

(2) DISCIPLINARY HEARINGS SHALL BE CONDUCTED BY THE BOARD OR BY AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., AND SHALL BE HELD IN THE MANNER PRESCRIBED IN ARTICLE 4 OF TITLE 24, C.R.S.

(3) **[Formerly 12-4-104 (3)]** (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. ~~The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.~~

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(4) **[Formerly 12-4-113 (3)]** The board may, in the name of the people of the state of Colorado, through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act declared to be a misdemeanor by this ~~article~~ PART 3. In order to obtain such injunction the board need not prove irreparable injury.

(5) THE COURT OF APPEALS SHALL HAVE INITIAL JURISDICTION TO REVIEW ALL FINAL ACTIONS AND ORDERS OF THE BOARD THAT ARE SUBJECT

TO JUDICIAL REVIEW. SUCH PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S.

(6) **[Formerly 12-4-111 (8)]** When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

12-25-309.5. [Formerly 12-4-111 (6)] Reconsideration and review of board actions. The board, on its own motion or upon application, at any time after the imposition of any discipline as provided in this section, may reconsider its prior action and reinstate or restore such license or terminate probation or reduce the severity of its prior disciplinary action. The taking of any such further action, or the holding of a hearing with respect thereto, shall rest in the sole discretion of the board.

12-25-310. [Formerly 12-4-107 (1) and 12-4-111 (7)] Application for licensing. (1) **[Formerly 12-4-107 (1)]** An applicant shall submit an application that includes evidence of education and practical experience as required by ~~this~~ section 12-25-314 and the rules ~~and regulations~~ of the board. Such application shall also include a signed statement that the applicant has never been denied licensure as an architect or been disciplined with regard to the practice of architecture or practiced architecture in violation of the law. If the board determines that ~~any~~ AN applicant has committed any of the acts specified as grounds for discipline under section ~~12-4-111 (2)~~ 12-25-308 (1), it may deny an application for examination or licensure. ~~In making such a determination, the board shall be governed by the provisions of section 24-5-101, C.R.S.~~ If the applicant has not complied with ~~the provisions of section 12-4-111 (7)~~ SUBSECTION (3) OF THIS SECTION, the board shall deny an application for examination or licensure.

(2) WHEN THE BOARD IS REVIEWING OR CONSIDERING CONVICTION OF A CRIME, IT SHALL BE GOVERNED BY SECTION 24-5-101, C.R.S.

(3) **[Formerly 12-4-111 (7)]** No licensee whose license is revoked shall be allowed to apply for licensure earlier than two years after the effective date of the revocation.

12-25-311. Professional liability. (1) THE SHAREHOLDERS, MEMBERS, OR PARTNERS OF AN ENTITY THAT PRACTICES ARCHITECTURE ARE

LIABLE FOR THE ACTS, ERRORS, AND OMISSIONS OF THE EMPLOYEES, MEMBERS, AND PARTNERS OF THE ENTITY EXCEPT WHEN THE ENTITY MAINTAINS A QUALIFYING POLICY OF PROFESSIONAL LIABILITY INSURANCE AS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

(2) (a) A QUALIFYING POLICY OF PROFESSIONAL LIABILITY INSURANCE SHALL MEET THE FOLLOWING MINIMUM STANDARDS:

(I) THE POLICY INSURES THE ENTITY AGAINST LIABILITY IMPOSED UPON IT BY LAW FOR DAMAGES ARISING OUT OF THE NEGLIGENT ACTS, ERRORS, AND OMISSIONS OF ALL PROFESSIONAL AND NONPROFESSIONAL EMPLOYEES, MEMBERS, AND PARTNERS; AND

(II) THE INSURANCE IS IN A POLICY AMOUNT OF AT LEAST SEVENTY-FIVE THOUSAND DOLLARS MULTIPLIED BY THE TOTAL NUMBER OF ARCHITECTS AND ENGINEERS IN OR EMPLOYED BY THE ENTITY, UP TO A MAXIMUM OF FIVE HUNDRED THOUSAND DOLLARS.

(b) IN ADDITION, THE POLICY MAY INCLUDE:

(I) A PROVISION THAT IT SHALL NOT APPLY TO THE FOLLOWING:

(A) A DISHONEST, FRAUDULENT, CRIMINAL, OR MALICIOUS ACT OR OMISSION OF THE INSURED ENTITY OR ANY STOCKHOLDER, EMPLOYEE, MEMBER, OR PARTNER;

(B) THE CONDUCT OF A BUSINESS ENTERPRISE THAT IS NOT THE PRACTICE OF ARCHITECTURE BY THE INSURED ENTITY;

(C) THE CONDUCT OF A BUSINESS ENTERPRISE IN WHICH THE INSURED ENTITY MAY BE A PARTNER OR THAT MAY BE CONTROLLED, OPERATED, OR MANAGED BY THE INSURED ENTITY IN ITS OWN OR IN A FIDUCIARY CAPACITY, INCLUDING, BUT NOT LIMITED TO, THE OWNERSHIP, MAINTENANCE, OR USE OF PROPERTY;

(D) BODILY INJURY, SICKNESS, DISEASE, OR DEATH OF A PERSON; OR

(E) DAMAGE TO, OR DESTRUCTION OF, TANGIBLE PROPERTY OWNED BY THE INSURED ENTITY.

(II) ANY OTHER REASONABLE PROVISIONS WITH RESPECT TO POLICY PERIODS, TERRITORY, CLAIMS, CONDITIONS, AND MINISTERIAL MATTERS.

12-25-312. [Formerly 12-4-117] Notification to board. Each architect shall notify the board of any ~~action or arbitration in which claims regarding~~ JUDGMENT OR SETTLEMENT INVOLVING THE ARCHITECT AND RESULTING FROM A CLAIM CONCERNING the life safety of the occupants of ~~the~~ A building. ~~are made. Such notification shall be made~~ THE ARCHITECT SHALL NOTIFY THE BOARD within ~~ninety~~ SIXTY days ~~of notice to the architect of such action or arbitration~~ AFTER THE JUDGMENT OR SETTLEMENT.

12-25-313. Eligibility for architect. TO BE ELIGIBLE FOR LICENSING AS AN ARCHITECT, AN APPLICANT SHALL PROVIDE DOCUMENTATION OF TECHNICAL COMPETENCE.

12-25-314. [Formerly 12-4-107 (2), (3), and (5)] Qualifications for architect licensure. ~~(2)~~ (1) The board shall set minimum educational and experience requirements for applicants within the following guidelines:

(a) The board may require:

(I) No more than three years of practical experience under the direct supervision of a licensed architect or an architect exempt under the provisions of section ~~12-4-112~~ 12-25-303 (4) and either:

(A) A professional degree from a program accredited by the national architectural accrediting board OR ITS SUCCESSOR; or

(B) Substantially equivalent education or experience approved by the board, with the board requiring no more than five years of such education and experience; or

(II) No more than ten years of practical experience under the direct supervision of a licensed architect or an architect exempt under the provisions of section ~~12-4-112~~ 12-25-303 (4); or

(III) A combination of such practical experience and education, which combination shall not exceed ten years.

(b) Up to one year of the required experience may be in on-site

building construction operations, physical analyses of existing buildings, or teaching or research in a program accredited by the national architectural accreditation board OR ITS SUCCESSOR.

(c) Full credit shall be given for education obtained in four-year baccalaureate programs in architecture or environmental design.

~~(3)~~ (2) (a) An applicant shall pass an examination or examinations developed or adopted by the board. The board shall ensure that the passing score for any examination is set to measure the level of minimum competency.

(b) ~~Beginning January 1, 1995,~~ The examination shall be given at least twice a year. The board shall designate a time and location for examinations and SHALL notify applicants of this time and location in a timely fashion and, as necessary, may contract for assistance in administering the examination.

~~(c) (Deleted by amendment, L. 91, p. 1671, § 1, effective July 1, 1991.)~~

~~(5)~~ (3) An applicant for licensure by endorsement ~~must~~ SHALL hold a license in good standing in a jurisdiction requiring qualifications substantially equivalent to those currently required for licensure by examination as provided in SECTION 12-25-310 (1) AND subsections ~~(1), (2), and (3)~~ (1) AND (2) of this section and ~~must~~ SHALL file an application as prescribed by the board. The board shall provide procedures for an applicant to apply directly to the board. The board may also provide an alternative application procedure so that an applicant may, at his OR HER option, instead apply to a national clearinghouse designated by the board. ~~such as the national council of architectural registration boards; such~~ THE national clearinghouse shall then forward the application to the board.

12-25-315. [Formerly 12-4-107 (6) and 12-4-108 (1) and (2)] Licenses. (1) **[Formerly 12-4-107 (6)]** The board shall issue a license whenever an applicant for a license to practice architecture in Colorado successfully qualifies for such license as provided in this ~~article~~ PART 3.

(2) **[Formerly 12-4-108 (1)]** An architect may renew a license by paying to the board the license renewal fee established pursuant to section

24-34-105, C.R.S., and the board shall then issue a certificate of renewal.

(3) **[Formerly 12-4-108 (2)]** The license of any architect shall be renewed or reinstated pursuant to a schedule established by the director of the division of registrations within the department of regulatory agencies and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The director of the division of registrations within the department of regulatory agencies may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of registrations, such license shall expire. Any person whose license has expired shall be subject to the penalties provided in this ~~article~~ PART 3 or section 24-34-102 (8), C.R.S.

12-25-316. [Formerly 12-4-105] Disposition of fees - expenses of board. (1) All moneys collected under this ~~article~~ PART 3, except as provided in section ~~12-4-111 (5)~~ 12-25-308 (4), shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for expenditures of the board.

(2) The ~~division~~ director OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES may employ such technical, clerical, investigative, or other assistance as is necessary for the proper performance of the board's work, subject to ~~the provisions of~~ section 13 of article XII of the state constitution, and may make expenditures for any purpose ~~which~~ THAT is reasonably necessary for the proper performance of the board's duties under this ~~article~~ PART 3.

(3) The board may charge fees for licensure by examination, reexamination, ~~reciprocity~~ ENDORSEMENT, and recertification. THE BOARD MAY ALSO CHARGE FEES FOR REPLACEMENT OF A LICENSE CERTIFICATE and for the renewal and reinstatement of a license.

12-25-317. [Formerly 12-4-115 (1) and 12-4-116] Architect's stamp - record set of drawings. (1) **[Formerly 12-4-116]** The use of an architect's stamp shall be subject to the following:

(a) The stamp, signature of the architect whose name appears on the stamp, and date of the signature of such architect shall be placed on

~~reproductions of~~ drawings to establish a record set of ~~contract documents~~ DRAWINGS. A RECORD SET SHALL NOT BE REPRODUCED. ~~The~~ A record set shall be prominently identified and shall be for the permanent record of the architect, the project owner, and the regulatory authorities who have jurisdiction over the project. THIS SECTION SHALL NOT PROHIBIT THE CREATION OF MULTIPLE RECORD SETS.

(b) The stamp and the date the document is stamped shall be placed on ~~each reproduction of~~ drawings prepared under the direct supervision of the architect and on the cover, title page, and table of contents of specifications. Subsequent issues of addenda, revisions, clarifications, or other modifications shall be properly identified and dated for the record set. Where consultant drawings and specifications are incorporated into the record set, they shall be clearly identified by consultant stamps or other means and dated in accordance with law to distinguish proper reference to origination.

(c) Except as required for compliance with a federal contract, the stamp shall not be placed on reproducible drawings ~~which are~~ used for multiple copies or on reproducible drawings ~~which~~ THAT are transferred away from the architect's possession and supervision.

(d) ~~The~~ A STAMPED record set WITH AN ORIGINAL SIGNATURE SHALL BE retained in possession of the architect AND shall be held for a minimum of three years following beneficial occupancy or beneficial use of the project by the owner or occupant.

(e) One original document may be stamped, signed, and dated pursuant to the requirements of federal government contracts.

(2) **[Formerly 12-4-115 (1)]** No person preparing plans and specifications for or construction contracts for the administration of any alteration, remodeling, or repair of any building shall use the title "architect" unless such person has been licensed as an architect pursuant to this ~~article~~ PART 3.

12-25-318. [Formerly 12-4-104.5] Immunity. Any member of the board, any member of the board's staff, any person acting as a witness or consultant to the board, any witness testifying in a proceeding authorized under this ~~article~~ PART 3, and any person who lodges a complaint pursuant

to this ~~article~~ PART 3 shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as board member, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. ~~Any~~ A person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this ~~article~~ PART 3 shall be immune from any civil or criminal liability that may result from such participation.

12-25-319. [Formerly 12-4-109] Previous licenses - prior actions. Any person holding a valid license to practice architecture in Colorado before July 1, ~~1986~~ 2006, shall be licensed under ~~the provisions of~~ this ~~article without further application by said person~~ PART 3. All official actions of the STATE board OF EXAMINERS OF ARCHITECTS made or taken before July 1, ~~1986~~ 2006, are expressly ratified.

SECTION 16. Repeal. 12-25-109 (2), Colorado Revised Statutes, is repealed as follows:

12-25-109. Disciplinary proceedings - injunctive relief procedure. (2) ~~Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until dismissed or until notice of hearing and charges are served on a professional engineer or an engineer-intern or until final agency action is otherwise taken by the board. The board's records and papers shall be subject to the provisions of sections 24-72-203 and 24-72-204, C.R.S., regarding public records and confidentiality.~~

SECTION 17. Repeal. 12-25-209 (2), Colorado Revised Statutes, is repealed as follows:

12-25-209. Disciplinary proceedings - injunctive relief procedure. (2) ~~Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until dismissed or until notice of hearing and charges are served on a professional land surveyor or land surveyor-intern or until final agency action is otherwise taken by the board. The board's records and papers shall be subject to the provisions of sections 24-72-203 and 24-72-204, C.R.S.,~~

~~regarding public records and confidentiality.~~

SECTION 18. 12-25-103 (1) (j), Colorado Revised Statutes, is amended to read:

12-25-103. Exemptions. (1) This part 1 shall not be construed to affect any of the following:

(j) Individuals who practice architecture as defined in section ~~12-4-102 (5)~~ 12-25-302 (6); or

SECTION 19. 13-4-102 (2) (c) and (2) (r), Colorado Revised Statutes, are amended to read:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

(c) ~~Review all final actions and orders appropriate for judicial review of the state board of licensure for professional engineers and professional land surveyors as provided in article 25 of title 12, C.R.S.;~~

(r) Review all final actions and orders appropriate for judicial review of the ~~Colorado~~ state board of ~~examiners of architects~~ LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS, as provided in section ~~12-4-114~~ 12-25-309 (5), C.R.S.;

SECTION 20. 13-21-108.3 (1), Colorado Revised Statutes, is amended to read:

13-21-108.3. Architects, professional engineers, and professional land surveyors rendering assistance during emergency or disaster - qualified immunity from civil liability. (1) An architect licensed pursuant to ~~article 4~~ PART 3 OF ARTICLE 25 of title 12, C.R.S., ~~or~~ a professional engineer licensed pursuant to PART 1 OF article 25 of title 12, C.R.S., OR A PROFESSIONAL LAND SURVEYOR LICENSED PURSUANT TO PART 2 OF ARTICLE 25 OF TITLE 12, C.R.S., who voluntarily and without compensation provides architectural, ~~or~~ engineering, OR SURVEYING services, respectively, at the scene of an emergency shall not be liable for any personal injury, wrongful death, property damage, or other loss caused by an act or omission of such architect, ~~or~~ engineer, OR SURVEYOR in

performing such services.

SECTION 21. 24-30-1402 (3.5) and (6) (a), Colorado Revised Statutes, are amended to read:

24-30-1402. Definitions. As used in this part 14, unless the context otherwise requires:

(3.5) "Practice of industrial hygiene" means the performance of professional services, including but not limited to consulting, investigating, sampling, or testing in connection with the anticipation, recognition, evaluation, and control of those environmental factors or stresses arising in or from the workplace that may cause sickness, impaired health, or significant discomfort to workers or the public. "Practice of industrial hygiene" includes but is not limited to the identification, sampling, and testing of chemical, physical, biological, and ergonomic stresses and the development of physical, administrative, personal protective equipment, and training methods to prevent, eliminate, control, or reduce such factors and stresses and their effects. The term does not include the practice of architecture, as defined in section ~~12-4-102 (5)~~ 12-25-302 (6), C.R.S., or the practice of engineering, as defined in section 12-25-102 (10), C.R.S.

(6) "Professional services" means those services within the scope of the following:

(a) The practice of architecture, as defined in section ~~12-4-102 (5)~~ 12-25-302 (6), C.R.S.;

SECTION 22. 24-31-101 (1) (f), Colorado Revised Statutes, is amended to read:

24-31-101. Powers and duties of attorney general. (1) (f) The attorney general shall have concurrent original jurisdiction with the relevant district attorney over ~~article 4~~ PART 3 OF ARTICLE 25 of title 12, C.R.S.

SECTION 23. 30-28-205 (3), Colorado Revised Statutes, is amended to read:

30-28-205. County building inspector - permit required - appeal. (3) The county building inspector shall not issue any permit unless the

plans and specifications for such proposed erection, construction, reconstruction, alteration, or remodeling conform to the regulations and restrictions in said building code. All such proposed erection, construction, reconstruction, alteration, or remodeling shall bear the seal of an architect or engineer licensed by the state of Colorado, unless the preparation of plans and specification is exempted by section ~~12-4-112~~ 12-25-303, C.R.S. Such plans and specifications prepared by architectural or engineering subdisciplines shall be so designated and shall bear the seal and signature of the architect or engineer for that subdiscipline.

SECTION 24. Repeal. Article 4 of title 12, Colorado Revised Statutes, is repealed.

SECTION 25. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2)(b)(I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2006, the sum of two thousand five hundred forty-two dollars ($2,542), or so much thereof as may be necessary, for the implementation of this act.

SECTION 26. Effective date. This act shall take effect July 1, 2006.

SECTION 27. 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.

Andrew Romanoff SPEAKER OF THE HOUSE OF REPRESENTATIVES	Joan Fitz-Gerald PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Karen Goldman SECRETARY OF THE SENATE

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO