
Colorado Revised Statutes 2021
TITLE 12
PROFESSIONS AND OCCUPATIONS

ARTICLE 120: ENGINEERS, SURVEYORS AND ARCHITECTS

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019, resulting in the addition, relocation, or elimination of sections as well as subject matter. For amendments to this title 12 prior to 2019, consult the 2018 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index or <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-table.pdf>.

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

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ARTICLE 120
Engineers, Surveyors, and Architects

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019. This article 120 was numbered as article 25 of this title 12 prior to 2019. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index or <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-table.pdf>.

Cross references: For the responsibilities of engineers and architects concerning the obtaining of underground facilities information prior to excavation, see § 9-1.5-103; for the statute of limitations for actions against engineers and architects, see § 13-80-104; for the statute of limitations for actions against land surveyors, see § 13-80-105; for provisions regarding geology and the definition of "professional geologist", see part 2 of article 41 of title 23; for surveys and boundaries, see articles 50 to 53 of title 38; for public policy concerning accurate land boundaries and public records relating thereto, see § 38-53-101.

PART 1
GENERAL PROVISIONS

12-120-101. Applicability of common provisions. Articles 1 and 20 of this title 12 apply, according to their terms, to this article 120.

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

12-120-102. Definitions. As used in this article 120, unless the context otherwise requires:

(1) "Board" means the state board of licensure for architects, professional engineers, and professional land surveyors, created in section 12-120-103.

(2) "Surveyor quorum of the board" means not less than the three professional land surveyor members of the board and one of the nonengineering, non-land surveyor members of the board.

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

Editor's note: Subsection (1) is similar to former §§ 12-25-102 (1), 12-25-202 (1.5), and 12-25-302 (2); and subsection (2) is similar to former § 12-25-202 (12), as those sections existed prior to 2019.

12-120-103. State board of licensure for architects, professional engineers, and professional land surveyors - creation - composition - appointment of members - terms - meetings - program director and staff - subject to review - repeal of article. (1) **Board creation.** 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 article 120, including the duties and powers specified in section 12-120-104.

(2) **Sunset.** This article 120 is repealed, effective September 1, 2024. Before the repeal, this article 120 is scheduled for review in accordance with section 24-34-104.

(3) **Board composition.** The board shall consist of 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 three members shall be citizens of the United States and residents of this state for at least one year who have not practiced architecture, engineering, or land surveying.

(4) (a) **Professional engineer members.** Each professional engineer member of the board shall be a citizen of the United States and a resident of this state for at least one year and shall have been licensed as a professional engineer and practicing as such for at least five years.

(b) **Professional land surveyor members.** (I) A professional land surveyor who is a member of the board shall be a citizen of the United States and a resident of Colorado for at least one year.

(II) A professional land surveyor who is designated as a land surveyor member of the board shall have been licensed as a land surveyor for at least five years.

(III) Notwithstanding subsection (6) of this section, the board shall have a surveyor quorum of the board. The surveyor quorum shall advise the board concerning issues relating to land surveyors. The surveyor quorum of the board shall elect or appoint annually a chair, a vice-chair, and a secretary.

(c) **Architect members.** To be eligible for membership on the board, an architect shall be:

(I) A United States citizen and a resident of Colorado for at least one year; and

(II) A licensed architect in the state of Colorado and have practiced architecture for at least three years prior to the appointment.

(5) **Governor appointments.** (a) Appointments to the board shall be made by the governor and shall be made to provide for staggering of terms of members so that not more than three members' terms expire each year. Thereafter appointments shall be for terms of four years. Each board member shall hold office until the expiration of the term for which the member is appointed or until a successor has been duly appointed and qualified. Appointees shall be limited

to two full terms. The governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

(b) **Appointments of professional land surveyor members.** (I) The governor, in making appointments of professional land surveyors to the board, shall endeavor to select the highest qualified members of the profession willing to serve on the board. Staggered appointments shall be made so that not more than one professional land surveyor member's term expires in any one year, and thereafter appointments shall be for terms of four years each.

(II) In the event of a professional land surveyor vacancy on the board due to resignation, death, or any cause resulting in an unexpired term, the governor shall fill the vacancy promptly to allow the surveyor quorum of the board to function.

(c) **Appointments of architect members.** (I) 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.

(II) 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.

(d) **Certificate of appointment.** Each appointee shall receive a certificate of appointment from the governor.

(6) The board shall hold at least six regular meetings each year. Special meetings shall be held at such times as the bylaws of the board may provide. The board shall elect annually a chair, a vice-chair, and a secretary. A quorum of the board shall consist of not less than seven members.

(7) The director of the division shall appoint a program director for the board and such other personnel as are deemed necessary for the board to perform its statutory duties, pursuant to section 13 of article XII of the state constitution.

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

Editor's note: Subsection (1) is similar to former § 12-25-106 (1); subsection (2) is similar to former § 12-25-106 (2); subsection (3) is similar to former § 12-25-106 (3); subsection (4)(a) is similar to former § 12-25-106 (4); subsection (4)(b)(I) is similar to former § 12-25-206 (1); subsection (4)(b)(II) is similar to former § 12-25-206 (2); subsection (4)(b)(III) is similar to former § 12-25-206 (3); subsection (4)(c) is similar to former § 12-25-306 (1); subsection (5)(a) is similar to former § 12-25-106 (5); subsection (5)(b)(I) is similar to former § 12-25-206 (4); subsection (5)(b)(II) is similar to former § 12-25-206 (5); subsection (5)(c)(I) is similar to former § 12-25-306 (2); subsection (5)(c)(II) is similar to former § 12-25-306 (3); subsection (5)(d) is similar to former § 12-25-106 (6); subsection (6) is similar to former § 12-25-107 (1)(i); and subsection (7) is similar to former § 12-25-106 (7), as those sections existed prior to 2019.

12-120-104. Powers and duties of the board and division. (1) General powers and duties. In order to carry into effect the provisions of this article 120, the board shall:

(a) Adopt rules pursuant to section 12-20-204;

(b) In addition to rules adopted pursuant to section 12-20-204, adopt:

(I) Rules for disciplining licensed architects; and

(II) Rules of professional conduct for professional engineers, professional land surveyors, and architects under the provisions of section 24-4-103. The rules of professional conduct for professional engineers shall be published, and such publication shall constitute due notice to all professional engineers.

(c) Keep a record of its proceedings and of all applications for licensing under this article 120. The application record for each applicant shall include:

(I) Name, age, and residence of the applicant;

(II) Date of application;

(III) Place of business of the applicant;

(IV) Education of the applicant;

(V) (A) For an applicant for an engineering license, the applicant's engineering experience;

(B) For an applicant for a land surveyor license, the applicant's surveying and other applicable experience;

(C) For an applicant for an architect license, the applicant's architecture and other applicable experience;

(VI) For land surveyor and architect applicants, the type of examination required;

(VII) Date and type of action taken by the board; and

(VIII) Such other information as may be deemed necessary by the board.

(d) Make available through printed or electronic means the following:

(I) Statutes administered by the board for each of the professions regulated under this article 120;

(II) A list of the names and addresses of record of all currently licensed professional engineers, professional land surveyors, and architects;

(III) Rules of the board;

(IV) Such other pertinent information as the board deems necessary; and

(V) The rules of professional conduct adopted pursuant to subsection (1)(b)(II) of this section; and

(e) Adopt and have an official seal.

(2) **Board powers and duties regarding professional engineers.** For purposes of administering part 2 of this article 120 pertaining to the regulation of professional engineers, the board shall:

(a) Provide information to the public regarding the requirements for compliance with part 2 of this article 120;

(b) Provide for examinations of professional engineer license applicants in the "fundamentals of engineering" and the "principles and practice of engineering". Examinations

shall be given as often as practicable. The board shall ensure that the passing score for any examination is set to measure the level of minimum competency. An applicant who fails to pass the prescribed examination may be reexamined.

(c) Participate in the affairs of the National Council of Examiners for Engineering and Surveying and send a minimum of one delegate to the national meeting annually.

(3) **Board powers and duties regarding professional land surveyors.** For purposes of administering part 3 of this article 120 pertaining to the regulation of professional land surveyors, the board shall:

(a) Require each applicant for professional land surveyor licensing to demonstrate competence by means of examination and education and may require work examples as it deems necessary and sufficient for licensing; and

(b) Provide for and administer examinations to applicants for professional land surveyor licensing to be given as often as practicable. Examinations must be identified only by numbers and anonymously graded. After reviewing and approving the examination results, the board shall record and communicate each examinee's examination results to the examinee. The board shall ensure that the passing score on surveying examinations is set to measure the level of minimum competency. The board shall publish and make available to interested applicants a list of the subjects included in the surveying examinations that are developed by the board, which subjects must be consistent with and related to the various aspects of surveying.

(4) **Board powers and duties regarding architects.** For purposes of administering part 4 of this article 120 pertaining to the regulation of architects, the board is authorized to:

(a) Examine and license duly qualified applicants for architect licensure, and renew the licenses of duly qualified architects;

(b) Conduct hearings upon complaints concerning the conduct of architects;

(c) Cause the prosecution of all persons violating part 4 of this article 120 by the district attorney or by the attorney general pursuant to section 12-20-405 (4); and

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

(5) **Division to employ investigators.** The division may employ at least one investigator qualified to investigate complaints relative to the provisions of part 2 of this article 120 and at least one investigator to investigate complaints relative to the provisions of part 3 of this article 120.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 872, § 1, effective October 1.

Editor's note: This section is similar to former §§ 12-25-107, 12-25-207, and 12-25-307 as they existed prior to 2019; except that § 12-25-107 (1)(i) was relocated to § 12-120-103 (6).

12-120-105. 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 and land surveyors shall continue their licensure as professional engineers, professional land surveyors, and architects, respectively.

(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 and land surveyors shall continue their licensure as professional engineers or land surveyors, as applicable, and any obligations of the board or of persons to the board shall not be affected by the name change.

(3) Any person holding a valid license to practice architecture in Colorado before July 1, 2006, shall be licensed under part 4 of this article 120. All official actions of the state board of examiners of architects made or taken before July 1, 2006, are expressly ratified.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 875, § 1, effective October 1.

Editor's note: Subsection (1) is similar to former §§ 12-25-119 (1) and 12-25-219 (1); subsection (2) is similar to former §§ 12-25-119 (2) and 12-25-219 (2); and subsection (3) is similar to former § 12-25-319, as those sections existed prior to 2019.

PART 2

ENGINEERS

12-120-201. 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 12-120-103; 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 the professional engineer's own and is nontransferable.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 876, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-101 as it existed prior to 2019.

12-120-202. Definitions. As used in this part 2, unless the context otherwise requires:
(1) "Certificate" means the media issued by the board to evidence licensing of a professional engineer.

(2) "Engineer" means a person who, by reason of intensive preparation in the use of mathematics, chemistry, physics, and engineering sciences, including the principles and methods of engineering analysis and design, is qualified to perform engineering work as defined in this part 2.

(3) "Engineering" means analysis or design work requiring intensive preparation and experience in the use of mathematics, chemistry, and physics and the engineering sciences.

(4) "Engineering experience", in addition to the practice of engineering, may include:

(a) Up to four years of undergraduate engineering study, as approved by the board, in mathematics, basic science, engineering science, engineering design, and engineering practice;

(b) Up to two years of graduate engineering study as approved by the board if the study results in the award of an advanced degree;

(c) Teaching at the instructor level, or at a higher level, of courses in engineering science, design, or engineering practice at a college or university offering an engineering curriculum of four or more years that is approved by the board or at a college offering courses transferable to a board-approved college. This experience must result from a full-time position in teaching or teaching and research.

(d) Engineering research, including that performed by a teacher at the instructor level or at a higher level. The research done by the teacher must be part of the teacher's assigned duties in a full-time position in teaching and research.

(5) "Engineer-intern" means a person who has complied with the requirements of sections 12-120-210 and 12-120-211 and is duly enrolled as an "engineer-intern".

(6) (a) "Practice of engineering" means the performance for others of any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical and engineering sciences to such professional services or creative work, including consultation, investigation, evaluation, planning, design, and the observation of construction to evaluate compliance with plans and specifications in connection with the utilization of the forces, energies, and materials of nature in the development, production, and functioning of engineering processes, apparatus, machines, equipment, facilities, structures, buildings, works, or utilities, or any combination or aggregations thereof, employed in or devoted to public or private enterprise or uses.

(b) An individual practices or offers to practice "professional engineering" within the meaning and intent of this section if the individual, by oral claim, sign, advertisement, letterhead, card, or in any other way, represents himself or herself to be a professional engineer, through the use of any other means implies that the individual is licensed under this part 2, or performs engineering services.

(7) "Professional engineer" means an engineer duly licensed pursuant to this part 2.

(8) "Responsible charge" means personal responsibility for the control and direction of engineering work within a professional engineer's scope of competence. Experience may only be classified as "responsible charge" if the engineer is licensed pursuant to this part 2, unless the work involves an activity exempted pursuant to section 12-120-203.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 876, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-102 as it existed prior to 2019; except that § 12-25-102 (1) was relocated to § 12-120-102 (1).

12-120-203. Exemptions. (1) This part 2 does not affect any of the following:

- (a) Individuals who normally operate and maintain machinery or equipment;
- (b) Individuals who perform engineering services for themselves;
- (c) Partnerships, professional associations, joint stock companies, limited liability companies, or corporations, or the employees of any such organizations, who perform engineering services for themselves or their affiliates;
- (d) Individuals who perform engineering services under the responsible charge of a professional engineer;
- (e) Work of a strictly agricultural nature that is not required to be of public record;
- (f) Professional land surveying as defined in section 12-120-302 (5);
- (g) Individuals who are employed by and perform engineering services solely for a county, city and county, or municipality;
- (h) Individuals who are employed by and perform engineering services solely for the federal government;
- (i) Individuals who practice architecture as defined in section 12-120-402 (5);
- (j) Utilities or their employees or contractors when performing services for another utility during times of natural disasters or emergency situations; or
- (k) Individuals who practice landscape architecture as defined in section 12-130-104 (6).

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 877, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-103 as it existed prior to 2019.

12-120-204. Forms of organizations permitted to practice. A partnership, corporation, limited liability company, joint stock association, or other entity is not eligible for licensure under this part 2. An entity may practice or offer to practice engineering in Colorado only if the individual in responsible charge of the entity's engineering activities performed in Colorado is a professional engineer licensed in Colorado. All engineering documents, plats, and reports issued by or for the entity in connection with engineering work performed in this state must bear the seal and signature of the Colorado-licensed professional engineer who is in responsible charge of and directly responsible for the engineering work.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 878, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-104 as it existed prior to 2019.

12-120-205. Unlawful practice - penalties - enforcement. (1) It is unlawful for any individual to hold himself or herself out to the public as a professional engineer unless the individual has complied with the provisions contained in this part 2.

(2) It is unlawful for any individual, partnership, professional association, joint stock company, limited liability company, or corporation to practice, or offer to practice, engineering in this state unless the individual in responsible charge has complied with the provisions of this part 2.

(3) Unless licensed or exempted pursuant to this part 2, it is unlawful for any individual, partnership, professional association, joint stock company, limited liability company, or corporation to use any of the following titles: Civil engineer, structural engineer, chemical engineer, petroleum engineer, mining engineer, mechanical engineer, or electrical engineer. In addition, unless licensed pursuant to this part 2, it is unlawful for any individual, partnership, professional association, joint stock company, limited liability company, or corporation to use the words "engineer", "engineered", or "engineering" in any offer to the public to perform the services set forth in section 12-120-202 (6). Nothing in this subsection (3) shall prohibit the general use of the words "engineer", "engineered", and "engineering" so long as such words are not being used in an offer to the public to perform the services set forth in section 12-120-202 (6).

(4) It is unlawful for any individual to use in any manner a certificate or certificate number that has not been issued to the individual by the board.

(5) The practice of professional engineering in violation of any of the provisions of this part 2 shall be either:

(a) Restrained by injunction in an action brought by the attorney general or by the district attorney in accordance with section 12-20-406; or

(b) Ceased by order of the board pursuant to section 12-20-405.

(6) Any person who practices or offers or attempts to practice professional engineering without an active license issued under this part 2 is subject to penalties pursuant to section 12-20-407 (1)(a).

(7) After finding that an individual, partnership, professional association, joint stock company, limited liability company, or corporation has unlawfully engaged in the practice of engineering, the board may jointly and severally assess a fine against the unlawfully engaged party in an amount not less than fifty dollars and not more than five thousand dollars for each violation proven by the board.

(8) An individual practicing professional engineering who is not licensed or exempt shall not collect compensation of any kind for the practice, and, if compensation has been paid, the compensation shall be refunded in full.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 878, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-105 as it existed prior to 2019.

12-120-206. Disciplinary actions - grounds for discipline. (1) The board may take disciplinary or other action as authorized by section 12-20-404 against, or limit the scope of practice of, any professional engineer or engineer-intern for:

(a) Engaging in fraud, misrepresentation, or deceit in obtaining or attempting to obtain a license or enrollment;

(b) Failing to meet the generally accepted standards of engineering practice whether through act or omission;

(c) A felony that is related to the ability to practice engineering; except that the board shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101 in considering the conviction or plea. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be presumptive evidence of the conviction or plea for the purposes of any hearing under this part 2. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction.

(d) Violating, or aiding or abetting in the violation of, the provisions of this part 2 or an applicable provision of article 20 of this title 12, any rule adopted by the board in conformance with the provisions of part 1 of this article 120 or this part 2, or any order of the board issued in conformance with the provisions of this part 2;

(e) Using false, deceptive, or misleading advertising;

(f) Performing services beyond one's competency, training, or education;

(g) Failing to report to the board any professional engineer known to have violated any provision of this part 2 or any board order or rule;

(h) Habitual or excessive use or abuse of alcohol, controlled substances, or any habit-forming drug;

(i) Using any schedule I controlled substance, as set forth in section 18-18-203;

(j) Failing to report to the board any malpractice claim against the professional engineer or any partnership, corporation, limited liability company, or joint stock association of which the professional engineer is a member, that is settled or in which judgment is rendered, within sixty days after the effective date of the settlement or judgment, if the claim concerned engineering services performed or supervised by the engineer;

(k) Failing to pay any fine assessed pursuant to this part 2;

(l) Violating any law or regulation governing the practice of engineering in another state or jurisdiction. A plea of nolo contendere or its equivalent accepted by the board of another state or jurisdiction may be considered to be the same as a finding of guilty for purposes of any hearing under this part 2.

(m) Using in any manner an expired, suspended, or revoked license, certificate, or seal, practicing or offering to practice when not qualified, or falsely claiming that the individual is licensed.

(2) The board may issue and send a letter of admonition by first-class mail to a professional engineer or engineer-intern at his or her last-known address under the circumstances specified in and in accordance with section 12-20-404 (4).

(3) In addition to any other penalty that may be imposed pursuant to this article 120, the board may fine any professional engineer violating any provision of this article 120 or any rule promulgated pursuant to this article 120 or section 12-20-204 not less than fifty dollars and not more than five thousand dollars for each violation proven by the board.

(4) The board may issue a letter of concern to a professional engineer or an engineer-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-120-207 when an instance of potentially unsatisfactory conduct comes to the board's attention but, in the board's judgment, does not warrant formal action by the board. Letters of concern shall be confidential and shall not be disclosed to members of the public or in any court action unless the board is a party.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 879, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-108 as it existed prior to 2019.

12-120-207. Disciplinary proceedings - injunctive relief procedure. (1) Section 12-20-403 applies to investigations and hearings under this section.

(2) 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 professional engineer, engineer-intern, or other person who presents grounds for disciplinary action as specified in this part 2.

(3) All charges, unless dismissed by the board, shall be referred to an administrative hearing by the board within five years after the date on which they were filed.

(4) (a) The board is authorized to apply for injunctive relief in accordance with section 12-20-406 to enforce the provisions of this part 2 or to restrain any violation thereof.

(b) If the board has reason to believe that any individual has engaged in, or is engaging in, any act or practice that constitutes a violation of any provision of this part 2, the board may initiate proceedings to determine if a violation has occurred.

(c) In any action brought pursuant to this subsection (4), evidence of the commission of a single act prohibited by this article 120 shall be sufficient to justify the issuance of an injunction or a cease-and-desist order.

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

(6) Section 12-20-408 governs judicial review of all final actions and orders of the board that are subject to judicial review.

(7) The board may send a confidential letter of concern to a licensee under the circumstances specified in section 12-20-404 (5).

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 881, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-109 as it existed prior to 2019.

12-120-208. Reconsideration and review of board action. The board, on its own motion or upon application, at any time after the imposition of any discipline as provided in section 12-120-207, may reconsider its prior action and reinstate or restore the 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.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 884, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-109.5 as it existed prior to 2019.

12-120-209. Application for license. (1) The board shall prescribe and furnish the means by which a person may apply for licensure. All applications must be made under oath and accompanied by the appropriate fee. Each application must contain a statement indicating whether the applicant has ever been convicted of a felony in this or any other state, or has ever had a license to practice engineering revoked or suspended in this or any other state. Applications that are not complete are defective and may not be accepted by the board. The board shall take no action on defective applications, except to give notice to the applicant of defects. The board shall retain all fees submitted with applications, whether or not the applications are acted upon.

(2) No new application shall be required of any individual requiring reexamination by the board, and the individual shall be notified when the next examination will be held.

(3) When considering applications, personal interviews may be required by the board only if the application fails to demonstrate that the applicant possesses the minimum qualifications necessary to qualify to take the written examination.

(4) Whenever the board is reviewing or considering the conviction of a crime, it shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 885, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-110 as it existed prior to 2019.

12-120-210. Eligibility for engineer-intern. To be eligible for enrollment as an engineer-intern, an applicant shall provide documentation of the applicant's technical competence.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 885, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-111 as it existed prior to 2019.

12-120-211. Qualifications for engineer-interns. (1) An applicant may qualify for enrollment as an engineer-intern by endorsement if the applicant satisfies the requirements of the occupational credential portability program.

(2) (a) An applicant may qualify for enrollment as an engineer-intern by graduation and examination if the applicant passes the fundamentals of engineering examination.

(b) In order to be admitted to the examination pursuant to subsection (2)(a) of this section, the applicant must:

(I) Have graduated from a board-approved engineering or engineering technology curriculum of four or more years; or

(II) Have senior status in a board-approved engineering or engineering technology curriculum of four or more years.

(c) Upon passing the examination and the submission of official transcripts verifying graduation or impending graduation, the applicant shall be enrolled as an engineer-intern if the applicant is otherwise qualified pursuant to section 12-120-210.

(3) (a) An applicant may qualify for enrollment as an engineer-intern by graduation, experience, and examination if the applicant passes the fundamentals of engineering examination and possesses a total of six years of progressive engineering experience, of which educational study may be a part.

(b) In order to be admitted to the examination pursuant to subsection (3)(a) of this section, the applicant must:

(I) Have graduated from an engineering curriculum of four or more years not approved by the board or from a related science curriculum of four or more years; and

(II) Have four years of progressive engineering experience, of which educational study may be a part.

(c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be enrolled as an engineer-intern if the applicant is otherwise qualified pursuant to section 12-120-210.

(4) (a) An applicant may qualify for enrollment as an engineer-intern by experience and examination if the applicant passes the fundamentals of engineering examination.

(b) In order to be admitted to the examination pursuant to subsection (4)(a) of this section, the applicant must:

(I) Have graduated from high school or its equivalent; and

(II) Have six years of progressive engineering experience, of which educational study may be a part.

(c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be enrolled as an engineer-intern if the applicant is otherwise qualified pursuant to section 12-120-210.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 885, § 1, effective October 1. **L. 2020:** (1) amended, (HB 20-1326), ch. 126, p. 533, § 11, effective June 25.

Editor's note: This section is similar to former § 12-25-112 as it existed prior to 2019.

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-120-212. Eligibility for professional engineer. To be eligible for licensing as a professional engineer, an applicant shall provide documentation of the applicant's technical competence.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 886, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-113 as it existed prior to 2019.

12-120-213. Qualifications for professional engineer. (1) An applicant may qualify for licensing as a professional engineer by endorsement if the applicant satisfies the requirements of the occupational credential portability program.

(2) (a) An applicant may qualify for licensing as a professional engineer by graduation, experience, and examination if the applicant passes the principles and practice of engineering examination.

(b) In order to be admitted to the examination pursuant to subsection (2)(a) of this section, the applicant must:

(I) (A) Have graduated from a board-approved engineering curriculum of four or more years; and

(B) Have eight years of progressive engineering experience, of which educational study may be a part; and

(C) Have been enrolled as an engineer-intern in this state; or

(II) (A) Have graduated from a board-approved engineering technology curriculum of four or more years; and

(B) Have ten years of progressive engineering experience, of which educational study may be a part; and

- (C) Have been enrolled as an engineer-intern in this state; or
- (III) (A) Have graduated from an engineering curriculum of four or more years not approved by the board or from a related science curriculum of four or more years; and
- (B) Have ten years of progressive engineering experience, of which educational study may be a part; and
- (C) Have been enrolled as an engineer-intern in this state; or
- (IV) (A) Have graduated from an engineering curriculum of four or more years or from a related science curriculum of four or more years; and
- (B) Have twenty years of progressive engineering experience, of which educational study may be a part.
- (c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed as a professional engineer if the applicant is otherwise qualified pursuant to section 12-120-212.
- (3) (a) An applicant may qualify for licensing as a professional engineer by experience and examination if the applicant passes the principles and practice of engineering examination.
- (b) In order to be admitted to the examination pursuant to subsection (3)(a) of this section, the applicant must:
 - (I) Have twelve years of progressive engineering experience, of which educational study may be a part; and
 - (II) Have been enrolled as an engineer-intern in this state.
- (c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed as a professional engineer if the applicant is otherwise qualified pursuant to section 12-120-212.
- (4) (a) A professional engineer who has been duly licensed to practice engineering in this state and who is over sixty-five years of age, upon application, may be classified as a retired professional engineer. Individuals who are so classified shall lose their licensure, shall not practice engineering, and shall pay a fee to retain retired professional engineer status.
- (b) (I) A retired professional engineer shall be reinstated to the status of a professional engineer upon payment of the renewal fee. No other fee shall be assessed against the retired professional engineer as a penalty.
- (II) For any professional engineer who has been retired for two or more years, the board may require reexamination unless the board is satisfied of the retired professional engineer's continued competence.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 887, § 1, effective October 1. **L. 2020:** (1) amended, (HB 20-1326), ch. 126, p. 533, § 12, effective June 25.

Editor's note: This section is similar to former § 12-25-114 as it existed prior to 2019.

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-120-214. Licenses. (1) The board, upon acceptance of an applicant who has demonstrated competence in professional engineering and upon receipt of payment of the required fee, shall license and issue a unique license number to the applicant.

(2) The board, upon acceptance of a qualified engineer-intern and upon receipt of payment of the required fee, shall enroll the applicant.

(3) A license may be issued at any time and is subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2).

(4) Any person whose license has expired shall be subject to the penalties provided in this part 2 or section 12-20-202 (1).

(5) A professional engineer shall give notice to the board, in writing, of any change of address within thirty days after the change.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 888, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-115 as it existed prior to 2019.

12-120-215. Fees - disposition. (1) Pursuant to section 12-20-105, the board shall charge and collect fees for the following:

(a) With respect to professional engineers:

(I) Renewal of a license;

(II) Replacement of a physical certificate of licensure, if requested by the licensee;

(III) Application for licensure pursuant to the occupational credential portability program;

(IV) Application for the principles and practice of engineering examination;

(V) Issuance of a physical certificate of licensure, if requested by the licensee;

(VI) Late renewal of a license;

(VII) Reexamination for the principles and practice of engineering examination;

(VIII) Reinstatement of an expired license;

(IX) Listing as a retired professional engineer;

(b) With respect to engineer-interns:

(I) Application for the fundamentals of engineering examination;

(II) Reexamination for the fundamentals of engineering examination;

(III) Application for enrollment pursuant to the occupational credential portability program.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 889, § 1, effective October 1. **L. 2020:** (1)(a)(III) and (1)(b)(III) amended, (HB 20-1326), ch. 126, p. 533, § 13, effective June 25.

Editor's note: This section is similar to former § 12-25-116 as it existed prior to 2019.

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-120-216. Professional engineer's seal - rules. (1) Upon receiving a license from the board, a professional engineer may obtain a crimp type seal, a rubber stamp type seal, or an electronic type seal of a design approved by the board. The seal must contain the licensed professional engineer's name and license number and the designation "Colorado licensed professional engineer". Colorado professional engineers licensed before July 1, 2004, may continue to use their prior existing seals.

(2) A professional engineer shall use a seal and signature only when the work to which the seal is applied was prepared under the engineer's responsible charge.

(3) The board shall adopt rules governing use of the seal and the retention, use, and distribution of sealed documents and copies thereof.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 890, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-117 as it existed prior to 2019.

PART 3

LAND SURVEYORS

12-120-301. General provisions. In order to safeguard life, health, and property and to promote the public welfare, the practice of professional land surveying in Colorado is hereby declared to be subject to regulation. It shall be unlawful for any individual to practice professional land surveying in Colorado or to use in connection with the individual's name, or to otherwise assume, or to advertise any title or description tending to convey the impression that the individual is a professional land surveyor, unless the individual has been duly licensed or is exempted under the provisions of this part 3. The practice of professional land surveying shall be deemed a privilege granted by the state of Colorado based on the qualifications of the individual as evidenced by the individual's licensing.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 890, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-201 as it existed prior to 2019.

12-120-302. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Basic control for engineering projects" means survey markers set on or in the vicinity of a construction project to enable all components of the project to be built in compliance with plans and specifications with respect to the project location, orientation, elevation, and relationship to property, easement, or right-of-way boundaries.

(2) "Certificate" means the media issued by the board to evidence licensing or enrollment.

(3) "Geodetic surveying" means the performance of surveys in which measure or account is taken of the shape, size, and gravitational forces of the earth to determine or predetermine the horizontal or vertical positions of points, monuments, or stations for use in the practice of professional land surveying or for stating the geodetic position of control points, monuments, or stations by using a coordinate system or derivative thereof recognized by the national geodetic survey.

(4) "Land surveyor-intern" means an individual enrolled by the board after demonstrating the individual's competency, as required by section 12-120-311.

(5) (a) "Professional land surveying" means the application of special knowledge of principles of mathematics, methods of measurement, and law for the determination and preservation of land boundaries. "Professional land surveying" specifically includes:

(I) Restoration and rehabilitation of corners and boundaries in the United States public land survey system;

(II) Obtaining and evaluating boundary evidence;

(III) Determination of the areas and elevations of land parcels;

(IV) Subdivision of land parcels into smaller parcels and layout of alignment and grades for streets or roads to serve the smaller parcels;

(V) Measuring and platting underground mine workings;

(VI) Preparation of the boundary control portions of geographic information systems and land information systems except as allowed otherwise by section 38-51-109.3;

(VII) Establishment, restoration, and rehabilitation of land survey monuments and bench marks;

(VIII) Preparation of land survey plats, condominium plats, monument records, property descriptions that result from the practice of professional land surveying, and survey reports;

(IX) Surveying, monumenting, and platting of easements and rights-of-way;

(X) Geodetic surveying;

(XI) Basic control for engineering projects; and

(XII) Any other activities incidental to and necessary for the adequate performance of the services described in this subsection (5)(a).

(b) An individual practices or offers to practice "professional land surveying" within the meaning and intent of this part 3 if the individual engages therein or, by oral claim, sign,

letterhead, or card or in any other way holds himself or herself out to be a professional land surveyor or as being able to perform any professional land surveying service or if the individual performs any professional land surveying service or work.

(c) Professional land surveying may include other types of surveying.

(6) "Professional land surveyor" means an individual who practices professional land surveying and who is currently licensed with the board after demonstrating competency to practice, as required by section 12-120-313.

(7) "Responsible charge" means personal responsibility for the control and direction of professional land surveying work.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 890, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-202 as it existed prior to 2019; except that § 12-25-202 (12) was relocated to § 12-120-102 (2).

12-120-303. Exemptions. (1) This part 3 shall not be construed to prevent or to affect:

(a) The work of an employee or subordinate of a professional land surveyor if the work is performed under the responsible charge of the professional land surveyor;

(b) The practice of employees of the federal government duly authorized under 43 U.S.C. sec. 772 and 43 CFR 9180.0-3, while engaged in the practice of surveying within the course of their federal employment in the state of Colorado; or

(c) The rights of any other legally recognized profession.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 892, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-203 as it existed prior to 2019.

12-120-304. Forms of organizations permitted to practice. (1) A partnership, corporation, limited liability company, joint stock association, or other entity is not eligible for licensure under this part 3.

(2) An entity may practice or offer to practice land surveying in this state only if the individual in responsible charge of the entity's land surveying activities in this state is a professional land surveyor. All professional land surveying documents, plats, and reports issued by or for the entity must bear the seal and signature of the professional land surveyor who is in responsible charge of and directly responsible for the land surveying work.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 892, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-204 as it existed prior to 2019.

12-120-305. Unlawful practice - penalties - enforcement. (1) It is unlawful for any individual to practice or offer to practice professional land surveying in Colorado without being licensed in accordance with the provisions of this part 3, or for any individual or entity to use or employ the words "land surveyor", "land surveying", or "professional land surveyor" or words of similar meaning or any modification or derivative except as authorized in this part 3.

(2) It is unlawful for any individual, partnership, professional association, joint stock company, limited liability company, or corporation to practice, or offer to practice, land surveying in this state unless the individual in responsible charge has complied with the provisions of this part 3.

(3) The practice of professional land surveying in violation of any of the provisions of this part 3 shall be either:

(a) Restrained by injunction in an action brought by the attorney general or by the district attorney in accordance with section 12-20-406; or

(b) Ceased by order of the board pursuant to section 12-20-405.

(4) Any person who practices or offers or attempts to practice professional land surveying without an active license issued under this part 3 is subject to penalties pursuant to section 12-20-407 (1)(a).

(5) It is the duty of all duly constituted officers of the law of Colorado, or any political subdivision thereof, to enforce the provisions of this part 3 and to prosecute any person violating this part 3.

(6) The attorney general or the attorney general's assistant shall act as legal advisor to the board and render timely legal assistance as may be necessary in carrying out the provisions of 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.

(7) Any individual practicing professional land surveying, as defined in this part 3, who is not licensed or exempt shall not collect compensation of any kind for the practice, and, if compensation has been paid, the compensation shall be refunded in full.

(8) After finding that an individual has unlawfully engaged in the practice of professional land surveying, the board may assess a fine against the unlawfully engaged individual in an amount not less than fifty dollars and not more than five thousand dollars for each violation proven by the board.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 893, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-205 as it existed prior to 2019.

12-120-306. Disciplinary actions - grounds for discipline. (1) The board may take disciplinary or other action as authorized by section 12-20-404, limit the scope of practice of, or require additional training of any professional land surveyor or land surveyor-intern for:

(a) Engaging in fraud, misrepresentation, or deceit in obtaining or attempting to obtain a license or enrollment;

(b) Failing to meet the generally accepted standards of the practice of land surveying through act or omission;

(c) A felony that is related to the ability to practice land surveying. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be presumptive evidence of the conviction or plea for the purposes of any hearing under this part 3. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction.

(d) Violating, attempting to violate, or aiding or abetting the violation or attempted violation of:

(I) Any provision of this part 3, an applicable provision of article 20 of this title 12, or any provision of article 50, 51, 52, or 53 of title 38;

(II) Any rule adopted by the board in conformance with the provisions of part 1 of this article 120 or this part 3; or

(III) Any order of the board issued in conformance with the provisions of this part 3;

(e) Using false, deceptive, or misleading advertising;

(f) Performing services beyond one's competency, training, or education;

(g) Failing to report to the board any professional land surveyor known to have violated any provision of this part 3 or any board order or rule;

(h) Habitual or excessive use or abuse of alcohol, controlled substances, or any habit-forming drug;

(i) Using any schedule I controlled substance, as set forth in section 18-18-203;

(j) Failing to report to the board any malpractice claim against the professional land surveyor or any partnership, limited liability company, corporation, or joint stock association of which the professional land surveyor is a member, which claim is settled or in which judgment is rendered, within sixty days after the effective date of the settlement or judgment, if the claim concerned surveying services performed or supervised by the land surveyor;

(k) Failing to pay any fine assessed pursuant to this part 3;

(l) Violating any law or regulation governing the practice of professional land surveying in another state or jurisdiction. A plea of nolo contendere or its equivalent accepted by the board of another state or jurisdiction may be considered to be the same as a finding of guilty for purposes of any hearing under this part 3.

(m) Attempting to use an expired, revoked, suspended, or nonexistent license, practicing or offering to practice when not qualified, or falsely claiming that the individual is licensed; or

(n) Using in any manner a license, license number, or certificate that has not been issued to the individual by the board.

(2) The board may issue and send a letter of admonition by first-class mail to a professional land surveyor or land surveyor-intern at his or her last-known address under the circumstances specified in and in accordance with section 12-20-404 (4).

(3) In addition to any other penalty that may be imposed pursuant to this section, the board may fine any professional land surveyor violating any provision of this article 120 or any rule promulgated pursuant to this article 120 not less than fifty dollars and not more than five thousand dollars for each violation proven by the board.

(4) The board may issue a letter of concern in accordance with section 12-20-404 (5) to a professional land surveyor or land surveyor-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-120-307 when an instance of potentially unsatisfactory conduct comes to the board's attention but, in the board's judgment, does not warrant formal action by the board. Letters of concern shall be confidential and shall not be disclosed to members of the public or in any court action unless the board is a party.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 894, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-208 as it existed prior to 2019.

12-120-307. Disciplinary proceedings - injunctive relief procedure. (1) Section 12-20-403 applies to investigations and hearings under this section.

(2) 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 professional land surveyor, land surveyor-intern, or other person who presents grounds for disciplinary action as specified in this part 3.

(3) All charges, unless dismissed by the board, shall be referred to administrative hearing by the board within five years after the date on which said charges were filed.

(4) (a) The board is authorized to apply for injunctive relief in accordance with section 12-20-406 to enforce the provisions of this part 3, or to restrain any violation thereof.

(b) If the board has reason to believe that any individual has engaged in, or is engaging in, any act or practice that constitutes a violation of any provision of this article 120, the board may initiate proceedings to determine if a violation has occurred.

(c) In any action brought pursuant to this subsection (4), evidence of the commission of a single act prohibited by this article 120 shall be sufficient to justify the issuance of an injunction or a cease-and-desist order.

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

(6) Section 12-20-408 governs judicial review of all final actions and orders of the board that are subject to judicial review.

(7) The board may send a confidential letter of concern to a licensee under the circumstances specified in section 12-20-404 (5).

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 896, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-209 as it existed prior to 2019.

12-120-308. 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 section 12-120-307, may reconsider its prior action and reinstate or restore the 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.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 899, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-209.5 as it existed prior to 2019.

12-120-309. Application for licensing. (1) Each application for licensing shall be in a form specified by the board and shall contain statements made under oath showing the applicant's education and showing a detailed summary of the applicant's surveying experience. Each application must contain a statement indicating whether the applicant has ever been convicted of a felony in this or in any other state, or has ever had a surveyor's license revoked, suspended, or not renewed, or has been reprimanded or fined relative to surveying in this or any other state. Applications that are not complete are defective, and the board shall take no action on defective applications except to give notice to the applicant of the defects. A nonrefundable application fee in an amount set by the board shall accompany each application.

(2) No new application shall be required of an individual requiring reexamination by the board, and the individual shall be notified when the next examination will be held.

(3) Whenever the board is reviewing or considering the conviction of a crime, it shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 899, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-210 as it existed prior to 2019.

12-120-310. Eligibility for land surveyor-intern. To be eligible for enrollment as a land surveyor-intern, an applicant shall provide documentation of the applicant's technical competence.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 900, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-211 as it existed prior to 2019.

12-120-311. Qualifications for land surveyor-interns. (1) An applicant may qualify for enrollment as a land surveyor-intern by endorsement if the applicant satisfies the requirements of the occupational credential portability program.

(2) (a) An applicant may qualify for enrollment as a land surveyor-intern by graduation and examination if the applicant passes the fundamentals of surveying examination.

(b) In order to be admitted to the examination pursuant to subsection (2)(a) of this section, the applicant must have satisfied either of the following requirements:

(I) The applicant graduated from a board-approved surveying or surveying technology curriculum that is at least four years.

(II) The applicant has senior status in a board-approved surveying or surveying technology curriculum that is at least four years.

(c) Upon passing the examination and upon submission of official transcripts to the board verifying graduation or impending graduation, the applicant shall be enrolled as a land surveyor-intern if the applicant is otherwise qualified pursuant to section 12-120-310.

(3) (a) An applicant may qualify for enrollment as a land surveyor-intern by education, experience, and examination if the applicant passes the fundamentals of surveying examination.

(b) In order to be admitted to the examination pursuant to subsection (3)(a) of this section, the applicant must:

(I) (A) Have graduated from high school or the equivalent; and

(B) Have a cumulative record of four years or more of progressive land surveying experience, of which a maximum of one year of educational credit may be substituted; or

(II) (A) Have graduated from a board-approved two-year surveying curriculum; and

(B) Have a cumulative record of two years or more of progressive land surveying experience.

(c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be enrolled as a land surveyor-intern if the applicant is otherwise qualified pursuant to section 12-120-310.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 900, § 1, effective October 1. **L. 2020:** (1) amended, (HB 20-1326), ch. 126, p. 534, § 14, effective June 25.

Editor's note: This section is similar to former § 12-25-212 as it existed prior to 2019.

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-120-312. Eligibility for professional land surveyor. To be eligible for licensing as a professional land surveyor, an applicant shall provide documentation of technical competence.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 901, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-213 as it existed prior to 2019.

12-120-313. Qualifications for professional land surveyor. (1) An applicant may qualify for licensing as a professional land surveyor by endorsement if the applicant satisfies the requirements of the occupational credential portability program.

(2) (a) An applicant may qualify for licensing as a professional land surveyor by education, experience, and examination if the applicant passes the principles and practice of surveying examination and the examination pertaining to Colorado law.

(b) To be admitted to an examination pursuant to subsection (2)(a) of this section, the applicant shall meet the requirements stated in at least one of the following:

(I) (A) Have graduated from a board-approved surveying curriculum of four or more years; and

(B) Have two years of progressive land surveying experience under the supervision of a professional land surveyor or an exempted federal employee defined in section 12-120-303 (1)(b); and

(C) Have been enrolled as a land surveyor-intern in this state; or

(II) (A) Have graduated from a nonboard-approved surveying curriculum of four or more years; and

(B) Have four years of progressive land surveying experience of which at least two must be under the supervision of a professional land surveyor or an exempted federal employee as defined in section 12-120-303 (1)(b); and

(C) Have been enrolled as a land surveyor-intern in this state; or

(III) (A) Have graduated from a board-approved two-year surveying curriculum or from a four-year engineering curriculum that included surveying course work as specified by the board by rule; and

(B) Have six years of progressive land surveying experience of which four years shall have been under the supervision of a professional land surveyor or an exempt federal employee as defined under section 12-120-303 (1)(b); and

(C) Have been enrolled as a land surveyor-intern in this state; or

(IV) (A) Have obtained a bachelor's degree in a nonsurveying curriculum;

(B) Have completed surveying and other related course work, as specified by the board by rule;

(C) Have six years of progressive land surveying experience, of which four years shall have been under the supervision of a professional land surveyor or an exempted federal employee as defined in section 12-120-303 (1)(b); and

(D) Have been enrolled as a land surveyor-intern in this state.

(c) Upon passing the examinations and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed as a professional land surveyor if the applicant is otherwise qualified pursuant to section 12-120-312.

(3) The board may allow an applicant to substitute for one year of experience the satisfactory completion of one academic year in a curriculum approved by the board. The substitution of education for experience shall not exceed three years.

(4) Repealed.

(5) (a) A professional land surveyor who has been duly licensed to practice professional land surveying in this state and who is over sixty-five years of age, upon application, may be classified as a retired professional land surveyor. Individuals who are so classified shall lose their licensure, shall not practice professional land surveying, and shall pay a fee to retain retired professional land surveyor status.

(b) (I) A retired professional land surveyor shall be reinstated to the status of a professional land surveyor upon payment of the renewal fee. No other fee shall be assessed against the retired professional land surveyor as a penalty.

(II) For any professional land surveyor who has been retired for two or more years, the board may require reexamination unless the board is satisfied of the retired professional land surveyor's continued competence.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 901, § 1, effective October 1. **L. 2020:** (1) amended, (HB 20-1326), ch. 126, p. 534, § 15, effective June 25.

Editor's note: (1) This section is similar to former § 12-25-214 as it existed prior to 2019.

(2) Subsection (4)(e) of this section provided for the repeal of subsection (4), effective July 1, 2020. (See L. 2010, p. 324.)

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-120-314. Licenses. (1) The board, upon acceptance of an applicant who has demonstrated competence in professional land surveying and upon receipt of payment of the required fee, shall license and issue a unique license number to the applicant.

(2) The board, upon acceptance of a qualified land surveyor-intern and upon receipt of payment of the required fee, shall enroll the qualified land surveyor-intern.

(3) A license may be issued at any time and is subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2).

(4) Any person whose license has expired is subject to the penalties provided in this part 3 or section 12-20-202 (1).

(5) A professional land surveyor shall give notice to the board, in writing, of any change of address within thirty days after the change.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 903, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-215 as it existed prior to 2019.

12-120-315. Fees - disposition. (1) Pursuant to section 12-20-105, the board shall charge and collect fees for the following:

(a) With respect to professional land surveyors:

(I) Renewal of a license;

(II) Replacement of a paper certificate or renewal card, if requested by the licensee;

(III) Application for licensure pursuant to the occupational credential portability program;

(IV) Application for the principles and practice of surveying examination or the legal aspects of surveying examination;

(V) Issuance of a paper certificate of licensure, if requested by the licensee;

(VI) Late renewal of a license;

(VII) Reexamination for the principles and practice of surveying examination or the legal aspects of surveying examination;

(VIII) Reinstatement of an expired license;

(IX) Listing as a retired professional land surveyor;

(b) With respect to land surveyor-interns:

(I) Application for the fundamentals of surveying examination;

(II) Reexamination for the fundamentals of surveying examination;

(III) Application for enrollment as a land surveyor-intern pursuant to the occupational credential portability program.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 904, § 1, effective October 1. **L. 2020:** (1)(a)(III) and (1)(b)(III) amended, (HB 20-1326), ch. 126, p. 534, § 16, effective June 25.

Editor's note: This section is similar to former § 12-25-216 as it existed prior to 2019.

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-120-316. Professional land surveyor's seal - rules. (1) Upon receiving a license from the board, a professional land surveyor may obtain a crimp type seal, a rubber stamp type seal, or an electronic type seal of a design approved by the board. The seal must contain the licensed professional land surveyor's name and license number and the designation "Colorado licensed professional land surveyor". Colorado land surveyors licensed before July 1, 2004, may continue to use their prior existing seals.

(2) All documents, plats, and reports resulting from the practice of land surveying shall be identified with and bear the seal or exact copy thereof, signature, and date of signature of the land surveyor in responsible charge.

(3) A professional land surveyor shall use a seal and signature only when the work to which the seal is applied was prepared under the professional land surveyor's responsible charge.

(4) The board shall adopt rules governing use of the seal and the retention, use, and distribution of sealed documents and copies thereof.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 905, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-217 as it existed prior to 2019.

PART 4

ARCHITECTS

12-120-401. General provisions. The regulatory authority established by this part 4 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.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 905, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-301 as it existed prior to 2019.

12-120-402. Definitions. As used in this part 4, unless the context otherwise requires:

(1) "Architect" means a person licensed under this part 4 and entitled thereby to conduct a practice of architecture in the state of Colorado.

(2) "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 the buildings.

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

(4) "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) (a) "Practice of architecture" means providing any of the following services in connection with the design, construction, enlargement, or alteration of a building or group of buildings and the space within and the site surrounding those buildings, which have as their principal purpose human occupancy or habitation:

- (I) Predesign;
- (II) Programming;
- (III) Planning;
- (IV) Providing designs, drawings, specifications, and other technical submissions;
- (V) Administering construction contracts; and
- (VI) Coordinating any elements of technical submissions prepared by others.

(b) An architect's professional services, unless performed pursuant to the exemptions set forth in section 12-120-403 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.

(c) An individual practices or offers to practice architecture within the meaning and intent of this subsection (5) if the individual, by oral claim, sign, advertisement, letterhead, card, or in any other way, represents himself or herself to be an architect, implies that he or she is licensed under this part 4, or performs or offers to perform a service listed in subsection (5)(b) of this section.

(6) "Responsible control" means that amount of control over and detailed knowledge of the content of plans, designs, drawings, specifications, and reports during their preparation as is ordinarily exercised by a licensed architect applying the required standard of care.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 905, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-302 as it existed prior to 2019.

12-120-403. Exemptions - definitions. (1) Nothing in this part 4 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 those dwellings;

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

(c) Additions, alterations, or repairs to the buildings referred to in subsections (1)(a) and (1)(b) of this section 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 the alterations do not affect the life safety of the occupants of the building.

(2) Nothing in this part 4 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 the municipality or county.

(3) Nothing in this part 4 shall be construed as curtailing or extending the rights of any other profession or craft, including the practice of landscape architecture by landscape architects pursuant to article 130 of this title 12.

(4) Nothing in this part 4 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 part 4 shall be construed to prevent the independent employment of a licensed professional engineer practicing pursuant to part 2 of this article 120.

(6) (a) Except as provided in subsection (6)(b) of this section, nothing in this part 4 prevents 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 the 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 city, city and county, or regional building authority may approve the filing in the same manner as for other professions and may only reject the filing for a reason provided in law, which reason may be based on a local government's ordinance, resolution, or building code adoption policy.

(b) (I) Interior designers shall not be engaged in the construction of:

(A) The structural frame system supporting a building;

(B) Mechanical, plumbing, heating, air conditioning, ventilation, or electrical vertical transportation systems;

- (C) Fire-rated vertical shafts in any multistory structure;
- (D) Fire-related protection of structural elements;
- (E) Smoke evacuation and compartmentalization;
- (F) Emergency sprinkler systems;
- (G) Emergency alarm systems; or
- (H) Any other alteration affecting the life safety of the occupants of a building outside the content of the interior design documents and specifications listed in subsection (6)(a) of this section.

(II) An 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 proof of the interior designer's professional liability insurance coverage that is in force. An interior designer is not subject to any of the restrictions set forth in subsections (1)(b) and (1)(d) 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 submitting 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 subsections (6)(c)(I)(A) to (6)(c)(I)(C) of this section, and collaboration with specialty consultants and licensed practitioners in other areas of technical expertise; and

(II) Possesses written documentation that the interior designer:

(A) and (B) (Deleted by amendment, L. 2020.)

(C) Has met the education and experience requirements of, and has subsequently passed, the qualification examination promulgated by the Council for Interior Design Qualification or its successor organization; and

(D) Maintains active certification with the 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, do not assist in the seismic design, and do not require structural computations for a building. Common nonstructural or nonseismic elements or components include ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

(7) Nothing in this article 120 shall prohibit a person who is licensed to practice architecture in another jurisdiction of the United States from soliciting work in Colorado. The 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.

(8) Nothing in this section authorizes an individual, including an individual authorized to engage in conduct under subsection (6) of this section, to engage in the practice of architecture, engineering, or any other occupation regulated under the laws of this state or to prepare, sign, or seal plans with respect to such practice or in connection with any governmental permit unless the individual is licensed or otherwise permitted by law to so act.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 907, § 1, effective October 1. **L. 2020:** (6)(a), (6)(b), (6)(c)(II), and (6)(d) amended and (8) added, (HB 20-1165), ch. 102, p. 391, § 1, effective September 14.

Editor's note: This section is similar to former § 12-25-303 as it existed prior to 2019.

12-120-404. Forms of organizations permitted to practice - requirements. (1)

Except as otherwise provided in this section, no firm, partnership, entity, or group of persons shall be licensed to practice architecture; 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 4 or persons who qualify for a license by endorsement under section 12-120-413 (3).

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

(a) A corporation that complies with the "Colorado Business Corporation Act", articles 101 to 117 of title 7;

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

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

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

(a) The practice of architecture by the 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) The 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 the practice, issued by or for the entity, bear the seal and signature of an architect in responsible control of, and directly responsible for, the architectural work when issued.

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

(b) It is lawful for an entity described in subsection (4)(a) of this section to use in its title the words "architects and engineers".

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

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 909, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-304 as it existed prior to 2019.

12-120-405. Unauthorized practice - penalties - enforcement. (1) Unless exempted under section 12-120-403 (7), any person who practices or offers or attempts to practice architecture without an active license issued under this part 4 is subject to penalties as specified in section 12-20-407 (1)(a).

(2) (a) It is unlawful for any individual to hold himself or herself out to the public as an architect unless the individual has complied with this part 4.

(b) It is unlawful for any person to practice, or offer to practice, architecture in this state unless the individual in responsible control has complied with this part 4.

(c) (I) Unless licensed pursuant to this part 4, it is unlawful for any person to:

(A) Use any of the following titles: "Architect", "architects", "architecture", "architectural", or "licensed architect"; or

(B) Use the words "architect", "architects", "architecture", "architectural", or "licensed architect" in any offer to the public to perform the services set forth in section 12-120-402 (5).

(II) Nothing in this subsection (2) prohibits the general use of the words "architect", "architecture", or "architectural", including the specific use of the term "architectural intern", by an individual who is working under the supervision of an architect and is in the process of completing required practice hours in preparation for the architect licensing examination, so long as those words are not being used in an offer to the public to perform the services set forth in section 12-120-402 (5).

(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 4. With the concurrence of the attorney general, the board may employ counsel and assistance necessary to aid in the enforcement of this part 4, and the compensation and expenses therefor shall be paid from the funds of the board.

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

(5) After finding that a person has unlawfully engaged in the practice of architecture, the board may jointly and severally assess against the person a fine of not less than fifty dollars and not more than five thousand dollars for each violation proven by the board.

(6) An individual practicing architecture who is not licensed or exempt from licensure shall not collect compensation of any kind for the practice, and, if compensation has been paid, the individual shall refund the compensation in full.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 910, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-305 as it existed prior to 2019.

12-120-406. Disciplinary actions - grounds for discipline. (1) The board may take disciplinary or other action as authorized by section 12-20-404 against, 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;

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

(c) Conviction of, or pleading guilty or nolo contendere to, a felony in Colorado concerning the practice of architecture or an equivalent crime outside Colorado. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea shall be presumptive evidence of the conviction or plea in any hearing under this part 4. The board shall be governed by sections 12-20-202 (5) and 24-5-101 in considering the conviction or plea.

(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;

(e) Violation of, or aiding or abetting in the violation of, this part 4, an applicable provision of article 20 of this title 12, any rule promulgated by the board in conformance with part 1 of this article 120 or this part 4, or any order of the board issued in conformance with this part 4;

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

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

(h) Failure to render adequate professional control of persons practicing architecture under the responsible control of a licensed architect;

(i) Habitual or excessive use or abuse of alcohol, controlled substances, or any habit-forming drug;

(j) Any use of a schedule I controlled substance, as defined in section 18-18-203;

(k) Violation of the notification requirements in section 12-120-411;

(l) Failure to pay a fine assessed under this part 4;

(m) Failure to report to the board any architect known to have violated any provision of this article 120 or any board order or rule;

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

(o) 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 subsection (1)(o) shall restrict an employer's ability to reward an employee for work obtained or performed;

(p) Selling or fraudulently obtaining or furnishing a license or renewal of a license to practice architecture;

(q) Engaging in conduct that is intended or reasonably might be expected to mislead the public into believing that the person is an architect; or

(r) Engaging in the practice of an architect as a corporation or partnership or group of persons, unless the entity meets the requirements of section 12-120-404.

(2) The board may issue and send a letter of admonition by first-class mail to a licensee at the licensee's last-known address under the circumstances specified in and in accordance with section 12-20-404 (4).

(3) The board may send a confidential letter of concern to a licensee under the circumstances specified in section 12-20-404 (5).

(4) Any disciplinary action in another state or jurisdiction on grounds substantially similar to those that would constitute a violation under this part 4 shall be prima facie evidence of grounds for disciplinary action, including denial of licensure, under this section.

(5) In addition to the penalties provided for in this section, any person violating any provision of this part 4 or any standards or rules promulgated pursuant to this part 4 may be punished by a fine of not less than fifty dollars and not more than five thousand dollars upon a finding of misconduct by the board, made pursuant to article 4 of title 24.

(6) If, as a result of a proceeding held pursuant to article 4 of title 24, the board determines that a person licensed to practice architecture pursuant to this part 4 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 that may be imposed on the 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 the training or education.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 913, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-308 as it existed prior to 2019.

12-120-407. Disciplinary proceedings - injunctions. (1) Section 12-20-403 applies to investigations and hearings under this section.

(2) 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 that present grounds for disciplinary action as specified in this part 4.

(3) The board may apply for an injunction in accordance with section 12-20-406, but only to enjoin any person from committing any act declared to be a misdemeanor by this part 4. In order to obtain such injunction, the board need not prove irreparable injury.

(4) Section 12-20-408 governs judicial review of all final actions and orders of the board that are subject to judicial review.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 915, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-309 as it existed prior to 2019.

12-120-408. 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 part 4, may reconsider its prior action and reinstate or restore the 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.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 916, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-309.5 as it existed prior to 2019.

12-120-409. Application for licensing. (1) An applicant shall submit an application that includes evidence of education and practical experience as required by section 12-120-413 and the rules of the board. The application shall also include a 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 an applicant has committed any of the acts specified as grounds for discipline under section 12-120-406 (1), it may deny an application for examination or licensure. The board shall notify the applicant if it determines that the application is incomplete or otherwise defective and shall specify the grounds for the determination.

(2) When the board is reviewing or considering conviction of a crime, it shall be governed by sections 12-20-202 (5) and 24-5-101.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 916, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-310 as it existed prior to 2019.

12-120-410. Professional liability - insurance. (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.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 916, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-311 as it existed prior to 2019.

12-120-411. Notification to board. Each architect shall report to the board any malpractice claim against the architect, or against any entity of which the architect is a member, that is settled or in which judgment is rendered, within sixty days after the effective date of the settlement or judgment, if the claim concerned the practice of architecture performed or supervised by the architect; except that a licensee is not required to report any claim that was dismissed by a court of law.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 917, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-312 as it existed prior to 2019.

12-120-412. Eligibility for architect. To be eligible for licensing as an architect, an applicant shall provide documentation of technical competence.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 917, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-313 as it existed prior to 2019.

12-120-413. Qualifications for architect licensure. (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 12-120-403 (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 the 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 12-120-403 (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 Accrediting Board or its successor.

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

(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) 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.

(3) An applicant may obtain licensure by endorsement if the applicant satisfies the requirements of the occupational credential portability program. The board may also provide an alternative application procedure so that an applicant may, at the applicant's option, instead apply

to a national clearinghouse designated by the board. The national clearinghouse shall then forward the application to the board.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 917, § 1, effective October 1. **L. 2020:** (3) amended, (HB 20-1326), ch. 126, p. 535, § 17, effective June 25.

Editor's note: This section is similar to former § 12-25-314 as it existed prior to 2019.

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-120-414. Retired architects - classification - fees. (1) An architect who has been duly licensed and is over sixty-five years of age may apply to the board for classification as a retired architect. Retired architects shall not practice architecture and shall pay a fee established by the board to be listed with and retain retired architect status. A person classified as a retired architect may hold himself or herself out as a retired architect.

(2) A retired architect shall be reinstated to the status of an architect upon payment of the renewal fee established pursuant to sections 12-20-105 and 12-20-202 (1). The board shall not assess any additional fees.

(3) The board may require reexamination of a retired architect who has been retired for two or more years and is seeking reinstatement pursuant to subsection (2) of this section unless the board is satisfied with the retired architect's competence to practice, as required by section 12-20-202 (2)(c)(II).

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 918, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-314.5 as it existed prior to 2019.

12-120-415. Licenses. (1) The board shall issue a license whenever an applicant for a license to practice architecture in Colorado successfully qualifies for the license as provided in this part 4.

(2) An architect may renew a license by paying to the board the license renewal fee established pursuant to section 12-20-105, and the board shall then renew the license. A license issued pursuant to this part 4 is subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2).

(3) Any person whose license has expired shall be subject to the penalties provided in this part 4 or section 12-20-202 (1).

(4) An architect shall give notice to the board, in a manner prescribed by the board, of any change of address within thirty days after the change.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 919, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-315 as it existed prior to 2019.

12-120-416. Continuing education - rules. The board shall adopt rules establishing requirements for continuing education that an architect shall complete in order to renew a license to practice architecture in Colorado.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 919, § 1, effective October 1. **L. 2021:** Entire section amended, (HB 21-1147), ch. 72, p. 292, § 1, effective September 7.

Editor's note: This section is similar to former § 12-25-315.5 as it existed prior to 2019.

12-120-417. Architect's seal - rules. (1) Upon receiving a license from the board, an architect may obtain a crimp type seal, a rubber stamp type seal, or an electronic type seal in a design approved by the board. The seal must contain the architect's name and license number and the designation "Colorado licensed architect". Architects licensed before July 1, 2013, may continue to use their existing seals.

(2) An architect shall use his or her seal, signature, and the date of signature only when the work to which the seal is applied was prepared under the architect's responsible control.

(3) The board shall adopt rules governing use of the seal and the retention, use, and distribution of sealed documents and copies thereof.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 919, § 1, effective October 1.

Editor's note: This section is similar to former § 12-25-317 as it existed prior to 2019.