
Colorado Revised Statutes 2020
TITLE 12
PROFESSIONS AND OCCUPATIONS
ARTICLE 120: ENGINEERS

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019.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.

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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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: (1) This section is similar to former § 12-25-112 as it existed prior to 2019.

(2) Section 47(1)(b) of chapter 126 (HB 20-1326), Session Laws of Colorado 2020, provides that the act changing this section applies to conduct occurring on or after June 25, 2020.

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: (1) This section is similar to former § 12-25-114 as it existed prior to 2019.

(2) Section 47(1)(b) of chapter 126 (HB 20-1326), Session Laws of Colorado 2020, provides that the act changing this section applies to conduct occurring on or after June 25, 2020.

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: (1) This section is similar to former § 12-25-116 as it existed prior to 2019.

(2) Section 47(1)(b) of chapter 126 (HB 20-1326), Session Laws of Colorado 2020, provides that the act changing this section applies to conduct occurring on or after June 25, 2020.

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.

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