

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 08-0156.01 Kristen Forrestal

SENATE BILL 08-051

SENATE SPONSORSHIP

Taylor, Isgar, and Takis

HOUSE SPONSORSHIP

Marshall, Kerr J., Mitchell V., and Primavera

Senate Committees

Business, Labor and Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A GRANT OF ADDITIONAL ENFORCEMENT AUTHORITY TO**
102 **THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY,**
103 **AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Audit Committee. Grants enforcement authority to the director of the division of oil and public safety (division) in the department of labor and employment for violations of laws and rules concerning boilers and explosives. Allows the director to seek an injunction restraining a person from violating laws or rules concerning public school construction, boilers, and explosives. Allows the division

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 7, 2008

SENATE
Amended 2nd Reading
April 4, 2008

to inspect blast sites. Requires an entity that conducts blasting to notify the division.

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

2 SECTION 1. 8-1-151, Colorado Revised Statutes, is amended to
3 read:

4 8-1-151. Public safety inspection fund created. There is hereby
5 created in the state treasury a fund to be known as the public safety
6 inspection fund, which shall consist of moneys credited thereto pursuant
7 to section 8-20-101 (3) and sections 9-7-108.5 and 22-32-124 (2)
8 SECTIONS 8-20-101 (3), 8-20-104, 9-7-108.5, AND 22-32-124 (2), C.R.S.
9 All moneys in the public safety inspection fund shall be subject to annual
10 appropriation by the general assembly for the public safety inspection
11 activities of the division of oil and public safety. The moneys in the
12 public safety inspection fund shall not be credited or transferred to the
13 general fund or any other fund of the state.

14 SECTION 2. 8-20-104 (1), (2) (a), and (4), Colorado Revised
15 Statutes, are amended, and the said 8-20-104 is further amended BY THE
16 ADDITION OF A NEW SUBSECTION, to read:

17 **8-20-104. Enforcement of law - penalties - definitions.** (1) The
18 director shall enforce ~~the provisions of~~ this article, ~~and~~ sections
19 22-32-124 and 23-71-122, C.R.S., ARTICLES 4, 5.5, AND 7 OF TITLE 9,
20 C.R.S., AND RULES PROMULGATED PURSUANT TO ARTICLES 4, 5.5, AND 7
21 OF TITLE 9, C.R.S., by appropriate actions in courts of competent
22 jurisdiction.

23 (2) (a) The director may issue a notice of violation to a person
24 who is believed to have violated this article, section 22-32-124 or
25 23-71-122, C.R.S., ARTICLE 4, 5.5, OR 7 OF TITLE 9, C.R.S., OR rules

1 promulgated pursuant to this article ~~article 5.5 of title 9, C.R.S., or rules~~
2 ~~promulgated pursuant to article 5.5 of title 9, C.R.S.~~ OR ARTICLE 4, 5.5, OR
3 7 OF TITLE 9, C.R.S. The notice shall be delivered to the alleged violator
4 personally, by certified mail, return receipt requested, or by any means
5 that verifies receipt as reliably as certified mail, return receipt requested.

6 (4) (a) An enforcement order issued pursuant to this section may
7 impose a civil penalty, depending on the severity of the alleged violation,
8 not to exceed five hundred dollars per violation for each day of violation;
9 except that the director may impose a civil penalty not to exceed one
10 thousand dollars per violation for each day of violation that results in, or
11 may reasonably be expected to result in, serious bodily injury.

12 (b) A CIVIL PENALTY COLLECTED FOR A VIOLATION OF:

13 (I) ARTICLE 4 OF TITLE 9, C.R.S., OR A RULE PROMULGATED
14 PURSUANT TO SUCH ARTICLE, SHALL BE DEPOSITED IN THE BOILER
15 INSPECTION FUND CREATED IN SECTION 9-4-109, C.R.S.:

16 (II) ARTICLE 5.5 OF TITLE 9, C.R.S., OR A RULE PROMULGATED
17 PURSUANT TO SUCH ARTICLE, SHALL BE DEPOSITED IN THE CONVEYANCE
18 SAFETY FUND CREATED IN SECTION 9-5.5-111, C.R.S.:

19 (III) SECTION 22-32-124 OR 23-71-122, C.R.S., OR OF ARTICLE 7
20 OF TITLE 9, C.R.S., OR A RULE PROMULGATED PURSUANT TO SUCH
21 SECTIONS OR ARTICLE, SHALL BE DEPOSITED IN THE PUBLIC SAFETY
22 INSPECTION FUND CREATED IN SECTION 8-1-151.

23 (7) IN ADDITION TO THE REMEDIES PROVIDED IN THIS SECTION, THE
24 DIRECTOR IS AUTHORIZED TO APPLY TO THE DISTRICT COURT, IN THE
25 JUDICIAL DISTRICT WHERE THE VIOLATION HAS OCCURRED, FOR A
26 TEMPORARY OR PERMANENT INJUNCTION RESTRAINING ANY PERSON FROM
27 VIOLATING ANY PROVISION OF SECTIONS 22-32-124 AND 23-71-122,

1 C.R.S., ARTICLES 4, 5.5, AND 7 OF TITLE 9, C.R.S., AND RULES
2 PROMULGATED PURSUANT TO ARTICLES 4, 5.5, AND 7 OF TITLE 9, C.R.S.,
3 REGARDLESS OF WHETHER THERE IS AN ADEQUATE REMEDY AT LAW.

4 **SECTION 3.** 9-4-109 (1) (a) (I), Colorado Revised Statutes, is
5 amended to read:

6 **9-4-109. Fees for boiler and pressure vessel inspection**
7 **certificates.** (1) (a) (I) There shall be paid for the issuance of a
8 certificate of boiler or pressure vessel inspection of each individual boiler
9 or pressure vessel, regardless of how it is joined or connected, according
10 to ~~the provisions of~~ this article by the owner or user of said boiler or
11 pressure vessel, such fees as shall be established by the director of the
12 division of oil and public safety by rule; except that such fees shall not
13 exceed the amount necessary to accumulate and maintain in the boiler
14 inspection fund a reserve sufficient to defray the division's administrative
15 expenses for a period of two months, and in no event shall the basic fee
16 for an annual inspection exceed one hundred fifty dollars for an internal
17 inspection ~~nor~~ OR eighty-five dollars for an external inspection. The basic
18 fee for a biennial or triennial inspection shall not exceed eighty-five
19 dollars. The division shall not charge for an inspection other than to
20 assess the fees established pursuant to this subsection (1). Any fees
21 established pursuant to subparagraphs (III) to (V) of this paragraph (a) or
22 pursuant to paragraph (b) of this subsection (1) shall be in addition to the
23 basic fee.

24 **SECTION 4.** 9-7-104, Colorado Revised Statutes, is amended to
25 read:

26 **9-7-104. Enforcement.** (1) The division shall enforce ~~the~~
27 ~~provisions of~~ this article and for such purposes shall:

1 (a) Issue permits to applicants found by the division, after
2 inspection and investigation, to be qualified for such permit under ~~the~~
3 ~~provisions of this article and the rules and regulations~~ of the division;

4 (b) Deny, suspend, or revoke permits upon a finding of
5 noncompliance or violation ~~of the provisions~~ of this article or of the
6 applicable rules; ~~and regulations~~;

7 (c) Hold hearings upon the application of any person aggrieved by
8 any order of the division with respect to the denial, suspension, or
9 revocation of any permit;

10 (d) Inspect, during normal business hours, any building, structure,
11 or premises subject to ~~the provisions of this article~~, and, upon the
12 discovery of any violation of this article or the applicable rules, ~~and~~
13 ~~regulations~~; issue such orders as are necessary for the safety of workers
14 and the public, and, in the case of imminent hazard, apply for an
15 injunction in the appropriate district court.

16 (2) THE DIVISION MAY INSPECT BLAST SITES OR REQUEST A
17 BLAST DEMONSTRATION IN A CONTROLLED ENVIRONMENT PURSUANT TO
18 RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION.

19 SECTION 5. 9-7-107, Colorado Revised Statutes, is amended to
20 read:

21 9-7-107. Fees. An application for initial issuance or renewal of
22 a thirty-six-month permit under this article shall be accompanied by a fee
23 of ~~seventy-five dollars~~ AS ESTABLISHED BY THE DIRECTOR OF THE
24 DIVISION; except that the director of the division by rule or as otherwise
25 provided by law may reduce the amount of the fee if necessary pursuant
26 to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of
27 the fund to which all or any portion of the fee is credited. After the

1 uncommitted reserves of the fund are sufficiently reduced, the director of
2 the division by rule or as otherwise provided by law may increase the
3 amount of the fee as provided in section 24-75-402 (4), C.R.S.

4 **SECTION 6. Appropriation.** (1) In addition to any other
5 appropriation, there is hereby appropriated to the department of labor, for
6 allocation to the division of oil and public safety, for the fiscal year
7 beginning July 1, 2008, the sum of one hundred twenty-three thousand
8 nine hundred fifty dollars (\$123,950) and 2.0 FTE, or so much thereof as
9 may be necessary, for the implementation of this act. Of said sum,
10 eighty-four thousand eight hundred twenty-five dollars (\$84,825) shall be
11 cash funds from the public safety inspection fund created in section
12 8-1-151, Colorado Revised Statutes, and thirty-nine thousand one
13 hundred twenty-five dollars (\$39,125) shall be cash funds from the boiler
14 inspection fund created in section 9-4-109 (4), Colorado Revised Statutes.

15 **SECTION 7. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.