

STATEMENT OF BASIS AND PURPOSE

The Board of Examiners of Water Well Construction and Pump Installation Contractors (“Board”) was created under section 37-91-103, C.R.S., and is tasked with examining for, denying, approving, revoking, suspending, and renewing the licenses of well construction and pump installation contractors as provided in article 91, title 37, C.R.S. In particular, licensed contractors are required under section 37-91-105(7), C.R.S., to complete eight hours of continuing education training annually as approved by the Board to maintain or renew their licenses, and the Board is required to develop a continuing education program under section 37-91-107(6), C.R.S. The Board must adopt, and on occasion revise rules in accordance with article 4 of title 24, C.R.S., as necessary to effectuate the provisions of article 91, title 37, C.R.S.

Rule 8.1 of the Board’s Rules and Regulations for Administration of Licensing, Financial Responsibility, Continuing Education and Remedial Action for Well Construction and Pump Installation Contractors, 2 CCR 402-14 (“Administration Rules”), restates the statutory requirement that every licensed contractor must complete eight hours of continuing education (“CE”) each year. Rule 8.1.b currently states that no more than four out of the eight hours of approved CE can be obtained by internet or online participation.

The COVID-19 pandemic and resulting social distancing restrictions have made it unsafe and impractical for licensed contractors to attend CE classes in-person, and for the foreseeable future CE classes are limited to those that can be taken by online or internet participation. The Board initially adopted, on an emergency basis, rule amendments to allow licensed contractors to obtain all required hours of continuing education by internet or online participation.

The purpose of the permanent amendment to Rule 8.1.b is to continue to allow licensed contractors to fulfill their CE requirements through internet and online participation while the COVID-19 pandemic restricts the ability of people to gather in-person. Continued online or internet participation will reduce licensed contractors’ exposure to COVID-19 and allow them to stay in compliance with any restrictions limiting in-person gatherings. Specifically, the amended rule authorizes the Board, in conjunction with the CE Committee, to determine through Board policy the required hours of approved CE that can be obtained by online or internet participation. Allowing the Board to make this determination through policy will give the Board flexibility in the future to assess whether in-person attendance has once again become feasible.

The Board anticipates adopting a policy at its regularly scheduled February 1, 2021 meeting determining that all CE hours can be obtained by internet or online participation as authorized under the amended Rule 8.1.b. Until the Board adopts its policy, the purpose of Rule 8.1.d is to provide clarity and security to licensed contractors that accredited online CE will be acceptable through January 31, 2021. This will allow the CE Committee, who will gain a new member in early January, and the Board to develop a policy pursuant to Rule 8.1.b.

The statutory authority for this rule is found in sections 37-91-104(1)(c), 105(7), and 107(6), C.R.S.