

STATEMENT OF BASIS AND PURPOSE

Pursuant to section 24-4-103(6), C.R.S., at its May 18, 2020, emergency rulemaking hearing, the Board of Examiners of Water Well Construction and Pump Installation Contractors (“Board”) adopted emergency rules amending 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”). The amended rules are effective immediately and shall remain in effect up to and including September 15, 2020.

The 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 as approved by the Board every year in order 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 from time to time 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 Administration Rules restates the statutory requirement that every licensed contractor must complete eight hours of continuing education (“CE”) each year. Rule 8.1.b states that no more than four out of the eight hours of approved CE can be obtained by internet or online participation.

Many licensed contractors obtain eight hours of in-person CE at one or more annual conferences where the CE hours have been approved by the CE Committee (as defined in Rule 4.2.7). In order to prevent the spread of COVID-19, many of these conferences or meetings have been canceled or are moving to an online participation format. Many of these events take place during the summer, and the planning committees for these events are attempting to finalize the programs and apply for accreditation for CE from the CE Committee.

Accordingly, the purpose of the amendment to Rule 8.1 by adding Rule 8.1.d is to temporarily allow licensed contractors to take all required hours of approved CE by online or internet participation, and thus reduce licensed contractors’ exposure to COVID-19 and allow them to stay in compliance with any restrictions limiting the gathering of people in person. Because Rule 8.1.d is temporary, only CE taken through online or internet participation between January 1, 2020 and September 15, 2020 is exempt from the limits of Rule 8.1.b. (For example, if a licensed contractor had taken six hours of online CE before Rule 8.1.d expires, they would still be required to take two hours of in-person CE.)

The adoption of this rule on an emergency/temporary basis under section 24-4-103(6), C.R.S., is imperatively necessary for the preservation of public health, safety, and welfare of the licensed contractors and citizens of Colorado. Compliance with the procedures and timelines outlined in subsections (3) and (4) of section 24-4-103, C.R.S., would be contrary to the public interest. The Board provided notice of its emergency rulemaking online on the Division of Water Resources website and posted notice at the offices for the Colorado Division of Water Resources at 1313 Sherman Street, Denver, Colorado 80203.

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