



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

Electrical and Plumbing Boards

MEMORANDUM

DATE: October 26, 2015
TO: All Colorado Jurisdictional Authorities
FROM: The Colorado State Plumbing Board
RE: Water heater installations require plumbing license, permit and inspection.

Query:

Do water heater installations and replacements require a plumbing license, permit, and inspection in the state of Colorado?

Answer:

Yes, water heaters must be installed by a licensed plumber working for a registered plumbing contractor who has secured a permit.

Applicable Law:

From Title 12, Article 58 of the Colorado Revised Statutes - Plumbers

12-58-101. Legislative declaration

(1) The general assembly hereby finds that:

(a) Improper plumbing can adversely affect the health of the public and that faulty plumbing is potentially lethal and can cause widespread disease and an epidemic of disastrous consequences;

(b) **To protect the health of the public, it is essential that plumbing be installed by persons who have proven their knowledge of the sciences of pneumatics and hydraulics and their skill in installing plumbing.**

(2) Consistent with its duty to safeguard the health of the people of this state, the general assembly hereby declares that individuals who plan, install, alter, extend, repair, and maintain plumbing systems should be individuals of proven skill. To provide standards of skill for those in the plumbing trade and to authoritatively establish what shall be good plumbing practice, **the general assembly hereby provides for the licensing of plumbers** and for the promulgation of a model plumbing code of standards by the examining board of plumbers, and this article is therefore declared to be essential to the public interest.

12-58-102. Definitions.

(5)(a) "Plumbing" includes the following items located within the building or extending five feet from the building foundation, excluding any service line extending from the first joint to the property line: All potable water supply and distribution pipes and piping...

A water heater is an inline interruption of potable water supply piping for the purpose of heating the water for washing and cleaning.

12-58-104.5. Colorado plumbing code--amendments--variances--Colorado fuel gas code

(1) In accordance with article 4 of title 24, C.R.S., the board shall establish a Colorado plumbing code, as defined in section 12-58-102(4). Such code shall represent the minimum standards for installation, alteration, and repair of plumbing equipment and systems throughout the state.

(2) Local governments are permitted to amend the code for their jurisdictions as long as such amendments are at least equal to the minimum requirements set forth in the Colorado plumbing code.

12-58-105. Plumber must have license--registration--control and supervision

(1)(a) A person shall not engage in or work at the business, trade, or calling of a residential, journeyman, or master plumber in this state until he or she has received a license from the division of professions and occupations, upon written notice from the board or its authorized agent, or a temporary permit from the board or its authorized agent;

(3) No person, firm, partnership, corporation, or association shall operate as a plumbing contractor until such contractor has obtained registration from the board...

12-58-104. Powers of board--fees--rules

(1) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized and empowered to:

...

(d) Promulgate, adopt, amend, and repeal such rules, not inconsistent with the laws of this state, as may be necessary for the orderly conduct of its affairs and for the administration of this article, pursuant to the provisions of article 4 of title 24, C.R.S.;

(e) In accordance with article 4 of title 24, C.R.S., prescribe, enforce, amend, and repeal rules governing the plumbing systems of all buildings in this state;

...

(l) Find, upon holding a hearing, that an incorporated town or city, county, city and county, or qualified state institution of higher education fails to meet the minimum requirements of this article if a local inspection authority or qualified state institution of higher education has failed to adhere to the minimum standards required by this article within twelve months after the board has adopted the standards by rule pursuant to this subsection (1);

(m) Issue an order to cease and desist from issuing permits or performing inspections under this article to an incorporated town or city, county, city and county, or qualified state institution of higher education upon finding that the public entity or qualified state institution of higher education fails to meet the minimum requirements of this article under this subsection (1);

(n) Apply to a court to enjoin an incorporated town or city, county, city and county, or qualified state institution of higher education from violating an order issued pursuant to paragraph (m) of this subsection (1).

12-58-113. Exemptions

(6)(a) Nothing in this article requires a plumbing license, registration, or permits to perform:

(I) The installation, extension, alteration, or maintenance, including the related water piping and the indirect waste piping, of domestic appliances **equipped with backflow preventers**, including lawn sprinkling systems; residential ice makers, humidifiers, electrostatic filter washers, or water heating appliances; building heating appliances and systems; fire protection systems except for multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are part of the

potable water supply; air conditioning installations; process and industrial equipment and piping systems; or indirect drainage systems not a part of a sanitary sewer system....

This exception is easier to read when broken out by commas as follows;

(6)(a) Nothing in this article requires a plumbing license, registration, or permits to perform:

(I) The installation, extension, alteration, or maintenance, including the related water piping and the indirect waste piping, of domestic appliances **equipped with backflow preventers**, including

- lawn sprinkling systems;
- residential ice makers,
- humidifiers,
- electrostatic filter washers, or
- water heating appliances;
- building heating appliances and systems;
- fire protection systems except for multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are part of the potable water supply;
- air conditioning installations;
- process and industrial equipment and piping systems; or
- indirect drainage systems not a part of a sanitary sewer system....

Discussion:

The Colorado State Legislature has acknowledged the need for plumbing to be installed by licensed individuals in order to protect the health of the people of the state of Colorado. The statute defines “Plumbing” to include “all potable water supply and distribution pipes and piping”. Water heaters are installed within the potable water supply distribution piping system. Although the exemption outlined in section 12-58-113(6)(a), C.R.S. includes “water heating appliances,” the **exemption applies only to appliances “equipped with backflow preventers.”** This exemption may allow for appliances similar to an “instahot” device that is installed on a kitchen sink that provides hot water instantly for use in making instant coffee, tea, etc. The back flow preventer for this device is similar to the backflow prevention of all faucets, the air gap between the device spout and the flood level rim of the sink. However, a standard domestic water heater used to supply hot water to a residence or commercial system is not equipped with a backflow preventer, nor will it function properly if a backflow preventer is installed on it. Therefore, the exemption set forth in section 12-58-113(6)(a), C.R.S. does not apply to the water heaters at issue here.

Pursuant to its mandate under 12-58-104.5(1), C.R.S., the Board has established the Colorado Plumbing Code within which are Chapters 5 Water Heaters (IPC) and 28 Water Heaters (IRC), which regulate the installation and replacement of water heaters. By these code adoptions and by definitions from the state statute regulating the practice of plumbing, the installation and replacement of water heaters constitute plumbing and therefore fall under the regulatory authority of the State Plumbing Board.

Section 12-58-104.5(2), C.R.S. allows local governments (Authorities Having Jurisdiction) to amend the code for their jurisdictions as long as such amendments are at least equal to the minimum requirements set forth in the Colorado Plumbing Code. By statute and the Colorado Plumbing Code, water heater installation and replacement requires a Board-issued plumbing license. Allowing individuals who do not possess a Board issued plumbing license to install water heaters and/or allowing individuals or companies to purchase permits to install water heaters who are not registered as plumbing contractors with the plumbing Board fails to meet the “minimum requirements” mandated by section 12-58-104.5(2), C.R.S. and may be subject to Board action as described in sections 12-58-104 (l) and (m), C.R.S.

Conclusion:

The installation and replacement of domestic water heaters constitute plumbing and must be done by a licensed plumber working for a registered plumbing contractor. As with all plumbing installations a permit and inspection by the authority having jurisdiction is required.

New Plumbing board Rule to the 2015 adopted codes designed to clarify water heater installations;

**STATE PLUMBING BOARD RULES
AND REGULATIONS
3 CCR 720-1**

2.4.9 CLARIFICATION OF “DOMESTIC APPLIANCES” REFERENCED IN 12-58-113(6)(A)(I) C.R.S. WATER HEATERS USED TO SUPPLY DOMESTIC HOT WATER TO A RESIDENTIAL OR COMMERCIAL POTABLE WATER SYSTEM ARE NOT EQUIPPED WITH BACKFLOW PREVENTERS. THEREFORE, THEY DO NOT FALL UNDER THE EXEMPTION IN 12-58-113(6)(A)(L), C.R.S.

Sincerely,



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