

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1074.01 Thomas Morris x4218

HOUSE BILL 16-1315

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN AUTHORIZATION FOR SEAPLANES TO OPERATE WHERE
102 MOTORBOATS MAY BE OPERATED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current state park law excludes seaplanes from the definition of a "vessel", and applicable park rules essentially prohibit seaplanes from landing in or taking off from state park water bodies. The bill includes seaplanes in the definition of a "vessel" (**sections 1 and 3** of the bill) and prohibits the commission's rules (**sections 2 and 4**), and those of municipalities and special districts (**section 6**), from arbitrarily excluding

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.

the operation of a seaplane from waters of the state that are open to the operation of motorboats. Because seaplanes must be registered pursuant to federal law, **section 5** exempts seaplanes from state registration.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-10-102, **amend**
3 (27); and **add** (21.5) as follows:

4 **33-10-102. Definitions.** As used in articles 10 to 15 of this title,
5 unless the context otherwise requires:

6 (21.5) "SEAPLANE" MEANS AN AIRCRAFT, AS THAT TERM IS
7 DEFINED IN SECTION 43-10-102(1), C.R.S., THAT CAN TAKE OFF FROM AND
8 LAND AND FLOAT ON WATER.

9 (27) "Vessel" means every description of watercraft, INCLUDING
10 SEAPLANES WHILE LANDING OR FLOATING ON OR TAKING OFF FROM
11 WATERS OF THE STATE, used or capable of being used as a means of
12 transportation of persons and property on the water, other than
13 single-chambered, air-inflated devices. ~~or seaplanes.~~

14 **SECTION 2.** In Colorado Revised Statutes, 33-10-106, **amend**
15 (2) (f) as follows:

16 **33-10-106. Duties of the commission - rules.** (2) The
17 commission shall adopt such rules as may be reasonably necessary for the
18 administration, protection, and maintenance of all state parks and
19 recreation areas under the direct control of the division. Specifically, the
20 commission has the power to adopt rules for such areas on the following
21 matters:

22 (f) Use of motor vehicles and vessels, as to place, time, and
23 manner of operation. THE COMMISSION'S RULES MUST NOT ARBITRARILY
24 EXCLUDE THE OPERATION OF A SEAPLANE FROM WATERS OF THE STATE

1 THAT ARE OPEN TO THE OPERATION OF MOTORBOATS, AS THAT TERM IS
2 DEFINED IN SECTION 33-13-102 (1).

3 **SECTION 3.** In Colorado Revised Statutes, 33-13-102, **amend**
4 (1) and (5) as follows:

5 **33-13-102. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (1) "Motorboat" means any vessel, OTHER THAN A SEAPLANE,
8 propelled by machinery, whether or not such machinery is the principal
9 source of propulsion, including personal watercraft. ~~as defined in~~
10 ~~subsection (3.3) of this section.~~

11 (5) "Vessel" means every description of watercraft, INCLUDING
12 SEAPLANES WHILE LANDING OR FLOATING ON OR TAKING OFF FROM
13 WATERS OF THE STATE, used or capable of being used as a means of
14 transportation of persons and property on the water, other than
15 single-chambered, air-inflated devices. ~~or seaplanes.~~

16 **SECTION 4.** In Colorado Revised Statutes, 33-13-111, **amend**
17 (1) (a) as follows:

18 **33-13-111. Authority to close waters - rules.** (1) (a) The
19 commission shall promulgate rules to prohibit the operation of vessels on
20 any waters of the state and ordering the removal of vessels from any
21 waters of the state when such operation constitutes or may constitute a
22 hazard to human life or safety. THE COMMISSION'S RULES MUST NOT
23 ARBITRARILY EXCLUDE THE OPERATION OF A SEAPLANE FROM WATERS OF
24 THE STATE THAT ARE OPEN TO THE OPERATION OF MOTORBOATS.

25 **SECTION 5.** In Colorado Revised Statutes, 33-13-103, **amend**
26 (1) introductory portion as follows:

27 **33-13-103. Numbering of vessels required - rules.** (1) It is

1 unlawful for ~~any~~ A person to operate or use a vessel on the waters of this
2 state or to possess a vessel at a vessel staging area unless the vessel has
3 been numbered and a certificate of the number, referred to in this article
4 as a "registration", has been issued to the vessel by the division; EXCEPT
5 THAT A SEAPLANE MUST BE REGISTERED AND NUMBERED PURSUANT TO
6 FEDERAL LAW. The operator of the vessel shall produce the registration
7 for inspection upon demand of any officer authorized to enforce articles
8 10 to 15 and 32 of this title. The following are exempt from the
9 requirements of this subsection (1) and from the vessel registration fee as
10 specified pursuant to section 33-10-111 (5):

11 **SECTION 6.** In Colorado Revised Statutes, **amend** 33-13-113 as
12 follows:

13 **33-13-113. Municipal corporations or organizations - powers.**

14 (1) Nothing in this article shall be construed to prevent municipal
15 corporations or quasi-municipal corporations, including, but not limited
16 to, metropolitan recreation districts, from policing lakes or bodies of
17 water located within all or part of the territorial boundaries of any such
18 entities.

19 (2) Any person designated by such entities to engage in policing
20 work upon said bodies of water may be commissioned by the division to
21 enforce the provisions of this article as an authorized representative of the
22 division. In addition, said entities shall also be empowered to charge and
23 collect reasonable permit fees to defer the expense of such policing
24 operations without the obligation of remitting such fees to the division,
25 but such fees shall be in addition to those otherwise provided for in this
26 article.

27 (3) Such entities are empowered to adopt and enforce reasonable

1 rules and regulations governing the use of vessels on the bodies of water
2 patrolled under their supervision if such rules and regulations do not
3 conflict with ~~the provisions of~~ this article. THE RULES AND REGULATIONS
4 MUST NOT ARBITRARILY EXCLUDE THE OPERATION OF A SEAPLANE FROM
5 WATERS OF THE STATE THAT ARE OPEN TO THE OPERATION OF
6 MOTORBOATS, AS THAT TERM IS DEFINED IN SECTION 33-13-102 (1).

7 **SECTION 7. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 10, 2016, if adjournment sine die is on May 11,
11 2016); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2016 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to conduct occurring on or after the applicable
18 effective date of this act.