

## CHAPTER 416

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**NATURAL RESOURCES**

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**SENATE BILL 19-160**

BY SENATOR(S) Winter, Donovan, Story;  
also REPRESENTATIVE(S) McCluskie, Arndt, Bird, Buentello, Esgar, Exum, Hansen, Herod, McLachlan, Roberts, Snyder,  
Titone, Valdez A., Valdez D., Will.

**AN ACT****CONCERNING THE CONTINUATION OF THE RIVER OUTFITTER LICENSING PROGRAM.**

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

**SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal** (17)(a)(IV); and **add** (29)(a)(VII) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.** (17) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2019:

(IV) ~~The licensing of river outfitters through the parks and wildlife commission and the division of parks and wildlife in accordance with article 32 of title 33, C.R.S.;~~

(29) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2028:

(VII) ~~THE LICENSING OF RIVER OUTFITTERS THROUGH THE PARKS AND WILDLIFE COMMISSION AND THE DIVISION OF PARKS AND WILDLIFE IN ACCORDANCE WITH ARTICLE 32 OF TITLE 33.~~

**SECTION 2.** In Colorado Revised Statutes, **amend** 33-32-112 as follows:

**33-32-112. Repeal of article.** This ~~article~~ **ARTICLE 32** and the licensing function of the division are repealed, effective September 1, 2019. ~~Prior to such termination~~ **2028.** ~~BEFORE THE REPEAL,~~ the licensing function ~~shall be reviewed as provided for~~

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

~~it~~ IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

**SECTION 3.** In Colorado Revised Statutes, 23-64-104, **amend** (1) introductory portion and (1)(p); and **add** (1)(q) as follows:

**23-64-104. Exemptions.** (1) The following educational institutions and educational services are exempt from ~~the provisions of~~ this article 64:

(p) Yoga teacher training courses, programs, and schools; AND

(q) TRAINING OF GUIDES, TRIP LEADERS, AND GUIDE INSTRUCTORS BY RIVER OUTFITTERS LICENSED PURSUANT TO SECTION 33-32-104.

**SECTION 4.** In Colorado Revised Statutes, **amend** 33-32-103 as follows:

**33-32-103. Powers and duties of the commission - rules.** (1) The commission shall promulgate rules to:

(a) Govern the licensing of river outfitters;

(b) ~~to~~ Regulate river outfitters, guides, trip leaders, and guide instructors;

(c) ~~to~~ Ensure the safety of associated river-running activities;

(d) ~~to~~ Establish guidelines to enable a river outfitter, guide, or trip leader to make a determination that the condition of the river constitutes a hazard to the life and safety of certain persons; ~~and~~

(e) ESTABLISH INSURANCE REQUIREMENTS FOR VEHICLES USED BY RIVER OUTFITTERS; AND

(f) ~~to~~ Carry out the purposes of this ~~article~~ ARTICLE 32.

(2) The commission may promulgate rules specifically outlining the procedures to be followed by the commission and by the enforcement section of the division in the event of a death or serious injury during a regulated trip.

(3) The commission shall e-mail a notice of every proposed rule to each licensee.

(4) The commission shall adopt rules regarding:

(a) Notification to outfitters of:

(I) Certain division personnel changes within ten days ~~of~~ AFTER the change; and

(II) Safety training standards; and

(b) Customer and outfitter interaction training standards for division rangers who monitor regulated trips.

**SECTION 5.** In Colorado Revised Statutes, 42-4-235, **amend** (4)(a)(I); and **add**

(4)(a)(III) as follows:

**42-4-235. Minimum standards for commercial vehicles - motor carrier safety fund - created - definition - rules.** (4) (a) (I) EXCEPT AS DESCRIBED IN SUBSECTION (4)(a)(III) OF THIS SECTION, the chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles and, as specified in subsection (4)(a)(II) of this section, vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the chief pursuant to this ~~paragraph (a)~~ SUBSECTION (4)(a) must be performed by an enforcement official, as defined in section 42-20-103 (2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(III) RULES ESTABLISHING INSURANCE REQUIREMENTS FOR VEHICLES USED BY LICENSED RIVER OUTFITTERS ARE ESTABLISHED BY THE PARKS AND WILDLIFE COMMISSION PURSUANT TO SECTION 33-32-103 (1)(e).

**SECTION 6. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: June 3, 2019