

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0369.01 Richard Sweetman x4333

SENATE BILL 19-160

SENATE SPONSORSHIP

Winter, Donovan

HOUSE SPONSORSHIP

McCluskie,

Senate Committees

Agriculture & Natural Resources
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE RIVER OUTFITTER LICENSING**
102 **PROGRAM.**

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://leg.colorado.gov/>.)

Sunset Process - Senate Agriculture and Natural Resources Committee. The bill implements the recommendation of the department of regulatory agencies in its sunset review and report on the licensing of river outfitters by the division of parks and wildlife within the department of natural resources by continuing these functions until September 1, 2028.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 11, 2019

The bill exempts the training of guides, trip leaders, and guide instructors from the authority of the private occupational schools division in the department of higher education.

The bill requires the parks and wildlife commission to promulgate rules to establish insurance requirements for vehicles used by river outfitters.

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

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

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2019:

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

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

13 (V) THE LICENSING OF RIVER OUTFITTERS THROUGH THE PARKS
14 AND WILDLIFE COMMISSION AND THE DIVISION OF PARKS AND WILDLIFE IN
15 ACCORDANCE WITH ARTICLE 32 OF TITLE 33.

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

18 **33-32-112. Repeal of article.** This ~~article~~ ARTICLE 32 and the
19 licensing function of the division are repealed, effective September 1,
20 ~~2019. Prior to such termination~~ 2028. BEFORE THE REPEAL, the licensing
21 function ~~shall be reviewed as provided for in~~ IS SCHEDULED FOR REVIEW
22 IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

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

3 **23-64-104. Exemptions.** (1) The following educational
4 institutions and educational services are exempt from ~~the provisions of~~
5 this article 64:

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

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

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

11 **33-32-103. Powers and duties of the commission - rules.**

12 (1) The commission shall promulgate rules to:

13 (a) Govern the licensing of river outfitters;

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

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

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

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

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

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

27 (3) The commission shall e-mail a notice of every proposed rule

1 to each licensee.

2 (4) The commission shall adopt rules regarding:

3 (a) Notification to outfitters of:

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

6 (II) Safety training standards; and

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

9 **SECTION 5. In Colorado Revised Statutes, 42-4-235, amend**
10 **(4)(a)(I); and add (4)(a)(III) as follows:**

11 **42-4-235. Minimum standards for commercial vehicles - motor**
12 **carrier safety fund - created - definition - rules. (4) (a) (I) EXCEPT AS**
13 **DESCRIBED IN SUBSECTION (4)(a)(III) OF THIS SECTION, the chief of the**
14 **Colorado state patrol shall adopt rules for the operation of all commercial**
15 **vehicles and, as specified in subsection (4)(a)(II) of this section, vehicles**
16 **that would be commercial vehicles but for the fact that they have a**
17 **manufacturer's gross vehicle weight rating or gross combination rating of**
18 **ten thousand one pounds or more but not more than sixteen thousand**
19 **pounds. In adopting the rules, the chief shall use as general guidelines the**
20 **standards contained in the current rules and regulations of the United**
21 **States department of transportation relating to safety regulations,**
22 **qualifications of drivers, driving of motor vehicles, parts and accessories,**
23 **notification and reporting of accidents, hours of service of drivers,**
24 **inspection, repair and maintenance of motor vehicles, financial**
25 **responsibility, insurance, and employee safety and health standards;**
26 **except that rules regarding financial responsibility and insurance do not**
27 **apply to a commercial vehicle as defined in subsection (1) of this section**

1 that is also subject to regulation by the public utilities commission under
2 article 10.1 of title 40. On and after September 1, 2003, all commercial
3 vehicle safety inspections conducted to determine compliance with rules
4 promulgated by the chief pursuant to this ~~paragraph (a)~~ SUBSECTION (4)(a)
5 must be performed by an enforcement official, as defined in section
6 42-20-103 (2), who has been certified by the commercial vehicle safety
7 alliance, or any successor organization thereto, to perform level I
8 inspections.

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

13 **SECTION 6. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 2, 2019, if adjournment sine die is on May 3,
17 2019); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2020 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

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