

CHAPTER 274

NATURAL RESOURCES

HOUSE BILL 97-1134

BY REPRESENTATIVES Lawrence, Entz, George, Kaufman, Nichol, Schwarz, K. Alexander, Gordon, S. Johnson, Reeser, Taylor, Bacon, Dean, Epps, Musgrave, Sullivant, and Udall;
also SENATORS Bishop and Matsunaka.

AN ACT

CONCERNING VESSEL SAFETY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 33-13-102 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 33-13-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(1) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion INCLUDING "PERSONAL WATERCRAFT" AS DEFINED IN SUBSECTION (3.3) OF THIS SECTION.

(3.3) "PERSONAL WATERCRAFT" MEANS A MOTORBOAT THAT USES AN INBOARD MOTOR POWERING A WATER JET PUMP AS ITS PRIMARY SOURCE OF MOTIVE POWER AND IS DESIGNED TO BE OPERATED BY A PERSON SITTING, STANDING, OR KNEELING ON THE VESSEL, RATHER THAN THE CONVENTIONAL MANNER OF SITTING OR STANDING INSIDE THE VESSEL. "PERSONAL WATERCRAFT" INCLUDES A MOTORBOAT KNOWN AS A "SPECIALTY PROP-CRAFT", WHICH IS SIMILAR IN APPEARANCE TO A PERSONAL WATERCRAFT BUT POWERED BY AN OUTBOARD OR MOTOR DRIVEN PROPELLER.

SECTION 2. 33-13-106, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-13-106. Equipment requirements. (1) NO PERSON SHALL OPERATE A PERSONAL WATERCRAFT UNLESS EACH PERSON ABOARD IS WEARING A PERSONAL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FLOTATION DEVICE OF A TYPE APPROVED BY THE UNITED STATES COAST GUARD THAT IS IN A GOOD AND SERVICEABLE CONDITION.

(2) A PERSON OPERATING A PERSONAL WATERCRAFT EQUIPPED BY THE ORIGINAL MANUFACTURER WITH AN ENGINE CUTOFF SWITCH LANYARD SHALL ATTACH SUCH LANYARD TO HIS OR HER PERSON, CLOTHING, OR PERSONAL FLOTATION DEVICE, AS APPROPRIATE FOR THE SPECIFIC VESSEL.

(+) (3) Every vessel, OTHER THAN A PERSONAL WATERCRAFT, operated on the waters of this state shall at all times have aboard:

(a) One personal flotation device of a type approved by the commandant of the United States coast guard in good and serviceable condition and in a readily accessible place of storage for each person on board; except that sailboard operators may wear a wet suit, as defined by the board, in lieu of carrying a personal flotation device as required by this paragraph (a);

(b) When in operation during hours of darkness, a light sufficient to make the vessel's presence and location known to any and all other vessels within a reasonable distance;

(c) If not an entirely open vessel and if carrying or using any inflammable or toxic fluid in any enclosure for any purpose, an efficient natural or mechanical ventilation system which shall be capable of removing any resulting gases prior to and during the time such vessel is occupied by any person.

(+) (4) EVERY VESSEL OPERATED ON THE WATERS OF THIS STATE SHALL HAVE such additional equipment ~~which~~ THAT is designed to promote navigational safety and ~~which~~ THAT the board may find to be necessary or desirable for the safe operation of vessels upon the waters of this state.

(-) (5) Any person who violates subsection (1), (2), (3), OR (4) of this section is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

(-) (6) The board may exempt vessels from the provisions of subsection (1), (2), (3), OR (4) of this section under certain conditions or upon certain waters.

SECTION 3. Article 13 of title 33, Colorado Revised Statutes, 1995 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

33-13-107.1. Minimum age of motorboat operators - youth education. (1) NO PERSON UNDER SIXTEEN YEARS OF AGE SHALL OPERATE A MOTORBOAT IN THIS STATE EXCEPT AS PROVIDED IN THIS SECTION.

(2) A PERSON FOURTEEN YEARS OF AGE OR OLDER WHO HAS NOT REACHED HIS OR HER SIXTEENTH BIRTHDAY MAY OPERATE A MOTORBOAT ONLY IF HE OR SHE:

(a) COMPLETES A BOATING SAFETY COURSE APPROVED BY THE DIVISION OF PARKS AND OUTDOOR RECREATION; AND

(b) HAS A BOATING SAFETY CERTIFICATE ISSUED BY THE BOATING SAFETY COURSE PROVIDER IN HIS OR HER POSSESSION.

(3) NO PERSON SHALL PERMIT OR KNOWINGLY AUTHORIZE A MOTORBOAT TO BE OPERATED BY A PERSON UNDER SIXTEEN YEARS OF AGE; EXCEPT THAT A PERSON FOURTEEN YEARS OF AGE OR OLDER WHO HAS NOT REACHED HIS OR HER SIXTEENTH BIRTHDAY MAY BE PERMITTED OR AUTHORIZED TO OPERATE A MOTORBOAT IF HE OR SHE HAS MET THE BOATING SAFETY AND CERTIFICATE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION.

(4) NO OWNER OR OPERATOR OF A VESSEL LIVERY OR AN AGENT OR EMPLOYEE OF SUCH OWNER OR OPERATOR SHALL LEASE, HIRE, OR RENT A MOTORBOAT TO OR FOR OPERATION BY ANY PERSON UNDER SIXTEEN YEARS OF AGE; EXCEPT THAT A PERSON FOURTEEN YEARS OF AGE OR OLDER WHO HAS NOT REACHED HIS OR HER SIXTEENTH BIRTHDAY MAY BE PERMITTED OR AUTHORIZED TO OPERATE A MOTORBOAT IF HE OR SHE HAS MET THE BOATING SAFETY AND CERTIFICATE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION.

(5) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF FIFTY DOLLARS.

(6) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND DOLLARS BE APPROPRIATED FOR THE PURPOSE OF IMPLEMENTING THE REQUIREMENTS OF THIS SECTION.

SECTION 4. 33-13-108 (1) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

33-13-108. Prohibited vessel operations. (1) (a) No person shall operate or give permission for the operation of a vessel:

(I) Which is not equipped as required by this article or rules and regulations promulgated pursuant thereto;

(II) Which emits noise in excess of the permissible level established in standards promulgated by the board in accordance with article 4 of title 24, C.R.S.;

(III) Above a wakeless speed in areas zoned as wakeless, as defined by board rule or regulation;

(IV) IN A MANNER THAT VIOLATES ANY RULE PROMULGATED BY THE BOARD FOR SAFE USE AND OPERATION OF VESSELS.

SECTION 5. 33-13-108 (1) (b), (2), and (3), Colorado Revised Statutes, 1995 Repl. Vol., are amended, and the said 33-13-108 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH to read:

33-13-108. Prohibited vessel operations. (1) (a.5) NO PERSON SHALL OPERATE A PERSONAL WATERCRAFT BETWEEN ONE HALF HOUR AFTER SUNSET AND ONE HALF HOUR BEFORE SUNRISE.

(b) Any person who violates paragraph (a) OR (a.5) of this subsection (1) is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

(2) (a) It is unlawful for any person to operate a vessel in a careless or imprudent manner without due regard for zoning, traffic, and other attendant circumstances or as to endanger any person, property, or wildlife. ~~Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of fifty dollars.~~ FOR PURPOSES OF THIS PARAGRAPH (a), CARELESS OR IMPRUDENT VESSEL OPERATION INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

(I) BECOMING AIRBORNE OR COMPLETELY LEAVING THE WATER WHILE CROSSING THE WAKE OF ANOTHER VESSEL AT AN UNSAFE DISTANCE FROM THE VESSEL CREATING THE WAKE OR WHEN VISIBILITY AROUND SUCH VESSEL IS OBSTRUCTED;

(II) UNSAFELY WEAVING THROUGH VESSEL TRAFFIC;

(III) OPERATING AT SUCH A SPEED AND PROXIMITY TO ANOTHER VESSEL SO AS TO REQUIRE THE OPERATOR OF EITHER VESSEL TO ABRUPTLY SWERVE OR TO ABRUPTLY CUT SPEED IN ORDER TO AVOID COLLISION.

(b) ANY PERSON WHO VIOLATES PARAGRAPH (a) OF THIS SUBSECTION (2) IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS.

(3) (a) It is unlawful for any person to operate a vessel in ~~such~~ a RECKLESS manner as to indicate either a wanton or willful disregard for the safety of persons or property. Any person who violates this subsection (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 6. 33-13-112 (1), Colorado Revised Statutes, 1995 Repl. Vol., as amended, is amended to read:

33-13-112. Enforcement - applicability. (1) Every parks and recreation officer and other peace officer of this state has the authority to enforce the provisions of this article and, in the exercise thereof, has the authority to stop and board any vessel except that the officer shall have reasonable suspicion prior to ~~stopping and~~ boarding any vessel.

SECTION 7. 33-32-107 (2) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

33-32-107. River outfitters - prohibited operations - penalties. (2) It is unlawful for any river outfitter, guide, trip leader, or guide instructor to:

(a) Violate the safety equipment provisions of section 33-13-106. Any person who violates the provisions of this paragraph (a) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of one hundred dollars; except that any

person who fails to have one personal flotation device for each person on board as required by section ~~33-13-106 (1) (a)~~ 33-13-106 (3) (a) commits a class 3 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1-106, C.R.S.

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the parks and outdoor recreation cash fund not otherwise appropriated, to the department of natural resources, for allocation to the division of parks and outdoor recreation, for the fiscal year beginning July 1, 1997, the sum of twenty-eight thousand six hundred ninety-three dollars (\$28,693) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 9. Effective date - applicability. Section 3 of this act shall take effect on January 1, 1998, and the remainder of this act shall take effect upon passage and shall apply to acts committed on or after said date.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 1997