

~~PART 7~~ **ARTICLE 150**
PASSENGER TRAMWAY SAFETY

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1 **12-150-101. [Formerly 25-5-701] Legislative declaration.** In order to assist in
2 safeguarding life, health, property, and the welfare of this state, it is the policy of the state
3 of Colorado to establish a board empowered to prevent unnecessary mechanical hazards in
4 the operation of passenger tramways and to assure that reasonable design and construction
5 are used for, that accepted safety devices and sufficient personnel are provided for, and that
6 periodic inspections and adjustments are made which THAT are deemed essential to the safe
7 operation of, passenger tramways.

8
9 **12-150-102. Applicability of common provisions.** ARTICLES 1 AND 20 OF THIS TITLE
10 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 150.

1 **12-150-103. [Formerly 25-5-702] Definitions.** As used in this ~~part 7~~ ARTICLE 150,
2 unless the context otherwise requires:

3 (1) "Area operator" means a person who owns, manages, or directs the operation and
4 maintenance of a passenger tramway. "Area operator" may apply to the state or any political
5 subdivision or instrumentality thereof.

6 ~~(1.5)~~ (2) "Board" means the passenger tramway safety board created by section
7 ~~25-5-703~~ **12-150-104.**

8 ~~(1.7)~~ "Commercial recreational area" means an entity using passenger tramways to
9 provide recreational opportunities to the public for a fee. <{**This is the only use of**
10 **"commercial recreational area" in the article. Recommend repeal of subsection (1.7).**>

11 ~~(2)~~ (3) "Industry" means the activities of all those persons in this state who own,
12 manage, or direct the operation of passenger tramways.

13 ~~(3)~~ (4) "License" means the formal, legal, written permission of the board to operate
14 a passenger tramway.

15 ~~(4)~~ (5) "Passenger tramway" means a device used to transport passengers uphill on
16 skis, or in cars on tracks, or suspended in the air by the use of steel cables, chains, or belts,
17 or by ropes, and usually supported by trestles or towers with one or more spans. "Passenger
18 tramway" includes, but is not limited to, the following devices:

19 (a) Fixed-grip lifts. "Fixed-grip lift" means an aerial lift on which carriers remain
20 attached to a haul rope. The tramway system may be either continuously or intermittently
21 circulating, and may be either monocable or bicable.

22 (b) Detachable-grip lifts. "Detachable-grip lift" means an aerial lift on which carriers
23 alternately attach to and detach from a moving haul rope. The tramway system may be
24 monocable or bicable.

25 (c) Funiculars. "Funicular" means a device in which a passenger car running on steel
26 or wooden tracks is attached to and propelled by a steel cable, and any similar devices.

27 (d) Chair lifts. "Chair lift" means a type of transportation on which passengers are
28 carried on chairs suspended in the air and attached to a moving cable, chain, or link belt
29 supported by trestles or towers with one or more spans, and any similar devices.

30 (e) Surface lifts. "Surface lift" means a J-bar, T-bar, or platter pull and any similar
31 types of devices or means of transportation ~~which~~ THAT pull skiers riding on skis by means
32 of an attachment to a main overhead cable supported by trestles or towers with one or more
33 spans.

34 (f) Rope tows. "Rope tow" means a type of transportation ~~which~~ THAT pulls the skier
35 riding on skis as the skier grasps the rope manually, and any similar devices.

36 (g) Portable aerial tramway devices. "Portable aerial tramway device" means any
37 device designed for temporary use and operation, without permanent foundations, in

1 changing or variable locations, with a capacity of less than five persons, ~~which~~ THAT
2 transports equipment or personnel, and is not used or intended to be used by the general
3 public.

4 (h) Portable tramway devices. "Portable tramway device" means any device designed
5 to be used and operated as a rope tow or surface lift without permanent foundations and
6 intended for temporary use in changing or variable locations, when used within the boundary
7 of a recognized ski area.

8 (i) Private residence tramways. "Private residence tramway" means a device installed
9 at a private residence or installed in multiple dwellings as a means of access to a private
10 residence in ~~such~~ multiple dwelling buildings, so long as the tramway is so installed that it
11 is not accessible to the general public or to other occupants of the building.

12 (j) Reversible aerial tramways. "Reversible aerial tramway" means a device on which
13 passengers are transported in cable-supported carriers and are not in contact with the ground
14 or snow surface, and in which the carriers reciprocate between terminals.

15 (k) Conveyors. "Conveyor" means a type of transportation by which skiers, or
16 passengers on recreational devices, are transported uphill on top of a flexible, moving
17 element such as a belt or a series of rollers.

18 ~~(4.5)~~ (6) "Program administrator" means the person who manages the board's offices
19 on a day-to-day basis and works with the supervisory tramway engineer and the board in
20 implementing the policies, decisions, and orders of the board.

21 ~~(5)~~ (7) "Qualified tramway design engineer" or "qualified tramway construction
22 engineer" means an engineer licensed by the state board of licensure for architects,
23 professional engineers, and professional land surveyors pursuant to part ~~†~~ 2 of article ~~25~~ **120**
24 of title 12 C.R.S., to practice professional engineering in this state.

25 ~~(6)~~ (8) "Staff" means the program administrator, the supervisory tramway engineer,
26 and their clerical staff.

27 ~~(7)~~ (9) "Supervisory tramway engineer" means the tramway engineer who works with
28 the program administrator and the board in implementing the policies, decisions, and orders
29 of the board.

30
31 **12-150-104. [Formerly 25-5-703] Passenger tramway safety board - composition**
32 **- termination.** (1) There is hereby created a passenger tramway safety board of six
33 appointive members and one member designated by the United States forest service. The
34 appointive members shall be appointed by the governor from persons representing the
35 following interests: Two members to represent the industry or area operators; two members
36 to represent the public at large; one member who is a licensed professional engineer not
37 employed by a ski area or related industry; and one member familiar with or experienced in

1 the tramway industry who may represent the passenger tramway manufacturing or design
2 industry or an area operator. No person shall be so appointed or designated except those who,
3 by reason of knowledge or experience, shall be deemed to be qualified. ~~Such~~ THE knowledge
4 or experience shall be either from active and relevant involvement in the design,
5 manufacture, or operation of passenger tramways or as a result of extensive and relevant
6 involvement in related activities. The governor, in making ~~such~~ appointments, shall consider
7 recommendations made to him or her by the membership of the particular interest from
8 which the appointments are to be made.

9 (2) Each of the appointed members shall be appointed for a term of four years and
10 until a successor is appointed and qualified, and no board member shall serve more than two
11 consecutive four-year terms. A former board member may be reappointed to the board after
12 having vacated the board for one four-year term. Vacancies on the board, for either an
13 unexpired term or for a new term, shall be filled through prompt appointment by the
14 governor. The member of the board designated by the United States forest service shall serve
15 for such period as ~~such~~ THE federal agency shall determine and shall serve without
16 compensation or reimbursement of expenses.

17 (3) The governor may remove any member of the board for misconduct,
18 incompetence, or neglect of duty.

19 (4) Board members appointed by the governor shall have been residents of this state
20 for at least three years.

21 (5) No member of the board who has any form of conflict of interest or the potential
22 thereof shall participate in consideration of the deliberations on matters to which ~~such~~ THE
23 conflict may relate. ~~such~~ Conflicts may include, but are not limited to, a member of the board
24 having acted in any consulting relationship or being directly or indirectly involved in the
25 operation of the tramway in question.

26 (6) A majority of the board shall constitute a quorum. When necessary, the board may
27 conduct business telephonically during a public meeting for purposes of obtaining a quorum,
28 facilitating the participation of members in remote locations, or both.

29 ~~(7) The provisions of section 24-34-104, C.R.S., concerning the termination schedule~~
30 ~~for regulatory bodies of the state unless extended as provided in that section, are applicable~~
31 ~~to the passenger tramway safety board created by this section. <{***This is redundant with***~~
32 ~~***12-150-120. Recommend repeal.***>~~

33
34 ~~**25-5-703.5. Board subject to termination - repeal of article. (Repeated)**~~

35
36 **12-150-105. [Formerly 25-5-704] Powers and duties of board.** (1) The board has
37 the following powers and duties in addition to those otherwise described by this ~~part 7~~

1 ARTICLE 150:

2 (a) To promulgate ~~amend, and repeal such rules as may be necessary and proper to~~
3 ~~carry out the provisions of this article~~ In adopting such rules PURSUANT TO SECTION
4 12-20-204. The board may use as general guidelines the standards contained in the
5 "American National Standard for Passenger Ropeways - Aerial Tramways and Aerial Lifts,
6 Surface Lifts, Tows, and Conveyors - Safety Requirements", as adopted by the American
7 National Standards Institute, incorporated, as amended from time to time. Such THE rules
8 shall not be discriminatory in their application to area operators, and procedures of the board
9 with respect thereto shall be as provided in section 24-4-103 C.R.S.; with respect to
10 rule-making. <{**Redundant with rule-making common provision, 12-20-204.**}>

11 (b) To investigate matters relating to the exercise and performance of the powers and
12 duties of the board;

13 (c) To receive complaints concerning violations of this ~~part 7~~ ARTICLE 150;

14 (d) To conduct meetings, hold hearings, and take evidence ~~in all matters relating to~~
15 ~~the exercise and performance of the powers and duties of the board, subpoena witnesses,~~
16 ~~administer oaths, and compel the testimony of witnesses and the production of books, papers,~~
17 ~~and records relevant to the subject inquiry~~ IN ACCORDANCE WITH SECTION 12-20-403. The
18 program administrator may issue subpoenas on behalf of the board at the board's direction.
19 ~~If any person refuses to obey any subpoena so issued, the board may petition the district~~
20 ~~court, setting forth the facts, and thereupon the court in a proper case shall issue its subpoena.~~
21 ~~The board may appoint an administrative law judge pursuant to part 10 of article 30 of title~~
22 ~~24, C.R.S., to take evidence and to make findings and report them to the board. The board~~
23 ~~may elect to hear the matter itself with the assistance of an administrative law judge, who~~
24 ~~shall rule on the evidence and otherwise conduct the hearing in accordance with the "State~~
25 ~~Administrative Procedure Act", article 4 of title 24. C.R.S. <{**Redundant with disciplinary**~~
26 ~~**procedure common provision, 12-20-403 and the APA. Recommend amendment as**~~
27 ~~**indicated.**}>~~

28 (e) To discipline area operators in accordance with this ~~part 7~~ ARTICLE 150;

29 (f) To approve and renew licenses in accordance with this ~~part 7~~ ARTICLE 150;

30 (g) To elect officers;

31 (h) To establish standing or temporary technical and safety committees composed of
32 persons with expertise in tramway-related fields to review, as the board deems necessary, the
33 design, construction, maintenance, and operation of passenger tramways and to make
34 recommendations to the board concerning their findings. Committees established pursuant
35 to this ~~paragraph (h)~~ SUBSECTION (1)(h) shall meet as deemed necessary by the board or the
36 supervisory tramway engineer.

37 (i) To collect fees, established pursuant to section ~~24-34-105, C.R.S.~~ **12-20-105** for

1 any application for a new construction or major modification, for any application for
2 licensing, and for inspection and accident investigations;

3 (j) To cause the prosecution and enjoinder, IN ACCORDANCE WITH SECTION 12-20-406,
4 of all persons violating ~~such~~ THE provisions OF THIS ARTICLE 150 and to incur the necessary
5 expenses thereof;

6 (k) To delegate duties to the program administrator;

7 (l) To keep records of its proceedings and of all applications.

8
9 **12-150-106. [Formerly 25-5-705] Responsibilities of area operators.** The primary
10 responsibility for design, construction, maintenance, operation, and inspection rests with the
11 area operators of passenger tramway devices.

12
13 **12-150-107. [Formerly 25-5-706] Disciplinary action - administrative sanctions**
14 **- grounds.** (1) Disciplinary action of the board pursuant to this section shall be taken in
15 accordance with the "State Administrative Procedure Act", article 4 of title 24 C.R.S. AND
16 SECTIONS 12-20-403 AND 12-20-404.

17 (2) Disciplinary action of the board may be imposed as an alternative to or in
18 conjunction with the issuance of orders or the pursuit of other remedies provided by section
19 ~~25-5-707~~ **12-150-108** or ~~25-5-716~~ **12-150-116**, and may consist of any of the following:

20 (a) ~~Denial, suspension, revocation, or refusal to renew the license of any passenger~~
21 ~~tramway.~~ ACTION AS AUTHORIZED IN SECTION 12-20-404. The board may summarily suspend
22 a license pursuant to the authority granted by this ~~part 7~~ ARTICLE 150 or article 4 of title 24.
23 C.R.S. < **Redundant with disciplinary actions common provision, 12-20-404. Recommend**
24 **amending as indicated.** >

25 (b) ~~(I) When a complaint or investigation discloses an instance of misconduct that,~~
26 ~~in the opinion of the board, does not warrant formal action by the board but that should not~~
27 ~~be dismissed as being without merit, issuance and sending of a letter of admonition, by~~
28 ~~certified mail, to the area operator.~~

29 ~~(II) When a letter of admonition is sent by the board, by certified mail, to an area~~
30 ~~operator such area operator shall be advised that he or she has the right to request in writing,~~
31 ~~within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated~~
32 ~~to adjudicate the propriety of the conduct upon which the letter of admonition is based.~~

33 ~~(III) If the request for adjudication is timely made, the letter of admonition shall be~~
34 ~~deemed vacated and the matter shall be processed by means of formal disciplinary~~
35 ~~proceedings.~~ < **Subsection (2)(b) redundant with letters of admonition common provision,**
36 **12-20-404 (4). Recommend repealing.** >

37 (c) (b) Assessment of a fine, not to exceed ten thousand dollars per act or omission

1 or, in the case of acts or omissions found to be willful, fifty thousand dollars per act or
2 omission, against any area operator;

3 ~~(d)~~ (c) Imposition of reasonable conditions upon the continued licensing of a
4 passenger tramway or upon the suspension of further disciplinary action against an area
5 operator.

6 (3) The board may take disciplinary action for any of the following acts or omissions:

7 (a) Any violation of the provisions of this ~~part 7~~ ARTICLE 150 or of any rule ~~or~~
8 ~~regulation~~ of the board promulgated pursuant to section ~~25-5-704~~ **12-20-204** OR **12-150-105**
9 when the act or omission upon which the violation is based was known to, or reasonably
10 should have been known to, the area operator;

11 (b) Violation of any order of the board issued pursuant to provisions of this ~~part 7~~
12 ARTICLE 150;

13 (c) Failure to report any incident or accident to the board as required by any provision
14 of this ~~part 7~~ ARTICLE 150 or any rule ~~or regulation~~ of the board promulgated pursuant to
15 section ~~25-5-704~~ **12-20-204** OR **12-150-105** when the incident or accident was known to, or
16 reasonably should have been known to, the area operator;

17 (d) Willful or wanton misconduct in the operation or maintenance of a passenger
18 tramway;

19 (e) Operation of a passenger tramway while a condition exists in the design,
20 construction, operation, or maintenance of the passenger tramway ~~which~~ THAT endangers the
21 public health, safety, or welfare, which condition was known, or reasonably should have been
22 known, by the area operator;

23 (f) Operation of a passenger tramway by an operator whose license has been
24 suspended;

25 (g) Failure to comply with an order issued under section ~~25-5-707~~ **12-150-108** or
26 ~~25-5-716~~ **12-150-116**.

27
28 **12-150-108. [Formerly 25-5-707] Orders - enforcement.** (1) If, after investigation,
29 the board finds that a violation of any of its rules ~~or regulations~~ exists or that there is a
30 condition in passenger tramway design, construction, operation, or maintenance endangering
31 the safety of the public, it shall forthwith issue its written order setting forth its findings and
32 the corrective action to be taken and fixing a reasonable time for compliance therewith. ~~Such~~
33 THE order shall be served upon the area operator involved in accordance with the Colorado
34 rules of civil procedure or the "State Administrative Procedure Act", article 4 of title 24,
35 C.R.S., and shall become final unless the area operator applies to the board for a hearing in
36 the manner provided in section 24-4-105. ~~C.R.S.~~

37 (2) If any area operator fails to comply with a lawful order of the board issued under

1 this section within the time fixed thereby, the board may take further action as permitted by
2 sections ~~25-5-706~~ **12-150-107** and ~~25-5-716~~ **12-150-116** and may commence an action
3 seeking injunctive relief ~~in the district court of the judicial district in which the relevant~~
4 ~~passenger tramway is located~~ UNDER SECTION 12-20-406. <{**Redundant with injunction**
5 **common provision, 12-20-406. Recommend amending as indicated.**>

6 (3) Any person who violates an order issued pursuant to this section shall be subject
7 to a civil penalty of not more than five thousand dollars for each day during which ~~such~~ THE
8 violation occurs.

9 (4) Any area operator who operates a passenger tramway ~~which~~ THAT has not been
10 licensed by the board or the license of which has been suspended, or who fails to comply
11 with an order issued under this section or section ~~25-5-716~~, **12-150-117**, commits a class 3
12 misdemeanor and shall be punished as provided in section 18-1.3-501. ~~C.R.S. Fines collected~~
13 ~~pursuant to this section shall be deposited in the general fund of the state.~~ <{**This penalty**
14 **does not align with the unauthorized practice common provision, 12-20-407, because the**
15 **penalty here is a class 3 and not a class 2 misdemeanor. Recommend repeal of the**
16 **disposition of fines provision as it is redundant with the common provision, 12-20-404**
17 **(6)(a).**>

18
19 **12-150-109. [Formerly 25-5-708] Disciplinary proceedings.** (1) The board may
20 investigate all matters ~~which~~ THAT present grounds for disciplinary action as specified in this
21 ~~part 7~~ ARTICLE 150.

22 (2) Disciplinary hearings shall be conducted by the board or by an administrative law
23 judge in accordance with section ~~25-5-704 (1)(d)~~ **12-20-403**.

24 (3) ~~Any person aggrieved by~~ SECTION 12-20-409 GOVERNS JUDICIAL REVIEW OF a
25 final action or order of the board. ~~may appeal such action to the Colorado court of appeals~~
26 ~~in accordance with section 24-4-106 (11), C.R.S.~~ <{**Redundant with judicial review**
27 **common provision, 12-20-408. Recommend amending as indicated.**>

28
29 **12-150-110. [Formerly 25-5-709] Passenger tramway licensing required.** (1) The
30 state, through the board, shall license all passenger tramways, unless specifically exempted
31 by law; establish reasonable standards of design and operational practices; and cause to be
32 made ~~such~~ inspections as may be necessary in carrying out the provisions of this section.

33 (2) A passenger tramway shall not be operated in this state unless it has been licensed
34 by the board. No new passenger tramway shall be initially licensed in this state unless its
35 design and construction have been certified to this state as complying with the rules ~~and~~
36 ~~regulations~~ of the board promulgated pursuant to section ~~25-5-704~~ **12-20-204** OR **12-150-105**.
37 ~~Such~~ THE certification shall be made by a qualified tramway design engineer or a qualified

1 tramway construction engineer, whichever the case requires.

2 (3) The board shall have no jurisdiction over the construction of a new private
3 residence tramway or over any modifications to an existing private residence tramway when
4 ~~such~~ THE tramway is not used, or intended to be used, by the general public.

5 (4) The board shall have no jurisdiction over a portable aerial tramway device.

6 (5) The board shall have no jurisdiction over a portable tramway device when ~~such~~
7 THE tramway device is not used, or intended to be used, by the general public.

8
9 **12-150-111. [Formerly 25-5-710] Application for new construction or major**
10 **modification.** Any new construction of a passenger tramway or any major modification to
11 an existing installation shall not be initiated unless an application for ~~such~~ THE construction
12 or major modification has been made to the board and a permit ~~therefor~~ has been issued by
13 the board.

14
15 **12-150-112. [Formerly 25-5-711] Application for licensing.** Each year, every area
16 operator of a passenger tramway shall apply to the board, in ~~such~~ THE form as the board shall
17 designate, for licensing of the passenger tramways ~~which such~~ THAT THE area operator owns
18 or manages or the operation of which ~~such~~ THE area operator directs. The application shall
19 contain such information as the board may reasonably require in order for it to determine
20 whether the passenger tramway sought to be licensed by ~~such~~ THE area operator complies
21 with the intent of this ~~part 7~~ ARTICLE 150 as specified in section ~~25-5-701~~ **12-150-101** and
22 the rules ~~and regulations~~ promulgated by the board pursuant to section ~~25-5-704~~ **12-20-204**
23 OR **12-150-105**.

24
25 **12-150-113. [Formerly 25-5-712] Licensing of passenger tramways.** (1) The board
26 shall issue to the applying area operator without delay licensing certificates for each
27 passenger tramway owned, managed, or the operation of which is directed by ~~such~~ THE area
28 operator when the board is satisfied:

29 (a) That the facts stated in the application are sufficient to enable the board to fulfill
30 its duties under this ~~part 7~~ ARTICLE 150; and

31 (b) That each ~~such~~ passenger tramway sought to be licensed has been inspected by
32 an inspector designated by the board according to procedures established by the board and
33 that ~~such~~ THE inspection disclosed no unreasonable safety hazard and no violations of the
34 provisions of this ~~part 7~~ ARTICLE 150 or the rules ~~and regulations~~ of the board promulgated
35 pursuant to section ~~25-5-704~~ **12-20-204** OR **12-150-105**.

36 (2) In order to satisfy itself that the conditions described in subsection (1) of this
37 section have been fulfilled, the board may cause to be made such inspections described in

1 section ~~25-5-715~~ **12-150-115** as it may reasonably deem necessary.

2 ~~(3) Repealed.~~

3 ~~(4)~~ (3) Licenses shall expire on dates established by the board. <{*Is this inconsistent*

4 *with current law and common provision, 12-20-202 (1). Should it be repealed?*>

5 ~~(5)~~ (4) Each area operator shall cause the licensing certificate, or a copy thereof, for

6 each passenger tramway thus licensed to be displayed prominently at the place where

7 passengers are loaded thereon.

8

9 **12-150-114. [Formerly 25-5-713] Licensing and certification fees.** The application

10 for new construction or major modification and the application for licensing shall be

11 accompanied by a fee established pursuant to section ~~24-34-105~~, C.R.S. **12-20-105.**

12

13 ~~**25-5-714. Disposition of fees and fines.** (1) All fees collected by the board under~~

14 ~~the provisions of this part 7 shall be transmitted to the state treasurer, who shall credit the~~

15 ~~same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual~~

16 ~~appropriations pursuant to said section for expenditures of the board incurred in the~~

17 ~~performance of its duties under this part 7, which expenditures shall be made from such~~

18 ~~appropriations upon vouchers and warrants drawn pursuant to law. <{*Redundant with fees*~~

19 ~~*common provision, 12-20-105. Recommend repeal of this section.*>~~

20 ~~(2) Fines collected pursuant to section ~~25-5-707~~ **12-150-108** shall be deposited in the~~

21 ~~general fund of the state. <{*Redundant with disposition of fines common provision,*~~

22 ~~*12-20-404 (6). Recommend repeal of this section.*>~~

23

24 **12-150-115. [Formerly 25-5-715] Inspections and investigations - costs - reports.**

25 (1) The board may cause to be made such inspection of the design, construction, operation,

26 and maintenance of passenger tramways as the board may reasonably require.

27 (2) ~~Such~~ THE inspections shall include, at a minimum, two inspections per year or per

28 two thousand hours of operation, whichever occurs first, of each passenger tramway, one of

29 which inspections shall be during the high use season, ~~and~~ shall be unannounced, and shall

30 be carried out under contract by independent contractors selected by the board or by the

31 supervisory tramway engineer. Additional inspections may be required by the board if the

32 area operator does not, in the opinion of the board, make reasonable efforts to correct any

33 deficiencies identified in any prior inspection or if the board otherwise deems ~~such~~ additional

34 inspections necessary. The board shall provide in its rules ~~and regulations~~ that no facility

35 shall be shut down for the purposes of a regular inspection during normal operating hours

36 unless sufficient daylight is not available for the inspection.

37 (3) The board may employ independent contractors to make ~~such~~ THE inspections for

1 reasonable fees plus expenses. The expenses incurred by the board in connection with the
2 conduct of inspections provided for in this ~~part 7~~ ARTICLE 150 shall be paid in the first
3 instance by the board, but each area operator of the passenger tramway ~~which~~ THAT was the
4 subject of ~~such~~ THE inspection shall, upon notification by the board of the amount due,
5 reimburse the board for any charges made by ~~such~~ personnel for ~~such~~ THE services and for
6 the actual expenses of each inspection.

7 (4) The board may cause an investigation to be made in response to an accident or
8 incident involving a passenger tramway as the board may reasonably require. The board may
9 employ independent contractors to make ~~such~~ THE investigations for reasonable fees plus
10 expenses. The expenses incurred by the board in connection with the conduct of
11 investigations provided for in this ~~part 7~~ ARTICLE 150 shall be paid in the first instance by the
12 board, and thereafter one or more area operators may be billed for work performed pursuant
13 to subsection (3) of this section.

14 (5) If, as the result of an inspection, it is found that a violation of the board's rules ~~and~~
15 ~~regulations~~ exists, or a condition in passenger tramway design, construction, operation, or
16 maintenance exists, endangering the safety of the public, an immediate report shall be made
17 to the board for appropriate investigation and order.

18
19 **12-150-116. [Formerly 25-5-716] Emergency shutdown.** When facts are presented
20 tending to show that an unreasonable hazard exists in the continued operation of a passenger
21 tramway, after ~~such~~ THE verification of ~~said~~ THE facts as is practical under the circumstances
22 and consistent with the public safety, the board, any member thereof, or the supervisory
23 tramway engineer may, by an emergency order, require the area operator of ~~said~~ THE tramway
24 forthwith to cease using the same for the transportation of passengers. ~~Such~~ THE emergency
25 order shall be in writing and signed by a member of the board or the supervisory tramway
26 engineer, and notice thereof may be served by the supervisory tramway engineer, any
27 member of the board, or as provided by the Colorado rules of civil procedure or the "State
28 Administrative Procedure Act", article 4 of title 24. ~~C.R.S.~~ ~~Such~~ THE service shall be made
29 upon the area operator or the area operator's agent immediately in control of ~~said~~ THE
30 tramway. ~~Such~~ THE emergency shutdown shall be effective for a period not to exceed
31 seventy-two hours from the time of service. The board shall conduct an investigation into the
32 facts of the case and shall take such action under this ~~part 7~~ ARTICLE 150 as may be
33 appropriate.

34
35 **12-150-117. [Formerly 25-5-717] Provisions in lieu of others.** The provisions for
36 regulation, registration, and licensing of passenger tramways and the area operators thereof
37 under this ~~part 7~~ ARTICLE 150 shall be in lieu of all other ~~regulations~~ RULES or registration

1 or licensing requirements, and passenger tramways shall not be construed to be common
2 carriers within the meaning of the laws of this state.
3

4 **12-150-118. Governmental immunity (1) [Formerly 25-5-718]** The board, any
5 member of the board, any person on the staff of the board, any technical advisor appointed
6 by the board, any member of an advisory committee appointed by the board, and any
7 independent contractor hired to perform or acting as a state tramway inspector on behalf of
8 the board with whom the board contracts for assistance shall be provided all protections of
9 governmental immunity provided to public employees by article 10 of title 24, ~~C.R.S.~~,
10 including but not limited to the payment of judgments and settlements, the provision of legal
11 defense, and the payment of costs incurred in court actions. These protections shall be
12 provided to the board, board members, staff, technical advisors, committee members, and
13 independent contractors hired to perform or acting as a state tramway inspector on behalf of
14 the board only with regard to actions brought because of acts or omissions committed by such
15 persons in the course of official board duties. <{*This does not align with the immunity
16 common provision, 12-20-402, because of its inclusion of independent contractors.*}>

17 (2) [Formerly 25-5-719] The provisions of SUBSECTION (1) OF THIS section ~~25-5-718~~
18 shall be construed as a specific exception to the general exclusion of independent contractors
19 hired to perform or acting as a state tramway inspector on behalf of the board from the
20 protections of governmental immunity provided in article 10 of title 24. ~~C.R.S.~~
21

22 **12-150-119. [Formerly 25-5-720] Confidentiality of reports and other materials.**

23 (1) Reports of investigations conducted by an area operator or by a private contractor on an
24 area operator's behalf and filed with the board or the board's staff shall be presumed to be
25 privileged information exempt from public inspection under section 24-72-204 (3)(a)(IV),
26 ~~C.R.S.~~, except as may be ordered by a court of competent jurisdiction.

27 (2) Except as otherwise provided in subsection (1) of this section, all information in
28 the possession of the board's staff and all final reports to the board shall be open to public
29 inspection in accordance with part 2 of article 72 of title 24. ~~C.R.S.~~
30

31 **12-150-120. [Formerly 25-5-721] Repeal of article.** (1) This ~~part 7~~ ARTICLE 150 is
32 repealed, effective July 1, 2019.

33 (2) ~~Prior to such~~ BEFORE ITS repeal, the passenger tramway safety board ~~shall be~~
34 ~~reviewed as provided for in~~ IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section
35 24-34-104. ~~C.R.S.~~ <{*Section updated to conform with current sunset language.*}>