

CHAPTER 54

HEALTH AND ENVIRONMENT

SENATE BILL 01-201

BY SENATOR(S) Dennis and Taylor;
also REPRESENTATIVE(S) Fairbank, Scott, Stafford, and White.

AN ACT

CONCERNING CONTINUATION OF THE REGULATION OF PASSENGER TRAMWAYS BY THE PASSENGER TRAMWAY SAFETY BOARD IN THE DIVISION OF REGISTRATIONS.

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

SECTION 1. Repeal. 24-34-104 (30) (b) (II), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (30) (b) The following boards in the division of registrations shall terminate July 1, 2001:

(II) ~~The passenger tramway safety board, created by part 7 of article 5 of title 25, C.R.S.;~~

SECTION 2. 24-34-104 (39) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (39) (b) The following agencies, functions, or both, shall terminate on July 1, 2008:

(XII) THE PASSENGER TRAMWAY SAFETY BOARD, CREATED IN SECTION 25-5-703, C.R.S.

SECTION 3. 25-5-702 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-5-702. Definitions. As used in this part 7, unless the context otherwise

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

requires:

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

(k) CONVEYORS. "CONVEYOR" MEANS A TYPE OF TRANSPORTATION BY WHICH SKIERS, OR PASSENGERS ON RECREATIONAL DEVICES, ARE TRANSPORTED UPHILL ON TOP OF A FLEXIBLE, MOVING ELEMENT SUCH AS A BELT OR A SERIES OF ROLLERS.

SECTION 4. 25-5-703 (1), Colorado Revised Statutes, is amended to read:

25-5-703. Passenger tramway safety board - composition - termination.

(1) There is hereby created a passenger tramway safety board of six appointive members and one member designated by the United States forest service. The appointive members shall be appointed by the governor from persons representing the following interests: Two members to represent the industry or area operators; two members to represent the public at large; ~~and two members~~ ONE MEMBER WHO IS A LICENSED PROFESSIONAL ENGINEER NOT EMPLOYED BY A SKI AREA OR RELATED INDUSTRY; AND ONE MEMBER familiar with or experienced in the tramway industry who may represent the passenger tramway manufacturing or design industry. No person shall be so appointed or designated except those who, by reason of knowledge or experience, shall be deemed to be qualified. Such knowledge or experience shall be either from active involvement in the design, manufacture, or operation of passenger tramways or as a result of extensive involvement in related activities. The governor, in making such appointments, shall consider recommendations made to him OR HER by the membership of the particular interest from which the appointments are to be made.

SECTION 5. 25-5-704 (1) (a) and (1) (i), Colorado Revised Statutes, are amended to read:

25-5-704. Powers and duties of the board. (1) The board has the following powers and duties in addition to those otherwise described by this part 7:

(a) To promulgate, amend, and repeal such rules ~~and regulations~~ as may be necessary and proper to carry out the provisions of this article. In adopting such rules, ~~and regulations~~ the board may use as general guidelines the standards contained in the "American National Standard for Passenger ~~Tramways~~ ROPEWAYS - Aerial Tramways and AERIAL Lifts, Surface Lifts, ~~and Tows~~, AND CONVEYORS - Safety Requirements", as adopted by the American national standards institute, incorporated, as amended from time to time. Such rules ~~and regulations~~ shall not be discriminatory in their application to area operators and procedures of the board with respect thereto shall be as provided in section 24-4-103, C.R.S., with respect to rule-making.

(i) To collect fees, established pursuant to section 24-34-105, C.R.S., for any application for a new construction or major modification, for any application for licensing, ~~or supplemental application~~, and for inspection and accident investigations;

SECTION 6. 25-5-709 (3) and (5), Colorado Revised Statutes, are amended to

read:

25-5-709. Passenger tramway licensing required. (3) ~~Any new construction of a private residence tramway or any modification of an existing installation shall not be commenced until an application to begin construction or major modification has been submitted to and approved by the board. The board shall have the authority to promulgate rules and regulations regarding construction and modification of private residence tramways as set forth in section 25-5-704. Annual licensing of private residence tramways is not required.~~ THE BOARD SHALL HAVE NO JURISDICTION OVER THE CONSTRUCTION OF A NEW PRIVATE RESIDENCE TRAMWAY OR OVER ANY MODIFICATIONS TO AN EXISTING PRIVATE RESIDENCE TRAMWAY WHEN SUCH TRAMWAY IS NOT USED, OR INTENDED TO BE USED, BY THE GENERAL PUBLIC.

(5) The board shall have no jurisdiction over a portable tramway device when ~~used outside the boundary of a recognized commercial recreational area~~ SUCH TRAMWAY DEVICE IS NOT USED, OR INTENDED TO BE USED, BY THE GENERAL PUBLIC.

SECTION 7. Repeal. 25-5-712 (3), Colorado Revised Statutes, is repealed as follows:

25-5-712. Licensing of passenger tramways. (3) ~~When an area operator installs a passenger tramway subsequent to annual licensing dates established by the board, such area operator shall file a supplemental application for licensing of such passenger tramway. Upon the receipt of such supplemental application, the board shall proceed immediately to initiate proceedings leading to the licensing or rejection of licensing of such passenger tramway pursuant to the provisions of this part 7.~~

SECTION 8. 25-5-713, Colorado Revised Statutes, is amended to read:

25-5-713. Licensing and certification fees. The application for new construction or major modification and the application for licensing ~~or any supplemental application~~ shall be accompanied by a fee established pursuant to section 24-34-105, C.R.S.

SECTION 9. 25-5-721 (1), Colorado Revised Statutes, is amended to read:

25-5-721. Repeal of part. (1) This part 7 is repealed, effective July 1, ~~2001~~ 2008.

SECTION 10. Effective date. This act shall take effect July 1, 2001.

SECTION 11. 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: March 23, 2001