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## COLORADO BOATING

### Statutes & Regulations



#### **New for 2009:**

**The BUI law has changed, see 33-13-108.1  
Operating a vessel while  
under the influence.**

For more information on boating safety courses  
call 303-791-1954 or visit our  
Web site at [www.colorado.gov/parks](http://www.colorado.gov/parks)



## New for 2009:



The changes to Colorado's Boating Under the Influence (BUI) law has taken effect!

On August 5th, 2008, Colorado's law on Boating Under the Influence (BUI) was greatly strengthened as the changes from the 2008 legislative session went into effect.

### **These changes include:**

The distinction that only operators of motor boats or sailboats can be arrested for being under the influence of alcohol, drugs or controlled substances has been eliminated. Any person under the influence and operating or in physical control of ANY vessel may be arrested. That includes watercraft operated by motor, wind, paddle and oar; such as jet skis, sailboats, motorboats, kayaks, canoes and rafts.

The Blood Alcohol Content (BAC) at which a person operating a vessel is considered under the influence has been reduced from .10 to .08, making it consistent with the limit for motor vehicle operators on Colorado roadways.

Drinking and boating can be just as dangerous, if not more so, than drinking and driving. In addition to the negative affects on judgment, vision, balance, coordination and reaction times associated with alcohol consumption, water creates an even more hazardous environment due to the: motion of the boat and waves, wake and current; vibration of the boat; noise from motors; sun; glare; wind; and spray. Keep in mind that boats are a lot different from vehicles since they steer from the rear, they have no brakes and there are no designated lanes or traffic control devices.

Whatever you decide to do for fun this summer, please remember to be safe and don't booze & boat!

**The BUI law has changed, see 33-13-108.1  
Operating a vessel while under  
the influence.**

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# REGULATIONS

## **#200 - REGISTRATION INFORMATION REQUIRED ON APPLICATION FOR VESSEL NUMBER**

1. Persons applying to the Division for vessel number must provide the following registration information:
  - a. Name and address of owner, including zip code
  - b. Date of birth of owner
  - c. State in which the vessel is or will be principally used
  - d. Present registration number (if any)
  - e. If vessel is registered in another state, give previous registration number and state
  - f. Hull material: wood, metal, fiberglass, inflatable, or other
  - g. Type of Propulsion: inboard, outboard, inboard-outdrive, sail, or other
  - h. Type of fuel: gasoline, diesel, electric, or other
  - i. Length of vessel
  - j. Make and model of vessel
  - k. State as to use: pleasure, rent, dealer, manufacturer, or commercial: carrying passengers for hire, fishing, or other
  - l. Proof of ownership or a valid transfer registration
  - m. Signature of owner
  - n. Hull identification number (if any)
  - o. Type of vessel: open, cabin, house, or other
  - p. Model year
2. Additional information set forth on registration certificate
  - a. Number awarded to vessel
  - b. Expiration date of certificate

## **#201 - DEALER LICENSES**

The numbering requirements prescribed by law shall apply to motorboats and sailboats operated by manufacturers and dealers. The description of the motorboat or sailboat will be omitted from the certificate of number since the numbers and the certificate of number awarded may be transferred from one motorboat or sailboat to another. In lieu of the description, the word "manufacturer" or "dealer", as appropriate, will be plainly marked on each certificate. Dealers and manufacturers shall display the numbers on a detachable plate as set forth in 33-13-104, C.R.S.

## **#202 - EXPIRATION DATE DECAL**

In addition to the identification number, there shall be issued an expiration date decal which shall be attached to each side of the bow or the forward half of the vessel two inches to the left of the letter C of the identification number.

## **#203 - TEMPORARY BOAT PERMIT**

Pending issuance of a number certificate, possession on the person of a dated bill of sale permits the operator of a newly purchased boat to operate the boat on the waters of the State of Colorado for a period not to exceed thirty (30) days from date of purchase.

## **#204 - NON-RESIDENT RACING BOATS**

Non-resident racing boats which are not required to be registered in their home state shall be exempt from the numbering requirements of Article 13 on the day before and the day of and at the site of a Division authorized race.

## **#205 - CLASSIFICATION**

1. Vessels subject to these provisions shall be divided into four classes as follows:
  - a. Class A - Vessels less than sixteen feet in length;
  - b. Class 1 - Vessels sixteen feet (4.87 meters) or over and less than twenty-six feet (7.92 meters) in length;
  - c. Class 2 - Vessels twenty-six feet (7.92 meters) or over and less than forty feet (12.19 meters) in length;
  - d. Class 3 - Vessels forty feet (12.19 meters) to not more than sixty-five feet (19.18 meters) in length.

## **#206 - MEASURING FOR CLASSIFICATION**

For determining "class", the length of a boat is from end to end over the deck excluding sheer. It means a straight line measurement of the overall length from the foremost part of the vessel measuring parallel to the centerline. Bowsprits, bumpkins, rudders, outboard motors and brackets, and similar fittings or attachments are not to be included in the measurement. Length shall be stated in feet and inches or meters.

## **#207 - LIGHTS**

1. Every vessel, except hand-propelled vessels when on whitewater, in all weather from sunset to sunrise shall carry and exhibit the lights required in this regulation when underway or moored in other than a designated mooring area. During such times, no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these regulations or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.
2. All vessels complying with the lighting requirements of the International Regulations for Preventing Collisions at Sea, 1972, or the Inland Navigational Rules Act of 1980 are considered in compliance with these regulations.
3. Every hand-propelled vessel, except when on whitewater, shall have a lantern or flashlight on hand to show one white light in time to prevent a collision.

4. Every vessel less than 20 meters (65' 8") in length must display one all-round white light when at anchor.
5. Flashing red or blue lights are prohibited on all vessels, except emergency or law enforcement vessels of the United States operating within federal authority, or of the State and its political subdivisions.
6. Terms used:
  - a. "Masthead light" means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel, except that on a vessel of less than 12 meters (39' 5") in length the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the vessel.
  - b. "Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a vessel less than 20 meters (65' 8") in length the side lights may be combined in one lantern carried on the fore and aft centerline of the vessel, except that on a vessel of less than 12 meters (39' 5") in length the sidelights when combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the vessel.
  - c. "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.
7. The lights prescribed in these regulations shall have an intensity so as to be visible at the following minimum ranges:
  - a. In a vessel of 12 meters (39' 5") or more in length:
    - A masthead light, 5 miles; except that where the length of the vessel is less than 20 meters (65' 8"), 3 miles;
    - A sidelight, 2 miles;
    - A sternlight, 2 miles;
    - A white, red, or green all-round light, 2 miles.
  - b. In a vessel of less than 12 meters (39' 5") in length:
    - A masthead light, 2 miles;
    - A sidelight, 1 mile;
    - A sternlight, 2 miles;
    - A white, red, or green all-round light, 2 miles.
  - c. In an inconspicuous, partly submerged vessel or object being towed:
    - A white all-round light, 3 miles.
8. a. A motorboat underway shall exhibit:
  - (1) A masthead light forward; except that a vessel of less than 20 meters (65' 8") in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;
  - (2) Sidelights; and
  - (3) A sternlight.



- b. A motorboat of less than 12 meters (39' 5") in length may, in lieu of the lights prescribed in paragraph a. of this regulation, exhibit an all-round white light and sidelights.
9. a. A sailing vessel underway shall exhibit:
- (1) Sidelights; and
  - (2) A sternlight.
- b. In a sailing vessel of less than 20 meters (65'8") in length the lights prescribed in paragraph a. of this regulation may be combined in one lantern carried at or near the top of the mast where it can best be seen.
- c. A sailing vessel underway may, in addition to the lights prescribed in paragraph a. of this regulation, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph b. of this regulation.
- d. (1) A sailing vessel of less than 7 meters (22' 9") in length shall, if practicable, exhibit the lights prescribed in paragraph a. or b. of this regulation, but if not, the operator shall have ready at hand a flashlight or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
- (2) A vessel under oars may exhibit the lights prescribed in this regulation for sailing vessels, but if not, the operator shall have ready at hand a flashlight or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

## **#208 - SOUND-PRODUCING DEVICES**

1. Every vessel, except hand-propelled vessels when on whitewater, of Class A, 1, or 2, must have on board a sound-producing device for signaling. Such device may be operated by mouth, hand, or power, and it must be able to produce the navigational signals under rules of the road.
2. Every vessel of Class 3 must have on board a sound-producing device, which may be operated by mouth, hand, or power. Such device shall be audible for a distance of at least one-half mile.
3. Every motorboat of Class 2 must have on board a sound-producing device, which may be operated by hand or power. Such device shall be audible for a distance of at least one mile.
4. Every motorboat of Class 3 must have on board a power operated sound-producing device, which shall be audible for a distance of at least one mile.
5. Every motorboat of Class 2 or 3 must have on board a bell which, when struck, produces a clear, bell-like tone of full round characteristics.
6. Sirens, except those which produce a continuous pitch, are prohibited on all vessels, except emergency or law enforcement vessels of the United States operating within federal authority or of the State and its political subdivisions.

## **#209 - VENTILATION - TANK AND ENGINE SPACES**

1. All motorboats, using a fuel having a flashpoint of 110 degrees F or less, except those of open construction, shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one rear facing cowl, or its equivalent, with exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least on forward facing cowl or its equivalent with intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls or equivalent to cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.
2. As used above, the term "open construction" means those motorboats wherein all engines and fuel tank compartments, along with other spaces to which explosive or flammable gases and vapors may flow, are open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel.
3. Power ventilation systems are preferable over natural ventilation systems. Exhaust blowers shall be of the sealed or arcless type and if located within the compartment being ventilated be as high as possible. Blower fan blades or impellers shall be non-sparking and if installed on the exhaust duct of the natural system shall not interfere with the functioning of the ducts as natural ventilators.
4. Motorboats built after July 31, 1979, are exempt from the requirements of #209-1 for fuel tank compartments that contain fuel tanks that vent to the outside of the vessel if the fuel tank compartment does not contain an electrical source of ignition.
5. Every motorboat built after July 31, 1980, that utilizes gasoline engines for electrical or mechanical power as propulsion must comply with U.S. Coast Guard ventilation standards. The operator must maintain the ventilation system in working order.

## **#210 - BACKFIRE FLAME CONTROL**

1. Every gasoline engine installed in a motorboat shall be equipped with an acceptable means of backfire flame control. The following are acceptable means of backfire flame control:
  - a. A backfire flame arrester that is permanently and legibly marked or labeled by the manufacturer with the phrase "complies with UL 1111 per tests by (name of facility)" or the words "SAE J-1928, Marine" and the manufacturers name, suitably secured to the air intake with a flametight connection.
  - b. An engine air and fuel induction system, that may include a reed valve assembly, that is permanently and legibly marked or labeled by the manufacturer with the words "SAE-J 1928, Marine" and the manufacturers name.
  - c. Any attachment to the carburetor or location of the engine air induction system by means of which flame caused by engine backfire will be dispersed to the atmosphere outside the vessel in such a manner that the flame will not endanger the vessel,

or persons on board. All attachments shall be of metallic construction with flamtight connections and firmly secured to withstand vibration, shock, and engine backfire.

- d. Gasoline engine installations consisting of backfire flame arresters bearing U.S. Coast Guard approval numbers 162.016 or 162.041 or engine air and fuel induction systems bearing U.S. Coast Guard approval numbers 162.015 and 162.042 may be used as long as they are serviceable and in good condition.

## #211 - FIRE EXTINGUISHERS

1. Each item of fire extinguishing equipment required by this section must be Coast Guard approved, be fully charged and in good and serviceable condition, stowed away from the potential hazard area and readily accessible. Dry chemical stored pressure types must be fitted with pressure gauges or indicating devices and vaporizing liquid types containing carbon tetrachloride, chlorobromomethene or other toxic vaporizing liquids are prohibited.
2. Extinguishers approved for use on motorboats are hand portable of either B-I or B-II classification. "B" type is for gasoline, oil, and grease fires. "I" and "II" denotes size as listed below:

Type-Size	Classification			
	Foam (Minimum Gallons)	Carbon Dioxide (Minimum Pounds)	Dry Chemical (Minimum Pounds)	Freon (Minimum Pounds)
B-I	1 1/4	4	2	2 1/2
B-II	2 1/2	15	10	

Class	Fire Extinguisher Required Number and Size
A	1 B-I
1	1 B-I
2	2 B-I or 1 B-II
3	3 B-I or 1 B-II & 1 B-I

3. When the engine compartment is equipped with a fixed extinguishing system of approved type, one less B-I extinguisher is required.
4. Outboard motorboats less than twenty-six feet in length, of open construction, not carrying passengers for hire, are exempt from these requirements, although one B-I fire extinguisher for personal fire protection and to assist other boaters is recommended.
5. The motorboat is not considered "of open construction" if any one or more of the following conditions exist:
  - a. Closed compartment under thwarts (motor well) and seats wherein portable fuel tanks may be stored.
  - b. Double bottoms not sealed to the hull or which are not completely filled with flotation material.
  - c. Closed living spaces.
  - d. Closed stowage compartments in which combustible or flammable materials are stored.
  - e. Permanently installed fuel tanks.

## **#212 - PERSONAL FLOTATION DEVICES (PFDS)**

1. No person may operate or give permission to operate a vessel less than sixteen feet in length unless at least one Type I Life Preserver, Type II Buoyant Vest or Type III Special Purpose Water Safety Buoyant Device is on board for each person. For sailboards, an operator may elect to wear a wet suit in lieu of carrying any type of personal flotation device, so long as the wet suit meets the requirements of paragraph 6, of this regulation. For vessels used in river running activities, no person may operate or give permission to operate a vessel for the purpose of river running unless at least one Type I Life Preserver, Type II Buoyant Vest, Type III Special Purpose Water Safety Buoyant Device, or Type V Whitewater River Running Buoyant Vest is on board for each person.
2. No person may operate or give permission to operate a vessel sixteen feet or more in length unless at least one Type I Life Preserver, Type II Buoyant Vest or Type III Special Purpose Water safety Buoyant Device is on board for each person, plus at least one Type IV Buoyant Cushion or Ring Life Buoy, which is immediately available as a throwable device. For vessels used in river running activities, that portion of this regulation requiring a Type IV throwable device does not apply. No person may operate or give permission to operate a vessel for the purpose of river running unless at least one Type I Life Preserver, Type II Buoyant Vest, Type III Special Purpose Water Safety Buoyant Device, or Type V Whitewater River Running Buoyant Vest is on board for each person.
3. No person may operate or give permission to operate a vessel carrying passengers for hire on any reservoir or lake unless at least one Type I Life Preserver is on board for each person and they are being worn when required. For vessels used during commercial river running trips conducted by river outfitters, the personal flotation device requirements are contained in Regulation #305.
4. The operator shall require each person who is surfing or being towed on water skis, aquaplane, innertube or similar device, to wear a properly fitting flotation device. A Type I Life Preserver, Type II Buoyant Vest or Type III Special Purpose Water Safety Buoyant Device is recommended, but a ski belt (preferably with at least 2 straps and buckles), water sports jacket or foam wetsuit jacket will be accepted if there is an extra personal flotation device aboard for each person as required above.
5. No person may operate or give permission to operate a recreational vessel unless each Type I, II, III, IV, or V (only for river running) personal flotation device required is readily accessible and is legibly marked with the U.S. Coast Guard approval number and is of appropriate size for the person wearing it or for whom it is intended.
6. Sailboard operators may elect to wear, at their own risk, in lieu of carrying a U.S. Coast Guard approved personal flotation device, a wetsuit constructed of nylon covered neoprene or similar material that covers the full torso of the wearer. The wetsuit shall be capable of providing flotation to the wearer, when at rest on the surface of the water.
7. All equipment shall be in good and serviceable condition.

## **#213 - DISPLAY OF CAPACITY INFORMATION AND MANUFACTURER CERTIFICATION OF COMPLIANCE**

1. Every monohull vessel less than twenty feet in length, except sailboats, canoes, kayaks, and inflatable boats, the construction of which began after October 31, 1972, sold in the State of Colorado, shall have a permanent writing affixed to the vessel which sets forth:
  - a. For outboard boats:
    - (1) The maximum motor horsepower, the maximum persons capacity and the maximum weight capacity in pounds.
  - b. For inboard and inboard-outdrive boats:
    - (1) The maximum persons capacity and the maximum weight capacity in pounds.
  - c. For boats rated for manual propulsion:
    - (1) The maximum persons capacity and the maximum weight capacity in pounds.
2. The required capacity information must be permanently displayed on a label or plate which is legible and clearly visible to the operator when getting underway.
3. Every vessel that is subject to U.S. Coast Guard manufacturing safety standards must have a permanently displayed certification label or plate. This certification label may be displayed anywhere on the boat.
4. The capacity information may be combined with the certification label or plate. The entire combined label must be permanently displayed where it is legible and clearly visible to the operator when getting underway.
5. It is unlawful for any person to remove, alter, or tamper with the required capacity information or certification label or plate.
6. Any monohull vessel which is home built for personal recreational use and not for the purposes of sale is exempt from capacity information and certification label or plate display requirements.

## **#214 - MARINE SANITARY DEVICES**

No person shall maintain or operate upon the waters of this state any vessel which is equipped with a marine sanitary device unless such water closet is self-contained and incapable of discharging directly into the water. It is unlawful to deposit or discharge human waste or other refuse into the water.

## **#215 - BUOYS**

1. Any of the waters of this state limited to a specific use shall be marked by buoys which utilize the following uniform marking system.
  - a. Regulatory Symbols- International orange on a white background.

An orange cross within an orange diamond (on end) means: "Boats Keep Out".

An orange circle means: "Controlled Area".
  - b. Other Symbols

An orange diamond (on end) without a cross means: "Danger".

An orange square or rectangle is informational.

Descriptive wording within or accompanying the symbols shall be black.

When the symbols are displayed on a buoy, an orange band should encircle the buoy near the water line and near the top.

c. Channel Markers

White buoys with black vertical stripes mark the center of a channel and may be lettered alphabetically from downstream to upstream.

Black can buoys (odd numbers) mark the left side, and red nun buoys (even numbers) mark the right side of a channel when proceeding upstream or returning from the main body of water.

A white buoy with a red top means pass to the south or west of the buoy.

A white buoy with black top means pass to the north or east of the buoy.

d. Obstruction Buoy

A white buoy with red vertical stripes indicates an obstruction between it and the nearest shore.

e. Mooring Buoy

A mooring buoy is colored white and is designed with a blue band which is at least 3" wide and encircles the buoy halfway between the water line and the top.

2. No person shall operate a vessel in an area which has been marked by the use of buoys as a bathing, swimming or otherwise access prohibited area. Every person operating a vessel in an area which has been marked by the use of buoys as a controlled area shall comply with the restrictions and requirements indicated on the buoys. The provisions of this regulation shall not apply to patrol boats or emergency vessels or in any emergency situation.
3. No person shall moor, attach, or hold in any manner, a vessel to any buoy, other than a mooring buoy, or any other aid to navigation placed in the water by proper authority as aids to navigation or to mark restricted areas. No person shall remove, destroy, or damage any marker or buoy.

## **#216 - SCUBA DIVING**

1. Every person in the water, outside a designated swimming area, using an underwater breathing device often known as scuba gear, shall display a diver's flag, having one diagonal white stripe on a red background and capable of being identified at a distance of not less than one hundred yards. Such flag shall be placed at or near the point of submergence, and shall constitute a warning that a diver is submerged and may be within a radius of one hundred feet from such a flag. Vessels shall keep a distance of one hundred feet from the diver's flag. Scuba divers shall keep a distance of one hundred feet from dam outlet structures.
2. If a vessel is engaged in diving operations and as a consequence is restricted in its ability to maneuver, a rigid replica of the

international code flag “A” or Alpha Flag shall be displayed. The flag must be not less than one meter in height and the flag must be blue and white in color.

3. The requirement that the Alpha Flag be displayed from a vessel restricted in its ability to maneuver does not relieve the requirement that the diver’s flag also be displayed at or near the point of submergence.

## **#217 - RIVER USE RESTRICTIONS**

1. As used in this regulation:
  - a. “Public Advisement” means a formal statement publicly issued or announced for the purpose of informing the public. A public advisement shall not prohibit the use of vessels, whitewater canoes, single-chambered air-inflated devices, or kayaks. A public advisement may include a recommendation that, in addition to any safety equipment required by law, additional items of safety equipment and additional safety precautions are recommended. Such additional safety precautions may include the recommendation that inexperienced or inadequately prepared individuals should postpone the river trip or seek the professional services of state licensed river outfitters.
  - b. “Partial Use Restriction” means any order issued prohibiting the operation of single-chambered air-inflated devices on any waters of the state. A partial use restriction shall not prohibit the use of vessels, whitewater canoes, or kayaks.
  - c. “Use Restriction” means any order issued prohibiting the operation of vessels and single-chambered air-inflated devices on any waters of the state and requiring the removal of vessels and single-chambered air-inflated devices from any waters when such operation constitutes, or may constitute, a hazard to human life or safety. A use restriction order shall apply to whitewater canoes or kayaks.
  - d. “Peace Officer” means a sheriff, undersheriff, deputy sheriff, police officer, Colorado State Patrol officer, or marshal, a district attorney, assistant district attorney, deputy district attorney, or special deputy district attorney, an authorized investigator of a district attorney, an agent of the Colorado Bureau of Investigation, a district wildlife manager, or special district wildlife manager, or a parks and recreation officer.
  - e. “Single-Chambered Air-Inflated Device” means an air inflated device that has only one air compartment, such as innertubes and certain types of air mattresses and small inflatable rafts.
  - f. “Vessel” is defined in 33-13-102 (5) C.R.S.
2. A public advisement or partial use restriction order may be issued by a peace officer whenever the peace officer determines that normal or above average runoff or water levels or other circumstances or conditions may increase incidences of water recreation accidents or injuries within the peace officer’s jurisdiction.

3. A use restriction order shall be issued by a peace officer whenever the peace officer determines that a hazard to human life and safety exists within his jurisdiction.
  - a. For the purpose of issuing a use restriction order, a peace officer may deem a hazard to human life and safety to exist whenever one or more of the following circumstances or conditions exists:
    - (1) A state of disaster emergency has been declared to exist pursuant to 24-32-2104 or 24-32-2109, C.R.S.
    - (2) Disaster relief efforts, which may include debris removal, are underway.
    - (3) An accident or other emergency occurs in or immediately adjacent to the waterbody.
    - (4) Rescue efforts for victims are actively underway and such efforts would be hindered by additional waterway traffic, or
    - (5) Active construction or transportation projects authorized under state or federal law.
  - b. A hazard to human life and safety shall not be deemed to exist based solely upon the river's flow rate, which is usually measured in cubic feet per second.
  - c. The partial use of restriction or use restriction order shall specify the beginning and ending sections of the waterbody closed, the proposed duration of the order, and the facts establishing the basis for the partial use restriction or use restriction order.
  - d. The use restriction order shall prohibit the operation of and order the removal of vessels and single-chambered air-inflated devices.
  - e. The law enforcement agency issuing the partial use restriction or use restriction order shall prominently post closure signs at all commonly used boating and floating access sites along the closed section.
4. Following the issuance of a public advisement, a partial use restriction, or a use restriction, the law enforcement agency issuing the advisement or order shall immediately contact the Division of Parks and Outdoor Recreation and advise the Division of the existence of the advisement or order. Further, the law enforcement agency issuing the advisement or order shall file with the Division a report. Such report shall be on forms furnished by the Division.
5. The penalty for operating a vessel, as defined in subsection 1.f. of this regulation, in violation of a use restriction order is specified in 33-13-111(3), C.R.S. The penalty for operating or using a single-chambered air-inflated device, as defined in subsection 1.e. of this regulation, in violation of a use restriction order or partial use restriction order specifically prohibiting their use is specified in 33-13-110(2)(d), C.R.S.



## **#218 - PROHIBITED OPERATION**

1. The term “wake” means a movement of the water created by a boat underway, great enough to disturb a boat at rest, but under no circumstances shall a boat underway exceed five (5) miles per hour while in a posted wakeless area. The term “above a wakeless speed” means operating a vessel at such a speed as to create a wake. No person shall operate any vessel in such a manner as to create a wake, when such waters or parts thereof are posted by signs or marked by buoys prohibiting a wake.
2. Persons operating vessels which pass within one hundred fifty feet of any swimming area, moored vessel, person on shore engaged in fishing, or person in a vessel engaged in servicing buoys or markings shall reduce the speed of the vessels in order to prevent the wash or wake of the vessel from causing damage or inconvenience.
3. No person shall operate a motorboat with any person riding or sitting on either the starboard or port gunwales thereof, or on the decking over the bow, or in any other unsafe position except when the boat is being moored or anchored.
4. No person shall operate or offer for rent any vessel which is overloaded, or unseaworthy, taking into consideration rated capacities, weather, type of construction, and other existing conditions.
5. No person shall operate or anchor a vessel within one hundred fifty feet of any person on shore engaged in fishing, except where narrow passages or coves make such operation restrictions impractical.

## **#219 - NAVIGATION AND RULES OF THE ROAD**

1. These regulations apply to all vessel operators boating upon waters of Colorado, except they do not apply to hand-propelled vessels when on whitewater.
2. Nothing in these regulations shall exonerate any vessel, operator, or crew from the consequences of any neglect to comply with these regulations or of the neglect of any precaution which may be required by the ordinary practice of boaters, or by the special circumstances of the case.
3. In construing and complying with these regulations due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these regulations necessary to avoid immediate danger.
4. Terms used:
  - a. “Vessel not under command” means a vessel which through some exceptional circumstance is unable to maneuver as required by these regulations and is therefore unable to keep out of the way of another vessel;
  - b. “Vessel restricted in its ability to maneuver” means a vessel which from the nature of its work is restricted in its ability to maneuver as required by these regulations and is therefore unable to keep out of the way of another vessel; vessels restricted in their ability to maneuver include, but are not limited to:

- (1) A vessel engaged in laying, servicing, or picking up a navigation mark;
- (2) A vessel engaged in underwater operations;
- (3) A vessel engaged in a towing operation such as severely restricts the towing vessel and its tow in their ability to deviate from their course.

- c. "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground;
- d. Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;
- e. "Restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar causes;

#### 5. Look-out:

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

#### 6. Safe speed:

- a. Every vessel shall at all times proceed at a safe speed so that proper and effective action can be taken to avoid collision and so that the vessel may be stopped within a distance appropriate to the prevailing circumstances and conditions.

- b. In determining a safe speed the following factors shall be among those taken into account by all vessels.

- (1) The state of visibility;
- (2) The traffic density including concentration of fishing vessels or any other vessels;
- (3) The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;
- (4) At night the presence of background light such as from shore lights or from back scatter of its own lights;
- (5) The state of wind, sea, and current, and the proximity of navigational hazards;
- (6) The draft in relation to the available depth of water.

- c. No vessel shall, under any condition or in any manner, exceed forty (40) miles per hour, except during authorized race events and patrol vessels operating in emergencies.

## 7. Risk of collision

- a. Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.
- b. In determining if risk of collision exists the following considerations shall be among those taken into account:
  - (1) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change; and
  - (2) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

## 8. Action to avoid collision:

- a. Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good boating.
- b. Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually; a succession of small alterations of course or speed should be avoided.
- c. If there is sufficient surface water space, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.
- d. Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.
- e. If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken speed or take all way off by stopping or reversing the means of propulsion.

## 9. Narrow passages:

- a. A vessel proceeding along the course of a narrow passage shall keep as near to the outer limit of the passage which lies on the starboard side as is safe and practicable.
- b. A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow passage.
- c. A vessel shall not cross a narrow passage if such crossing impedes a vessel which can safely navigate only within that passage. The latter vessel shall use the danger signal if in doubt as to the intention of the crossing vessel.

d. In a narrow passage when overtaking, the vessel intending to overtake shall indicate its intention by sounding the appropriate signal and take steps to permit safe passing. The overtaken vessel, if in agreement, shall sound the same signal. If in doubt the overtaken vessel shall sound the danger signal.

(1) This regulation does not relieve the overtaking vessel of its obligation.

e. A vessel nearing a bend or an area of a narrow passage where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal.

f. No vessel shall be anchored so as to block movement of other vessels through narrow passages.

#### 10. Vessel traffic patterns:

Each vessel required by law to participate in a vessel traffic pattern shall comply with the applicable law.

### **The following regulations apply to vessels in sight of one another:**

#### 11. Sailing vessels:

a. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(1) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(2) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward; and

(3) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, it shall keep out of the way of the other.

b. For the purpose of this regulation the windward side shall be deemed to be the side opposite to that on which the mainsail is carried.

#### 12. Overtaking:

a. Notwithstanding anything contained in these regulations any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

b. A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft the beam: that is, in such a position with reference to the vessel being overtaken that at night only the stern light, but neither of the side lights, of the vessel being overtaken would be visible.

c. When in any doubt as to whether another vessel is being overtaken, the assumption shall be made that this is the case and the overtaking vessel shall act accordingly.

- d. Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these regulations or relieve the overtaking vessel of the duty of keeping clear of the overtaken vessel until past and clear.

13. Head-on situation:

- a. When two motorboats are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter course to starboard so that each shall pass on the port side of the other.
- b. Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night sees the masthead lights of the other in a line or nearly in a line or both sidelights and by day observes the corresponding aspect of the other vessel.
- c. When in any doubt as to whether a head-on situation exists, the assumption shall be made that it does exist and vessels shall act accordingly.

14. Crossing situation:

- a. When two motorboats are crossing so as to involve risk of collision, the vessel which has the other on the starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.
- b. A vessel crossing a river shall keep out of the way of a motorboat ascending or descending the river.

15. Action by give-way vessel:

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

16. Action by stand-on vessel:

- a. Where one of two vessels is to keep out of the way, the other shall keep its course and speed.
- b. The stand-on vessel may, however, take action to avoid collision by maneuver alone, as soon as it becomes apparent that the vessel required to keep out of the way is not taking appropriate action in compliance with these regulations.
- c. When, from any cause, the vessel required to keep its course and speed finds itself so close that collision cannot be avoided by the action of the give-way vessel alone, the stand-on vessel shall take such action as will best aid to avoid collision.
- d. A motorboat which takes action in a crossing situation in accordance with these regulations to avoid collision with another motorboat shall, if the circumstances of the case admit, not alter course to port for a vessel on its port side.
- e. This regulation does not relieve the give-way vessel of the obligation to keep out of the way.

## 17. Responsibilities between vessels:

Except where regulations #219-9., #219-10., and #219-12. otherwise require:

- a. A motorboat underway shall keep out of the way of:
  - (1) A vessel not under command;
  - (2) A vessel restricted in its ability to maneuver; and
  - (3) A sailing vessel.
- b. A sailing vessel underway shall keep out of the way of:
  - (1) A vessel not under command; and
  - (2) A vessel restricted in its ability to maneuver.
- c. A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, seaplanes shall comply with these regulations.

### **The following regulation applies to vessels in restricted visibility:**

## 18. Conduct of vessels in restricted visibility and not in sight of one another:

- a. Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A motorboat shall have the engines ready for immediate maneuver.
- b. Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with regulations #219-5. through #219-10.
- c. Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of its beam another vessel, or which cannot avoid a close-quarters situation with another vessel forward of its beam, shall reduce speed to the minimum of which the vessel can be kept on course or shall take engines all the way off. In any event, vessels shall navigate with extreme caution until danger of collision is over.

### **#220 - MUFFLING AND SOUND LEVEL**

1. Except in case of a motorboat competing in a sanctioned race or regatta, it is unlawful to use a vessel propelled in whole or in part by gas, gasoline, or naphtha unless the vessel is provided with a stock factory muffler underwater or other device capable of adequately muffling the sounds of the exhaust of the engine. The phrase "adequate muffling" means that the motor's exhaust at all times is so muffled or suppressed as not to create excessive noise.
2. No person shall operate a vessel upon waters of this state under any condition or in any manner that the vessel emits a sound level in excess of 86 decibels on "A" weighted scale when measured from a distance of 50 feet or more from the vessel. The operator of such vessel may be ordered off the water upon failure to submit to sound level testing procedures.

## #221 - MANEUVERING AND WARNING SIGNALS

1. Terms used:
  - a. "Short blast" means a blast of about one second's duration sounded when motorboats are at a close quarters distance so as to involve the risk of collision.
  - b. "Prolonged blast" means a blast of from four to six seconds' duration sounded when motorboats are at close quarters distance so as to involve the risk of collision.
  - c. "Danger signal" means five or more short blasts.
2. When motorboats are in sight of one another and meeting or crossing at a close quarters distance so as to involve the risk of collision, each motorboat underway, when maneuvering as authorized or required by the rules of the road shall indicate that maneuver by the following signals from the sound-producing device:
  - a. One short blast to mean "I intend to leave you on my port side."
  - b. Two short blasts to mean "I intend to leave you on my starboard side."
  - c. Three short blasts to mean "I am operating astern propulsion."
  - d. Upon hearing the one or two blast signal, the other shall, if in agreement, sound the same signal and take the steps necessary to effect a safe passing. If, however, from any cause, the motorboat doubts the safety of the proposed maneuver, then the danger signal shall be sounded and each vessel shall take appropriate precautionary action until a safe passing agreement is made.
3. When motorboats are in sight of one another and one motorboat is intending to overtake another at a close quarters distance so as to involve the risk of collision, the overtaking vessel shall indicate intentions by the following signals from the sound-producing device:
  - a. One short blast to mean "I intend to overtake you on your starboard side."
  - b. Two short blasts to mean "I intend to overtake you on your port side."
  - c. Upon hearing the one or two blast signal of the other, the motorboat that is being overtaken shall, if in agreement, sound the same signal. If in doubt, the vessel being overtaken shall sound the danger signal.
4. When vessels, other than hand-propelled vessels when on white-water, are in sight of one another and are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts from the sound-producing device. The danger signal may be supplemented by a light signal of at least five short and rapid flashes.
5. When a motorboat is leaving a dock or berth and vessel traffic is heavy, one prolonged blast may be sounded.

6. If necessary to attract the attention of another vessel, any vessel may light or sound signals that cannot be mistaken for any signal authorized elsewhere in these regulations, or may direct the beam of a light in the direction of danger.
7. When a vessel is in distress, the following signals used or exhibited either together or separately, indicate distress and need of assistance.
  - a. A continuous sounding with any signaling device;
  - b. A signal made by any signaling method consisting of S.O.S. in the Morse Code;
  - c. Slowly and repeatedly raising and lowering arms outstretched to each side;
  - d. An orange distress flag with either a black square and circle or other appropriate symbol;
  - e. A high intensity white flashing light flashing at regular intervals from 50 to 70 times per minute.
  - f. The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance is prohibited.

## **#222 - COLLISIONS, ACCIDENTS, & CASUALTIES**

1. In the case of an accident involving a vessel, the operator thereof, shall file with the Division a full report concerning the accident. A vessel is considered to be involved in a boating accident whenever the occurrence results in damage, in excess of five hundred dollars, by or to the vessel or its equipment, in injury or loss of life to any person, or in the disappearance of any person from on board under circumstances which indicate the possibility of death or injury. Such boating accident includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a boat other than by theft. Accidents for the purpose of the report are only those which occur on the water.
2. Reports required under subsection (1) of this section shall contain the following information:
  - a. The number assigned to each vessel involved;
  - b. The locality, time and date of the accident;
  - c. The weather conditions existing at the time of the accident;
  - d. The name, address, and age of each operator of a vessel involved in the accident;
  - e. The name and address of the owner of each vessel involved in the accident;
  - f. The name and address of any person who is injured or killed as the result of the accident;
  - g. The nature and extent of injury to any person;
  - h. A description of any property damage;
  - i. A description of how the accident occurred;
  - j. The type of vessel that is the subject of the report;
  - k. The name and address, if known, of any witness to the accident.



3. All reports required to be submitted under this section shall be submitted to the Law Enforcement Unit at 13787 South Highway 85, Littleton, Colorado 80125 of the Division within five days after the date of the accident.

### **#223 - WATER SKIS, AQUAPLANES, SURFBOARDS, INNERTUBES, AND SIMILAR DEVICES**

1. No person shall operate a vessel on any waters of this state for towing any person on water skis, aquaplanes, surfboards, innertubes, or any similar devices, unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person being towed, and capable of relaying messages to the operator.
2. No person shall operate a vessel on any waters of this state towing any person on water skis, aquaplanes, surfboards, innertubes, or any similar devices, nor shall any person engage in water skiing, surfboarding, or similar activity at any time between the hours from sunset to sunrise.
3. Any person on water skis, aquaplanes, surfboards, innertubes, or similar devices, while being pulled or towed by a vessel, shall wear a flotation device as required in subsection 4. of section #212 - Personal Flotation Devices.
4. All motorized vessels in designated water ski areas shall travel in a counter clockwise direction, except in picking up a downed skier the tow boat shall encircle the skier in such a manner as to keep him in view of the driver of the boat at all times.
5. No person shall engage in water skiing, surfboarding, or similar activity within one hundred fifty feet of any harbor, swimming beach, or mooring area or any areas which are designated by posting or otherwise as being closed to water skiing except in areas designated as a ski take-off or landing area.
6. Whenever a water skier, surfboarder, or person engaged in a similar activity or associated equipment is down in the water, the operator or observer of the tow boat shall display in a clearly visible manner an orange or red flag of a size not less than 12 inches square. When the towed person is actively being towed and is not down in the water, and the associated equipment has been retrieved, the flag shall not be displayed.

### **#224 - HULL IDENTIFICATION NUMBER**

1. After August 1, 1984, every person who builds or imports a monohull vessel for personal recreational use and not for the purposes of sale, must identify that boat with two hull identification numbers that meet the requirements of this regulation.
2. Following application for assignment of a Colorado hull identification number, a hull identification number may be assigned by the Division if the applicant declares on the application that Colorado will be the state of principal use.
3. Following assignment of a Colorado hull identification number, a person as described in #224-1 must identify the boat with two hull identification numbers that meet the following requirements:

- a. A primary hull identification number affixed as herein prescribed:
- (1) On boats with transoms, to the starboard side of the transom within two inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest.
  - (2) On boats without transoms or on boats on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within one foot of the stern and within two inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest.
  - (3) On catamarans and pontoon boats which have readily replaceable hulls, to the aft crossbeam within one foot of the starboard hull attachment.
  - (4) If the hull identification number would not be visible, because of rails, fittings, or other accessories, the number must be affixed as near as possible to the location specified in Regulation #224-3a(1).
- b. A duplicate hull identification number must be affixed in an unexposed location on the interior of the boat or beneath a fitting or item of hardware.
- c. Each hull identification number must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the boat so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number must not be attached to parts of the boat that are removable.
- d. The characters of each hull identification number must be no less than one-fourth of an inch high.



# **COLORADO REVISED STATUTES**

## **ARTICLE 13**

### **VESSELS**

33-13-101	Legislative declaration.
33-13-102	Definitions.
33-13-103	Numbering of vessels required.
33-13-104	Application for vessel number.
33-13-105	Seizure of vessels by officers.
33-13-106	Equipment requirements.
33-13-107	Vessel liveries.
33-13-107.1	Minimum age of motorboat operators - youth education
33-13-108	Prohibited vessel operations.
33-13-108.1	Operating a vessel while under the influence.
33-13-108.2	Operating a vessel while the privilege to operate is suspended.
33-13-108.3	Records to be kept by the division.
33-13-109	Collisions, accidents and casualties.
33-13-110	Water skis, aquaplanes, surfboards, innertubes and similar devices.
33-13-111	Authority to close waters.
33-13-112	Enforcement-applicability.
33-13-113	Municipal corporations or organizations-powers.
33-13-114	Copies of laws and regulations furnished.
33-13-116	Repeal of sections.

#### **33-13-101. Legislative declaration.**

It is the policy of this state to administer the registration and numbering of vessels in accordance with federal laws pertaining thereto and to promote the safety of persons and property in connection with the use, operation, and equipment of vessels.

#### **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.
- (2) "Operate" means to navigate or otherwise use a vessel.
- (3) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or an equitable interest which entitles him to such possession.
- (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.

- (3.7) "Sailboard" means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast, not secured to a hull by guys or stays.
- (4) "Sailboat" means any vessel propelled by the effect of wind on a sail, including sailboards. For the purposes of this article, any vessel propelled by both sail and machinery of any sort shall be deemed a motorboat, when being so propelled.
- (5) "Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.
- (5.5) "Vessel staging area" means any parking lot, boat ramp, or other location that any vessel is transported to or from by a motor vehicle and where such vessel is placed into operation on or in the water. "Vessel staging area" does not include any location to which a vessel is transported primarily for the purpose of service, maintenance, repair or sale.
- (6) "Whitewater" means natural running water with intermittent rapids.

### **33-13-103. Numbering of vessels required.**

- (1) It is unlawful for any person to operate or use a vessel on the waters of this state or to possess a vessel at a vessel staging area unless such vessel has been numbered and a certificate of the number, referred to in this article as a "registration", has been issued to such vessel by the division. The operator of such vessel shall produce the registration for inspection upon demand of any officer authorized to enforce the provisions of articles 10 to 15 and 32 of this title. The following are exempt from the requirements of this subsection (1) and from the vessel registration fee as specified pursuant to 33-10-111 (5):
  - (a) Any vessel which is neither a motorboat nor a sailboat as defined in section 33-13-102; except that canoes, kayaks, and nonmotorized rafts exempted by this paragraph (a) shall be marked as required by subsection (5) of this section;
  - (b) Vessels holding a valid marine document issued by the United States Bureau of Customs;
  - (c) Vessels which are numbered in accordance with applicable federal law or in accordance with a federally approved numbering system of another state when the registration is valid and the identifying number set forth in the registration is displayed on each side of the bow of such vessel, which vessel is not used within this state during a period of not more than sixty consecutive days;
  - (d) A vessel from a country other than the United States temporarily using the waters of this state;
  - (e) A vessel belonging to a class of vessels which has been exempted after the division has found that the numbering of vessels of such class will not materially aid their identification, and, if an agency of the federal government has a numbering system applicable to the class of vessels to

which the vessel in question belongs, after the division has further found that the vessel would also be exempt from numbering if it were subject to federal law.

- (f) Any vessel defined as a sailboard in section 33-13-102 (3.7) shall be marked as required by subsection (5) of this section.
- (2) Every registration issued pursuant to this article shall continue in full force and effect for a period ending December 31 of the year of issuance of the registration unless sooner terminated or discontinued in accordance with the provisions of this article. A registration may be renewed by the owner in the same manner as that provided for obtaining the initial registration. The same number shall be reissued if the application for renewal is received by the division within thirty days before the date of expiration.
- (3) The board shall prescribe by rule or regulation a system of numbering which is in compliance with the federal system for numbering vessels.
- (4) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.
- (5) It is unlawful for any person to operate or use a canoe, kayak, sailboard or nonmotorized raft which is not required to be registered under subsection (1) of this section on the waters of this state unless it has been marked with the owner's name and current address in a legible, clearly visible, and durable fashion. Any person who violates this subsection (5) is guilty of a petty offense and, upon conviction thereof, shall be punished by a fine of fifteen dollars.

### **33-13-104. Application for vessel number.**

- (1) The owner of each vessel requiring numbering by this state shall file an application for a number with the division or any representative approved by the division on forms approved and furnished by the division. The application shall be signed by the owner of the vessel and shall be accompanied by a fee as specified pursuant to 33-10-111 (5); except that those vessels owned and operated by the state or any political subdivision thereof shall be registered without payment of a registration fee. Upon receipt of the application in approved form, the division or its representative shall issue to the applicant a registration stating the number issued to the vessel. The number issued shall be painted on or attached to each side of the bow on the forward half of the vessel or, if there are no such sides, at a corresponding location on both sides of the foredeck of the vessel for which it is issued. The number issued shall read from left to right in block characters of good proportion having a minimum of three inches in height, excluding border or trim, and of a color that contrasts with the color of the background, and so maintained as to be clearly visible and legible. No other number shall be carried

on the bow of the vessel. Any person who fails to display a vessel number as required in this subsection (1) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of twenty-five dollars.

- (2) The registration shall be of pocket size, and shall be on board and available at all times for inspection whenever the vessel for which it is issued is in operation in this state. Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars. If a registration is lost or destroyed, the owner shall, within fifteen days, notify the division. The notification shall be in writing, shall describe the circumstances of the loss or destruction, and shall be accompanied by a fee for a replacement registration as required under section 33-12-101.
- (3) When a numbered vessel is lost, destroyed, or abandoned, the registration issued for the vessel shall be surrendered to the division within fifteen days after any such event. When the owner of a numbered vessel changes his address from that shown on the registration, he shall notify the division within fifteen days of such change and as a part of such notification shall furnish the division with his new address. The board may provide in its rules or regulations for the surrender of the registration bearing the former address and its replacement with a registration bearing the correct address or for the alteration of an outstanding registration to show the new address of the owner.
- (4) All fees collected under this section shall be credited to the parks and outdoor recreation cash fund and shall be used for the administration of this article.

### **33-13-105. Seizure of vessels by officers.**

- (1) (a) Every parks and recreation officer and other peace officer of this state may seize and hold any vessel if such officer has probable cause to believe that the vessel is not in the lawful possession of the operator or person in charge thereof.  
  
(b) It is the duty of any officer seizing any vessel, on being informed of any such vessel, to immediately notify the appropriate law enforcement agencies and the owner if known. Such notification shall contain a description of such vessel and any other helpful facts that may assist in locating or establishing the ownership thereof or in prosecuting any person for a violation of article 4 of title 18, C.R.S., or other state laws.
- (2) "Hull identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, placed on a vessel or engine by its manufacturer or by authority of the division or in accordance with the laws of another state or country, excluding the vessel registration number.

- (3) (a) Whenever a vessel is seized pursuant to subsection (1) of this section, the law enforcement agency or a governmental entity may commence an action in a court of competent jurisdiction to determine whether said vessel shall be destroyed, sold, converted to the use of the seizing agency, or otherwise disposed of by an order of said court.
  - (b) (I) Any forfeiture proceeding initiated pursuant to this section shall be conducted in conformance with section 16-13-505, C.R.S.
    - (II) For purposes of applying section 16-13-505, C.R.S., to a seizure hearing conducted pursuant to this section, “contraband” includes any vessel seized in accordance with this section.
- (4) Nothing in this section shall preclude the return of the seized vessel to the owner by the seizing agency following presentation of satisfactory evidence of ownership and, if determined necessary, requiring the owner to obtain an assignment of a hull identification number for the vessel from the division.
- (5)(6) Repealed.
- (7) If the court having jurisdiction orders the vessel sold by the division, the proceeds of the sale shall be forwarded to the treasurer, who shall credit such proceeds to the general fund.

### **33-13-106. Equipment requirements.**

- (1) No person shall operate a personal watercraft unless each person aboard is wearing a personal 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 that is designed to promote navigational safety and that the board may find to be necessary or desirable for the safe operation of vessels upon the waters of the state.
- (4.5) No person shall operate a vessel that has entered the water unless each child under the age of thirteen who is aboard such vessel is wearing a personal flotation device, unless such child is below deck or in an enclosed cabin. Such flotation device shall be of a type approved by the United States Coast Guard and shall be in good and serviceable condition.
- (5) Any person who violates subsection (1), (2), (3), (4) or (4.5) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.
- (6) The board may exempt vessels from the provisions of subsection (1), (2), (3), (4) or (4.5) of this section under certain conditions or upon certain waters.

### **33-13-107. Vessel liveries.**

- (1) The owner or operator of a vessel livery shall keep a record of the name and address of each person who hires any vessel that is designed or permitted to be operated as a vessel, the identification number of such vessel, and the departure date and time and the expected date and time of return of such vessel. Such records shall be preserved for at least thirty days after such vessel is to be returned and shall be subject to inspection by the division. Any person who violates this subsection (1) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of one hundred dollars.
- (2) Neither the owner or operator of a vessel livery nor such owner's or operator's agent or employee shall permit any vessel to depart from his or her premises unless such vessel is equipped and registered as required by this article and rules promulgated pursuant to this article. Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of one hundred dollars.

### **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.

### **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 the 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 and regulation;
  - (IV) In a manner that violates any rule promulgated by the board for safe use and operation of vessels.
- (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 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. 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) It is unlawful for any person to operate a vessel in a reckless manner. Any person who violates this subsection (3) is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two 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.

### **33-13-108.1. Operating a vessel while under the influence.**

(1)(a) It is a misdemeanor for any person to operate or be in actual physical control of a vessel in this state while:

(I) Under the influence of alcohol;

(II) The amount of alcohol, as shown by analysis of the person's blood or breath, in the person's blood is 0.08 or more grams of alcohol per one hundred milliliters of blood or 0.08 or more grams of alcohol per two hundred ten liters of breath at the time of the commission of the alleged offense or within two hours after operating a vessel if the evidence establishes beyond a reasonable doubt that the person did not consume any alcohol between the time of operation and the time of testing;

(III) Under the influence of any controlled substance as defined in section 12-22-303, C.R.S., or any other drug that renders the person incapable of safely operating a vessel;

(IV) Under the influence of any combination of alcohol and any controlled substance as defined in section 12-22-303, C.R.S., or any other drug, when the combination of alcohol and controlled substance or any other drug renders the person incapable of safely operating a vessel.

(b) For the purposes of this subsection (1) "under the influence of any controlled substance or any other drug" shall include the use of glue-sniffing, aerosol inhalation, or the inhalation of any other toxic vapor.

(2)(a) In any prosecution of a violation of paragraph (a) of subsection (1) of this section, the amount of alcohol in the defendant's blood or breath at the time of the commission of the alleged offense or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, shall give rise to the following presumption: If there was at that time 0.08 or more grams of alcohol per one hundred milliliters of blood as shown by analysis of the person's blood or 0.08 or more grams of alcohol per

two hundred ten liters of breath as shown by analysis of the person's breath, it shall be presumed that the defendant was under the influence of alcohol.

- (b) The limitation of this subsection (2) shall not be construed as limiting the introduction, reception, or consideration of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol.
- (3) In any prosecution for a violation of subsection (1) of this section, the defendant shall be entitled to offer direct and circumstantial evidence to show that there is a disparity between what the tests show and other facts so that the trier of fact could infer that the tests were in some way defective or inaccurate. Such evidence may include testimony of non-expert witnesses relating to the absence of any or all of the common symptoms or signs of intoxication for the purpose of impeachment of the accuracy of the analysis of the person's blood or breath.
- (4)(a) A person who operates a vessel or who is in actual physical control of a vessel on the waters of this state shall be deemed to have expressed consent to the provisions of this subsection (4).
- (b) Any person who operates or is in actual physical control of a vessel on the waters of this state may be required to submit to a test or tests of breath or blood for the purpose of determining the alcoholic content of the person's blood or breath if arrested for any misdemeanor offense arising out of acts alleged to have been committed while the person was operating a vessel in violation of subsection (1) of this section. If the person requests that the test be a blood test, then the test shall be of the person's blood; but, if the person requests that a specimen of blood not be drawn, then a specimen of the person's breath shall be obtained and tested.
- (c) Any person who operates or is in actual physical control of a vessel on the waters of this state may be required to submit to a test or tests of the person's blood, saliva, and urine for the purpose of determining the drug content within the person's system if arrested for any misdemeanor offense arising out of acts alleged to have been committed while the person was operating a vessel in violation of subsection (1) of this section.
- (5) Any person who is required to submit to testing, or who requests that a specimen of blood, breath, saliva, or urine be taken or drawn shall cooperate with the person authorized to obtain the specimens, including the signing of any release forms required by any person who is authorized to take or withdraw such specimens. If the person refuses to sign any release forms, the refusal shall be considered a refusal to take the tests, provided said forms conform to subsection (6) of this section. No peace officer shall physically restrain any person for the purpose of obtaining a specimen of his blood, breath, saliva, or urine for testing.

- (6) The tests shall be administered at the direction of the arresting officer having reasonable grounds to believe that the person had been operating a vessel in violation of subsection (1) of this section and in accordance with rules prescribed by the state board of health, with utmost respect for the constitutional rights, dignity of the person, and health of the person being tested. No person except a physician, a registered nurse, a paramedic as certified in part 2 of article 3.5 of title 25, C.R.S., an emergency medical technician as defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall be entitled to withdraw blood for the purpose of determining the alcoholic or drug content of the blood. No civil liability shall attach to any person authorized to obtain blood, breath, saliva, or urine specimens or to any hospital in which the specimens are obtained as provided in subsection (4) of this section as a result of the act of obtaining the specimens from any person submitting thereto if the specimens were obtained according to the rules prescribed by the state board of health; except that this provision shall not relieve any such person from liability for negligence in obtaining a specimen sample.
- (7) Any person who is dead or unconscious shall be tested to determine the alcoholic content of the person's blood as provided in subsection (4) of this section. In addition to the tests prescribed, the blood of a dead person shall be checked for carbon monoxide content and for the presence of drugs, as prescribed by the department of public health and environment. All information obtained will be made a part of the accident report.
- (8) If a person refuses to submit to tests as provided for in subsection (4) of this section and the person subsequently stands trial for a violation of subsection (1) of this section, the refusal to submit to the tests shall be admissible into evidence at the trial, and the person may not claim the privilege against self incrimination with regard to admission of refusal to submit to any tests.
- (9) The fact that any person charged with a violation of subparagraph (II) or (III) of paragraph (a) of subsection (1) of this section is or has been entitled to use the controlled substance or drug under the laws of this state shall not constitute a defense against any person charged with the violation.
- (10) No court shall accept a plea of guilty to a non-alcohol-related or non-drug-related boating offense from a person charged with a violation of subsection (1) of this section unless the prosecuting attorney makes a good faith representation that a prima facie case could not be established if the defendant were brought to trial on the original alcohol-related or drug-related offense.
- (11) When a peace officer has reasonable grounds to believe that a person is operating a vessel while under the influence of alcohol or that the operator has been involved in a boating accident resulting in injury or death, the peace officer may request the operator to provide a sample of the operator's

breath for a preliminary screening test. The test shall be given using a device approved by the executive director of the department of public health and environment as being accurate to within ten percent of the actual reading obtained by the officer upon administering the test. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made and whether to administer a test pursuant to paragraph (b) of subsection (4) of this section but shall not be used in any court action except to prove that a test was properly authorized pursuant to this section. The results of the test shall be made available to the operator or the operator's attorney upon request. The preliminary screening test shall not constitute the test for the purposes of subsection (4) of this section.

- (12)(a) Every person who is convicted of a violation of subsection (1) of this section shall be punished by imprisonment in the county jail for not less than five days nor more than one year, and, in addition, the court may impose a fine of not less than two hundred dollars nor more than one thousand dollars. Except as provided in paragraph (c) of this subsection (12), the minimum period of imprisonment provided for the violation shall be mandatory. In addition to any other penalty that is imposed, every person who is convicted of a violation to which this paragraph (a) applies shall perform no more than ninety-six hours of useful public service.
- (b) Upon a conviction of a subsequent violation of subsection (1) of this section that occurred within five years of the date of a previous violation of subsection (1) of this section, the offender shall be punished by imprisonment in the county jail for not less than sixty days nor more than one year, and, in addition, the court may impose a fine of not less than five hundred dollars nor more than one thousand five hundred dollars. The minimum period of imprisonment as provided for the violation shall be mandatory, but the court may suspend up to fifty-five days of the period of imprisonment if the offender complies with paragraph (c) of this subsection (12). In addition to any other penalty that is imposed, every person convicted of a violation to which this paragraph (b) applies shall perform not less than sixty hours nor more than one hundred twenty hours of useful public service. The performance of the minimum period of service shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of the service.
- (c) The sentence of any person subject to paragraph (a) or (b) of this subsection (12) may be suspended to the extent provided for in said paragraphs if the offender receives a presentence alcohol and drug evaluation and, based on that evaluation, if the offender satisfactorily completes an appropriate level I or level II alcohol and drug driving safety education or treatment program and abstains from the use of alcohol for a period of one year from the date of sentencing. The abstinence shall be

monitored by the treatment facility by the administration of disulfiram or by any other means that the director of the treatment facility deems appropriate. If, at any time during the one-year period, the offender does not satisfactorily comply with the conditions of the suspension, that sentence shall be reimposed, and the offender shall spend that portion of the sentence that was suspended in the county jail.

- (d) In addition to any other penalty provided by law, the court may sentence a defendant who is convicted pursuant to this section to a period of probation for the purposes of treatment not to exceed two years.
- (e) For the purposes of this subsection (12), “useful public service” has the meaning set forth in section 42-4-1301.4, C.R.S., and the useful public service program authorized therein shall be utilized for the purposes of this subsection (12). An offender sentenced to a useful public service program shall complete the same within the time established by the court. In addition to any other penalties, fines, fees, or costs prescribed in this section, the court shall assess an amount not to exceed the amount established in section 42-4-1301.4, C.R.S., upon any person required to perform useful public service. The amount shall be used only to pay for the costs authorized in section 42-4-1301.4, C.R.S.
- (f) For the purposes of this subsection (12), “alcohol and drug driving safety education or treatment” has the meaning set forth in section 42-4-1301.3, C.R.S., and the alcohol and drug driving safety program and the presentence alcohol and drug evaluations authorized in said section shall be utilized for the purposes of this subsection (12). The presentence alcohol and drug evaluation shall be conducted on all persons convicted of a violation of subsection (1) of this section; except that this requirement shall not apply to persons who are not residents of Colorado at the time of sentencing. Any defendant sentenced to level I or level II education or treatment programs shall be instructed by the court to meet all financial obligations of the programs. If the financial obligations are not met, the sentencing court shall be notified for the purpose of collection or review and further action on the defendant’s sentence. In addition to any other penalties, fines, fees, or costs prescribed in this section, the court shall assess an amount, not to exceed the amount established in section 42-4-1301.3, C.R.S., upon any person convicted of a violation of subsection (1) of this section. The amount shall be used only to pay for the costs authorized in section 42-4-1301.3, C.R.S. The court shall consider the alcohol and drug evaluation prior to sentencing. This paragraph (f) is also applicable to any defendant who receives a deferred prosecution in accordance with section 18-1.3-101, C.R.S., or who receives a deferred sentence in accordance with section 18.1.3-102, C.R.S.
- (g) Upon a conviction for a first offense for a violation

of subsection (1) of this section, in addition to any other penalties, fines, fees, or costs imposed, the court shall order the person to not operate a vessel for a three-month period. Upon a conviction for a subsequent offense for a violation of subsection (1) of this section, in addition to any other penalties, fines, fees, or costs imposed, the court shall order the person to not operate a vessel for a one-year period. For the purposes of this paragraph (g), “conviction” includes a conviction in any court of record or municipal court, a plea of no contest accepted by the court, or the forfeiture of any bail or collateral deposited to secure a defendant’s appearance in court or the failure to appear in court by a defendant charged with a violation of subsection (1) of this section who has been issued a summons and complaint to appear pursuant to section 33-15-102 (2).

(h) Upon a plea of guilty or a verdict of guilty by the court or a jury to any offense specified in subsection (1) of this section, the court shall order the defendant to immediately report to the sheriff’s department in the county where the defendant was convicted. At that time, the defendant’s fingerprints and photographs shall be taken and returned to the court, which fingerprints and photographs shall become a part of the court’s official documents and records pertaining to the defendant’s conviction and the defendant’s identification in association with the conviction. In any trial for a violation of any of the offenses specified in subsection (1) of this section, a duly authenticated copy of the record of former convictions and judgments of any court record for any of said crimes against the party indicted or informed against shall be prima facie evidence of the convictions and may be used in evidence against the party. Identification photographs and fingerprints that are part of the record of such former convictions and judgments of any court of record or are part of the record at the place of the party’s incarceration after sentencing for any of such former convictions and judgments shall be prima facie evidence of the identity of the party and may be used in evidence against the party. Any person who fails to immediately comply with the court’s order to report to the sheriff’s department, to furnish fingerprints, or to have photographs taken may be held in contempt of court.

(13)(a) No owner or operator of a vessel shall knowingly authorize the vessel to be operated by or come under the actual physical control of any other person if the person is under the influence of alcohol, a controlled substance or any other drug, or any combination of alcohol, controlled substance, or drug.

(b) Any person who is convicted of a violation of paragraph (a) of this subsection (13) is guilty of a misdemeanor



and, upon conviction, shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not less than two hundred dollars nor more than one thousand dollars, or by both fine and imprisonment.

- (14) In all actions, suits, and judicial proceedings in any court of this state concerning alcohol-related or drug-related vessel offenses, the court shall take judicial notice of methods of testing a person's alcohol or drug level and the design and operation of devices, as certified by the department of public health and environment, for testing a person's blood, breath, saliva, or urine to determine the alcohol or drug level. This subsection (14) shall not prevent the necessity of establishing during a trial that the testing devices used were in proper working order and that the testing devices were properly operated. Nothing in this subsection (14) shall preclude a defendant from offering evidence of the accuracy of the testing device.
- (15) As used in this section, "convicted" includes a plea of no contest accepted by the court.
- (16)(a) Upon conviction of or plea of no contest to a violation of this section, the court shall forward a certified copy of the conviction or plea to the division.
  - (b) When a peace officer requests a person to submit to tests as required by subsection (4) of this section and the person refuses to submit to the tests, the officer shall forward to the division a verified report of all relevant information, including information that adequately identifies the person and a statement of the officer's probable cause for requesting the person to submit to the tests.

### **33-13-108.2 Operating a vessel while the privilege to operate is suspended.**

- (1) Any person who operates a vessel in this state at a time when a court-ordered suspension of the operator's vessel operating privilege is in effect for a conviction of an alcohol- or drug-related operating offense pursuant to section 33-13-108.1 (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than three days nor more than one hundred eighty days and, in the discretion of the court, by a fine of not less than three hundred dollars and nor more than one thousand dollars. Upon a subsequent conviction, the person shall be punished by imprisonment in the county jail for not less than ninety days nor more than one year and, in the discretion of the court, by a fine of not less than five hundred dollars nor more than three thousand dollars. The minimum jail sentence imposed by this subsection (1) shall be mandatory, and the court shall not grant probation or a suspended sentence. However, in a case where the defendant is convicted and it is established that it was necessary to operate the vessel in violation of this subsection (1) because of an emergency, the mandatory jail sentence shall not apply, and, for a conviction, the court may impose a sentence of imprisonment in the county jail

for a period of not more than one year and, in the discretion of the court, a fine of not more than one thousand dollars, and, for a subsequent conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than two years and, in the discretion of the court, a fine of not more than three thousand dollars.

- (2) In any trial in which a person is charged with a violation of subsection (1) of this section, a duly authenticated copy of the record of former convictions and judgments of any court of record against the party indicted or informed against for an alcohol- or drug-related vessel operating offense pursuant to section 33-13-108.1 shall be prima facie evidence of the convictions and judgments and may be used in evidence against the party. Identification photographs and fingerprints that are part of the record of such former convictions and judgments and the party's incarceration after sentencing for any of such former convictions and judgments shall be prima facie evidence of the identity of the party and may be used in evidence against the party.
- (3) Upon a subsequent conviction under subsection (1) of this section within five years after the first conviction, in addition to the penalty prescribed in said subsection (1), the court shall order the defendant to not operate a vessel in this state for a period of two years after the subsequent conviction.
- (4) Upon conviction of or a plea of no contest to a violation of this section, the court shall forward a certified copy of the conviction or plea to the division.

### **33-13-108.3 Records to be kept by the division.**

The division shall file all abstracts of court records of convictions of violations of sections 33-13-108.1 and 33-13-108.2 and shall maintain a suitable alphabetical index for such file.

### **33-13-109. Collisions, accidents, and casualties.**

- (1) The operator of a vessel involved in a collision, accident, or other casualty shall, so far as he can do so without serious danger to his own vessel, crew, and passengers, if any, render to other persons affected by the collision, accident, or casualty such assistance as may be practicable and necessary in order to save them from or to minimize any danger caused by the collision, accident, or other casualty, and he shall give his name and address and the identification of his vessel, including the name and address of the owner if different from that of the operator, in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.
- (2) The board shall adopt rules and regulations concerning notification and reporting procedures to be followed in the case of a collision, accident, or other casualty involving a vessel or its equipment. Such regulations shall be consistent with applicable federal requirements.
- (3) The owner or operator of a vessel involved in a collision, accident,

or other casualty shall report the collision, accident, or casualty as provided in the rules and regulations of the board.

(4)(5) Repealed

(6) Any person who violates subsection (1) or (3) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of seventy-five dollars.

### **33-13-110. Water skis, aquaplanes, surfboards, innertubes and similar devices.**

(1)(a) No person shall operate or manipulate any vessel, towrope, or other device by which the direction, speed, or location of water skis, an aquaplane, a surfboard, an innertube, or any similar device may be affected or controlled in such a way as to cause such device or any person thereon to collide with or strike against any object or person.

(b) No person shall operate, manipulate, or ride water skis, an aquaplane, a surfboard, an innertube, or any similar device towed behind a vessel in a careless or imprudent manner without due regard for other traffic and all other attendant circumstances on the water.

(c) Any person who violates this subsection (1) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of one hundred dollars.

(2)(a) Any person on water skis, an aquaplane, a surfboard, an innertube, or any similar device shall wear a personal flotation device.

(b) The board shall promulgate such rules and regulations as are necessary or desirable for the safe use of water skis, aquaplanes, surfboards, innertubes, and other similar devices.

(c) In addition, the board may promulgate rules and regulations to prohibit recreational activities pertaining to the use of all single-chambered air-inflated devices, including, but not limited to, innertubes and air mattresses, on rivers and streams when water conditions are considered dangerous to such activities and when bodily injury may result to participants of these activities.

(d) Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

(3)(a) No person shall operate, manipulate, or ride water skis, an aquaplane, a surfboard, an innertube, or any similar device while under the influence of alcohol, a controlled substance as defined in section 12-22-303(7), C.R.S., or any other drug, or any combination thereof, which renders him incapable of the safe operation of such device.

(b) Any person who violates this subsection (3) is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two 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.

### **33-13-111. Authority to close water.**

- (1) (a) The board shall promulgate rules to prohibit the operation of vessels on any waters of the state and ordering the removal of vessels from any waters of the state when such operation constitutes or may constitute a hazard to human life or safety.
- (b) For purposes of this subsection (1), "vessels" shall not include white water canoes and kayaks except in the case of:
  - (I) A state of disaster emergency pursuant to section 24-32-2104 or 24-32-2109, C.R.S.;
  - (II) Disaster relief efforts that are underway and that may include debris removal;
  - (III) An accident or other emergency occurs in or immediately adjacent to the water body;
  - (IV) Rescue efforts for victims are actively underway and such efforts would be hindered by additional waterway traffic, or
  - (V) Active construction or transportation projects authorized under state or federal law.
- (2) Any parks and recreation officer or other peace officer as defined in section 33-10-102 has the authority to enforce the provisions of this section under the rules promulgated by the board.
- (3) Any person who fails to obey an order issued under this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of one hundred dollars.

### **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 boarding any vessel.
- (2) The provisions of this article and the rules and regulations promulgated pursuant thereto shall apply to all waters of this state; except that such provisions shall not apply to standing bodies of water on private property which are used for private, noncommercial purposes.

### **33-13-113. Municipal corporations or organizations - powers.**

Nothing in this article shall be construed to prevent municipal corporations or quasi-municipal corporations, including, but not limited to, metropolitan recreation districts, from policing lakes or bodies of water located within all or part of the territorial boundaries of any such entities. Any person designated by such entities to engage in policing work upon said bodies of water may

be commissioned by the division to enforce the provisions of this article as an authorized representative of the division. In addition, said entities shall also be empowered to charge and collect reasonable permit fees to defer the expense of such policing operations without the obligation of remitting such fees to the division, but such fees shall be in addition to those otherwise provided for in this article. Such entities are empowered to adopt and enforce reasonable rules and regulations governing the use of vessels on the bodies of water patrolled under their supervision if such rules and regulations do not conflict with the provisions of this article.

**33-13-114. Copies of laws and regulations furnished.** (Repealed)

**33-13-115. Termination of Functions.** (Repealed)

**33-13-116. Repeal of sections.**

Sections 33-13-103, 33-13-104, 33-13-105, and 33-13-107 are repealed, effective July 1, 2011. Prior to such repeal, the function of registration and numbering of vessels shall be reviewed as provided for in section 24-34-104, C.R.S.

**VIOLATION-PENALTY -**

Any person who violates any provisions of these statutes and regulations shall be subject to the penalties set forth in Title 33, Colorado Revised Statutes, as amended.

Rules and regulations subject to change.

*The Registration Unit of Colorado State Parks issues registrations for vessels, snowmobiles and off-highway vehicles. Original registration applications may be submitted by mail or in person through the Registration Unit at 13787 S. Hwy. 85 in Littleton, and in person at Colorado State Parks region offices and state park offices. In addition, snowmobile and OHV users may apply through license agents within the state. An application form may be obtained via mail by calling 303-791-1920 ext.2, or online at [www.colorado.gov/parks](http://www.colorado.gov/parks).*

Information about boating safety and boat regulations is available from the Colorado State Parks Law Enforcement Unit, 13787 S. Hwy. 85, Littleton, CO 80125, (303) 791-1954.



**Colorado State Parks**

13787 S. Hwy. 85  
Littleton, CO 80125

**For information on boating safely  
classes call 303-791-1954.**

*Visit our Web site at [www.colorado.gov/parks](http://www.colorado.gov/parks)*

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