

PARKS BOARD REGULATIONS

CHAPTER 3 – RIVER OUTFITTERS

#300 – LICENSE APPLICATION AND ISSUANCE

1. An individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization as defined in section 13-21-115.5(3), C.R.S., limited liability company, firm, association, or other legal entity either located within or outside of this state may apply for a river outfitter license. The application shall bear notice to the effect that any false statements made therein are punishable by law. All application signatures shall be made under oath that all information furnished is true and correct. The position held by the individual who signs the application shall be stated on the application. All applications submitted shall bear an original signature.
 - a. If the applicant is a partnership, any general partner may sign the application.
 - b. Any unincorporated legal entity, other than a partnership, consisting of more than one individual shall designate one of its members to sign and submit an application.
 - c. If the applicant is a corporation, the president or other authorized executive officer of the corporation shall sign the application and the secretary of the corporation shall attest the signature.
2. A corporation shall be incorporated pursuant to the laws of this state or shall be duly qualified to do business in this state. To be duly qualified to do business in this state, an out-of-state corporation that transacts business in the State of Colorado must show evidence that it has procured a current and valid certificate of authority from the Colorado Department of State. A copy of a current and valid certificate of authority shall be submitted with the license application.
3. No person shall outfit under a business name until the licensee has notified the Division of the business name. Such notice must be submitted in writing at least ten business days prior to soliciting for or providing river outfitting services under the business name.
4. Any licensee using a d/b/a (doing business as) must list any and all d/b/a's. Should new d/b/a's be formed, the licensee must notify the Division, in writing, within ten days of the action.
5. A copy of current and valid certificate of liability insurance shall be submitted with the license application. A certificate of insurance shall be accepted by the Division as evidence that the applicant has qualifying liability insurance if the certificate states:

- (1) That the type of insurance is “CGL”, meaning either “comprehensive general liability” or “commercial general liability” business insurance; or that the type of insurance is “watercraft liability”. As used herein, “watercraft liability” policy means liability insurance covering commercial exposure for property damage and personal injury which may result from a river outfitter’s use or operation of vessels, including shore-side activities such as passenger loading and unloading. Such liability insurance shall provide coverage for all vessels used by the insured for commercial purpose, to include newly acquired vessels and vessels borrowed from other persons for the insured’s use.
- (2) A minimum amount of coverage of three hundred thousand dollars combined single limit per occurrence for any combination of property damage, death, and bodily injury;
- (3) The insured’s name and address stated on the certificate of insurance is the same as the primary business name used by the applicant on the license application;
- (4) The name, address, and phone number of the issuing insurance agent;
- (5) A policy number;
- (6) The beginning and ending dates of coverage and that it is currently in effect;
- (7) That the Division is a certificate holder;
- (8) That the Division will be given at least forty-five days written notice by certified mail prior to any modification, termination, or cancellation of the policy;
- (9) That every insurance company affording coverage is listed with an indication as to which company or companies is/are providing which insurance; and
- (10) That every insurance company affording coverage is licensed in the State of Colorado, or is currently listed on the approved surplus lines listing for Colorado, and is offering coverage in compliance with the requirements of the Colorado Surplus Lines Insurance Act, Article 5 for Title 10, C.R.S., or is a risk retention group qualified under the Federal “Liability Risk Retention Act of 1986”, 15 U.S.C., Sections 3901 Et Seq., as amended in 1986. If coverage

is provided by a purchasing group qualified under the Federal “Liability Risk Retention Act of 1986”, then the name and address of the group must be identified on the certificate.

- b. The liability insurance policy shall insure the river outfitter against all claims occasioned by acts or missions of the outfitter in carrying out the activities and operations authorized by the license.
 - c. A qualifying liability insurance policy shall be maintained so as to continue in full force and effect for the duration of time that the river outfitter is licensed. If any claims reduce the remaining annual aggregate amount below three hundred thousand dollars of comprehensive or commercial general liability business insurance, which must be written on an occurrence basis, then the licensee must purchase additional insurance such that a minimum amount of coverage of three hundred thousand dollars combined single limit per occurrence for any combination of property damage, death, and bodily injury is continued in full force and effect for the duration of time that the river outfitter is licensed. Any expiration, termination, or cancellation of the required policy or, if an annual aggregate amount is a condition of the coverage, any claims that reduce the amount of coverage below the three hundred thousand dollar minimum shall cause the license to become invalid. The licensee shall ensure that a current and valid certificate of insurance is on file with the Division at all times.
6. Licenses are not transferable. If a business is sold or transferred, a new license application shall be submitted by the new owner(s).
 7. All licenses shall be valid, unless suspended, revoked or otherwise invalidated, from the date of issue until the date of expiration as printed on the license, except that if a river outfitter has made timely and sufficient application for renewal, then the existing license shall not expire until the application has been finally acted upon by the board.
 8. A river outfitter shall maintain a regular place of business at which mail and phone calls can be received. The river outfitter’s license shall be prominently displayed at the regular place of business. The address or physical location and the business telephone number shall be stated on the application. The address or physical location identified for the regular place of business will be printed on the license. Any change of the mailing address, physical location, or telephone number shall be reported to the Division in writing within ten days of such change. If the physical location has changed, then the Division shall issue an amended license at no cost.
 9. The Division shall accept applications during the period from November 1 through December 31 of the year preceding the calendar year for which

application is made and during the period of January 1 through January 31 of the calendar year for which application is made. An application filed after January 31 of the calendar year for which application is made shall be considered a late application and a late filing fee shall be charged in addition to the license fee.

10. Applications shall be accompanied by the full payment of the license fee. Incomplete applications will be returned and a refiling fee will be charged.
11. All licenses shall be issued within a reasonable time period, not to exceed ninety days, after the Division receives an eligible and complete application. Licenses will be sent certified mail, return receipt requested, to the licensee's mailing address.
12. River outfitters who initiate regulated trips in Colorado on specified river segments are eligible for a limited use license, given that these trips are conducted primarily on the waters of an adjoining state. A limited use license shall entitle the holder to use only the following river segments in Colorado:
 - a. North Platte River – Northgate Canyon
 - b. Green River – Within Dinosaur National Monument
 - c. Yampa River – Within Dinosaur National Monument
 - d. Colorado River – Ruby Canyon
 - e. Dolores River – Gateway Canyon
13. Effective November 1, 1995, the river outfitter licensing fee schedule shall be as follows:

a. Original and renewal license application fee.	\$400.00
b. Late application filing fee.	\$100.00
c. Application refiling fee.	\$25.00
d. Limited use original and renewal license fee.	\$100.00

#301 – REGULATED TRIPS, PASSENGER ORIENTATION, AND TRIP LOGS

1. A single regulated trip may include one or more vessels and one or more guides provided by a single river outfitter. All vessels participating in a regulated trip shall remain in reasonably close proximity with one another. “Reasonably close proximity” means that all vessels on the regulated trip will be close enough to one another to give assistance, whenever needed, without unnecessary delay.
2. A river trip’s sole purpose that is to provide an educational or instructional voyage in order to teach canoeing or kayaking skills is not a regulated trip, so long as the trip is promoted and conducted only as a canoeing or kayaking class.
3. At least one qualified guide shall be aboard each vessel which carries, or is designed for and capable of carrying three or more passengers.
4. A trip leader, assigned by the river outfitter, shall accompany every regulated trip. The trip leader shall ensure that a commercial passenger orientation is provided.
5. A commercial passenger orientation shall include basic orientation for all commercial passengers on a regulated trip. Topics must be explained during orientation prior to embarking on a regulated trip are:
 - a. The conditions of weather, river, terrain, equipment, travel, housing and vessels that commercial passengers may expect to encounter;
 - b. The personal equipment, clothing and gear that commercial passengers should have for the trip;
 - c. The proper fit, wearing, and use of personal flotation devices;
 - d. Passenger riding and positioning in the vessel;
 - e. Safety procedures for swimming through river rapids and getting back into the vessel;
 - f. Instructions on what to do in the event of a vessel accident; and
 - g. Sanitation, litter prevention and human refuse disposal.
6. a. A river outfitter shall maintain an accurate and complete trip log for every regulated trip. The trip log shall include:
 - (1) The name of the assigned trip leader;

- (2) The names of all guides who operated or guided vessels carrying commercial passengers;
 - (3) The trip departure and completion dates and times; and
 - (4) The location of vessel launch and take-out.
 - (5) A river outfitter shall maintain the name, address, and telephone number for every passenger on a regulated trip, except in the case of groups. For groups, the river outfitter shall maintain, at a minimum, the name of each person in the group, and the address and telephone number for a contact person for the group. Release forms and booking lists will suffice so long as the required information is present.
- b. A river outfitter shall maintain all trip logs and other records required by this regulation #301-6. For a period of three years. These required records shall be maintained at the river outfitter's designated place of business. The river outfitter, or any employee having access to the trip logs and other required records, shall provide such trip logs and records at all reasonable times to any peace officer enforcing the provisions of Article 32 of Title 33, C.R.S., and these regulations, upon request.

#302 – GUIDE, TRIP LEADER, AND GUIDE INSTRUCTOR TRAINING AND QUALIFICATION RECORDS

1.
 - a. A guide shall have a minimum of fifty hours of on-river training utilizing paddles and/or oars, and any other equipment that the guide will be using on regulated trips. Of this fifty hours, thirty hours shall be with a qualified guide instructor aboard the same vessel with the trainee. The remaining twenty hours shall be with a qualified guide instructor on the same training trip. Twenty hours of training shall occur on the river on which the guide will be guiding regulated trips or on a river section of comparable difficulty.
 - b. Minimum guide training shall include the following areas of instruction:
 - (1) Rigging and maneuvering the vessel;
 - (2) River currents, eddies, and waves;
 - (3) River hazards;
 - (4) Types and causes of river rapids;
 - (5) Scouting and running rapids;
 - (6) River rescue and emergency procedures;
 - (7) Minimizing outdoor recreation resource impacts; and
 - (8) Proper fit, wearing and use of personal flotation devices.
 - c. Guides who have worked commercially out-of-state as a river guide must furnish the in-state river outfitter with written documentation that they have received this required minimum guide training, or its equivalent. The river outfitter shall ensure that the documented out-of-state training is adequate to meet the minimum guide training requirements.
2. Prior to guiding a regulated trip, each guide shall have:
 - a. Completed the required training identified in #302-1.; and
 - b. Operated a commercial vessel at least once over the course of each section of the river that will be guided.
3. During each guide's first regulated trip, a qualified guide instructor must be aboard the same vessel with the guide.

4. A river outfitter shall maintain a qualification record for each guide, including subcontractors, employed. Such record shall include:
 - a. The guide's full legal name and date of birth;
 - b. Evidence of successful completion of a standard first-aid course, which shall include training in cardiopulmonary resuscitation. The following documents shall be accepted by the division as evidence that the guide has qualifying emergency medical care training:
 - (1) A photocopy of the front and back of the guide's valid standard first-aid card or certificate issued by any institution recognized as a provider of emergency medical care training, for example, the American Red Cross, the National Safety Council, or hospitals. If the first-aid course did not include training in cardiopulmonary resuscitation, then additionally required is a photocopy of the front and back of the guide's valid cardiopulmonary resuscitation card or certificate issued by any institution recognized as a provider or cardiopulmonary resuscitation training, for example, the American Red Cross or the American Heart Association; or
 - (2) In lieu of the required card(s) or certificate(s), a copy of a dated letter signed by the instructor(s) stating that the guide has successfully completed the emergency medical care training required, and stating the instructor's address and telephone number;
 - c. Written documentation that the guide is qualified by meeting the minimum training requirements established in this regulation. Such documentation shall include:
 - (1) Dates and beginning and ending times of training;
 - (2) Identification of the training site, including a description of beginning and ending locations for on-river training and a location description or address for classroom training;
 - (3) The name(s) of the guide instructor(s) who provided the instruction and training; and
 - (4) The signature(s) of the guide instructor(s) attesting that the minimum guide training requirements established in this regulation have been met.

5. A river outfitter shall maintain a qualification record for each trip leader and guide instructor, including subcontractors, employed. Such record shall include:
 - a. The trip leader's or guide instructor's full legal name and date of birth;
 - b. Evidence of successful completion of a standard first-aid course, which shall include training in cardiopulmonary resuscitation, as specified in #302-4.b.(1) or (2);
 - c. For guide instructors, written documentation that the individual has logged a total of at least fifteen hundred river miles, of which at least seven hundred fifty of those river miles were logged while acting as a guide, and has served as a trip leader on at least five regulated trips. For trip leaders, written documentation that the individual has logged a total of at least five hundred river miles as a qualified guide. Such documentation shall consist of a log that includes:
 - (1) Dates and beginning and ending locations of river trips;
 - (2) The total number of river miles covered during each recorded trip and for guide instructors, identification of the trip as either private or commercial; and
 - (3) Identification of all trips during which the individual served as a trip leader.
6. Guide qualification records, trip leader qualification records, and guide instructor qualification records shall be maintained by the primary employer at that river outfitter's designated place of business. In the case of a river outfitter who temporarily hires the services of a guide, trip leader, or a guide instructor who is primarily employed by a different river outfitter, the following regulations apply:
 - a. A river outfitter who temporarily uses the services of a guide or trip leader who is primarily employed by a different river outfitter shall identify in the applicable trip log(s) the river outfitter that maintains the guide qualification record for the guide or trip leader.
 - b. A river outfitter who temporarily uses the services of a guide instructor who is primarily employed by a different river outfitter shall identify, in each guide's qualification record for all guides trained by the instructor, the river outfitter that maintains the guide instructor qualification record.
 - c. River outfitters may only use the services of guides, trip leaders, and guide instructors who are primarily employed by different river outfitters if the other river outfitters are licensed in the State of Colorado and maintain their place of business in the State of Colorado.

- d. A river outfitter shall not provide any guide, trip leader, or guide instructor to another river outfitter unless the employee is qualified for the position requested.
7. A river outfitter shall maintain all guide, trip leader, and guide instructor qualification records during the period of such employees employment and for a period of three years after his/her termination. These required records shall be maintained at the river outfitter's designated place of business. The river outfitter, or any employee having access to such records, shall provide them at all reasonable times to any peace officer enforcing the provisions of Article 32 or Title 33, C.R.S., and these regulations, upon request.

#303 – DRINKING WATER AND SANITATION

1. If a river outfitter provides drinking water during a regulated trip, the water containers shall have a closed top, be tightly sealed, and have a smooth, cleanable interior surface. If river water or water from an untreated, untested source is used, then a reliable method of treating the water must be used and the regulated trip shall be equipped in order to do so. Boiling, commercial filters, water purification tablets, chlorine bleach and a tester for chlorine residual, and tincture of iodine or an iodine purification kit are all acceptable methods for purifying drinking water if proper procedures are used.
2. In order to help ensure that there are no violations of the littering statute, 18-4-11, C.R.S., outfitters shall be required to provide sufficient containers for containment and removal or refuse, trash, ashes, garbage, and solid human waste.

#304 – PERSONAL FLOTATION DEVICES

1. A river outfitter shall ensure that each commercial passenger participating in a regulated trip is provided with a personal flotation device that is:
 - a. U.S. Coast Guard approved Type I or Type V – whitewater non-inflatable except that:
 - (1) When the person is in a canoe, whitewater or decked canoe, hard shell kayak, inflatable kayak or sit-on-top kayak, a Type III non-inflatable personal flotation device may be worn in lieu of a Type I or Type V- whitewater non-inflatable device.
 - (2) If the person weighs fifty pounds or less, a Type II- non-inflatable personal flotation device may be worn in lieu of a Type I or Type V- whitewater non-inflatable device, provided it is a vest style designed with a crotch strap and an additional flotation collar.
 - b. In good and serviceable condition and of the proper size for the intended wearer.
2. Each guide shall require that every commercial passenger wears and has tied or otherwise securely fastened his or her assigned personal flotation device at all times while on or in a river, except during regulated trips operating on designated flatwater where passengers twelve years of age or older may be permitted to remove or loosen the personal flotation device at the discretion of the guide or trip leader.
3. Every river outfitter, guide, guide in training, guide instructor, and trip leader shall at all times while participating in a regulated trip or guide training trip, except on designated flatwater, wear a securely tied or fastened U.S. Coast Guard approved personal flotation device of Type I, III-non-inflatable, or V-whitewater non-inflatable. The personal flotation device shall be in good and serviceable condition and shall be of the proper size for the intended wearer.
4. Designated flatwater means:
 - a. The Colorado River- from the Loma boat launch in Mesa County to the Utah/Colorado state line; and
 - b. The Gunnison River in Delta County –from the Smith Fork to the North Fork.
 - c. The Yampa River from the Hayden Station Pump Station in Routt County to the Juniper Canyon Access Site in Mofatt County and from the Maybell

Bridge at Highway 40 in Mofatt County to the Cross Mountain River
Access Site in Mofatt County.

5. The trip leader shall ensure that at least one spare U.S. Coast Guard approved personal flotation device of the type required by #304-1.a. is carried per regulated trip that includes one or more rafts, dories, or motorboats. All required spare personal flotation devices shall be in good and serviceable condition.

#305 – VESSELS AND EQUIPMENT

1. A river outfitter shall provide all vessels and associated equipment required during all regulated trips. When equipment is lost, damaged, or used during a bona fide on-the-river emergency, then the river outfitter shall ensure that every vessel is reequipped as required prior to use of the vessel on any successive trip.
2. All vessels used during a regulated trip shall be marked with the vessel owner's name, current address, and telephone number in a legible, clearly visible and durable fashion.
3. The trip leader shall ensure that every regulated trip carries aboard at least one of the vessels a first-aid kit which shall be immediately available for emergency use. The first-aid kit shall contain, at a minimum, adhesive bandages, sterile pads, flexible gauze bandages, first-aid tape, antiseptic or soap and triangular bandages in quantities sufficient to meet the size and needs of the regulated trip. These supplies shall be maintained in a clean and dry condition in a durable container suitable for river use.
4. The trip leader shall ensure that every regulated trip carries aboard at least one of the vessels a throwbag containing a minimum of fifty feet of at least 3/8-inch rope. The throwbag shall be in a serviceable condition and shall be stored so as to be readily accessible in an emergency.
5. River outfitters shall not provide, use, operate or permit the use or operation of innertubes, air mattresses, or any other single-chambered air-inflated devices during any regulated trip.
6. If an inflatable raft or dory is used during a regulated trip, then each such vessel shall:
 - a. Display the river outfitter's company name or logo or abbreviation, which shall read from left to right in characters of good proportion, a minimum of four inches in height above waterline, of a color which contrasts with the color of the background, and be maintained so as to be clearly visible and legible from a distance of one hundred and fifty feet.
 - b. Be equipped with a rope attached to the bow or stern, which shall be a minimum of ten feet long and suitable for tying up and securely holding the vessel to the shore of the waters being traveled. All loose ropes not in use shall be stored and secured so as not to present a danger of entanglement in case of an accident.
 - c. Be equipped with at least one suitable container of sufficient size for bailing water out of the vessel, except that self-bailing vessels are exempt from this requirement.

- d. Be adequately equipped with durable and substantially undamaged oars or paddles and spares, taking into consideration the size of the vessel and river conditions.
 - (1) For oar-controlled and powered vessels or combination oar and paddle-controlled and powered vessels, there shall be a minimum of two oars and one spare oar aboard each such vessel.
 - (2) For paddle-controlled and powered vessels, there shall be a minimum of one spare paddle per vessel. The spare paddle(s) may be carried in another vessel on the same trip so long as the spare(s) is/are readily accessible. A spare paddle is one in addition to one paddle per participating adult.
7. If an inflatable raft, inflatable kayak, or other multi-chambered air-inflated device is used during a regulated trip, then:
 - a. Every inflatable raft, inflatable kayak, or other inflated type vessel shall be multi-chambered, containing a minimum of two separate air chambers.
 - b. Every regulated trip including one or more inflatable rafts, inflatable kayaks, or other inflated vessel type shall have immediately available a minimum of one patch/repair kit and one air pump. Both the kit and the air pump must be adequate to meet the size and needs of the trip and they must be compatible with the vessel(s) in use. The kit shall be maintained in good and serviceable condition and stored in a durable container suitable for river use.
8. If a canoe, whitewater or decked canoe, hard shell kayak, inflatable kayak, or sit-on-top kayak is used during a regulated trip, then a minimum of one spare paddle per every five such vessels shall be readily accessible aboard one of the vessels on the trip. In addition:
 - a. For canoes, whitewater canoes, and hard shell kayaks, every such vessel shall be equipped with flotation bags securely fixed in the vessel so as to provide enough flotation that when the fully equipped vessel is full of water, it will remain afloat.
 - b. Every river outfitter, guide, guide in training, guide instructor, trip leader, and commercial passenger aboard a whitewater or decked canoe or hard shell kayak shall wear a securely fastened crash helmet at all times while on the river.
9. If a motorboat, as defined in 33-13-102 (1), C.R.S., is used during a regulated trip, all State boating statutes and regulations pertaining to motorboat registration, use,

operation and required equipment apply, except that the person flotation device requirement shall be as stated in regulation #304. In addition to the equipment otherwise required by law, each motorboat used during a regulated trip shall also:

- a. Display the river outfitter's company name, logo, or abbreviation, as specified in #305-6.a.;
- b. Be equipped with one spare motor or adequate alternate means of propulsion and control;
- c. Be equipped with a rope, a minimum of ten feet long, attached to the bow and stored when not in use as specified in #305-6.b.;
- d. Be equipped with a bailing device as specified in #305-6.c., except that self-bailing vessels are exempt from this requirement; and
- e. Be equipped with one suitable size ladder, capable of accommodating persons boarding from the water and stored so as to be readily accessible.

#306 – VESSEL LOADING CAPACITY

1. No river outfitter, guide, or trip leader shall operate, or provide for the operation of any vessel which is overloaded, taking into consideration rated capacities, weather, type of construction, river conditions, weight and bulk or gear/load and any other existing conditions, except as may be required in emergency situations.
2. No river outfitter, guide, or trip leader shall operate, or provide for the operation of any inflatable raft which carries more than the maximum allowable number of individuals, including the river outfitter, guide or trip leader, as specified by the following formula:
 - a. The maximum allowable number of individuals/inflatable raft = $[(\text{length of vessel, rounded to the nearest foot}) \div (2)] + 2 + 1 \text{ guide}$.
 - b. The length of a vessel is a straight-line measurement from the foremost part of the bow to the aftmost part of the stern, measuring parallel to the centerline. The length shall exclude sheer and any attachment or fittings on either the bow or stern.
 - c. The maximum allowable number of individuals calculated by this formula is acceptable only for normal river conditions. The circumstances described in #306-1. must be considered in calculating a prudent passenger load.

#307 – BOAT ACCIDENTS

1. The guide of a vessel involved in a collision, casualty or other accident shall, so far as the guide can do so without serious danger to the guide's own vessel, crew, and passengers, render to other persons affected by the collision, casualty or other accident such assistance as may be practicable and necessary in order to save them from, or to minimize, any danger caused by the collision, casualty or other accident. The guide shall give his/her name, address, and identification of the vessel he/she is guiding, including the name and address of the river outfitter for whom he/she is guiding, in writing to any person involved in the collision, casualty or other accident.
2. A river outfitter shall be responsible for reporting any boating accidents occurring during a regulated trip that directly involve the outfitter's vessels, passengers, guides, or trip leaders.
 - a. A vessel participating in a regulated trip is considered to be involved in a reportable boating accident whenever the occurrence results in unconsciousness, an injury requiring a physician's attention, or loss of life to any person; or the disappearance of any person from on-board under circumstances which indicate the possibility of death or injury. Boating accidents, for the purpose of the boat accident reporting requirement, are only those which occur on the river during regulated trips.
 - b. Any death, or injury or disappearance under circumstances which indicate the possibility of death, of any person from on-board a vessel during a regulated trip, shall be immediately reported by telephone or other means to the local law enforcement agency having jurisdiction. Such accident shall also be reported to the Division by telephone or other means as soon as is practicable.
 - c. Blank boat accident report forms will be provided to all licensees by the Division. Additional forms shall be available from the Division, upon request.
 - d. A full and complete written boat accident report shall be submitted by the river outfitter to the Division at the Division's address identified on the form. In order for a report to be considered full and complete, all information requested on the form shall be disclosed and provided. If any information requested is unknown, it shall be stated on the form.
 - (1) For any accident involving any death, or injury or disappearance under circumstances which indicate the possibility of death, of any person from on-board a vessel during a regulated trip, the river outfitter shall submit the report to the Division within five days of the date of the accident. All such reports that are mailed to the

Division shall be postmarked within five days of the date of the accident.

- (2) All other boat accident reports shall be submitted by the river outfitter to the Division within ten days of the date of the accident.

