

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 25-174

BY SENATOR(S) Roberts and Simpson, Catlin, Marchman, Cutter, Kirkmeyer, Liston, Lundeen, Pelton B., Snyder, Winter F.;
also REPRESENTATIVE(S) Lukens and Soper, Bird, Lindsay, McCormick, Smith, Stewart K., Titone.

CONCERNING THE CONTINUATION OF THE REGULATION OF OUTFITTERS, AND,
IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS
CONTAINED IN THE 2024 SUNSET REPORT BY THE DEPARTMENT OF
REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 12-145-118 as follows:

12-145-118. Repeal of article - review of functions. This article 145 is repealed, effective ~~September 1, 2025~~ SEPTEMBER 1, 2034. Before the repeal, ~~the powers, duties, and functions of the division specified in this article 145 are~~ IS scheduled for review in accordance with section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(26)(a)(III); and **add** (35)(a)(VI) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (26) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2025:

~~(III) The regulation of outfitters by the director of the division of professions and occupations in accordance with article 145 of title 12;~~

(35) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2034:

(VI) THE REGULATION OF OUTFITTERS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH ARTICLE 145 OF TITLE 12.

SECTION 3. In Colorado Revised Statutes, 12-145-109, **amend** (6)(b)(I) as follows:

12-145-109. Disciplinary actions - grounds for discipline. (6) The director may discipline an applicant or registrant under this section for the acts of a person who:

(b) (I) Is an officer, director, member, ~~or partner, of,~~ or owner of ~~at least a ten-percent interest in,~~ the applicant or registrant;

SECTION 4. In Colorado Revised Statutes, 12-145-108, **amend** (2); and **add** (1)(b.5) as follows:

12-145-108. Issuance of registration - violations. (1) Except as otherwise provided in this article 145, the director shall issue an initial or renewed registration as an outfitter to an individual who pays the required fee and furnishes evidence satisfactory to the director that the individual:

(b.5) DOES NOT HAVE A LICENSE OR REGISTRATION THAT IS SUSPENDED AND HAS NOT, WITHIN THE THREE YEARS PRIOR TO SUBMITTING THE REGISTRATION APPLICATION, HAD A LICENSE OR REGISTRATION REVOKED BY THE DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104 OR BY AN AGENCY OF ANY MEMBER STATE OF THE "WILDLIFE

VIOLATOR COMPACT", PART 26 OF ARTICLE 60 OF TITLE 24, FOR A VIOLATION OF A LAW CONCERNING WILDLIFE;

(2) An individual or entity may register as an outfitter. An application for registration of an entity ~~shall~~ MUST include the names of all officers, directors, members, partners, AND owners of ~~at least ten percent of~~ the entity, and other persons who have managing or controlling authority in the entity. The entity shall designate on the application for outfitter registration one of its officers, directors, members, partners, or other controlling or managing individuals to be the responsible party and agent for the entity for all communications with the division. If the entity changes its responsible party and agent, it shall notify the division within ten working days after the name change and provide contact information for the new responsible party and agent. If the responsible party and agent does not provide guide services, ~~he or she shall~~ THE RESPONSIBLE PARTY AND AGENT IS not ~~be~~ required to comply with subsection (1)(b) of this section.

SECTION 5. In Colorado Revised Statutes, 12-145-110, **amend** (3)(b) as follows:

12-145-110. Penalties - distribution of fines. (3) All fines collected pursuant to this article 145 shall be distributed as follows:

(b) Fifty percent to the ~~division for the cost of administering this article 145~~ GENERAL FUND.

SECTION 6. In Colorado Revised Statutes, 12-145-104, **add** (3) as follows:

12-145-104. Applicability. (3) THIS ARTICLE 145 DOES NOT APPLY TO:

(a) A MOTOR CARRIER, AS DEFINED IN SECTION 40-10.1-101 (10), THAT TRANSPORTS ONE OR MORE CLIENTS TO OR FROM AN OUTFITTER BUT DOES NOT:

(I) ASSIST A CLIENT IN THE TAKING OR ATTEMPTED TAKING OF WILDLIFE; OR

(II) PROVIDE ANY OUTFITTING SERVICE OTHER THAN

TRANSPORTATION TO A CLIENT; OR

(b) A TRAVEL AGENCY, A BOOKING AGENCY, OR OTHER PERSON THAT IDENTIFIES POTENTIAL CLIENTS FOR AN OUTFITTER, OR THAT DIRECTS POTENTIAL CLIENTS TO AN OUTFITTER, IN EXCHANGE FOR A FEE BUT THAT PROVIDES NO OUTFITTING SERVICES TO SUCH CLIENTS.

SECTION 7. In Colorado Revised Statutes, 12-145-106, **amend** (1) as follows:

12-145-106. Guide qualifications - violations - penalty. (1)(a) An individual who works as a guide must:

(I) Be eighteen years of age or older; ~~and~~

(II) Hold either a valid first aid or first aid instructor's card issued by the American Red Cross or evidence of equivalent training as approved by the director; AND

(III) NOT HAVE A LICENSE OR REGISTRATION THAT IS SUSPENDED AND MUST NOT HAVE, WITHIN THE THREE YEARS PRIOR TO SUBMITTING THE REGISTRATION APPLICATION, HAD A LICENSE OR REGISTRATION REVOKED BY THE DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104 OR BY AN AGENCY OF ANY MEMBER STATE OF THE "WILDLIFE VIOLATOR COMPACT", PART 26 OF ARTICLE 60 OF TITLE 24, FOR A VIOLATION OF A LAW CONCERNING WILDLIFE.

(b) An individual who violates this subsection (1) commits a civil infraction.

SECTION 8. In Colorado Revised Statutes, 12-20-407, **amend** (2)(c) and (2)(d); **repeal** (1)(a)(III); and **add** (2)(e) as follows:

12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions. (1) (a) A person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 if the person:

(III) ~~Engages or offers or attempts to engage in activities as an outfitter without an active registration issued under article 145 of this title 12;~~

(2) The penalties for:

(c) Engaging in unauthorized activities regarding passenger tramways are governed by section 12-150-108 (4); and

(d) Engaging in unauthorized activities regarding nurse aide practice are governed by section 12-255-215; AND

(e) PROVIDING, OR OFFERING OR ATTEMPTING TO PROVIDE, OUTFITTING SERVICES WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER ARTICLE 145 OF THIS TITLE 12 ARE GOVERNED BY SECTION 33-6-113.

SECTION 9. In Colorado Revised Statutes, 33-6-113, **amend** (1)(b) as follows:

33-6-113. Illegal sale of wildlife. (1) (b) For the purposes of this section, it is deemed to be a sale of wildlife if a person ~~for monetary or other consideration, provides unregistered~~ PROVIDES OR OFFERS OR ATTEMPTS TO PROVIDE outfitting services, as defined in article 145 of title 12, WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER ARTICLE 145 OF TITLE 12.

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO