PREAMENDED

This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading

LLS NO. 23-0653.01 Christopher McMichael x4775   **SENATE BILL 23-069**

SENATE SPONSORSHIP

Hinrichsen and Will,

HOUSE SPONSORSHIP

(None),

Senate Committees	**House Committees**
Transportation & Energy	
Finance	

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENTS TO OPERATE A MOTORBOAT IN THIS
102   STATE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Current law requires an operator of a motorboat in the state to be at least 16 years of age but allows an individual who is at least 14 years of age and who has completed a motorboat safety course to operate a motorboat in the state.

The bill prohibits an individual under 16 years of age from operating a motorboat and requires any individual born after January 1,

1984, to take a boating safety course and have a certificate of completion from that course in the individual's possession in order to operate a motorboat.

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

2   **SECTION 1.** In Colorado Revised Statutes, **amend** 33-13-107.1

3   as follows:

4   **33-13-107.1. Minimum age of motorboat operators - penalty.**

5   (1) No person under ~~sixteen~~ FOURTEEN years of age SHALL OPERATE A

6   MOTORBOAT IN THIS STATE. AN INDIVIDUAL BORN ON OR AFTER JANUARY

7   1, 1984, __ shall NOT operate a motorboat in this state except as provided

8   in this section.

9   (2) ~~A person fourteen years of age or older who has not reached~~

10   ~~his or her sixteenth birthday~~ AN INDIVIDUAL BORN ON OR AFTER JANUARY

11   1, 1984, may operate a motorboat only if ~~he or she~~ THE INDIVIDUAL:

12   (a) Completes a boating safety course approved by the division of

13   parks and wildlife OR COMPLETES A BOATING SAFETY COURSE IN ANOTHER

14   JURISDICTION THAT MEETS THE COMMISSION'S REQUIREMENTS AS SET

15   FORTH BY RULE; and

16   (b) (I) ~~Has~~ POSSESSES a boating safety certificate issued by the

17   boating safety course provider. ~~in his or her possession.~~

18   (II) WHILE OPERATING A MOTORBOAT, AN INDIVIDUAL REQUIRED

19   TO OBTAIN A BOATING SAFETY CERTIFICATE PURSUANT TO THIS

20   SUBSECTION (2) SHALL KEEP THE BOATING SAFETY CERTIFICATE IN THE

21   INDIVIDUAL'S IMMEDIATE POSSESSION OR IN AN ACCESSIBLE PLACE ON THE

22   MOTORBOAT. A COURT MAY WAIVE FINES INCURRED BY AN INDIVIDUAL

23   FOR NOT HAVING THE BOATING SAFETY CERTIFICATE IN THE INDIVIDUAL'S

24   POSSESSION OR IN AN ACCESSIBLE PLACE AT THE TIME OF OPERATING A

1 MOTORBOAT IF THE INDIVIDUAL IS ABLE TO PRESENT EVIDENCE TO THE

2 COURT OF HAVING COMPLETED A BOATING SAFETY COURSE PRIOR TO THE

3 INFRACTION.

4 (3) ~~No person~~ AN INDIVIDUAL shall NOT permit or knowingly

5 authorize a motorboat to be operated by ~~a person under sixteen years of~~

6 ~~age~~ AN INDIVIDUAL BORN ON OR AFTER JANUARY 1, 1984; except that ~~a~~

7 ~~person fourteen years of age or older who has not reached his or her~~

8 ~~sixteenth birthday~~ AN INDIVIDUAL BORN ON OR AFTER JANUARY 1, 1984,

9 may be permitted or authorized to operate a motorboat if ~~he or she~~ THE

10 INDIVIDUAL has met the boating safety and certificate requirements of

11 subsection (2) of this section.

12 (4) (a) ~~No owner or operator of a vessel livery or an agent or~~

13 ~~employee of such owner or operator shall lease, hire, or rent a motorboat~~

14 ~~to or for operation by any person under sixteen years of age; except that~~

15 ~~a person fourteen years of age or older who has not reached his or her~~

16 ~~sixteenth birthday may be permitted or authorized to operate a motorboat~~

17 ~~if he or she has met the boating safety and certificate requirements of~~

18 ~~subsection (2) of this section~~ THE PROVISIONS OF THIS SECTION APPLY TO

19 ALL MOTORBOAT OPERATORS, INCLUDING OWNER-OPERATED

20 MOTORBOATS, INDIVIDUALS OPERATING A MOTORBOAT WITH THE

21 MOTORBOAT OWNER PRESENT, AND INDIVIDUALS RENTING A MOTORBOAT.

22 (b) THE COMMISSION MAY PROMULGATE RULES ESTABLISHING

23 REQUIREMENTS AND QUALIFICATIONS FOR THE RENTAL OF MOTORBOATS.

24 (5) Any ~~person~~ INDIVIDUAL who violates this section commits a

25 civil infraction and, upon conviction, ~~thereof,~~ shall be punished by a fine

26 of one hundred dollars.

27 (6) It is the intent of the general assembly that ~~no~~ general fund

1   dollars SHALL NOT be appropriated for the purpose of implementing the

2   requirements of this section.

3   **SECTION 2.** In Colorado Revised Statutes, **add** 33-13-107.2 as

4   follows:

5   **33-13-107.2. Motorboat operation rules.** (1) ON OR BEFORE

6   JULY 1, 2024, THE COMMISSION SHALL ADOPT RULES REGARDING THE

7   REQUIREMENTS AND QUALIFICATIONS THAT A BOATING SAFETY COURSE

8   MUST MEET FOR INDIVIDUALS TO BE AUTHORIZED TO OPERATE A

9   MOTORBOAT IN THIS STATE PURSUANT TO SECTION 33-13-107.1.

10   (2) THE COMMISSION MAY PROMULGATE RULES ESTABLISHING

11   REQUIREMENTS AND QUALIFICATIONS FOR THE RENTAL OF MOTORBOATS

12   TO ENSURE THAT OWNERS AND OPERATORS OF RENTED MOTORBOATS MEET

13   THE REQUIREMENTS SET FORTH IN SECTION 33-13-107.1.

14   **SECTION 3. Act subject to petition - effective date.** (1) Except

15   as provided in subsection (2) of this section, this act takes effect upon

16   passage; except that, if a referendum petition is filed pursuant to section

17   1 (3) of article V of the state constitution against this act or an item,

18   section, or part of this act within the ninety-day period after final

19   adjournment of the general assembly, then the act, item, section, or part

20   will not take effect unless approved by the people at the general election

21   to be held in November 2024 and, in such case, will take effect on the

22   date of the official declaration of the vote thereon by the governor.

23   (2) Section 1 of the act takes effect on January 1, 2025.