



# COLORADO

## Parks and Wildlife

Department of Natural Resources

1313 Sherman St, Room 111  
Denver, CO 80203  
P 303.866.3203

TO: Members of the Colorado Parks and Wildlife Commission  
FROM: Krista Heiner, Regulations Manager  
RE: Chapter P-3 Final Regulations for the July 2020 Parks and Wildlife Commission Meeting  
DATE: July 2, 2020

Final regulatory changes for Chapter P-3 - "River Outfitters" 2 CCR 405-3 are summarized below. If there are questions about the agenda item below, or if additional information is needed, please feel free to contact me at 303-866-3203 x4609.

### Agenda Item 11: Chapter P-3 - "River Outfitters" 2 CCR 405-3

#### Increasing River Outfitter License Fees (Step 2 of 2)

The River Outfitter License Program is cash funded and pursuant to 33-32-105, C.R.S. the fee "shall be adequate to cover the expenses incurred for inspections, licensing, and enforcement required..." The previous fee schedule for the river outfitter licenses was implemented in 1995, and while costs have increased over 25 years, the fee has not. An analysis by CPW showed that for the program to become self-sustainable for the near future, the annual license would need to be increased to \$625 per year and the annual limited license fee increased to \$150. This fee increase will be implemented in two phases to minimize the impact on outfitters. In the first phase, which becomes effective November 1, 2020, the annual river outfitter license will increase by \$125 from \$400 to \$525 and the limited river outfitter license will increase by \$50 from \$100 to \$150. This will be the fee for two seasons, and then at the start of the third season, effective November 1, 2022, the annual license will increase by \$100 from \$525 to \$625 and the limited license will remain at \$150.



**FINAL REGULATIONS - CHAPTER P-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. A copy of a 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) That 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 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. A copy of a current and valid certificate of motor-vehicle liability insurance shall be submitted, prior to undertaking any licensed activity for a season, covering all "Commercial Vehicles" used in connection with the licensed activity. A certificate demonstrating motor vehicle liability insurance covering vehicles used in the licensed river outfitting activities shall be accepted by the division as evidence that the applicant has qualifying insurance if the certificate states:
- (1) That the type of insurance is commercial motor vehicle liability insurance. Motor vehicle liability means liability for bodily injury and property damage.
  - (2) A minimum amount of coverage of one million five hundred thousand dollars combined single limit liability coverage for commercial vehicles with a seating capacity of 16 or more including the driver. A minimum amount of coverage of one million dollars combined single limit liability coverage for commercial vehicles with a seating capacity of 15 or less.
  - (3) That 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 is currently in effect;
  - (7) That the division is a certificate holder;
  - (8) That the division will be given at least thirty-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.
- c. The liability insurance policies shall insure the river outfitter against all claims occasioned by acts or omissions of the outfitter in carrying out the activities and operations authorized by the license.
  - d. The qualifying liability insurance policies 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 the required minimums, which must be written on an occurrence basis, then the licensee must purchase additional insurance such that a minimum amount of coverage 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 required minimums shall cause the license to become invalid. The licensee shall ensure that current and valid certificates of insurance are on file with the division at all times.
  - e. For purposes of #300.5.d, "Commercial Vehicle" means any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to C.R.S. 42-4-1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle;
- 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~~ 2020, the river outfitter licensing fee schedule shall be as follows:
  - a. Original and renewal license application fee.....~~\$525.00~~400.00
  - b. Late application filing fee.....\$100.00
  - c. Application refiling fee.....\$ 25.00
  - d. Limited use original and renewal license fee.....~~\$150.00~~400.00
14. Effective November 1, 2022, the river outfitter licensing fee schedule shall be as follows:
  - a. Original and renewal license application fee.....\$625.00
  - b. Late application filing fee.....\$100.00
  - c. Application refiling fee.....\$ 25.00
  - d. Limited use original and renewal license fee.....\$150.00

**MAILING - 07/02/2020**  
**Basis and Purpose**  
**Chapter P-3 - River Outfitters**

**Basis and Purpose:**

The River Outfitter License Program is cash funded and pursuant to 33-32-105, C.R.S. the fee “shall be adequate to cover the expenses incurred for inspections, licensing, and enforcement required...” The previous fee schedule for the river outfitter licenses was implemented in 1995, and while costs have increased over 25 years, the fee has not. An analysis by CPW showed that for the program to become fully self-sustainable for the near future, the annual license would need to be increased to \$625 per year and the annual limited license fee increased to \$150. The fee increase will be implemented in two phases to minimize the impact on outfitters. In the first phase, which becomes effective November 1, 2020, the annual river outfitter license will increase by \$125 from \$400 to \$525 and the limited river outfitter license will increase by \$50 from \$100 to \$150. This will be the fee for two seasons, and then at the start of the third season, effective November 1, 2022, the annual license will increase by \$100 from \$525 to \$625 and the limited license would remain at \$150.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing [dnr\\_cpw\\_planning@state.co.us](mailto:dnr_cpw_planning@state.co.us). The statement of basis and purpose is not available at the Division of Parks and Wildlife headquarters due to the closure of these facilities to the public in light of the COVID-19 pandemic.

**The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Parks Act, §§ 33-10-101 to 33-33-113, C.R.S., and specifically including, but not limited to: §§ 33-10-106 and 33-10-107, C.R.S.**

**EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE SEPTEMBER 1, 2020 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.**

**APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 16TH DAY OF JULY, 2020.**

**APPROVED:**  
**Marvin McDaniel**  
**Chair**

**ATTEST:**  
**Marie Haskett**  
**Secretary**