

CHAPTER P-3 - RIVER OUTFITTERS

# 304 - PERSONAL FLOTATION DEVICES

1. River outfitters shall provide commercial passengers participating in regulated trips personal flotation devices (PFDs) as follows:~~A river outfitter shall ensure that each commercial passenger participating in a regulated trip is provided with a personal flotation device that is in good and serviceable condition and of the proper size for the intended wearer and is:~~
  - a. PFDs shall be in good and serviceable condition, of the proper size and fit for the intended wearer and be used in accordance with the manufacturer's label. PFDs shall have 70 Newtons (NT) of buoyancy, be adjustable, and be capable of retaining the wearer in swift water conditions. PFDs shall be U.S. Coast Guard approved and inherently buoyant. Hybrid and inflatable PFDs are unacceptable. PFDs shall be wearable, meaning a PFD that is intended to be worn or otherwise attached to the body in accordance with the manufacturer's label. Or, U.S. Coast Guard approved Type I, Type III, or Type V whitewater non-inflatable, except that:
    - ~~(1) 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, Type III, or Type V whitewater non-inflatable device, provided it is a vest style designed with a crotch strap and an additional flotation collar.~~
  - b. PFDs must be U.S. Coast Guard Type II, Type III, or Type V, provided the PFD is a vest style design. CPW incorporates the PFD type codes promulgated by the U.S. Coast Guard and codified in the October 21, 2014 version of 46 CFR § 160 by reference, but not subsequent amendments. Such materials are available through the U.S. Coast Guard, Office of Governmental & Public Affairs (CG-0922), 2703 Martin Luther King Jr. Ave. SE, Washington, D.C. 20593. All Type III personal flotation devices must have a minimum of 2 adjustable straps on the side, 1 adjustable waist strap and adjustable shoulder straps, capable of retaining the wearer in swift water conditions. Type III personal flotation devices must be intended for paddling or kayak use by the U.S. Coast Guard and labeled accordingly.
    - (1) All Type III PFDs that are not labeled for youth or child must have a minimum of 2 adjustable straps on the side, 1 adjustable waist strap and adjustable shoulder straps, capable of retaining the wearer in swift water conditions. Type III PFDs that are not labeled for youth or child must, according to the manufacturer's label, be intended for paddling or kayaking.
  - c. All child and youth PFDs must be a vest style design equipped with an additional flotation collar and all child PFDs must have a crotch strap worn in accordance with the manufacturer's label, including previous Type II, Type III, and Type V PFDs.
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 thirteen 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. Except on designated flatwater, 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 wear a PFD meeting the specifications listed in #304-1 and in the manner specified in #304-2. 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 ~~as specified in~~ 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.

**AS APPROVED 11/17/2022**  
**Basis and Purpose**  
**Chapter P-3 - River Outfitters**

**Basis and Purpose:**

In 2014 the US Coast Guard changed the definition of a personal flotation device (PFD) from Type I, II, III, IV, or V to wearable or throwable with a designation of performance level by newtons of buoyancy. However, the new PFD labeling guidance was not released until 2017. The PFD language within river outfitter licensing regulations has been modified to still allow the Type classifications previously allowed and expands the allowable life jackets to include those allowed under the new PFD designations.

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) or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

**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 JANUARY 1, 2023 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 17TH DAY OF NOVEMBER 2022.**

**APPROVED:**  
**Carrie Besnette Hauser**  
**Chair**

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

**Philip J. Weiser**  
Attorney General

**Natalie Hanlon Leh**  
Chief Deputy Attorney General

**Eric R. Olson**  
Solicitor General



**STATE OF COLORADO**  
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**Office of the Attorney General**

Tracking Number: **2022-00608**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN  
CONNECTION WITH THE RULES ADOPTED BY THE  
Colorado Parks and Wildlife (405 Series, Parks)  
ON 11/17/2022**

**2 CCR 405-3  
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The above-referenced rules were submitted to this office on 11/17/2022 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

**November 23, 2022 14:41:42 MST**

A handwritten signature in blue ink, appearing to read "P. Weiser".

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General