

68 Final

RECEIVED

APR 09 2010 M. J. SM MH

Text of Proposal:

Be it Enacted by the People of the State of Colorado: Colorado Secretary of State

Article XVIII of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 16. River outfitter responsibilities for operation of vessels on waterways.

(1) A RIVER OUTFITTER SHALL BE ABSOLUTELY LIABLE WITHOUT REGARD TO FAULT FOR ANY DEATH OR SERIOUS BODILY INJURY TO ANY PERSON ARISING OUT OF, OR CAUSED BY, THE OPERATION OF A VESSEL ON A WATERWAY BY THAT RIVER OUTFITTER.

(2) A RIVER OUTFITTER SHALL BE REQUIRED TO MAINTAIN LIABILITY INSURANCE FOR OPERATION OF A VESSEL ON COLORADO WATERWAYS IN THE MINIMUM AMOUNT OF FIVE MILLION DOLLARS PER INCIDENT.

(3) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "RIVER OUTFITTER" MEANS ANY PERSON ADVERTISING TO PROVIDE OR PROVIDING RIVER-RUNNING SERVICES IN THE NATURE OF FACILITIES, GUIDE SERVICES, OR TRANSPORTATION FOR THE PURPOSE OF RIVER-RUNNING; EXCEPT THAT "RIVER OUTFITTER" DOES NOT INCLUDE ANY PERSON WHOSE ONLY SERVICE IS PROVIDING MOTOR VEHICLES, VESSELS, AND OTHER EQUIPMENT FOR RENT, ANY PERSON WHOSE ONLY SERVICE IS PROVIDING INSTRUCTION IN CANOEING OR KAYAKING SKILLS, OR ANY PERSON WHO IS PROVIDING RIVER-RUNNING SERVICES EXCLUSIVELY FOR FAMILY OR FRIENDS.

(B) "SERIOUS BODILY INJURY" MEANS BODILY INJURY WHICH, EITHER AT THE TIME OF THE ACTUAL INJURY OR AT A LATER TIME, INVOLVES A SUBSTANTIAL RISK OF DEATH, A SUBSTANTIAL RISK OF SERIOUS PERMANENT DISFIGUREMENT, A SUBSTANTIAL RISK OF PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY PART OR ORGAN OF THE BODY, OR BREAKS, FRACTURES, OR BURNS OF THE SECOND OR THIRD DEGREE.

(C) "VESSEL" MEANS EVERY DESCRIPTION OF WATERCRAFT USED OR CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION OF PERSONS AND PROPERTY ON THE WATER.

(D) "WATERWAY" MEANS A RIVER IN COLORADO ON WHICH ONE OR MORE REGULATED TRIPS HAVE BEEN RUN IN ANY YEAR FROM 2000 OR THEREAFTER.

Proponents:

John Gregory Leede
2100 Plaza Tower One
6400 South Fiddler's Green Circle
Greenwood Village, Colorado 80111
jgleede@leedeco.com

Charles A. Thrailkill
13930 East Progress Way
Aurora, Colorado 80015
thrkill@q.com