

**33-13-110. Water skis, aquaplanes, surfboards, innertubes, and similar devices.**

(1) (a) No person shall operate or manipulate any vessel, towrope, or other device by which the direction, speed, or location of water skis, an aquaplane, a surfboard, an innertube, or any similar device may be affected or controlled in such a way as to cause such device or any person thereon to collide with or strike against any object or person.

(b) No person shall operate, manipulate, or ride water skis, an aquaplane, a surfboard, an innertube, or any similar device towed behind a vessel in a careless or imprudent manner without due regard for other traffic and all other attendant circumstances on the water.

(c) Any person who violates this subsection (1) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of one hundred dollars.

(2) (a) Any person on water skis, an aquaplane, a surfboard, an innertube, or any similar device shall wear a personal flotation device.

(b) The board shall promulgate such rules and regulations as are necessary or desirable for the safe use of water skis, aquaplanes, surfboards, innertubes, and other similar devices.

(c) In addition, the board may promulgate rules and regulations to prohibit recreational activities pertaining to the use of all single-chambered air-inflated devices, including, but not limited to, innertubes and air mattresses, on rivers and streams when water conditions are considered dangerous to such activities and when bodily injury may result to participants of those activities.

(d) Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

(3) (a) No person shall operate, manipulate, or ride water skis, an aquaplane, a surfboard, an innertube, or any similar device while under the influence of alcohol, a controlled substance as defined in section 12-22-303 (7), C.R.S., or any other drug, or any combination thereof, which renders him incapable of the safe operation of such device.

(b) Any person who violates this subsection (3) is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

**Source:** L. 84: Entire article added, p. 903, § 2, effective January 1, 1985. L. 95: (1)(c) and (2)(d) amended, p. 972, § 21, effective July 1. L. 2003: (1)(c), (2)(d), and (3)(b) amended, p. 1948, § 23, effective May 22.

## ANNOTATION

**Am. Jur.2d.** See 12 Am. Jur.2d, Boats and Boating, §§ 16, 20.

**Negligence per se.** This section was used as the basis for a negligence per se jury instruction. *Russo v. Birrenkott*, 770 P.2d 1335 (Colo. App. 1988).