

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

DRAFT  
9.11.08

**BILL 5**

LLS NO. 09-0125.01 Gregg Fraser

**INTERIM COMMITTEE BILL**

**Interim Committee on Wildfire Issues  
in Wild Land-Urban Interface Areas**

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**SHORT TITLE: "Fire Department Definition"**

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**A BILL FOR AN ACT**

101 **CONCERNING THE DEFINITION OF A FIRE DEPARTMENT IN THE STATE.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas.** Provides a definition of "fire department", and prohibits an entity that does not meet the definition from acting, assuming to act, or advertising as a fire department.

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

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

1           **SECTION 1.** Article 5 of title 29, Colorado Revised Statutes, is  
2 amended BY THE ADDITION OF A NEW SECTION to read:

3           **29-5-112. Provision of fire protection services by fire**  
4 **departments - definitions.** (1) FOR PURPOSES OF THIS SECTION, "FIRE  
5 DEPARTMENT" MEANS:

6           (a) THE DULY AUTHORIZED FIRE PROTECTION ORGANIZATION OF A  
7 TOWN, CITY, COUNTY, CITY AND COUNTY, OR OTHER GOVERNMENTAL  
8 ENTITY, FIRE PROTECTION DISTRICT, METROPOLITAN DISTRICT THAT  
9 PROVIDES FIRE PROTECTION, OR COUNTY IMPROVEMENT DISTRICT THAT  
10 PROVIDES FIRE PROTECTION; OR

11           (b) A VOLUNTEER FIREFIGHTING ENTITY THAT IS:

12           (I) AUTHORIZED AND RECOGNIZED BY THE BOARD OF DIRECTORS  
13 OF A FIRE PROTECTION DISTRICT IF THE FIRE DEPARTMENT PROVIDES  
14 SERVICES WITHIN THE DISTRICT OR AUTHORIZED AND RECOGNIZED BY THE  
15 BOARD OF COUNTY COMMISSIONERS OF A COUNTY IF THE FIRE  
16 DEPARTMENT PROVIDES SERVICES IN AN UNINCORPORATED AREA OF THE  
17 COUNTY THAT IS OUTSIDE OF ANY FIRE PROTECTION DISTRICT;

18           (II) SUBJECT TO ANY MINIMUM EQUIPMENT AND TRAINING  
19 REQUIREMENTS SET FORTH BY ANY GOVERNMENTAL AUTHORITY HAVING  
20 JURISDICTION OVER THE FIRE DEPARTMENT; AND

21           (III) REGISTERED WITH THE DIVISION OF FIRE SAFETY IN THE  
22 DEPARTMENT OF PUBLIC SAFETY AND HAS BEEN ASSIGNED A FIRE  
23 DEPARTMENT IDENTIFICATION NUMBER.

24           (2) AN ENTITY THAT IS NOT A FIRE DEPARTMENT AS DEFINED IN  
25 SUBSECTION (1) OF THIS SECTION SHALL NOT ACT, ASSUME TO ACT, OR  
26 ADVERTISE AS A FIRE DEPARTMENT.

27           **SECTION 2. Effective date.** This act shall take effect at 12:01

1 a.m. on the day following the expiration of the ninety-day period after  
2 final adjournment of the general assembly that is allowed for submitting  
3 a referendum petition pursuant to article V, section 1 (3) of the state  
4 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);  
5 except that, if a referendum petition is filed against this act or an item,  
6 section, or part of this act within such period, then the act, item, section,  
7 or part, if approved by the people, shall take effect on the date of the  
8 official declaration of the vote thereon by proclamation of the governor.  
9 <{Ask committee}>