

Title 58 Chapter 79 -- Hunting Guides and Outfitters Licensing Act

Part 1 -- General Provisions

58-79-101. Title.

This chapter is known as the "Hunting Guides and Outfitters Licensing Act."

Enacted by Chapter 52, 2009 General Session

58-79-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Hunting Guides and Outfitters Licensing Board created in Section 58-79-201.

(2) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted, given, donated, or transferred to a hunting guide or outfitter for or in consideration of personal services, materials, or property.

(3) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill wildlife.

(4) "Hunting guide" means an individual who:

(a) offers or provides hunting guide services on public lands for compensation;
and

(b) is retained for compensation by an outfitter.

(5) "Hunting guide services" means to guide, lead, or assist an individual in hunting wildlife.

(6) "Outfitter" means an individual who offers or provides outfitting or hunting guide services for compensation to another individual for hunting wildlife on public lands.

(7)

(a) "Outfitting services" means providing, for hunting wildlife on public lands:

(i) transportation of people, equipment, supplies, or wildlife to or from a location;

(ii) packing, protecting, or supervising services; or

(iii) hunting guide services.

(b) "Outfitting services" does not include activities undertaken by the Division of Wildlife Resources or its employees, associates, volunteers, contractors, or agents under authority granted in Title 23, Wildlife Resources Code of Utah.

(8)

(a) "Public lands" means any lands owned by the United States, the state, or a political subdivision or independent entity of the state that are open to the public for purposes of engaging in a wildlife related activity.

(b) "Public lands" does not include lands owned by the United States, the state, or a political subdivision or independent entity of the state that are included in a cooperative wildlife management unit under Subsection 23-23-7(5) so long as the guiding and outfitting services furnished by the cooperative wildlife management unit are limited to hunting species of wildlife specifically authorized by the Division of Wildlife Resources in the unit's management plan.

(9) "Wildlife" means cougar, bear, and big game animals as defined in Subsection 23-13-2(6).

Amended by Chapter 326, 2010 General Session

Part 2 -- Board

58-79-201. Board.

(1) There is created the Hunting Guides and Outfitters Licensing Board consisting of three persons licensed in accordance with this chapter, one member of the Wildlife Board selected by the Wildlife Board, and one person appointed by the Wildlife Board.

(2) Except for the two members selected by the Wildlife Board, the board shall be appointed and serve in accordance with Section 58-1-201.

(3)

(a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

(b) The board shall also:

(i) designate one of its members on a permanent or rotating basis to assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of hunting guides and outfitters; and

(ii) advise the division in its investigations of these complaints.

(4) A board member who has, under Subsection (3)(b), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Enacted by Chapter 52, 2009 General Session

Part 3 -- Licensing

58-79-301. Licensure required -- Issuance of licenses.

(1) Beginning January 1, 2010, and except as provided in Sections 58-1-307 and 58-79-304, a license is required to provide the services of a hunting guide or outfitter.

(2) The division shall issue to an individual who qualifies under the provisions of this chapter a license in the classification of:

(a) hunting guide; or

(b) outfitter.

Enacted by Chapter 52, 2009 General Session

58-79-302. Qualifications for licensure.

- (1) An applicant for licensure as a hunting guide shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce satisfactory evidence of good moral character;
 - (d) possess a high degree of skill and ability as a hunting guide;
 - (e) successfully complete basic education and training requirements established by rule by the division in collaboration with the board; and
 - (f) meet with the division and board if requested by the division or board.
- (2) An applicant for licensure as an outfitter shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce satisfactory evidence of good moral character;
 - (d) possess a high degree of skill and ability as an outfitter;
 - (e) successfully complete basic education and training requirements established by rule by the division in collaboration with the board; and
 - (f) meet with the division and board if requested by the division or board.

Enacted by Chapter 52, 2009 General Session

58-79-303. Term of license -- Expiration -- renewal.

- (1)
 - (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.
 - (b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycle it administers.

(2) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Enacted by Chapter 52, 2009 General Session

58-79-304. Exemptions from licensure.

The exemptions from licensure under this chapter are limited to:

- (1) those set forth in Section 58-1-307; and
- (2) an employee or subordinate of a hunting guide or outfitter if:
 - (a) the employee or subordinate does not use the title of hunting guide or outfitter or is not directly represented to the public to be legally qualified to engage in the practice of being a hunting guide or outfitter before the public in this state; and
 - (b) the employee's or subordinate's duties do not include responsible charge.

Enacted by Chapter 52, 2009 General Session

Part 4 -- License Denial and Discipline

58-79-401. Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order under this chapter shall be in accordance with Section 58-1-401.

Enacted by Chapter 52, 2009 General Session

Part 5 -- Unlawful and Unprofessional Conduct

58-79-501. Unlawful conduct.

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501, using the title "hunting guide" or "outfitter" or any other title or designation to indicate that the individual is a hunting guide or outfitter or acting as a hunting guide or outfitter, unless the individual has a current license as a hunting guide or outfitter under this chapter.

Amended by Chapter 326, 2010 General Session

58-79-502. Unprofessional conduct.

"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501, and as may be further defined by rule:

- (1) engaging in an activity that would place a licensee's client, prospective client, or third party's safety at risk, recognizing the inherent risks associated with hunting wildlife and the activity engaged in being above and beyond those inherent risks;
- (2) using false, deceptive, or misleading advertising related to providing services as a hunting guide or outfitter; and
- (3) misrepresenting services, outcomes, facilities, equipment, or fees to a client or prospective client.

Enacted by Chapter 52, 2009 General Session