

**REGULATION OF WILDLIFE OUTFITTERS  
AND GUIDES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Bradley T. Johnson**

AN ACT RELATING TO FISH AND GAME; REQUIRING REGISTRATION OF  
OUTFITTERS AND GUIDES WHO PROVIDE SERVICES TO BIG GAME, COUGAR, OR  
BEAR HUNTERS; ESTABLISHING QUALIFICATIONS, REGISTRATION  
REQUIREMENTS, AND FEES; REQUIRING CONTRACTS WITH CLIENTS; CREATING  
THE OUTFITTERS' AND GUIDES' REGISTRATION REVIEW COMMITTEE;  
PROVIDING FOR THE REVOCATION OF A CERTIFICATE OF REGISTRATION;  
PROVIDING CRIMINAL PENALTIES; ESTABLISHING RULEMAKING AUTHORITY;  
AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**23-27-1**, Utah Code Annotated 1953

**23-27-2**, Utah Code Annotated 1953

**23-27-3**, Utah Code Annotated 1953

**23-27-4**, Utah Code Annotated 1953

**23-27-5**, Utah Code Annotated 1953

**23-27-6**, Utah Code Annotated 1953

**23-27-7**, Utah Code Annotated 1953

**23-27-8**, Utah Code Annotated 1953

**23-27-9**, Utah Code Annotated 1953

**23-27-10**, Utah Code Annotated 1953

**23-27-11**, Utah Code Annotated 1953

**23-27-12**, Utah Code Annotated 1953

1 *Be it enacted by the Legislature of the state of Utah:*

2 Section 1. Section **23-27-1** is enacted to read:

3 **CHAPTER 27. OUTFITTERS AND GUIDES ACT**

4 **23-27-1. Title.**

5 This chapter shall be known as the "Outfitters and Guides Act."

6 Section 2. Section **23-27-2** is enacted to read:

7 **23-27-2. Definitions.**

8 As used in this chapter:

9 (1) "Consideration" means something of value given or done in exchange for something  
10 of value given or done by another.

11 (2) (a) "Guide" means an individual who, for consideration, accompanies a client of an  
12 outfitter on an expedition for the purpose of taking or pursuing big game, cougar, or bear.

13 (b) "Guide" includes an individual who is an outfitter who personally accompanies a client  
14 on an expedition for the purpose of taking big game, cougar, or bear.

15 (3) "Outfitter" means any person who:

16 (a) for consideration, provides any of the following to enable a person to take or pursue  
17 big game, cougar, or bear:

18 (i) a saddle or pack animal;

19 (ii) lodging or other accommodations;

20 (iii) camping equipment;

21 (iv) a vehicle, watercraft, or other conveyance; or

22 (v) a personal service; and

23 (b) accompanies the person, either part or all of the way, on an expedition for the purpose  
24 of taking or pursuing big game, cougar, or bear or supervises a guide who accompanies the person.

25 Section 3. Section **23-27-3** is enacted to read:

26 **23-27-3. Certificate of registration required to act as an outfitter or guide.**

27 (1) Except as provided in Subsection (2), a person may not act as an outfitter or guide or  
28 advertise or otherwise represent to the public that the person is an outfitter or guide without first  
29 obtaining a certificate of registration in accordance with this chapter.

30 (2) A landowner is not required to obtain a certificate of registration to provide the services  
31 of an outfitter or guide, as described in Section 23-27-2, if those services are provided to assist a

1 person in pursuing or taking big game, cougar, or bear on the landowner's land.

2 Section 4. Section **23-27-4** is enacted to read:

3 **23-27-4. Qualifications for outfitters.**

4 (1) (a) An individual, partnership, association, or corporation may register as an outfitter.

5 (b) A partnership or unincorporated association consisting of more than one individual  
6 shall designate one of its members to submit the application for registration.

7 (c) A corporation shall designate one of its directors, who shall also be an officer of the  
8 corporation, to submit the application for registration.

9 (2) A person may receive a certificate of registration to act as an outfitter if:

10 (a) the outfitter or individual submitting the application on behalf of a partnership,  
11 association, or corporation is 21 years of age or older;

12 (b) neither the outfitter nor any officer or partner, if the outfitter is a partnership,  
13 association, or corporation, is subject to a revocation order pertaining to the privilege of pursuing,  
14 possessing, or taking protected wildlife or acting as an outfitter or guide, including a revocation  
15 order issued by another state;

16 (c) the outfitter has liability insurance to protect clients and landowners against injury or  
17 damages as a result of negligence by the outfitter or any guide employed or under contract by the  
18 outfitter, including coverage for the transportation used by the outfitter or the outfitter's guide to  
19 transport the clients, in the amount of \$300,000 or more;

20 (d) the outfitter has submitted to the division a bond:

21 (i) to the state of Utah;

22 (ii) for the benefit of any person employing the outfitter;

23 (iii) in a form approved by the board;

24 (iv) in the amount of \$5,000;

25 (v) executed by a qualified surety, duly authorized to do business in the state; and

26 (vi) conditioned upon the requirement that, for the current registration year, the outfitter  
27 will conduct business as an outfitter without committing fraud or fraudulent representation, and  
28 will faithfully perform all contracts with and duties for patrons;

29 (e) the outfitter attests in writing that he or she has read and understands the laws and rules  
30 relating to the hunting of big game, cougar, and bear;

31 (f) the outfitter has successfully completed an American Red Cross standard first aid

1 training course or has obtained equivalent training; and

2 (g) the outfitter has paid a fee of \$75.

3 (3) A certificate of registration to act as an outfitter may be renewed annually upon  
4 complying with the requirements specified in Subsection (2), and submitting the report required  
5 by Section 23-27-7.

6 Section 5. Section **23-27-5** is enacted to read:

7 **23-27-5. Qualifications for guides.**

8 (1) An individual may receive a certificate of registration to act as a guide if the individual:

9 (a) is 16 years of age or older;

10 (b ) is not subject to a revocation order pertaining to the privilege of pursuing, possessing,  
11 or taking protected wildlife or acting as an outfitter or guide, including a revocation order issued  
12 by another state;

13 (c) attests in writing that he or she has read and understands the laws and rules relating to  
14 the hunting of big game, cougar, and bear;

15 (d) has successfully completed an American Red Cross standard first aid training course  
16 or has obtained equivalent training; and

17 (e) has paid a fee of \$25.

18 (2) A certification of registration to act as a guide may be renewed annually upon  
19 complying with the requirements specified in Subsection (1).

20 Section 6. Section **23-27-6** is enacted to read:

21 **23-27-6. Written information for clients -- Remedy.**

22 (1) An outfitter may not provide any services to a client unless the client has signed a  
23 written contract with the outfitter that specifies:

24 (a) the type of services to be provided;

25 (b) the experience and qualifications of the guide;

26 (c) dates of service;

27 (d) transportation arrangements;

28 (e) fees for services and payment schedule; and

29 (f) provisions, including related costs, for the rescission of service arrangements.

30 (2) Upon the division's request, an outfitter must make a contract available to the division  
31 for its inspection. Provisions relating to fees for services need not be disclosed.

1       (3) A contract for the services of an outfitter shall be void and unenforceable by the  
2 outfitter if the outfitter has not obtained a certificate of registration from the division.

3       Section 7. Section **23-27-7** is enacted to read:

4       **23-27-7. Records -- Annual report.**

5       (1) Each outfitter shall maintain the following records until the report required by  
6 Subsection (3) is filed with the division:

7       (a) the number and species of big game, cougar, or bear taken by each client;

8       (b) each client's license, permit, and tag number; and

9       (c) the name, address, and certificate of registration number of each guide employed or  
10 under contract by the outfitter.

11       (2) The records must be kept current and available for inspection by the division during  
12 reasonable business hours after the division has provided 48 hours notice of its intent to inspect  
13 the records.

14       (3) By January 31, each outfitter shall submit a report for the previous calendar year  
15 containing the information specified in Subsection (1).

16       (4) If an outfitter is required to report the information provided in Subsection (1) to a  
17 federal agency, a copy of that report may be submitted to the division to satisfy the requirements  
18 of Subsection (3).

19       Section 8. Section **23-27-8** is enacted to read:

20       **23-27-8. General duties.**

21       Before accompanying a client on an expedition for the purpose of taking or pursuing big  
22 game, cougar, or bear, an outfitter or guide must:

23       (1) ensure that the appropriate licenses, permits, and tags required under this title and the  
24 rules and proclamations of the Wildlife Board are in the client's possession;

25       (2) procure the required permits if pursuing big game, cougar, or bear on land owned or  
26 leased by the state or federal government; and

27       (3) obtain written permission from the landowner as provided in Section 23-20-14, if  
28 pursuing big game, cougar, or bear on private property.

29       Section 9. Section **23-27-9** is enacted to read:

30       **23-27-9. Outfitters' and Guides' Registration Review Committee created with power**  
31 **to revoke certificates of registration - membership - appointment - terms - expenses.**

1       (1) There is created the Outfitters' and Guides' Registration Review Committee which shall  
2 have power to revoke the certificate of registration of an outfitter or guide in accordance with this  
3 section and Section 23-19-9.

4       (2) (a) The committee shall consist of three members appointed by the division director.

5       (b) Each member shall be qualified to perform the adjudicative functions provided in this  
6 section and Section 23-19-9. The director may not appoint a division employee who investigates  
7 or enforces wildlife violations.

8       (c) The division director shall select:

9       (i) one member from a list of nominees submitted by the Utah Cooperative Wildlife  
10 Management Unit Association; and

11       (ii) one member from a list of nominees submitted by the Wildlife Board.

12       (3) (a) Except as provided in Subsection (3)(b), the members shall serve four-year terms.

13       (b) One of the initial appointments shall be for a term of two years.

14       (c) If a vacancy occurs, the division director shall appoint a replacement for the unexpired  
15 term in accordance with Subsection (3).

16       (4) (a) The committee shall elect a chair.

17       (b) Meetings may be called by the chair.

18       (c) Two members shall constitute a quorum. A quorum is necessary for the committee to  
19 act.

20       (d) Approval of any motion requires a favorable vote by at least two members.

21       (5) The division shall provide staff support to the committee.

22       (6) (a) (i) Committee members who are not government employees shall receive no  
23 compensation or benefits for their services, but may receive per diem and expenses incurred in the  
24 performance of the member's official duties at the rates established by the Division of Finance  
25 under Sections 63A-3-106 and 63A-3-107.

26       (ii) Members may decline to receive per diem and expenses for their service.

27       (b) (i) State government officer and employee members who do not receive salary, per  
28 diem, or expenses from their agency for their service may receive per diem and expenses incurred  
29 in the performance of their official duties from the committee at the rates established by the  
30 Division of Finance under Sections 63A-3-106 and 63A-3-107.

31       (ii) State government officer and employee members may decline to receive per diem and

1 expenses for their service.

2 Section 10. Section **23-27-10** is enacted to read:

3 **23-27-10. Revocation of an outfitter's or guide's certificate of registration.**

4 (1) The certificate of registration of an outfitter or guide shall be revoked in accordance  
5 with Section 23-19-9, except the duties and powers of the hearing officer referred to in Section  
6 23-19-9 shall be assumed by the Outfitters' and Guides' Registration Review Committee created  
7 in Section 23-27-9.

8 (2) The Outfitters' and Guides' Registration Review Committee:

9 (a) shall revoke the certificate of registration of an outfitter or guide for the reasons  
10 specified in Section 23-19-9; and

11 (b) may revoke the certificate of registration of an outfitter or guide for a violation of Title  
12 13, Chapter 11, Utah Consumer Sales Practices Act, or rules adopted under the act.

13 (3) (a) A person whose certificate of registration has been revoked may not continue to act  
14 as an outfitter or guide.

15 (b) A violation of Subsection (3)(a) is a class A misdemeanor.

16 Section 11. Section **23-27-11** is enacted to read:

17 **23-27-11. Rulemaking authority.**

18 The Wildlife Board may make and enforce rules consistent with this chapter specifying:

19 (1) application procedures and the form of applications for outfitters' and guides'  
20 certificates of registration; and

21 (2) recordkeeping and reporting requirements.

22 Section 12. Section **23-27-12** is enacted to read:

23 **23-27-12. List of registered outfitters and professional guides.**

24 The division shall make a list available to the public of all registered outfitters and guides  
25 without any preference indicated.

26 Section 13. **Effective date.**

27 This act takes effect on January 1, 1999.

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**Legislative Review Note**  
**as of 1-26-98 3:43 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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