# **Enrolled Copy**

1	HUNTING GUIDES AND OUTFITTERS
2	LICENSING ACT
3	2009 GENERAL SESSION
4	STATE OF UTAH
5	<b>Chief Sponsor: Evan J. Vickers</b>
6	Senate Sponsor: Allen M. Christensen
7	
8	LONG TITLE
9	General Description:
10	This bill provides for the licensing of hunting guides and outfitters by the Division of
11	Occupational and Professional Licensing.
12	Highlighted Provisions:
13	This bill:
14	<ul> <li>enacts the Hunting Guides and Outfitters Licensing Act;</li> </ul>
15	<ul> <li>provides definitions, including hunting guide, outfitter, and outfitting services;</li> </ul>
16	<ul> <li>creates the Hunting Guides and Outfitters Licensing Board and provides for its</li> </ul>
17	duties and responsibilities;
18	<ul> <li>provides for the licensing of hunting guides and outfitters by the division;</li> </ul>
19	<ul> <li>provides for qualifications for licensure as a hunting guide or outfitter, for the term</li> </ul>
20	of the license and its renewal, and for exemptions from licensure;
21	<ul> <li>provides grounds for denial of, suspension, revocation, or restrictions on a license</li> </ul>
22	issued under the act, and for disciplinary proceedings; and
23	<ul> <li>defines unlawful and unprofessional conduct as related to the conduct of licensed</li> </ul>
24	hunting guides and outfitters.
25	Monies Appropriated in this Bill:
26	None
27	Other Special Clauses:
28	None
29	Utah Code Sections Affected:

### H.B. 173

30	ENACTS:
31	58-78-101, Utah Code Annotated 1953
32	58-78-102, Utah Code Annotated 1953
33	58-78-201, Utah Code Annotated 1953
34	58-78-301, Utah Code Annotated 1953
35	58-78-302, Utah Code Annotated 1953
36	58-78-303, Utah Code Annotated 1953
37	58-78-304, Utah Code Annotated 1953
38	58-78-401, Utah Code Annotated 1953
39	58-78-501, Utah Code Annotated 1953
40	58-78-502, Utah Code Annotated 1953
41	
42	Be it enacted by the Legislature of the state of Utah:
43	Section 1. Section <b>58-78-101</b> is enacted to read:
44	CHAPTER 78. HUNTING GUIDES AND OUTFITTERS LICENSING ACT
45	Part 1. General Provisions
46	<u>58-78-101.</u> Title.
47	This chapter is known as the "Hunting Guides and Outfitters Licensing Act."
48	Section 2. Section <b>58-78-102</b> is enacted to read:
49	<u>58-78-102.</u> Definitions.
50	In addition to the definitions in Section 58-1-102, as used in this chapter:
51	(1) "Board" means the Hunting Guides and Outfitters Licensing Board created in
52	<u>Section 58-78-201.</u>
53	(2) "Compensation" means anything of economic value in excess of \$100 that is paid,
54	loaned, granted, given, donated, or transferred to a hunting guide or outfitter for or in
55	consideration of personal services, materials, or property.
56	(3) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill wildlife.
57	(4) "Hunting guide" means an individual who:

### **Enrolled Copy**

58	(a) offers to guide, lead, or assist another individual in hunting wildlife on public
59	lands for compensation; and
60	(b) is retained for compensation by an outfitter.
61	(5) "Outfitter" means an individual who offers outfitting services for compensation to
62	another individual for hunting wildlife on public lands.
63	(6) (a) "Outfitting services" means providing, for hunting wildlife on public lands:
64	(i) transportation of people, equipment, supplies, or wildlife to or from a location; or
65	(ii) packing, protecting, or supervising services.
66	(b) "Outfitting services" does not include activities undertaken by the Division of
67	Wildlife Resources or its employees, associates, volunteers, contractors, or agents under
68	authority granted in Title 23, Wildlife Resources Code of Utah.
69	(7) "Public lands" mean any lands owned by the United States, the state, or a political
70	subdivision or independent entity of the state that are open to the public for purposes of
71	engaging in a wildlife related activity.
72	(8) "Wildlife" means cougar, bear, and big game animals as defined in Subsection
73	<u>23-13-2(6).</u>
74	Section 3. Section 58-78-201 is enacted to read:
75	Part 2. Board
76	<u>58-78-201.</u> Board.
77	(1) There is created the Hunting Guides and Outfitters Licensing Board consisting of
78	three persons licensed in accordance with this chapter, one member of the Wildlife Board
79	selected by the Wildlife Board, and one person appointed by the Wildlife Board.
80	(2) Except for the two members selected by the Wildlife Board, the board shall be
81	appointed and serve in accordance with Section 58-1-201.
82	(3) (a) The duties and responsibilities of the board shall be in accordance with
83	Sections 58-1-202 and 58-1-203.
84	(b) The board shall also:
85	(i) designate one of its members on a permanent or rotating basis to assist the division

### H.B. 173

86	in reviewing complaints concerning the unlawful or unprofessional conduct of hunting guides
87	and outfitters; and
88	(ii) advise the division in its investigations of these complaints.
89	(4) A board member who has, under Subsection (3)(b), reviewed a complaint or
90	advised in its investigation may be disqualified from participating with the board when the
91	board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
92	Section 4. Section <b>58-78-301</b> is enacted to read:
93	Part 3. Licensing
94	58-78-301. Licensure required Issuance of licenses.
95	(1) Beginning January 1, 2010, and except as provided in Sections 58-1-307 and
96	58-78-304, a license is required to provide the services of a hunting guide or outfitter.
97	(2) The division shall issue to an individual who qualifies under the provisions of this
98	chapter a license in the classification of:
99	(a) hunting guide; or
100	(b) outfitter.
101	Section 5. Section <b>58-78-302</b> is enacted to read:
102	58-78-302. Qualifications for licensure.
103	(1) An applicant for licensure as a hunting guide shall:
104	(a) submit an application in a form prescribed by the division;
105	(b) pay a fee determined by the department under Section 63J-1-303;
106	(c) produce satisfactory evidence of good moral character;
107	(d) possess a high degree of skill and ability as a hunting guide;
108	(e) successfully complete basic education and training requirements established by
109	rule by the division in collaboration with the board; and
110	(f) meet with the division and board if requested by the division or board.
111	(2) An applicant for licensure as an outfitter shall:
112	(a) submit an application in a form prescribed by the division;
113	(b) pay a fee determined by the department under Section 63J-1-303;

## **Enrolled Copy**

114	(c) produce satisfactory evidence of good moral character;
115	(d) possess a high degree of skill and ability as an outfitter;
116	(e) successfully complete basic education and training requirements established by
117	rule by the division in collaboration with the board; and
118	(f) meet with the division and board if requested by the division or board.
119	Section 6. Section <b>58-78-303</b> is enacted to read:
120	58-78-303. Term of license Expiration renewal.
121	(1) (a) The division shall issue each license under this chapter in accordance with a
122	two-year renewal cycle established by rule.
123	(b) The division may by rule extend or shorten a renewal cycle by as much as one year
124	to stagger the renewal cycle it administers.
125	(2) Each license automatically expires on the expiration date shown on the license
126	unless the licensee renews it in accordance with Section 58-1-308.
127	Section 7. Section <b>58-78-304</b> is enacted to read:
128	58-78-304. Exemptions from licensure.
129	The exemptions from licensure under this chapter are limited to:
130	(1) those set forth in Section 58-1-307; and
131	(2) an employee or subordinate of a hunting guide or outfitter if:
132	(a) the employee or subordinate does not use the title of hunting guide or outfitter or is
133	not directly represented to the public to be legally qualified to engage in the practice of being a
134	hunting guide or outfitter before the public in this state; and
135	(b) the employee's or subordinate's duties do not include responsible charge.
136	Section 8. Section <b>58-78-401</b> is enacted to read:
137	Part 4. License Denial and Discipline
138	58-78-401. Grounds for denial of license Disciplinary proceedings.
139	Grounds for refusing to issue a license to an applicant, for refusing to renew the license
140	
140	of a licensee, for revoking, suspending, restricting, or placing on probation the license of a
140	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

#### H.B. 173

142	desist order under this chapter shall be in accordance with Section 58-1-401.
143	Section 9. Section <b>58-78-501</b> is enacted to read:
144	Part 5. Unlawful and Unprofessional Conduct
145	<u>58-78-501.</u> Unlawful conduct.
146	"Unlawful conduct" includes, in addition to the definition in Section 58-1-501, using
147	the title "hunting guide" or "outfitter" or any other title or designation to indicate that the
148	individual is a hunting guide or outfitter unless the individual has a current license as a
149	hunting guide or outfitter under this chapter.
150	Section 10. Section <b>58-78-502</b> is enacted to read:
151	58-78-502. Unprofessional conduct.
152	"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501,
153	and as may be further defined by rule:
154	(1) engaging in an activity that would place a licensee's client, prospective client, or
155	third party's safety at risk, recognizing the inherent risks associated with hunting wildlife and
156	the activity engaged in being above and beyond those inherent risks;
157	(2) using false, deceptive, or misleading advertising related to providing services as a
158	hunting guide or outfitter; and
159	(3) misrepresenting services, outcomes, facilities, equipment, or fees to a client or
160	prospective client.