

1                                   **HUNTING GUIDES AND OUTFITTERS**

2                                                           **LICENSING ACT**

3                                                                                   2009 GENERAL SESSION

4                                                                                                           STATE OF UTAH

5                                                                                                           **Chief Sponsor: Evan J. Vickers**

6                                                                                                           Senate Sponsor: Allen M. Christensen

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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                   ▶ enacts the Hunting Guides and Outfitters Licensing Act;
- 15                   ▶ provides definitions, including hunting guide, outfitter, and outfitting services;
- 16                   ▶ creates the Hunting Guides and Outfitters Licensing Board and provides for its  
17 duties and responsibilities;
- 18                   ▶ provides for the licensing of hunting guides and outfitters by the division;
- 19                   ▶ provides for qualifications for licensure as a hunting guide or outfitter, for the term  
20 of the license and its renewal, and for exemptions from licensure;
- 21                   ▶ provides grounds for denial of, suspension, revocation, or restrictions on a license  
22 issued under the act, and for disciplinary proceedings; and
- 23                   ▶ defines unlawful and unprofessional conduct as related to the conduct of licensed  
24 hunting guides and outfitters.

25                   **Monies Appropriated in this Bill:**

26                   None

27                   **Other Special Clauses:**

28                   None

29                   **Utah Code Sections Affected:**

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



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

43 Section 1. Section **58-78-101** is enacted to read:

44 **CHAPTER 78. HUNTING GUIDES AND OUTFITTERS LICENSING ACT**

45 **Part 1. General Provisions**

46 **58-78-101. Title.**

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

48 Section 2. Section **58-78-102** is enacted to read:

49 **58-78-102. 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 Section 58-78-201.

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:



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 **58-78-301** 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 **58-78-302** 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;

- 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 **58-78-303** 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 **58-78-304** 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 **58-78-401** 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 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a

141 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and

142 desist order under this chapter shall be in accordance with Section 58-1-401.

143 Section 9. Section **58-78-501** is enacted to read:

144 **Part 5. Unlawful and Unprofessional Conduct**

145 **58-78-501. 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 **58-78-502** 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.