

1 **OCCUPATIONAL AND PROFESSIONAL LICENSING**

2 **AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: Norman K. Thurston

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the licensing, certification, and registration requirements of certain
11 professions.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies the Court Reporter Act;
- 15 ▶ changes the Hunting Guides and Outfitters Licensing Act to the Hunting Guides and
16 Outfitters Registration Act;
- 17 ▶ repeals provisions creating the Hunting Guides and Outfitters Licensing Board;
- 18 ▶ describes the requirements for an individual to register as, and the requirements for
19 providing the services of, a hunting guide or outfitter; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **58-79-101**, as enacted by Laws of Utah 2009, Chapter 52

28 **58-79-102**, as last amended by Laws of Utah 2010, Chapter 326

29 **58-79-301**, as enacted by Laws of Utah 2009, Chapter 52

- 30 **58-79-302**, as enacted by Laws of Utah 2009, Chapter 52
- 31 **58-79-303**, as enacted by Laws of Utah 2009, Chapter 52
- 32 **58-79-304**, as enacted by Laws of Utah 2009, Chapter 52
- 33 **58-79-401**, as enacted by Laws of Utah 2009, Chapter 52
- 34 **58-79-501**, as last amended by Laws of Utah 2010, Chapter 326
- 35 **58-79-502**, as enacted by Laws of Utah 2009, Chapter 52
- 36 **78A-2-402**, as last amended by Laws of Utah 2019, Chapter 379
- 37 **78A-2-404**, as last amended by Laws of Utah 2019, Chapter 379

38 REPEALS:

- 39 **58-79-201**, as last amended by Laws of Utah 2018, Chapter 318

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

42 Section 1. Section **58-79-101** is amended to read:

43 **CHAPTER 79. HUNTING GUIDES AND OUTFITTERS REGISTRATION ACT**

44 **58-79-101. Title.**

45 This chapter is known as the "Hunting Guides and Outfitters [~~Licensing~~] Registration
46 Act."

47 Section 2. Section **58-79-102** is amended to read:

48 **58-79-102. Definitions.**

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

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

52 [~~(2)~~] (1) "Compensation" means anything of economic value in excess of \$100 that is
53 paid, loaned, granted, given, donated, or transferred to a hunting guide or outfitter for or in
54 consideration of personal services, materials, or property.

55 [~~(3)~~] (2) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill wildlife.

56 [~~(4)~~] (3) "Hunting guide" means an individual who:

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

58 (b) is retained for compensation by an outfitter.

59 [(5)] (4) "Hunting guide services" means to guide, lead, or assist an individual in
60 hunting wildlife.

61 [(6)] (5) "Outfitter" means an individual who offers or provides outfitting or hunting
62 guide services for compensation to another individual for hunting wildlife on public lands.

63 [(7)] (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;

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

66 (iii) hunting guide services.

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

70 [(8)] (7) (a) "Public lands" means any lands owned by the United States, the state, or a
71 political subdivision or independent entity of the state that are open to the public for purposes
72 of engaging in a wildlife related activity.

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

79 [(9)] (8) "Wildlife" means cougar, bear, and big game animals as defined in Subsection
80 23-13-2(6).

81 Section 3. Section 58-79-301 is amended to read:

82 **Part 3. Registration**

83 **58-79-301. Registration required.**

84 (1) Beginning [~~January 1, 2010~~] July 1, 2021, and except as provided in Sections
85 58-1-307 and 58-79-304, [~~a license is required to provide the services of a hunting guide or~~

86 ~~outfitter]~~ in order to provide the services of a hunting guide or outfitter, an individual is
 87 required to register with the division under the provisions of this chapter.

88 (2) The division shall issue to an individual who qualifies under the provisions of this
 89 chapter ~~[a license]~~ a registration in the classification of:

90 (a) hunting guide; or

91 (b) outfitter.

92 (3) The division shall maintain a record of each individual who is registered with the
 93 division as a hunting guide or outfitter.

94 Section 4. Section **58-79-302** is amended to read:

95 **58-79-302. Qualifications for registration.**

96 (1) ~~[An applicant for licensure]~~ To register as a hunting guide an individual shall:

97 (a) submit an application in a form prescribed by the division;

98 (b) pay a fee determined by the department under Section [63J-1-504](#); and

99 ~~[(c) produce satisfactory evidence of good moral character;]~~

100 ~~[(d) possess a high degree of skill and ability as a hunting guide;]~~

101 ~~[(e) successfully complete basic education and training requirements established by~~
 102 ~~rule by the division in collaboration with the board; and]~~

103 ~~[(f) meet with the division and board if requested by the division or board.]~~

104 (c) in a form prescribed by the division, submit proof that the individual is covered by
 105 liability insurance when providing services as a hunting guide that is issued by an insurance
 106 company or association authorized to transact business in the state in an amount determined by
 107 division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 108 Act.

109 (2) ~~[An applicant for licensure]~~ To register as an outfitter an individual shall:

110 (a) submit an application in a form prescribed by the division;

111 (b) pay a fee determined by the department under Section [63J-1-504](#); and

112 ~~[(c) produce satisfactory evidence of good moral character;]~~

113 ~~[(d) possess a high degree of skill and ability as an outfitter;]~~

114 ~~[(e) successfully complete basic education and training requirements established by~~
115 ~~rule by the division in collaboration with the board; and]~~

116 ~~[(f) meet with the division and board if requested by the division or board.]~~

117 (c) in a form prescribed by the division, submit proof that the individual is covered by
118 liability insurance when providing services as an outfitter that is issued by an insurance
119 company or association authorized to transact business in the state in an amount determined by
120 division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
121 Act.

122 Section 5. Section **58-79-303** is amended to read:

123 **58-79-303. Term of registration -- Expiration -- Renewal.**

124 (1) ~~[(a)]~~ The division shall issue ~~[each license]~~ each registration under this chapter in
125 accordance with a two-year renewal cycle established by rule.

126 ~~[(b) The division may by rule extend or shorten a renewal cycle by as much as one year~~
127 ~~to stagger the renewal cycle it administers.]~~

128 (2) Each ~~[license]~~ registration automatically expires on the expiration date shown on
129 the ~~[license unless the licensee renews it in accordance with]~~ registration unless the registrant
130 renews the registration in the same manner as a licensee renews a license under Section
131 58-1-308.

132 Section 6. Section **58-79-304** is amended to read:

133 **58-79-304. Exemptions from registration.**

134 The exemptions from ~~[licensure]~~ registration under this chapter are limited to:

135 (1) those set forth for a licensee in Section 58-1-307; and

136 (2) an employee or subordinate of a hunting guide or outfitter if ~~[(a)]~~ the employee or
137 subordinate does not use the title of hunting guide or outfitter or is not directly represented to
138 the public to be legally qualified to engage in the practice of being a hunting guide or outfitter
139 before the public in this state~~[, and].~~

140 ~~[(b) the employee's or subordinate's duties do not include responsible charge.]~~

141 Section 7. Section **58-79-401** is amended to read:

142 **58-79-401. Grounds for denial of registration -- Disciplinary proceedings.**

143 Grounds for refusing to issue a [~~license~~] registration to an applicant, for refusing to
144 renew the [~~license of a licensee~~] registration of a registrant, for revoking, suspending,
145 restricting, or placing on probation the [~~license of a licensee~~] registration of a registrant, for
146 issuing a public or private reprimand to a [~~licensee~~] registrant, and for issuing a cease and
147 desist order under this chapter shall be in accordance with the provisions applicable to a
148 licensee under Section 58-1-401.

149 Section 8. Section **58-79-501** is amended to read:

150 **58-79-501. Unlawful conduct.**

151 "Unlawful conduct" includes, in addition to the definition in Section 58-1-501, using
152 the title "hunting guide" or "outfitter" or any other title or designation to indicate that the
153 individual is a hunting guide or outfitter or acting as a hunting guide or outfitter, unless the
154 individual [~~has a current license~~] is currently registered as a hunting guide or outfitter under
155 this chapter.

156 Section 9. Section **58-79-502** is amended to read:

157 **58-79-502. Unprofessional conduct.**

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

160 (1) engaging in an activity that would place a [~~licensee's~~] registrant's client, prospective
161 client, or third party's safety at risk, recognizing the inherent risks associated with hunting
162 wildlife and the activity engaged in being above and beyond those inherent risks;

163 (2) using false, deceptive, or misleading advertising related to providing services as a
164 hunting guide or outfitter; [~~and~~]

165 (3) misrepresenting services, outcomes, facilities, equipment, or fees to a client or
166 prospective client[~~;~~]; and

167 (4) failing to provide the division with active and current contact information within 30
168 days of any changes to the registrant's contact information that was provided to the division
169 during registration or the renewal of registration as a hunting guide or outfitter.

170 Section 10. Section **78A-2-402** is amended to read:

171 **78A-2-402. Definitions.**

172 As used in this part:

173 (1) "Certified court reporter" means a state certified court reporter as described in Title
174 58, Chapter 74, State Certification of Court Reporters Act.

175 (2) "Official court transcriber" means a person certified and authorized in accordance
176 with rules of the Judicial Council [~~as competent~~] to transcribe into written form an audio or
177 video recording of court proceedings.

178 Section 11. Section **78A-2-404** is amended to read:

179 **78A-2-404. Contract restrictions.**

180 (1) (a) Any contract for court reporting services, not related to a particular case or
181 reporting incident, is prohibited between a court reporter or any other person with whom a
182 court reporter has a principal and agency relationship and any attorney, party to an action, or
183 party having a financial interest in an action.

184 (b) Negotiating or bidding reasonable fees, equal to all the parties, on a case-by-case
185 basis [~~may not be~~] is not prohibited.

186 (2) A certified court reporter is an officer of the court, authorized to administer oaths,
187 whose impartiality shall remain beyond question.

188 (3) This section does not apply to the courts or the administrative tribunals of this state.

189 (4) Violation of this section shall be considered unprofessional conduct as provided in
190 Section **58-74-102** and **58-74-502**, and shall be grounds for revocation of state certification
191 only.

192 Section 12. **Repealer.**

193 This bill repeals:

194 Section **58-79-201, Board.**