

R156. Commerce, Occupational and Professional Licensing.

R156-79. Hunting Guides and Outfitters Licensing Act Rule.

R156-79-101. Title.

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

R156-79-102. Definitions.

In addition to the definitions in Sections 58-1-102 and 58-79-102, which shall apply to this rule:

- (1) "Client" means the person who engages the professional services of a licensed outfitter.
- (2) "Certification of completion of a first aid and CPR course" means a valid certificate issued by one of the following:
 - (a) the American Red Cross;
 - (b) the American Heart Association; or
 - (c) another organization that offers substantially equivalent first aid and CPR courses as approved by the Division in collaboration with the Board, to denote the individual whose name and signature appear on the certificate has successfully completed the applicable first aid and CPR course.
- (3) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:
 - (a) a finding of guilt based on evidence presented to a judge or jury;
 - (b) a guilty plea;
 - (c) a plea of nolo contendere;
 - (d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;
 - (e) a pending diversion agreement;
 - (f) a conviction which has been reduced pursuant to Subsection 76-3-402(1); or
 - (g) an equivalent of any of the above in another jurisdiction.
- (4) "Packing" means transporting for hire or compensation hunters, game animals or equipment in the field.
- (5) "Protecting" means the hunting guide and outfitter protects any clientele.
- (6) "Responsible charge" means having principal care for the safety and welfare of a client when and where the hunting guide services are being provided.
- (7) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 79, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-79-502.

R156-79-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 79.

R156-79-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Section R156-1 is as described in Section R156-1-107.

R156-79-302a. Qualifications for Licensure - Application Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3) and Section 58-79-302, the application requirements for licensure are defined herein.

- (1) An application for licensure as a hunting guide shall be accompanied by:
 - (a) a current certification of criminal history record for the applicant issued by the state of Utah or the applicant's state of residency;
 - (b) a current certification of wildlife violation record for the applicant issued by the Utah Division of Wildlife Resources or the State Wildlife Agency of the applicant's state of residency;
 - (c) a verification of licensure from any state or territory of the United States or province of Canada in which the applicant has been licensed as a hunting guide; and
 - (d) a copy of a current photo identification for the applicant showing the applicant is at least 18 years of age. Acceptable photo identification shall include:
 - (i) a driver license issued by a state of the United States of America or the District of Columbia; or
 - (ii) an identification card issued by a federal, state or local government agency of the United States of America.
- (2) An application for licensure as an outfitter shall be accompanied by:
 - (a) a current certification of criminal history record for the applicant issued by the state of Utah or the applicant's state of residency;
 - (b) a current certification of wildlife violation record for the applicant issued by the Utah Division of Wildlife Resources or the State Wildlife Agency of the applicant's state of residency;
 - (c) a verification of licensure from any state or territory of the United States or province of Canada in which the applicant has been licensed; and
 - (d) a copy of a current photo identification for the applicant showing the applicant is at least 18 years of age. Acceptable photo identification shall include:

- (i) a driver license issued by a state of the United States of America or the District of Columbia; or
- (ii) an identification card issued by a federal, state or local government agency of the United States of America.

R156-79-302c. Qualifications for Licensure - Examination Requirements.

(1) For the purposes of this rule, to show an applicant possesses a minimum degree of skill and ability, the applicant shall meet one of the following requirements:

(a) an applicant as a hunting guide shall pass the Utah Hunting Guide Examination or the Utah Outfitters Examination with a passing score of at least 75%; or

(b) an applicant as an outfitter shall pass the Utah Outfitters Examination with a passing score of at least 75%.

(2) An individual who fails an examination may retake the failed examination as follows:

(a) no sooner than 30 days following any failure, up to three failures; and

(b) no sooner than six months following any failure thereafter.

(3) The examination shall include an assessment of the applicant's knowledge of the Division hunting guide and outfitter statute and rules, the Utah Division of Wildlife Resources statutes and rules, the United States Forest Service and the Federal Bureau of Land Management hunting guidelines and rules and the Utah Hunter Safety Course guidelines and rules.

R156-79-302d. Qualifications for Licensure - Good Moral Character.

(1) Any one or more of the following may disqualify an individual from obtaining or holding a hunting guide or outfitters license:

(a) a violation of a state or federal wildlife, hunting guide or outfitter statute or regulation that includes:

(i) an imprisonment for more than five days within the previous five years;

(ii) an unsuspended fine of more than \$2,000 imposed in the previous 12 months;

(iii) an unsuspended fine of more than \$3,000 imposed in the previous 36 months; or

(iv) an unsuspended fine of more than \$5,000 imposed in the previous 60 months;

(b) any felony conviction within the last five years;

(c) a conviction for a felony offense against a person under Title 76, Chapter 5, Utah Criminal Code, Offenses Against the Person, within the last ten years;

(d) a conviction for one or more misdemeanors involving wildlife violations;

(e) a conviction for a misdemeanor crime of moral turpitude;

(f) a suspension or disciplinary action involving an individual obtaining or exercising the privileges granted by a hunting guide or outfitter license in this state or another state of the United States, province of Canada, by the Federal Bureau of Land Management or by the United States Forest Service; and

(g) a loss of the privilege to hunt in this state or another state of the United States or province of Canada.

R156-79-302e. Qualifications for Licensure - Equivalent Training Requirements.

(1)(a) An applicant for licensure as a hunting guide shall submit evidence of having successfully completed the following training:

(i) a first aid and CPR course as required under Subsection R156-79-102(2); and

(ii)(A) a basic hunting guide training program pursuant to Section R156-79-601; or

(B) 100 days of on-the-job training that is substantially equivalent to the basic hunting guide training program.

(b) No more than 15 days of on-the-job training may be accepted for any single item of training listed in Section R156-79-601.

(2)(a) An applicant for licensure as an outfitter shall submit evidence of having successfully completed the following training:

(i) a first aid and CPR course as required under Subsection R156-79-102(2); and

(ii)(A) a basic outfitter training program pursuant to Section R156-79-602; or

(B) 100 days of on-the-job training that is substantially equivalent to the basic outfitter training program.

(b) No more than 15 days of on-the-job training may be accepted for any single item of training listed in Section R156-79-602.

(3) An applicant shall document on-the-job training through:

(a) an affidavit by a licensed hunting guide or outfitter, as applicable to the license sought, attesting to the on-the-job training claimed by the applicant;

(b) for an outfitter who has been licensed in another state, self-authenticating guarantees of reliability, such as:

(i) federal land agency records;

(ii) approved training program records; or

(iii) client affidavits or letters.

(4) Three days of on-the-job training may be waived by the Division in collaboration with the Board for every day of training completed by an applicant who has attended a hunting guide or outfitter school that, as of the date of attendance, has been approved by the Division in collaboration with the Board.

R156-79-303. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 79 is established by rule in Section R156-1-308a.
- (2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-79-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) engaging in fraud in advertising or soliciting hunting guide or outfitter services to the public;
- (2) intentionally obstructing or hindering or attempting to obstruct or hinder lawful hunting by a person who is not a client or an employee of the licensee;
- (3) failing to promptly report, unless a reasonable means of communication is not readily available, and in no event later than 20 days, a violation of a state or federal wildlife, game or guiding statute that the licensee believes was committed by a client or an employee of the licensee;
- (4) materially breaching a contract with a person using the hunting guide or outfitting services of the licensee;
- (5) failing to provide any animal used in the conduct of business with proper food, drink and subjecting any animal used in the conduct of business to needless abuse or cruel and inhumane treatment;
- (6) failing to allow the Division or its agents access at all times to inspect hunting camps, whether or not the licensee is present;
- (7) failing to provide a hunting guide for every two hunters in wilderness areas and for up to six hunters in all other areas of the state;
- (8) failing to maintain a neat, orderly and sanitary camp by not disposing of garbage, debris and human waste appropriately;
- (9) failing to provide clean drinking water or failing to protect all food from contamination;
- (10) failing to separate livestock facilities and camp facilities and to protect streams from contamination;
- (11) failing to report any serious injury or fatality to the client or outfitter staff to a federal, state, county or local law enforcement authority;
- (12) failing to comply with state and federal laws and rules regarding hunting guides and outfitters;
- (13) failing to comply with state and federal wildlife laws and rules;
- (14) failing to adequately maintain general liability insurance coverage as required by the United States Forest Service or the Bureau of Land Management;
- (15) failing as a licensee to carry an original license, as issued by the Division, at all times when providing outfitting or hunting guide services;
- (16) providing outfitter services to a person who is not properly licensed to hunt for the species sought by that person; and
- (17) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established by the Utah Guides and Outfitters Association, adopted July 1, 2006, which is hereby incorporated by reference.

R156-79-601. Content of the Hunting Guide Basic Training Program.

The basic training program for hunting guides as required in Subsection 58-79-302(1)(e) shall be approved by the Division in collaboration with the Board and may include the following components or their equivalent:

- (1) hunter ethics and attitude;
- (2) horsemanship;
- (3) packing skills;
- (4) transporting livestock;
- (5) shoeing skills;
- (6) use of a crosscut saw and ax;
- (7) use of a chain saw;
- (8) general weapon knowledge;
- (9) guiding skills;
- (10) game care;
- (11) setting up camps;
- (12) hunting guide regulations;
- (13) first aid and CPR training provided by:
 - (a) the American Red Cross;
 - (b) the American Heart Association; or
 - (c) another organization that offers substantially equivalent training as approved by the Division in collaboration with the Board;
- (14) orienteering and map reading;
- (15) a basic off highway vehicle safety course;
- (16) basic survival skills;

- (17) trophy judging skills;
- (18) other topics pertinent to the hunting guide industry as approved by the Division in collaboration with the Board.

R156-79-602. Content of the Outfitter Basic Training Program.

The basic training program for outfitters as required in Subsection 58-79-302(2)(e) shall be approved by the Division in collaboration with the Board and may include the following components or their equivalent:

- (1) hunter ethics and attitude;
- (2) horsemanship;
- (3) packing skills;
- (4) transporting livestock;
- (5) shoeing skills;
- (6) use of a crosscut saw and ax;
- (7) use of a chain saw;
- (8) general weapon knowledge;
- (9) guiding skills;
- (10) game care;
- (11) setting up camps;
- (12) outfitter regulations;
- (13) first aid and CPR training provided by:
 - (a) the American Red Cross;
 - (b) the American Heart Association; or
 - (c) another organization that offers substantially equivalent training as approved by the Division in collaboration with the

Board;

- (14) a basic off highway vehicle safety course;
- (15) supervising clientele;
- (16) hiring and supervising personnel;
- (17) outfitter advertising;
- (18) booking clientele;
- (19) going into business for oneself;
- (20) wilderness and back country manners;
- (21) applying federal and state land use policies;
- (22) obtaining all necessary licenses and permits and permissions for the client;
- (23) providing staff and facilities for hunting;
- (24) providing a hunting guide;
- (25) orienteering and map reading;
- (26) basic survival skills;
- (27) trophy judging skills;
- (28) other topics pertinent to the outfitter industry as approved by the Division in collaboration with the Board.

KEY: licensing, hunting guides, outfitters

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HUNTING GUIDES AND OUTFITTERS LICENSING ACT RULE

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