

R657-72. Licensing and Operation of Outfitters, Guides, and Spotters.

R657-72-1. Purpose and Authority.

Under Title 23A, the Wildlife Resources Act, this rule governs guiding, outfitting, and spotting protected wildlife on public land in Utah.

R657-72-2. Definitions.

- (1) Terms used for the purpose of this rule are defined in Sections 23A-1-101 and 23A-4-1202.
- (2) In addition:
 - (a) “Applicant” means an individual or entity applying to the division to operate as a guide, outfitter, or spotter, and, if applicable, has the legal authority to enter into contracts on behalf of the business.
 - (b) “Affiliate code” means a numerical code or QR code provided to outfitters that are unique to that outfitter’s certificate of registration and will be used to assign guides and spotters to a particular outfitter.
 - (c) “Client” means an individual:
 - (i) possessing a valid hunting, fishing, or combination license
 - (ii) possessing the necessary permits as required by Utah law or rule; and
 - (iii) who has retained the services of an outfitter, guide, and/or spotter.
 - (d) “Guide year” means the period of time from April 1 of a calendar year through March 31 of the subsequent calendar year.
 - (e) “Spotting” means locating or monitoring the location of protected wildlife on public land.

R657-72-3. Application Requirements and Approval.

- (1) An applicant must obtain a certificate of registration from the division to provide guiding, outfitting, or spotting services and to be compensated as a guide, outfitter, or spotter.
- (2) An application to operate as an outfitter must contain:
 - (a) the name of the applicant, and if the applicant is an entity, proof of registration with Utah Business Entities, Department of Commerce;
 - (b) a brief description of the services that will be provided;
 - (c) proof of possession of a hunting, fishing, or combination license relevant to services being provided;
 - (d) all necessary federal permits to operate on federal land;
 - (e) attestation that workers compensation insurance and commercial liability insurance to cover employees and clients has been obtained; and
 - (f) payment of the fee described in Section 23A-4-1202.
- (3)
 - (a) Guides and spotters must obtain a certificate of registration for each outfitter they intend to work for.
 - (b) An affiliate code to provide guide or spotter services with a particular outfitter can be obtained from the outfitter.

- (c) To operate as a guide or spotter, the applicant must acquire a guide or spotter certificate of registration from the division using the affiliate code obtained from each outfitter the guide or spotter intends to work for.
- (d) An applicant for guide must pay the annual fee described in 23A-4-1202(4) one time for each guide year, regardless of the number of outfitters the guide intends to work for.
- (e) An applicant for spotter must pay the annual fee described in 23A-4-1202(6) one time for each guide year, regardless of the number of outfitters or guides the spotter intends to work for.
- (4) In reviewing an application, the division shall consider:
 - (a) the completeness and accuracy of the application;
 - (b) any conviction of, a plea of no contest to, or a plea held in abeyance of Title 23A, the Wildlife Resources Act;
 - (c) any license suspension action that has been reciprocated pursuant to the Interstate Wildlife Violators Compact; and
 - (c) any conviction of, a plea of no contest to, or a plea held in abeyance to a crime of moral turpitude by the applicant or an applicant's employees, that when considered with the functions and responsibilities of a guide, outfitter, or spotter bears a reasonable relationship to the applicant's ability to responsibly operate as a guide, outfitter, or spotter.
- (6) A denial of an application for a certificate of registration is a final agency action and the applicant may appeal the denial by filing a Request for Agency Action with the division under Rule R657-2.
- (7)(a) Certificates of registration approved by the division will expire at the end of the guide year, on March 31, annually.

R657-72-4. Application Renewal.

- (1) Certificates of registration to operate as a guide, outfitter, or spotter must be renewed annually.
- (2) If an applicant has obtained a certificate of registration to operate as an outfitter, guide, or spotter during a guide year, they must submit an application for renewal in order to obtain a certificate of registration for the following guide year.
- (3) An application for renewal must contain:
 - (a)(i) verification of no change in the original application; or
 - (ii) any necessary amendments to the documents submitted in the original application; and
 - (b) an accounting of:
 - (i) clients hired and employees compensated by that client in order to ensure compliance with Subsection 23A-4-1204(2)(d); and
 - (ii) if an outfitter, a list of the guides and spotters retained; or,
 - (iii) if a guide, a list of the spotters retained.
- (4) payment of the fee described in Section 23A-4-1202.
- (5) Failure to provide all documentation and payment under this subsection shall result in the application being denied as incomplete.

R657-72-5. Field Requirements

(1) Pursuant to Section 23A-4-1204:

(a) no more than two registered outfitters, guides, and/or spotters may be assigned to a client at any given time while hunting protected wildlife; and

(b) no more than three registered outfitters, guides, and/or spotters may be assigned to a client at any given time while hunting moose, bison, bighorn sheep, or mountain goat.

(2) Outfitters, guides, and spotters must be able to produce, in the field, documentation of:

(a) the client; and

(b) the dates providing services to that client.

(3) Outfitters, guides, and spotters shall retain the records in Subsection (2) for at least two years.

R657-72-6. Prohibited Activities.

(1) In addition to those violations listed in Section 23A-4-1203, an outfitter, guide, or spotter shall not:

(a) intentionally obstruct, hinder, interfere, or attempt to obstruct, hinder or interfere lawful hunting, fishing, or trapping by a person who is not a client or an employee of the outfitter, guide, or spotter;

(b) fail to report to the division within 20 days any violation of a state or federal wildlife, regulations, or guiding statute by a client or by an employee of the outfitter, guide, or spotter;

(c) fail to report any serious injury or fatality of a client or outfitter staff to a federal, state, county, or local law enforcement authority;

(d) fail to comply with state or federal wildlife laws and rules;

(e) fail to produce documentation of outfitters, guides, and spotters assigned to a specific client;

(e) provide outfitter, guide, or spotter services to a person who is not properly licensed to hunt or fish for the species sought by that person;

(f) fail to conform to the generally accepted and recognized standards and ethics of the profession; or

(g) use the affiliate code of an outfitter with the permission of the outfitter or an agreement to work with the outfitter.

R657-72-7. Violations.

(1) A violation of Utah law, rule, or terms of a certificate of registration may result in:

(a) revocation of the certificate of registration; and

(b) suspension of the outfitter's, guide's, or spotter's privilege to hunt and/or fish.

(2) The suspension or revocation process will be administered pursuant to Rule R657-26.

KEY: wildlife, game laws, big game

Date of Last Change; New Rule

Notice of Continuation: New Rule

Authorizing, and Implemented or Interpreted Law: 23A-1-101; 23A-4-1202