

HOUSE BILL NO. HB0158

Board of outfitters-authority.

Sponsored by: Representative(s) Childers, Olsen, Simpson
and Thompson and Senator(s) Anderson, J.,
Coe and Cooper

A BILL

for

1 AN ACT relating to the Wyoming board of outfitters;
2 providing definitions; clarifying the board's authority to
3 investigate and issue citations; providing for the loss of
4 hunting privileges; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 23-2-406(a), 23-2-407(a) and by
9 creating a new subsection (c), 23-2-410(c) by creating a
10 new paragraph (vii), 23-2-411(a) by creating a new
11 paragraph (vi), 23-2-412(a) by creating a new paragraph
12 (v), 23-2-416(a)(intro) and 23-2-417(b) are amended to
13 read:

14

15 **23-2-406. Definitions.**

16

1 (a) As used in this act:

2

3 (i) "Advertises" means attempting by any means,
4 including the Internet, the World Wide Web or a similar
5 proprietary or common carrier electronic system, to induce
6 persons to enter into an agreement with an outfitter to
7 receive guide or packing services;

8

9 ~~(i)~~(ii) "Board" means the Wyoming state board of
10 outfitters and guides established under this act;

11

12 (iii) "Compensation" or "remuneration" means
13 payment of any kind, without regard to value or agreement,
14 including tips, presents, exchange of property or service
15 or bartering for guide services;

16

17 (iv) "Guide services" means for hire or
18 remuneration, accompanying and providing assistance of any
19 kind to a hunter in the field relating to the taking of any
20 big or trophy game animal;

21

22 ~~(ii)~~(v) "Outfitter" means a person including a
23 hunting club, who advertises or holds himself out to the
24 public for hire or remuneration to provide guide or packing

1 services for the purpose of taking any big or trophy game
2 animal, excluding any person who furnishes pack or riding
3 animals and other equipment only to a hunter for his
4 personal temporary use and any landowner providing
5 outfitter services on private lands owned or leased by him.

6 As used in this paragraph:

7
8 (A) "Hunting club" means any person
9 requiring dues or remuneration for providing personal
10 services in the field for the taking of any big or trophy
11 game animal;

12
13 (B) "Landowner" means any person, firm or
14 corporation holding title to, or occupying under a contract
15 of purchase, agricultural land or any person whose family
16 owns at least a majority of the stock in a Wyoming
17 corporation and who provides services specified in this
18 paragraph on lands owned by the corporation and used
19 primarily for agricultural purposes.

20
21 (vi) "Outfitter of record" means the licensed
22 outfitter designated by any unlicensed owner of an
23 outfitting business who is specifically authorized to

1 represent the business and is responsible and accountable
2 for the operation of the business;

3
4 ~~(iii)~~ (vii) "Professional guide" means any person
5 employed by or operating under an independent contract with
6 a licensed outfitter to furnish personal services for the
7 conduct of outdoor recreational activities for the purpose
8 of hunting animals except any person employed by a licensed
9 outfitter solely to care for, groom or saddle livestock,
10 cook, cut wood or to transport people, equipment and
11 personal property;

12
13 ~~(iv)~~ (viii) "Packing services" means transporting
14 for hire or remuneration, hunters, game animals or
15 equipment in the field for the purpose of taking any big or
16 trophy game animal;

17
18 (ix) "Take" means hunt, pursue, catch, capture,
19 shoot, trap, kill or possess or attempt to hunt, pursue,
20 catch, capture, shoot, trap, kill or possess any big or
21 trophy game animal;

22
23 ~~(v)~~ (x) "This act" means W.S. 23-2-406 through
24 23-2-418.

1

2 **23-2-407. License required for outfitters and**
3 **professional guides.**

4

5 (a) No person shall hold himself out as, engage in
6 the business of or act in the capacity of an outfitter or
7 shall ~~engage in the occupation of a professional guide as~~
8 ~~an independent contractor or as an agent or employee,~~
9 provide guide services or packing services unless he is
10 licensed as an outfitter or professional guide pursuant to
11 this act.

12

13 (c) No person shall advertise outfitter or guide
14 services to be performed in Wyoming without listing the
15 Wyoming outfitter license number of one (1) or more
16 outfitters who are contractually obligated to provide the
17 services advertised.

18

19 **23-2-410. Powers and duties of board; generally;**
20 **employees; licensing and regulation.**

21

22 (c) The board shall license and regulate outfitters
23 and professional guides in this state and shall:

24

1 (vii) Investigate violations of this act by
2 unlicensed persons.

3
4 **23-2-411. Outfitter qualifications for licensure;**
5 **licensed outfitter may act as professional guide; required**
6 **reporting of criminal history.**

7
8 (a) An applicant for an outfitter's license shall in
9 addition to any other criteria imposed by rule and
10 regulation of the board, possess the following
11 qualifications:

12
13 (vi) Have committed no violations of W.S.
14 23-2-416(a).

15
16 **23-2-412. Qualifications for professional guide's**
17 **license; valid during employment by outfitter only.**

18
19 (a) An applicant for a professional guide's license
20 under this act shall meet the following qualifications:

21
22 (v) Have committed no violations of W.S.
23 23-2-416(a).

23-2-416. License suspension and revocation; grounds;
payment of damages; proceedings.

(a) The board may require ~~payment of~~ a licensee to
pay damages as provided by subsection (b) of this section,
may refuse to issue or renew or may suspend or revoke a
license issued under this act or may otherwise discipline a
licensee for any of the following causes:

23-2-417. Violations in general; penalties.

(b) In addition to subsection (a) of this section, the court may in its discretion, revoke any license issued under this act or W.S. 23-1-101 through 23-6-208, to any person violating this act, for the remainder of the year in which the conviction occurs, and may suspend the person's privilege to receive ~~a~~any license under this act or under W.S. 23-1-101 through 23-6-208, for a period not to exceed five (5) years.

Section 2. This act is effective July 1, 2007.

(END)