

**DIVISION 16
OUTFITTER/GUIDE REGISTRATION**

250-016-0020

Definitions

(1) “Decal” is an identifying registration sticker or fabric tag visibly displayed on a vessel, vehicle, pack or other equipment.

(2) [(4)] “Deposit” is a collection of fees prior to providing outdoor recreational activities.

(3) [(2)] “Drop Camp” is a site whose location is chosen either by the Outfitter and Guide or the client but where no guided hunt or fishing services are provided to the client.

(4) [(3)] “Guide Boatsman Trainee” is an individual who is an Outfitter and Guide or an employee of an Outfitter and Guide who is receiving experience on whitewater as required in ORS 704.070.

(5) [(4)] “Outfitter and Guide Hunt” is an outdoor recreational activity in which the client is physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.

(6) [(5)] “Owned or Controlled” land means any lands owned or under a formal leasing giving the individual as a sole-proprietor, partnership, or other corporation exclusive control of the use of the lands.

(7) [(6)] “Packing” is the act by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide to lead clients in overland outdoor recreational activities including but not limited to the transportation of client, equipment and supplies, harvested game, by machine, boat, animal or guide.

(8) [(7)] “Person” means an individual, partnership, corporation or non-profit organization.

(9) [(8)] “Resident” is a person who permanently or continuously resides in Oregon.

(10) [(9)] “Serious” violation is:

(a) A Felony or Class A, B or C misdemeanor conviction for a violation of any requirements listed in ORS 704.040(5) or any rules adopted pursuant to those Chapters; or

(b) An action that results in a fishing or hunting license or permit to be suspended, revoked, canceled or denied by the courts or by a state or federal agency with appropriate jurisdiction; or

(c) Any violation of the requirements in ORS 704.040(5)(b), or any rules adopted pursuant to those Chapters, while the guide was operating with a conditional registration.

(11) [(10)] “Repeated” violation is:

(a) Any combination of three Class A, B, C or D infractions, or violations of ethical or professional standards in OAR 250-016-0060, during a five year period; or

(b) Any two felony or Class A, B or C misdemeanor convictions within a period of ten (10) years.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.:

[~~250-016-0030~~

~~Exclusions~~

~~Outfitter and Guide services do not include:~~

~~(1) Services provided by governmental agencies that conduct outdoor recreational activities.~~

~~(2) Services provided by state or private colleges and universities that teach outdoor recreational activities as part of their curriculum open only to enrolled students and faculty members.~~

~~(3) Services provided by schools that teach outdoor recreational activities including but not limited to equestrian, swimming, scuba, sailing, flying, photography or other outdoor activities that accompany the primary course of instruction or study.~~

~~(4) Services provided by non-profit organizations that meet the criteria in 250-016-0030(2) and 250-016-0030(3).~~

~~(5) Services provided by Outfitter and Guide employees who work as office staff, shuttle staff, warehouse worker, lunch packer or other capacity not directly involved with leading or assisting clients in outdoor recreation activities.]~~

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.:

250-016-0035

Registration Requirement

(1) The completed and signed application, with all required attachments [~~original first aid card if applicable, certificate of insurance, proof of surety bond or letter of credit if applicable, copy of US Coast Guard Operator's license if applicable~~] and the fee required by ORS 704.020 must be submitted to the Marine Board. The required fee is nonrefundable. **The required attachments are:**

(a) A copy of the certificate of first aid and CPR training (American Red Cross or equivalent); or

(A) A copy of training and certification as an Emergency Medical Technician I, II or III; or

(B) A copy of licensure as a registered nurse or medical doctor.

(b) Certificate of insurance;

(c) Proof of surety bond or letter of credit, if applicable; and

(d) Copy of US Coast Guard Operator's license, if applicable.

(2) The first aid and CPR training certificate or medical license as defined in (1)(a)(A)(B) of this rule shall remain current. If the first aid and CPR training certificate or medical license expires, the Outfitter and Guide's registration is automatically suspended.

[Where an application is submitted for a partnership, one partner must sign the application and provide their proof of first aid. For a corporation or non-profit organization, the application must be signed by an authorized officer of the corporation or organization. The authorized officer of the corporation or organization must sign a statement certifying that all their employees possess in their name a current standard first aid card or a medical equivalent. The certificate of insurance shall be:]

(3) The certificate of insurance shall:

[~~(a) Provided by fax, e-mail or US Mail to the Marine Board;~~]

(a) [(b)] Be issued in the applicant's name;

(b) [(c)] Reflect all insured business names; and

(c) [(d)] Reflect the lawfully required insurance minimum amounts.

(d) Remain current. If the certificate of insurance expires, the Outfitter and Guide's registration is automatically suspended.

[~~(2) Proof of first aid training and CPR shall consist of one of the following:~~

~~(a) The original card or certificate issued by the American Red Cross showing completion of a standard or multimedia first aid course or equivalent including CPR (original card will be returned to the applicant);~~

~~(b) Proof of training and certification as an Emergency Medical Technician I, II, or III (original card will be returned to applicant), or licensed or registered nurse or medical doctor (copy of license is acceptable).~~

~~(c) Should an Outfitter and Guide's first aid card, CPR, or the equivalent expire, the Outfitter and Guide is responsible for submitting the original updated card to the Marine Board. If there is a lapse of time between expiration and renewal, the Outfitter and Guide's registration is automatically suspended during that period of time.]~~

(4) [(3)] An incomplete application will not be processed. An incomplete application will be deemed inactive following twelve (12) months from date of receipt and lacking any action on the applicant's part to complete.

(5) [(4)] Applications for non-boating related outfitter and guide licenses issued between July 1 and December 31 of each year will expire on June 30 of the following year.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.:

250-016-0040

Proof of Registration Compliance

(1) Outfitter and Guide registration certificate: [~~of registration;~~]

(a) Upon meeting the registration requirements as outlined in ORS 704.020, the Marine Board will issue proof of compliance in the form of a registration [~~card~~] certificate to the applicant. This [~~card~~] registration certificate will contain the applicant's:

(A) Name and address;

(B) Registration number;

(C) Business name (if any) and

(D) Expiration date. [~~; and]~~

~~[(E) Area of operation as defined by permits or licenses issued by the federal government, including but not limited to the US Coast Guard, US Forest Service, Bureau of Land Management or others.~~

~~(b) When the registration is for a corporation or non-profit organization, the provided Outfitter and Guide certificate of registration shall contain:~~

~~(A) Registration number;~~

~~(B) Corporation or non-profit organization name and address;~~

~~(C) Expiration date; and~~

~~(D) The Statement "Corporation (or Non-Profit Organization) Identification Only — Not for personal identification."~~

~~(E) Area of operation as defined by permits or licenses issued by the federal government, including but not limited to the US Coast Guard, US Forest Service, Bureau of Land Management or others.]~~

(b) [~~(c) If the Outfitter and Guide uses boat(s) in their business,~~] A decal will be issued for each boat used in the Outfitter and Guide business with the following information:

(A) For motorized boats used on federally navigable waters, an oval decal shall show [~~the type of US Coast Guard operator's license the Outfitter and Guide possesses,~~] the area of operation allowed by the license, and the passenger carrying capacity.

(B) For all non-motorized and motorized boats where the operator does not have a US Coast Guard license, a square decal shall show the passenger carrying capacity.

~~[(C) Passenger carrying capacity information shall not be required on the decal for non-motorized boats.]~~

(c) [~~(d)~~] Boats not under the direct operation of an Outfitter and Guide or employee of an Outfitter and Guide are exempt from the decal requirement. Boats operated exclusively by the client of an Outfitter and Guide are exempt from the decal requirement.

(2) Duplicate[s] Fees:

(a) [~~A duly registered~~] An Outfitter and Guide may apply to the Marine Board for a duplicate [~~proof of compliance card~~] registration certificate when an original has been lost, stolen or mutilated;

(b) A duplication fee of \$5.00 shall be paid for each replacement requested.

(3) The Outfitter and Guide [~~identification card~~] registration certificate [~~issued~~] shall be carried at all times while providing outfitting or guiding services and shall be presented to any peace officer upon demand.

(4) [~~(d)~~] [~~if~~] An Outfitter and Guide [~~want~~] seeking to participate in the Oregon Department of Fish and Wildlife allocation of non-resident tags for Outfitter and Guides established under ORS 496.151, [~~the individual must obtain a hunting certification in addition to Outfitter and Guide registration.~~] must be certified.

(5) To be certified, an Outfitter and Guide must:

~~(a) [(A)]~~ Certify that they have three (3) years hunting experience working as a registered Outfitter and Guide in Oregon ~~[or another state,] or, [working as an employee of an Outfitter and Guide registered or licensed in Oregon or another state].~~

~~(b) [If the experience has been gained working as an employee, the Outfitter and Guide must]~~ Submit a signed affidavit ~~[outlining the employee's experience]~~ **stating that they have three (3) years hunting experience working as an employee of an Outfitter and Guide registered in Oregon.**

~~[Outfitter and Guides who participated in the Oregon Department of Fish and Wildlife Outfitter and Guides Hunting Tag Program in 1998 are exempt from the experience requirement.]~~

~~(c) [(B)]~~ Pass a written examination on the Outfitter and Guide program and Oregon Department of Fish and Wildlife laws and rules. **The passing score is (75) seventy five percent.**

~~(A)~~ If the applicant fails the test, they may retake it after a thirty (30) day waiting period.

~~(B)~~ If the applicant fails it a second time, the hunting certification for that year will be denied. ~~[The passing score is (75) seventy five percent.]~~

~~(d) [(C)]~~ Provide, along with their application, proof that the Outfitter and Guide] **Submit documentation from the issuing authority confirming that they have applied for the necessary federal government permits (U.S. Forest Service, Bureau of Land Management), private land leases or authorizations of not less than 1,280 contiguous acres for the area in which the Department of Fish and Wildlife hunting tags are to be requested.** ~~[has the necessary federal government permits (U.S. Forest Service and/or Bureau of Land Management) or private land leases or authorizations of not less than 1,280 contiguous acres for the area in which the Department of Fish and Wildlife hunting tags are to be requested. Proof shall be a copy of the federal permit, or for Land Owner Preference tags issued for private land leases, a map of the area and the applicable lease agreement.]~~

~~(e)~~ **Submit a copy of the federal government permits, private land leases or authorizations to the Marine Board prior to June 1 of the hunt year.**

~~[(D)]~~ Submit a \$75.00 certification fee. The renewal fee is \$25.00.]

(6) Hunt Tag Program Certification Fees:

(a) A nonrefundable \$100.00 certification application fee.

(b) An application renewal fee of \$25.00.

(7) Annual Hunt Unit Certification Fees:

(a) \$25.00 for 0 to 10 hunt units.

(b) \$50.00 for 11 to 20 hunt units.

(c) \$75.00 for 21 or more hunt units.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.:

250-016-0095

Civil Penalties, Procedures

(1) When the State Marine Board proposes to impose a civil penalty for failure to comply with ORS 704.020, ORS 704.021, ORS 704.065, or ORS 704.070, or for violation of ORS 704.030, the penalty shall be imposed pursuant to ORS 183.745.

(2) If a hearing is requested, the hearing shall be conducted as a contested case hearing through the Office of Administrative Hearings pursuant to the applicable provisions of ORS 183.411 to ORS 183.470.

(3) A Marine Board employee is authorized to appear on behalf of the Marine Board in a hearing or in a class of contested hearings as provided by OAR 250-001-0035.

Stat. Auth.: ORS 183; ORS 704

Stats. Implemented: ORS 183; ORS 704

250-016-0100

Schedule of Civil Penalties

(1) Penalties for first violations of ORS 704.020, 704.021, 704.030, or 704.065 are \$200 per violation.

(2) The penalty for the first violation of 704.070 is \$250.

(3) Penalties for violations of ORS 704.020, 704.021, 704.030, or 704.065, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, or 704.065, are \$400 per violation.

(4) The penalty for a violation of 704.070, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, 704.065, or 704.070, is \$500.

Stat. Auth.: ORS 704.500, 704.900

Stats. Implemented: ORS 704.900