

DEPARTMENT OF REGULATORY AGENCIES

OFFICE OF OUTFITTER REGISTRATION

4 CCR 733-1

RULES OF THE OFFICE OF OUTFITTER REGISTRATION

Effective Date: ~~October 1~~ _____, ~~2011~~ _____ TBD

CHAPTER 1
GENERAL ~~DEFINITIONS~~ PROVISIONS

1.100. Citation.

For ease of reference, these Rules of the Office of Outfitter Registration may also be cited as the “Outfitter Rules”.

1.201. Scope and Applicability.

These Outfitter Rules of the Office of Outfitter Registration apply to outfitters and guides, as those terms are defined by § 12-55.5-102, C.R.S., and to any other persons over whom the Office Director has jurisdiction under Article 55.5 of Title 12, C.R.S.

1.11021.3. DEFINITIONS~~Definitions.~~

Terms defined in § 12-55.5-102, C.R.S. shall have the same meaning in these rules. In addition, In addition to the definitions found in Colorado Revised Statutes (“C.R.S.”) §12-55.5-102, the following shall apply: The following definitions apply throughout these Outfitter Rules of the Office of Outfitter Registration, unless a specific statute or rule provides otherwise:

- A. A. — ADVERTISEMENT. The “Advertisement” means the attempt by publication, dissemination, solicitation, or circulation, whether by visual, oral, electronic, or written means, to induce directly or indirectly any person to enter into an agreement with an outfitter.
- B. B. — ADVISORY COMMITTEE. Individuals “Advisory Committee” means the body of individuals appointed by the dDirector to provide recommendations regarding industry related issues, in accordance with C.R.S. under §_12-55.5-111, C.R.S.
- C. C. — AUTHORIZED AGENT. “Authorized agent” means any peace officer as defined in C.R.S. §§ 12-55.5-102(6), C.R.S.; a local, state, or federal law enforcement officer; or an investigator employed by a district attorney, the attorney general, or the ~~division of registrations~~ Division.
- D. D. — BOOKING AGENT. An “Booking agent” means any person or entity who individual or business entity which has entered into a contractual relationship or who is authorized by with an outfitter, as defined in C.R.S. §§12-55.5-102(5), to solicit outfitting services on behalf of an outfitter. Add in written before contractual. Instead of or, make it “and”.
- E. E. — CLIENT. A “Client” means an individual, a group of individuals, or any person who that engages the services of an registered outfitter.
- F. F. — “C.R.S.” means the Colorado Revised Statutes.
- G. G. — DIRECTOR. In addition to the definition found in C.R.S. §12-55.5-102(2), the director can be the division director’s designee. “Director” means the Director of the Division or the Director’s designee.

~~H.~~ ~~H.~~—“Division” means the Division of Professions and Occupations in the Department of Regulatory Agencies.

~~I.~~—“Entity” means, unless the context requires otherwise, a non-natural person authorized by Colorado law to conduct business, including, for example, a corporation, a limited liability company, or a partnership.

~~I.~~ ~~J.~~—“Game Management Unit” means a hunt area as described in current big or trophy game management unit as determined by the Colorado Department of Natural Resources.

~~J.~~ ~~GJK.~~—“Guide” means, in addition to the meaning set forth in § 12-55.5-102(4), C.R.S., an Outfitter-registrant or an employee or independent contractor of an Outfitter-registrant whose duties include management of outfitter operations and/or guiding, leading, or assisting any person to and form a place where such person expects to hunt to take fish or wildlife.

~~K.~~ ~~L.~~—OFFICE. The “Office” means the Division’s Office of Outfitters Registration.

~~L.~~ ~~H.~~—“Registrant” means any person-individual or entity registered as an outfitter under § 12-55.5-105, C.R.S., regardless of the registration status as active, probated, or suspended. The definition of an Outfitter is found in § 12-55.5-102 (5), C.R.S. For purposes of these Rules, Registrant is an Outfitter.

~~M.~~ ~~P.~~—REGISTRATION. “Registration” means the authorization granted A form of licensure issued by the director/Director after meeting all the requirements in pursuant to the provisions of C.R.S. §12-55.5-105, and shall be renewable subject to approval by the director.

~~N.~~ ~~QJM.~~ REINSTATEMENT. The “Reinstatement” means the process by which an individual or entity registrant that has expired registration is returned to active status.

~~O.~~ ~~RKN.~~ RENEWAL. The “Renewal” means the process of applying to retain the individual or entity a registration in an active status every year on in accordance with the schedule determined established by the division of registrations/Director pursuant to C.R.S. §§ 12-55.5-105(5) and 24-34-102, C.R.S.

~~SLO.~~ RESPONSIBLE PARTY. An individual designated to be the responsible party and agent for a registered entity.—“Responsible party and agent” means an officer, ~~director~~director, member, partner, or other controlling or managing individual of an entity registrant, designated by such registrant to be responsible for all communications with the Division.

~~P.~~—“Take” means to hunt, pursue, catch, capture, shoot, trap, kill, or possess any fish or wildlife or to attempt to hunt, pursue, catch, capture, shoot, trap, kill, or possess any fish or wildlife.

CHAPTER 2
ISSUANCE OF OUTFITTERS REGISTRATION APPLICATION AND ISSUANCE, RENEWAL, AND REINSTATEMENT FOR INDIVIDUALS

2.1. General Information

- A. Registrants shall carry proof of registration at all times when providing outfitting services.
- B. When a Registrants' registration that is suspended or revoked, the registrant must be immediately returned all documentation of such registration to the Director.

2.2 Entity Registrations

A. Responsible Party

Entity registrants are required to designate a responsible party and agent for the registrant upon initial application and while maintaining the registration. § 12-55.5-105(4), C.R.S. The responsible party for the registrant shall be accountable for the operations of the registrant and shall responsible for answering all the screening questions on the application.

B. Personnel Providing Outfitting Services

Entity registrants shall identify all individuals on the initial application for registration who will or may provide outfitting services for the registrant, regardless of whether such individual is an employee or independent contractor.

2.23. BUSINESS AND ENTITY Registrant Names

- A. A Registrants providing or soliciting to provide outfitting services must shall not offer, engage or perform, or offer to perform Outfitting Services using a business name that has not been provided to the Director.

- B. If a registrant performs or offers to perform outfitting services under a trade name, such trade name The Business or Entity name must be filed with the Colorado Secretary of State pursuant to Section § 7-71-101, C.R.S.;

All Business or assumed or trade names under which a registrant performs or offers to perform outfitter services including business, assumed, or trade names) shall must be provided to the Director.; and

- C. The name under which the a registrant performs or offers to perform uses to provide outfitting services is shall not be misleading about the services provided to the public.

D. A Business or assumed or trade name shall be s-are considered misleading if the name:

- i. Implies the existence of a corporation by the use of words or abbreviations such as "Corporation," "Incorporated," "P.C.," "Corp.," or "Inc.," if the outfitterregistrant is not incorporated or is not a professional corporation;:-
- ii. Implies the existence of a partnership by the use of a designation such as "Smith & Jones," "Partnership," "Ltd.," "LP," "LLP," or "LLLP" if the registrant is not such an entity;:-
- iii. Implies the existence of a limited liability company by the use of abbreviations such as "Ltd.," "L.L.C.," "LLC," or "LC" if the outfitterregistrant is not such an entity;:-
- iv. Contains any representation that would likely cause a reasonable person to be misled or confused about the legal entity type, (e.g., corporation, partnership, limited liability company, or sole proprietorship); or about its ownership;:-
- v. Contains any representation that would likely cause a reasonable person to have a false or unjustified expectation of favorable results or capabilities;:-
- vi. Contains claims or guarantees about a specific outcome; or:-
- vii. Contains claims or implies the ability to influence a regulatory body or official.

2.43103. Applications fFor Registration:-

A. Complete Applications.

To apply for issuance of an outfitter registration under § 12-55.5-105, C.R.S., a person must submit a complete application on a form approved by the Director. A complete application requires that an applicant submit the application, the required fee, and all required documentation as set forth in the application. Required documentation includes that which the applicant is responsible for submitting and any other documentation that may be required from other sources to support the applicant's file. Any application not complying with these procedures shall be deemed incomplete and the applicant shall be so notified. Incomplete applications are kept on file for one year and then destroyed.

C. Training Equivalent to First Aid Card

As used in §§ 12-55.5-103.5(1) and 12-55.5-105(1)(b), C.R.S. and these rules, the Director considers any Wilderness First Aid, Wilderness First Responder, Emergency Medical Technician (EMT) – Basic, Intermediate, or Paramedic training or certification, Mountain oriented First Aid _____ to constitute "equivalent training" to holding a first aid card or a first aid instructor's

card issued by the American Red Cross. _____ shall constitute evidence of such equivalent training.

D. Denial of an Application.

An applicant whose application has been denied may submit a request for reconsideration of a decision by the Director, accompanied by additional supporting documentation or information. These requests must be submitted within 60 days of the date on which the Director made the decision. No additional supporting documentation or requests for reconsideration will be considered by the Director if they are not filed within this time limit.

E. Applications are Reviewed under Current Statutes and Rules.

Applications are evaluated under the statutes, rules, and regulations in effect at the time that the application is complete.

~~2.4 Registrations issued to individuals are not transferable. If a registered individual sells or transfers an outfitting business, the new owner shall be required to submit a new application for registration. The current owner shall submit notification to the Office that the business was sold or transferred as part of the initial application for the new owner.~~

2.4 ADVERTISING-OUTFITTING SERVICES VIA THE INTERNET

~~A. Any Registrant offering to perform Outfitting Services via the Internet must include the following minimum information on the Internet site:~~

~~_____ Name of the Registrant;~~

~~_____ Mailing and physical address of the principal location where the Registrant offers and/or provides Outfitting Services;~~

~~_____ Business telephone number; and~~

~~_____ Colorado registration number.~~

**CHAPTER 3
REGISTRATION MAINTENANCE AND REPORTING CHANGES**

2.5

3.1. Reporting Individual Name and Demographic Changes NOTICES FROM INDIVIDUAL REGISTRANTS

A. Address and ~~personal~~ Name Changes

i. ~~i.~~ ~~Outfitters Registrants~~ shall inform the ~~director~~ Director of any name, address, telephone, or email change within 30 days of the change. The ~~director~~ Director will not change the outfitters registration information without explicit notification in a manner ~~prescribed~~ approved by the ~~Director~~.

ii. ~~ii.~~ ~~The Director requires~~ One of the following forms of documentation ~~is needed~~ to change a name or correct a social security number:

- a. Marriage license;
- b. Divorce decree;
- c. ~~or~~ Court order; ~~or~~ Ownership transfer documents;
- e. ~~or~~ Certificate of good standing, or
- d. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the ~~Division~~ of registrations.

B. ~~Trade Name and~~ Doing Business As (DBA) Changes

i. Registrants shall report Any change (including additions or deletions) of a trade name or, DBA/DBA, etc. must be reported to the Director within 30 days of the changing the name with the Secretary of State.

ii. Registrants shall ~~Proof the name change must be~~ verify the change by submitting copies of the documents filed with the Secretary of State.

CHAPTER 3
ISSUANCE OF OUTFITTERS REGISTRATION FOR ENTITIES

~~3.13.2.~~ Any entity may apply for registration by submitting an application and fee in the manner approved by the division of registrations director and must be registered prior to soliciting to provide or providing outfitting services under the entity name.

~~3.2~~ Registrations issued to entities are transferable.

~~3.3~~ Reporting Entity Changes ~~NOTICES FROM ENTITY REGISTRANTS~~

A. Address, Telephone or Email Changes

~~i.~~ Each eEEntity ~~registrantsregistrants~~ shall inform the ~~director~~Director of any name, address, telephone, or email change within 30 days of the change. The ~~director~~Director will not change any entities' information without explicit notification in a manner ~~prescribed~~approved by the ~~director~~Director.

~~B.~~

~~B.~~ Trade Name and, Doing Business As (DBA) eChanges

~~i.~~ Registrants shall report Any change (including deletions or additions) of a trade name or ,DBA ,etc. must be reported to the Director within 30 days of the changing the name with the Secretary of State.

~~Registrants shall verify **Certificate of good standing, or**~~

~~ii.~~ Proof any the name change must be verified by submitting a copy of the certificate of good standing or copies of the documents filed with the Secretary of State.

~~C.~~ Business Management or Ownership Changes~~Ownership Changes~~

~~i.~~ Registrants shall report Any change in ownership or management of an entity registrant must be reported to the Director within 30 days of the change. A change in ownership or management includes a change in the manager of a limited liability company, any change of the directors of a corporation, and any change of the partners in a partnership.

~~ii.~~ Any sale or transfer of an outfitting business will not include sale or transfer of the registration number assigned to the outfitter.

~~iii.~~ Following the sale, transfer, or dissolution of a registered entity, the responsible party must provide written notification and verification of the sale, transfer, or dissolution.

~~Following the sale or transfer of a registered entity, the new owner shall be responsible for applying to register the business by filing an application in a form approved by the Director.~~Proof of the business sale.

iv. _____

_____D. _____ Responsible Party Changes

i. _____ i. _____ Any change to a responsible party requires the submittal of an application in a manner approved by the ~~division of registrations~~ Director.

ii. _____ ii. _____ Pursuant to ~~C.R.S. § 12-55.5-105(4)~~, C.R.S., Registrants shall report changes to of the responsible party to the Director must be reported within ~~ten~~ 10 working days.

_____The r

iii. _____ iii. _____ Responsible party for a registranties may not change without explicit consent of the current responsible party identified in the entity record on file with the Division.

E. _____ Change in Personnel Providing Guide or Outfitting Services

Entity registrants shall notify the Director of any changes to officers and/or personnel providing outfitting services on behalf of the registrant.

F. _____ Individual to Entity Registrants

A registered natural person who organizes an entity to offer or offer to perform outfitting services must file an application in a form approved by the Director to register the entity and obtain a new outfitter registration number. An individual outfitter registration number is not transferable to an entity.

3.3. _____ PREVIOUS REGISTRATIONS

A. _____ Registrations currently issued to a natural person will require a business name under which the Outfitter is providing service and each Outfitter will have until **DATE** to report and provide a Certificate of Assumed or Trade Name to the Director. Failure to report the business names may result in disciplinary action.

B. Natural person Registrants wishing to change to an entity registration must file a new application and will receive a new registration number.

3.4. _____ REGISTRATION NUMBERS NOT TRANSFERABLE

A. _____ Registration numbers are not transferable with a change in legal structure.

B. _____ Any sale or transfer of an Outfitting business will not include the registration number assigned to a prior Outfitter.

~~C. If a registered individual sells or transfers an outfitting business, the current owner must provide notification and verification to the Director that the business was sold, transferred, or dissolved.~~

~~D. The new owner is responsible for registering the new business by filing a new application with the Director. The new owner must also provide verification of the sale, transfer or dissolution as part of the initial application for the new owner.~~

CHAPTER 4
RENEWAL AND REINSTATEMENT OF OUTFITTER REGISTRATIONS

4.13.53. Renewal of an Active Registration ~~NOTICES TO REGISTRANTS~~

~~A.~~ A. All active registrations expire and must be renewed. The director sends notices for renewal of individual or entity registrations according to a schedule established and in a manner approved by the division of registrations Director pursuant to C.R.S. § 24-34-102, C.R.S. (8) in order to maintain an active registration. Renewal notices are mailed to the last address furnished to the director.

B. As a condition of ~~R~~renewal, a registrant shall attest that ~~he~~ the registrant has complied with the statutory and rule requirements of to hold a valid first aid card or the equivalent training, submit a surety bond, and possess the required minimum liability insurance. The Director may audit attestations any time after the renewal.

There is a 60-day grace period from the expiration date of the registration within which to pay the renewal fee, plus a late fee.

~~C.~~ CB. Failing to renew ~~a~~the registration will result in expiration of the registration. The registrant must ~~expiring and it must be~~reinstated the registration as set forth in statute and these rules ~~should the Outfitter wish to continue providing or offering to provide O~~utfitting services. Failure to receive a renewal notice does not relieve the individual or entity registrant of the obligation to pay the renewal fee and submit appropriate documentation in support of the renewal application. ~~BdV: add prior to continuing to provide or offering to provide or providing service.~~

~~D.~~ D. s

4.23.46. Expired Registrations

~~A.~~ A. A ~~r~~Registration that is not renewed on or before the expiration date ~~will~~ shall expire; however, there is a 60-day "grace period" from the expiration date within which the ~~R~~registration may be renewed, subject to a late fee. A Registrant will not be disciplined for providing or ~~soliciting~~ offering to provide outfitting services with an ~~E~~expired ~~r~~Registration during the grace period if the ~~R~~Registration is renewed during the grace period.

~~After the 60-day grace period, any registrant whose registration has expired cannot~~ is prohibited from performing or offering to perform outfitting services ~~solicit or providing outfitting services as required in Section 12-55.5-105 (1) (d), C.R.S.~~ and such Registrant is subject to disciplinary action.

B.

C. Failure to receive a renewal notice does not relieve a Registrant of the obligation to pay and renew the registration.

An Expired Registration may be reinstated to Active status as provided in Rule 3.8 below.

3.57.- Reinstatement of an Expired Registration

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired registration, pursuant to C.R.S. §§ 12-55.5-105(5) and 24-34-105, C.R.S.

A. Conditions of Reinstatement for an Expired Registration:

i. An applicant seeking to reinstate ment of an expired registration shall complete an reinstatement application in a form approved by the Director, pay a reinstatement fee, and submit proof of:

i. Having a valid having first aid card, first aid instructor's card, or equivalent training;

ii. Minimum liability insurance, and

iii. S-surety bond; and,

Bii. An applicant for reinstatement who has engaged in activities as an outfitter or advertised in any publication or represented themselves himself or itself as an outfitter in Colorado with an expired registration in violation of C.R.S. § 12-55.5-103 is subject to denial of the application, disciplinary action, and/or other penalties as authorized by C.R.S. Title 12, Article 55.5 and in accordance with C.R.S. § 24-34-102, et seq.

iii. If the an applicant to reinstate a registration engaged in activities as an outfitter in another state, the Director may require verification of registration as an outfitter in good standing may be requested in such other state.

3.86.- Surety Bond and Insurance Coverage

A. All Registrants may not offer, perform or offer to perform or provide outfitting services unless the rRegistrant first posts and maintains, or is covered by a surety bond in the amount of a least \$10,000 and maintains liability insurance coverage in the amount of \$50,000(one individual in a single accident) and \$100,000 (all individuals in a single accident)-.

B. Each Registrants are is responsible for maintaining a surety bond and liability insurance coverage for the duration of the at all times the Registrant is registered and actively engaged in outfitting services. The A registrant may

change surety bond or insurance providers, but there shall be no gap in bonding or insurance coverage.

C. Any failure to maintain or be covered by a complying surety bond or insurance policy shall be ground for discipline under § 12-55.5-106 (1)(c) and (d), C.R.S.

3.97. First Aid, Bond or Insurance Cancellation

Should-A registrant whose first aid or equivalent training verification training, surety bond, or liability insurance has been canceled or expired during the registration period is, the outfitter is no longer not in compliance with the registration requirements, and the registrant shall not perform or offer to perform outfitting services cannot be provided or solicited until the outfitter-registrant provides to the Director proof of a valid first aid card, updated surety bond, or minimum liability insurance coverage pursuant to § 12-55.5-106-(1)(c) and (d), C.R.S.

CHAPTER 45
OUTFITTER RESPONSIBILITIES, PROFESSIONAL CONDUCT AND
PROHIBITED CONDUCT

45-1.1. Responsibilities and Professional Conduct

- A. A registrant shall be responsible for the acts of all employees, contracted personnel, and authorized booking agents when those individuals are acting within the scope of their employment, contract, agreement, or at the registrant's direction, or under the registrant's supervision.
- B. A registrant shall operate with respect for the legal rights of others, on private and public property, endeavor to promote and practice good stewardship of the natural resources, and provide outfitting services on public lands in a manner such that they do not interfere with general public access to public land or access to wildlife on public land.
- C. A registrant shall promptly refund deposits paid by clients upon request if such deposits are due to the a client in accordance with the outfitter's written refund policy or any other written agreements;
- D. A registrant shall honor the terms of the contractual obligations to all clients. If the outfitter-registrant is unable to honor the terms of a client the contract for any reason, each the registrant client shall be notified immediately notify the client.
- E. A registrant shall ensure that each client has the necessary permits, stamps, and licenses prior to hunting or fishing when the registrant identifies this as a service they expect to provide. ;
- F. A registrant shall inform clients, employees, contracted personnel, or others who act on behalf of the registrant of all applicable local, state, and federal laws related to land management and fish and game laws and maintain proof of such notification.
- G. A registrant shall clearly indicate to clients the boundaries of the property they will be hunting or fishing, and inform clients of any special restrictions with conducting their hunt or fishing.
- H. A registrant shall provide any animal (live stock?) used in the conduct of business providing outfitting services with proper food, drinkwater, and shelter and not subject any animal to abuse or cruel and inhumane treatment as provided by Colorado Law.
- I. A registrant shall Not submit make any substantially false statements or fail to disclose any substantial facts requested in connection with an application or any communication filed with the Director.
- J. A registrant shall Not make guarantees as to the successful taking of fish or wildlife.

K. A registrant shall accurately represent its facilities, prices, equipment, services or hunting or fishing opportunities.;

L. A registrant shall not conduct any outfitting services on private or public land, except legal transportation across such lands, without first having obtained written permission from the landowner or written authorization from the agency administering the public land.;

M. A registrant shall not condone or willfully allow violations or attempted violations to occur with of state and federal statutes or rules agencies related to trespass, land use, wildlife, or cruelty to animals by employees, independent contractors, or clients.

A registrant shall

a. At all times make all attempts to provide for the safety of clients and personnel at all times, and shall not willfully threaten the safety of the public, clients and employees.;

N.

O. A registrant shall fully cooperate with private landowners and public land management agencies and shall adhere to the laws, rules and regulations of the Director,; Department of Natural Resources (DNR), including to include Colorado Parks and Wildlife (CPW); United States Forest Service (USFS); National Park Service (NPS); Bureau of Land Management (BLM); State Land Office; and any other government agency that has authority over Outfitters or the outfitting services.; BdV: Add US Fish and Wildlife service (USFWS)

A registrant shall Outfitters shall advise notify clients, employees, and contracted personnel of applicable local, state, and federal laws related to land management including licensing requirements and wildlife and shall not condone their violation.

5.2 An outfitter shall at all times provide for the safety of clients and personnel, and shall not threaten the safety of the public.

P. aor his or her designee or .

Q. A registrant shall promptly report any known or observed violation of federal or state law or regulation governing wildlife, game, or fish observed or known to him, to an appropriate law enforcement officer.

4.2. Cooperation with Investigations

Registrants having knowledge of, or involvement in, any alleged violation of any provision of Article 55.5 of Title 12, C.R.S.; Article 6 of Title 33, C.R.S.; these rules; or any alleged conduct for which disciplinary action would be warranted under § 12-55.5-106(1), C.R.S. shall cooperate with any investigation initiated by the Director and furnish such information, assistance, and documentation as may be requested.

4.3. Advertising Outfitting Services

A. General

In any advertisement offering to provide outfitting services, a registrant shall accurately represent its facilities, prices, equipment, services and hunting or fishing opportunities. A registrant shall not engage in fraud, deceit, misrepresentation, or concealment of any material fact in advertising, soliciting, or in providing outfitting services to the public.

B. Advertising via the Internet.

Any registrant offering to perform outfitting services via the internet must include the following minimum information on the internet site:

- i. Name of the registrant;
- ii. Mailing and physical address of the principal location where the registrant offers and/or provides outfitting services;
- iii. Registrant's business telephone number; and
- iv. Registrant's Colorado outfitter registration number.

4.24. Emergency Guide Replacement

A. Pursuant to ~~C.R.S. § 12-55.5-106(1)(j), C.R.S., an outfitter~~ registrant ~~may~~ shall not be subject to disciplinary action for hiring an individual who does not meet the requirements of C.R.S. § 12-55.5-103.5, C.R.S. in an "emergency" situation. The Director shall consider that Aan emergency situation arises exists only when, due to circumstances beyond a registrant'sn-outfitter's control, a n-existing guide becomes unable to provide services to a client with less than 7 days beforefor a scheduled hunt. In such a situation, the outfitter registrant may employ an individual who does not have a valid first aid card, first aid instructor's card, or equivalent training. Any individual hired as a guide in an emergency situation must shall be at least 18 years old. A registrant n-outfitter may employ an individual who does not possesswithout a first aid card, first aid instructor's card, or equivalent training to serve as a guide for either 10 calendar days or for one hunting or fishing excursion, whichever is less.

B. When an emergency situation arises, the ~~outfitter~~ registrant must notify the client, in writing. The registrant ~~outfitter~~ and the client shall sign and date the written notification. The ~~outfitter~~registrant shall maintain a copy of the signed ~~provide a copy of the written notification and provide a copy to the client and~~

keep a copy of this document pursuant to §12-55.5-107(3), C.R.S. The written notification shall state the following, at a minimum:

- i. A. — The nature of the emergency;
- ii. B. — The individual who will be guiding the client; and
- iii. C. — That the replacement individual fails to meet the requirements
C.R.S. § 12-55.5-103.5, C.R.S.

CHAPTER 5
SPECIFIC REQUIREMENTS FOR OUTFITTING SERVICES

55-3.1. Field Safety Kit

~~A registrant outfitter, guide, or contracted personnel leading a member of the public in the field shall maintain and carry a safety kit containing appropriate supplies to provide immediate and necessary first aid shall be carried by each outfitter and guide while in the field with clients appropriate suitable for the services provided. Such kit a At a minimum, such kit must contain adhesive bandages, sterile pads, flexible gauze bandages, first aid tape, and antiseptic to dress a minor cut or injury. A more extensive kit shall be available at each camp which contains additional supplies to provide first aid necessary until the injured party can be moved to a medical facility.~~

5.2. Camp Safety Kit

~~A Registrants isare responsible for keeping and maintaining a more extensive safety kit at each camp which contains appropriate supplies to provide first aid necessary until the injured individual can be moved to a medical facility. The camp safety kit must be of a size appropriate for the number of guests at the camp. Such kit a At a minimum, such kit must contain adhesive bandages in varying sizes, sterile pads, flexible gauze bandages, first aid tape, and antiseptic suitable to dress a large wound or injury.~~

55-4.3. Equipment

~~A. An Registrants outfitter shall provide safe, serviceable, and sufficient equipment in good working condition (e.g., without tears) for its intended use. The equipment provided shall be clean, without tears, and adequate to provide the services for which the outfitter contracted.~~

~~B. Registrants shall make all Such equipment shall be made available for inspection upon request of the director Director or another authorized agent to effectuate §12-55.5-110, C.R.S. .~~

~~C. This rule shall not apply to aif client's(s) personal equipment that the client chooses to provides and use during other own personal equipment during Outfitting services. A client's provision of his or her own equipment shall not relieve the registrant from any obligations under this rule.~~

5

5-5.4. HOUSING OR CAMPING FACILITIES

~~An Registrant outfitter shall maintain safe and clean housing or camping facilities where services are provided, which shall include compliance with local, county, state, and federal land use and posting regulations.~~

~~OR~~

~~A Registrants shall maintain neatsafe, orderly, and sanitary housing or camps facilities at all times and shall provide clean, fresh drinking water, protect all food from contamination, and dispose of all garbage, debris, and human waste properly. Housing or camp facilities shall comply with federal, state, and local land use and~~

posting regulations. Livestock facilities shall be separate from camp facilities. Streams shall be protected from contamination.

~~5.6 An outfitter shall not misrepresent rates, services, or accommodations. An outfitter shall not employ false or misleading statements or advertisement materials.~~

~~5.7 An outfitter shall honor the terms of the contractual obligations to all clients. If the outfitter is unable to honor the terms of the contract for any reason, each client shall be notified immediately.~~

~~5.8 An outfitter is responsible for the acts of all employees, contracted personnel and authorized booking agents when those individuals are acting within the scope of their employment, contract, agreement, or at the outfitter's direction or supervision.~~

~~5.9~~

RECORDS MANAGEMENT

~~In accordance with C.R.S. §12-55.5-107(3) an outfitter shall maintain accurate and complete records of all outfitting services and shall provide such records to the director or authorized agents upon request. Records shall include:~~

~~A. Names and addresses of clients;~~

~~B. Dates services were provided;~~

~~C. Names and addresses of employees and contracted personnel;~~

~~D. Copies of employee or contracted personnel first aid cards or the equivalent, in accordance with C.R.S. §12-55.5-108(2);~~

~~E. Documentation that clients, employees and contracted personnel have been advised of applicable laws required by rule 5.1;~~

~~F. Documentation of insurance coverage and bond;~~

~~G. Contracts or agreements with authorized booking agents;~~

~~H. Contracts with each client; and~~

~~I. Other records required by law.~~

~~5.11 Should first aid verification, bond or insurance be canceled or expire during the registration period, the outfitter is no longer in compliance with the registration requirements, and outfitting services cannot be provided or solicited until the outfitter provides updated bond or insurance coverage.~~

~~5.12 An outfitter shall not employ or contract with any individual whose outfitter registration is revoked or suspended to:~~

~~A. Provide guide services as defined in C.R.S. §12-55.5-102(4);~~

- ~~B. Provide outfitting services as defined in C.R.S. §12-55.5-102(5.5);~~
- ~~C. Act, behave like, pose as, impersonate, appear or seem to be, or function as a substitute for the outfitter; or,~~
- ~~D. Represent, stand for, symbolize, serve as the official and authorized delegate or agent for, act as a spokesman for, or act the part or role of the outfitter.~~

~~5.13 Pursuant to C.R.S. §12-55.5-106(1)(j), an outfitter may hire an individual who does not meet the requirements of C.R.S. §12-55.5-103.5 in an "emergency" situation. An emergency situation arises only when, due to circumstances beyond an outfitter's control, an existing guide becomes unable to provide services to a client for a scheduled hunt. In such a situation, the outfitter may employ an individual who does not have a first aid card. Any individual hired as a guide in an emergency situation must be at least 18 years old. An outfitter may employ an individual without a first aid card to serve as a guide for either 10 days or for one excursion, whichever is less. When an emergency arises, the outfitter must notify the client, in writing. The outfitter and the client shall sign and date the written notification. The outfitter shall provide a copy of the written notification to the client and keep a copy of this document pursuant to C.R.S. §12-55.5-107(3) and rule 5.10. The written notification shall state the following:~~

- ~~A. The nature of the emergency;~~
- ~~B. The individual who will be guiding the client; and~~
- ~~C. That the individual fails to meet the requirements C.R.S. §12-55.5-103.5.~~

CHAPTER 6
RECORDS MANAGEMENT & CONTRACT REQUIREMENTS

6.1. Records Management

In accordance with § 12-55.5-107(3), C.R.S., ~~an outfitter~~ registrants shall maintain accurate and complete records of all outfitting services and shall provide such records or logs to the ~~director~~ Director or authorized agents upon request. Outfitting serviceser records shall include ~~a minimum of~~ the following, at a minimum:

- A. ~~A.~~ Names and addresses of clients;
- B. ~~B.~~ Dates services were provided;
- C. ~~C.~~ Game Management Unit (GMU) authorizations
- D. ~~D.~~ Documentation that clients, employees and contracted personnel have been advised of applicable laws;
- E. ~~F.~~ Documentation of insurance coverage and bond;
- F. ~~G.~~ Applicable ~~C~~contracts or agreements with contracted personnel and authorized booking agents;
- G. ~~H.~~ Contracts with each client;
- H. ~~I.~~ Log books containing any client information, including license and permit numbers, and harvest information; and,
- I. ~~I.~~ Other records required by law.

In the rules, look at the word willful conduct to remove it from the rules or define it if keeping in the rules.

6.2. ~~Record Retention~~ PERIOD

Pursuant § 12-55.5-1078(3), C.R.S., ~~and Outfitter~~ registrants shall maintain all applicable documents for the current year and the preceding 4 years. The Director construes "Applicable documents" ~~and records~~ to mean any ~~business, employment, or client records or logs created and maintained by the r~~Registrant ~~must be kept for 5 years from the date the record was created. After the 5 years, the Registrant must properly and in a secure manner destroy any record in their possession.~~

6.3.- Client Contracts (FISHING AND HUNTING)

A. ~~In addition to the contract requirements of §12-55.5-109, C.R.S., the following requirements apply:~~

~~A r~~Registrant~~sered outfitter~~ shall~~must~~ provide a written contract to all clients for outfitting services. In addition to the contract requirements of § 12-55.5-109, C.R.S., ~~¶~~the contract with each client must contain a minimum of the following:

- i. ~~_____~~ i. ~~_____~~ The name of the outfitter, the entity name, business name or trade name;
- ii. ~~_____~~ ii. ~~_____~~ The physical location of the business;
- iii. ~~_____~~ iii. ~~_____~~ Contact information of the business;
- iv. ~~_____~~ iv. ~~_____~~ The outfitter registration number;

v. A refund policy which defines the refund policy when the prospective client does not draw the required license or tag for the species the client is negotiating to hunt; and

v.

vi. Specify the location or locations of the actual hunt using game management units assigned by Colorado Parks and Wildlife or another description that properly identifies the location(s) or area(s) where the services are to be provided;

vi.

The name of the surety bond company;

vii.

The name of the insurance company;

viii.

ix. A statement indicating that proof of bond and insurance is available upon request.

x.

ix. A statement indicated that Outfitters are regulated by the Department of Regulatory Agencies (DORA).

B. B. A copy of the contract, signed by the registrant and all clients, must shall be provided to all clients within 30 days of the outfitter's-registrant's receipt and acceptance of a deposit from the client.

C. Any deposit made by a client whom the outfitter-registrant does not accept must be returned to the client within 30 days of the registrant's decision not to accept.

C. A registrant that provides a single day hunting or fishing trip shall comply requires a contract that contains with the minimum contract requirements set forth in § 12-55.5-109(1), (2) and (3), C.R.S. and theseis rules.

D.

E. A registrant shall provide D. Aa copy of the contract shall be provided to the directorDirector or their-his or her designee upon request.

**CHAPTER 7
DISCLOSURES AND REPORTING REQUIREMENTS**

75.1.4 Disclosures: Reporting Convictions, Judgments and Administrative Proceedings for Individuals and Entities

- A. ~~Outfitters-Registrants~~ shall notify the ~~director~~Director within 45 days of any of the following events:
- ~~i.~~ i. — The outfitter's or responsible party's conviction of a felony under the laws of any state or of the United States, which would be grounds for discipline under ~~C.R.S. § 12-55.5-106~~, C.R.S. A guilty verdict, a plea of guilty, or a plea of nolo contendere (no contest) accepted by the court is considered a conviction;
 - ~~ii.~~ ii. — A disciplinary action imposed upon the outfitter ~~or responsible party~~by another jurisdiction that licenses or registers outfitters, which would be a violation of ~~C.R.S. § 12-55.5-106~~, C.R.S., including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license or registration fee by the due date;
 - ~~iii.~~ iii. — ~~Revocation or suspension by another state, municipality, federal or state agency who oversees outfitters and guides;~~
 - ~~iii.~~ iv. — Any judgment, award or settlement of a civil action or arbitration in which there was a final judgment or settlement against the outfitter related to the practice of outfitting.
- B. The notice to the ~~director~~Director shall include the following information;
- i. If the event is an action by a federal, state, or local governmental agency ~~(as described in ii or iii above)~~, the name of the agency, its jurisdiction, the case name, and the docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order or decision;
 - ii. If the event is a felony conviction, the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The outfitter shall also provide to the ~~director~~Director a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence with forty-five days of such action;
 - iii. If the event concerns a civil action or arbitration proceeding, the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the

court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal;

- C. The ~~outfitter registrant notifying the director~~ may submit a written statement ~~with-in addition to~~ the notice to be included with the ~~outfitter registrants~~ records.

7.2. -Reporting Activation of a Surety Bond

A. Each rRegistrant is required to notify the Director in writing within 45 days of a surety bond activation. Such written notice shall include all of the following items listed below:

- i. Name and registration number of ~~Outfitter~~registrant;
- ii. Bond ~~P~~policy number;
- iii. Number of ~~C~~clients impacted;
- iv. Dollar amount; and
- v. Other items that the Director deems necessary.

|

CHAPTER 6
ADVISORY COMMITTEE

~~6.1 ————— The director shall appoint an advisory committee of five members. The advisory committee will consist of not less than three registered or retired outfitters and not more than two non-registered individuals who may be individuals involved with land or wildlife management, or a member of the general public.~~

~~6.2 ————— When reasonably practical, the registered outfitter members of the advisory committee shall include both fishing and hunting outfitters and each may have been practicing as a registered outfitter.~~

~~6.3 ————— Each member shall serve a four year term. No member shall serve more than two full consecutive terms.~~

~~6.4 ————— The director may remove any advisory committee member for cause. Any member may resign at any time by filing a written notice with the director. Upon receipt of a resignation, the director may appoint an individual to serve the remainder of the unexpired term.~~

~~6.5 ————— The members shall be responsible to make recommendations concerning outfitting or outfitters to the director. Such recommendations are subject to the final approval by the director.~~

~~6.6 ————— The advisory committee shall meet upon the request of the director at such times as are deemed necessary to conduct the business of the Office.~~

~~6.7 ————— While serving as an advisory committee member for the Office, a member cannot serve as an active officer in a leadership role at the state level with an industry-related association as determined by the director.~~

CHAPTER 7
CONTRACT GUIDELINES

7.1 ~~CONTRACTS FOR HUNTING OR FISHING CLIENTS~~

~~A. In addition to the contract requirements of C.R.S. §12-55.5-109, C.R.S., the following requirements apply:~~

~~Aa registered outfitter must provide a written contract to all clients for outfitting services. The contract with each client must contain a minimum of the following:~~

~~i. The name of the outfitter, the entity name, business name or trade name;~~

~~ii. The physical location of the business;~~

~~iii. Contact information of the business;~~

~~iv. The outfitter registration number;~~

~~v. A refund policy which defines the refund policy when the prospective client does not draw the required license or tag for the species the client is negotiating to hunt; and~~

~~vi. Specify the location or locations of the actual hunt using game management units assigned by Colorado Parks and Wildlife or another description that properly identifies the location where the services are to be provided.~~

~~vii. The name of the bond and insurance company.~~

~~viii. A statement indicating that proof of bond and insurance is available upon request.~~

~~ix. A statement indicated that Outfitters are regulated by the Department of Regulatory Agencies (DORA).~~

~~B. The contract must be provided to all clients within 30 days of the outfitter's receipt and acceptance of a deposit from the client. Any deposit made by a client who the outfitter does not accept must be returned within 30 days of the decision not to accept.~~

~~C. A single day hunting or fishing trip requires a contract that contains the minimum requirements in C.R.S. §12-55.5-109(1), (2) and (3) and this rule.~~

~~D. A copy of the contract shall be provided to the director or authorized agent upon request.~~

CHAPTER 89
ADVISORY COMMITTEE

The purpose of this rule chapter to clarify the terms and scope of the five members of the advisory committee established required pursuant to § 12-55.5-111, C.R.S.

9-8.1. The directorDirector shall appoint an advisory committee to consist of five members. The advisory committee membership shall consist of the following:

A. -At least three individuals each of whom is a registrant or responsible party for an entity registrant and who personally provides outfitting servicesregistered outfitter. s;

i. To qualify for appointment to the advisory committee, individuals:

i. -The outfitter members mMay be required to provide proof of experience (fishing or big game hunting) for the past five-5 years preceding from the date of the application;

ii. ii. Sshall not have had any pending or prior disciplinary action against his or her registration within the last-5 years preceding from the date of the application; and;

iii. iii. Sshall not serve as an active-officer or in a leadership role at the state level with an industry or professionoutfitting-related association at the time of application and while serving as an advisory committee member.

B. -One member shall be an individual who is involved with land or wildlife management, and

C.- One member shall be individual who is a member of the general public.

9-8.2. Advisory committee Mmembers serve at the request and pleasure of the Director. The Director shall set the term limits.

9-8.3. The directorDirector may remove any advisory committee member for cause as the Director deems appropriate.

9-8.4. Any advisory committee member may resign at any time by filing a written resignation notice with the Director. Upon receipt of the notice, the Director may appoint an individual to serve the remainder of the unexpired term.

9-8.5. Advisory committee Mmembers are responsible for providing recommendations to the Director concerning regulation of outfitting services-or outfitters in Colorado-to the Director. Such recommendations are subject to the final approval byof the Director.

CHAPTER 9
PETITIONS FOR DECLARATORY ORDER

- 9.1. Any person may petition the Director for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Director.
- 9.2. The Director will determine, in his or her discretion and without notice to petitioner, whether to rule upon any such a petition. The Director shall promptly notify the petitioner of his or her action and state the reasons for such action.
- 9.3. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
- A. Whether a ruling on the petition will terminate a controversy or remove uncertainties.
 - B. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more of the petitioners.
 - C. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.
 - D. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - E. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- 9.4. Any petition filed pursuant to this rule shall set forth the following:
- A. The name and address of the petitioner and whether the petitioner is registered pursuant to § 12-55.5-105, C.R.S.
 - B. The statute, rule, or order to which the petition relates.
 - C. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
- 9.5. If the Director determines that he or she will rule on the petition, the following procedure shall apply:
- A. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - i. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.

- ii. The Director may order the petitioner to file a written brief, memorandum or statement of position.
- iii. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
- iv. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
- v. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
- vi. The Director may take administrative notice of facts pursuant to the State Administrative Procedure Act and may utilize available experience, technical competence and specialized knowledge in the disposition of the petition.
- vii. If the Director rules upon the petition without a hearing, the Director shall promptly notify the petitioner of the decision.

B. The Director may, in his or her sole discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Director intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

9.6. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as required by Rule 9.4. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Director.

9.7. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute final agency action subject to judicial review pursuant to § 24-4-106, C.R.S.

CHAPTER 8

DECLARATORY ORDERS

~~8.1—Any person may petition the director for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the director.~~

~~8.2—The director will determine, in their discretion and without notice to petitioner, whether to rule upon any such a petition. The director shall promptly notify the petitioner of their action and state the reasons for such action.~~

~~8.3—In determining whether to rule upon a petition filed pursuant to this rule, the director will consider the following matters, among others:~~

~~_____ A. _____ Whether a ruling on the petition will terminate a controversy or remove uncertainties.~~

~~_____ B. _____ Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the director or a court involving one or more of the petitioners.~~

~~_____ C. _____ Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the director or a court but not involving any petitioner.~~

~~_____ D. _____ Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.~~

~~E. _____ Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.~~

~~8.4 _____ Any petition filed pursuant to this rule shall set forth the following:~~

~~A. _____ The name and address of the petitioner and whether the petitioner is registered pursuant to C.R.S. § 12-55.5-105.~~

~~B. _____ The statute, rule or order to which the petition relates.~~

~~C. _____ A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.~~

~~8.5 _____ If the director determines that they will rule on the petition, the following procedure shall apply:~~

~~A. _____ The director may rule upon the petition based solely upon the facts presented in the petition. In such a case:~~

~~i. _____ Any ruling of the director will apply only to the extent of the facts presented in the petition and any amendment to the petition.~~

~~ii. _____ The director may order the petitioner to file a written brief, memorandum or statement of position.~~

~~iii. _____ The director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.~~

~~iv. _____ The director may dispose of the petition on the sole basis of the matters set forth in the petition.~~

~~v. _____ The director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.~~

~~vi. _____ The director may take administrative notice of facts pursuant to the State Administrative Procedure Act and may utilize available experience, technical competence and specialized knowledge in the disposition of the petition.~~

~~vii. _____ If the director rules upon the petition without a hearing, the director shall promptly notify the petitioner of the decision.~~

~~B. _____ The director may, in their discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the director intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the director to consider.~~

~~8.6 _____ The parties to any proceeding pursuant to this rule shall be the director and the petitioner. Any other person may seek leave of the director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the director. A petition to~~

~~intervene shall set forth the same matters as required by section 8.4 of this chapter. Any reference to a “petitioner” in this rule also refers to any person who has been granted leave to intervene by the director.~~

~~8.7—Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute final agency action subject to judicial review pursuant to C.R.S. § 24-4-106.~~