House File 284 - Introduced

HOUSE FILE 284
BY HANSON

A BILL FOR

An Act relating to the registration of hunting and fishing outfitters or hunting and fishing guides and providing a penalty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **483A.29 Registration of hunting and fishing outfitters or hunting and fishing guides — penalty.**

1. As used in this section, unless the context otherwise requires:

a. "Compensation" means payment of, or agreement to pay, any money, thing of value, or personal or financial benefit conferred in return for labor or services.

b. "Hunting or fishing outfitter" or *"hunting or fishing guide"* means a person who receives compensation in return for the provision of outfitter services to a hunter or fisher.

c. "Outfitter services" means services defined by the commission by rule, which shall include but not be limited to the provision of hunting or fishing outfitters or hunting or fishing guides, equipment, stands, blinds, decoys, boats, access to land or waters to be hunted or fished, and transportation to and from such land or waters to a hunter or fisher.

2. A person shall not engage in or be employed for any compensation in the business of a hunting or fishing outfitter or a hunting or fishing guide in this state unless the person is registered as a hunting or fishing outfitter or a hunting or fishing guide with the department. A person who provides access to that person's private property for hunting or fishing without compensation shall not be considered a hunting or fishing outfitter or hunting or fishing guide who is subject to registration pursuant to this section. A person who primarily provides hunting or fishing equipment at retail shall not be considered a hunting or fishing outfitter or hunting or fishing guide who is subject to registration pursuant to this section. The commission shall adopt, by rule, procedures for the registration of hunting or fishing guides or hunting or fishing outfitters.

a. The rules shall require an applicant for registration to identify all parcels of land or waters which are under the lawful control of the applicant, and identify the location and

acreage of any land or waters to be hunted or fished, and the equipment and services to be provided by the hunting or fishing outfitter or hunting or fishing guide. Information concerning the location and acreage of any land or waters to be hunted or fished shall be treated as a confidential record by the department pursuant to section 22.7, subsections 3 and 6.

b. An applicant shall not be registered as a hunting or fishing outfitter or hunting or fishing guide pursuant to this section if the person is or has been subject to the cancellation, suspension, or revocation of a license pursuant to section 481A.134 for a violation of chapter 481A, 481B, 482, 483A, 484A, or 484B, or for the commission of trespass as defined in section 716.7 while hunting deer, or has pled guilty or been convicted of a violation of chapter 481A, 481B, 482, 483A, 484A, or 484B, or of the violation of trespass as defined in section 716.7 while hunting deer, in violation of section 481A.135, or if the person is or has been subject to the cancellation, suspension, or revocation of a similar license or has pled guilty or been convicted of the violation of a similar statute, or has pled guilty or been convicted of trespass while hunting deer in another state.

3. A hunting or fishing outfitter or hunting or fishing guide registered pursuant to this section shall verify with the department, as provided by rule, that any person to whom outfitter services are provided is properly licensed to hunt or fish in this state for the species sought by that person.

4. A hunting or fishing outfitter or hunting or fishing guide registered pursuant to this section is required to do all of the following when providing outfitter services to a hunter or fisher:

a. Prior to providing outfitter services to a hunter or fisher, supply the hunter or fisher with a written notice which specifies the types of services that will be provided, the cost of the services to be provided, and the refund policy concerning the services to be provided.

b. Be responsible for ensuring that each hunter or fisher to whom outfitter services will be provided has the necessary permits, stamps, and licenses prior to hunting or fishing.

c. Indicate clearly the boundaries of the land or waters to be hunted or fished and any special restrictions concerning the conduct of the hunting or fishing experience.

d. Make no guarantees as to the success of the hunting or fishing experience.

e. Make no misrepresentations concerning the facilities, prices, equipment, services, or hunting or fishing opportunities to be provided.

f. Not take or attempt to take any wildlife on behalf of a hunter or fisher to whom outfitter services are being provided.

g. Maintain a current log of hunters or fishers to whom outfitter services have been provided, the dates of the hunting or fishing experiences, the hunting or fishing license and permit numbers of the hunters or fishers to whom outfitter services have been provided, and harvest information for each hunting or fishing experience.

h. Maintain a map of the land or waters which are under the lawful control of the hunting or fishing outfitter or hunting or fishing guide and which identifies the location and acreage of the land and waters to be hunted or fished pursuant to the registration of the hunting or fishing outfitter or hunting or fishing guide. Information maintained on the map concerning the location and acreage of any land or waters to be hunted or fished shall be treated as a confidential record by the department pursuant to section 22.7, subsections 3 and 6.

5. Registration as a hunting or fishing outfitter or hunting or fishing guide pursuant to this section does not entitle the hunting or fishing outfitter or hunting or fishing guide to any hunting or fishing license or tag other than those licenses or tags the hunting or fishing outfitter or hunting or fishing guide may lawfully obtain for the outfitter's or guide's personal use.

6. Nothing in this section shall be construed to entitle a nonresident hunter or fisher to any hunting or fishing license or tag in this state other than those licenses or tags the nonresident hunter or fisher is otherwise eligible to lawfully obtain for the hunter's or fisher's use.

7. The commission shall establish, by rule, the annual fee for a hunting or fishing outfitter or hunting or fishing guide registration. In determining an annual fee, the commission shall consider the costs of providing for the registration and administering and enforcing this section.

8. This section does not apply to the activities of a hunting or fishing outfitter or hunting or fishing guide that are conducted on a hunting preserve pursuant to chapter 484B or 484C.

9. A person who violates this section or the rules adopted pursuant to this section is guilty of a serious misdemeanor for each violation.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill provides for the registration of persons engaged in the business of a hunting or fishing outfitter or hunting or fishing guide. The bill defines a "hunting or fishing outfitter" or "hunting or fishing guide" as a person who receives compensation in return for providing outfitter services to a hunter or fisher. The bill defines "outfitter services" as services defined by the natural resource commission by rule, including but not limited to the provision of hunting or fishing outfitters or guides, equipment, stands, blinds, decoys, boats, access to land or waters to be hunted, and transportation to and from such land or waters to a hunter or fisher. The natural resource commission is directed to register hunting or fishing outfitters or hunting or fishing guides upon application and payment of an annual fee determined by rule of the commission. A person who provides access to

that person's private property for hunting or fishing without compensation or a person who primarily provides hunting or fishing equipment at retail is not considered a hunting or fishing outfitter or hunting or fishing guide who is subject to registration for purposes of the bill. An applicant shall identify all parcels of land or waters which are under the lawful control of the applicant, and identify the location and acreage of any land or waters to be hunted or fished, and the equipment and services to be provided by the hunting or fishing outfitter or the hunting or fishing guide. Information concerning the location and acreage of any land or waters to be hunted or fished shall be treated as a confidential record by the department of natural resources pursuant to Code section 22.7, subsection 3, relating to trade secrets, and subsection 6, relating to reports to public agencies, which if released would give advantage to competitors and serve no public purpose.

An applicant shall not be registered as a hunting or fishing outfitter or guide if the person is or has been subject to cancellation, suspension, or revocation of a license issued by the department of natural resources or has pled guilty or been convicted of such license violations or violations of similar statutes, or has pled guilty or been convicted of the commission of trespass while hunting deer, or has been subject to cancellation, suspension, or revocation of a similar license, or pled guilty or been convicted of trespass while hunting deer in another state.

A registered hunting or fishing outfitter or guide is required to verify with the department of natural resources, as provided by rule, that any person to whom hunting or fishing outfitter or guide services are provided is properly licensed to hunt or fish in this state for the species sought by that person.

The bill specifies the duties and responsibilities of a hunting or fishing outfitter or guide to a hunter or fisher to

whom outfitter services will be or are being provided.

Nothing in the bill is be construed to entitle a nonresident hunter or fisher to any hunting or fishing license or tag in this state other than those licenses or tags the nonresident hunter is otherwise eligible to lawfully obtain for the hunter's or fisher's use.

The bill does not apply to activities that are conducted on a hunting preserve.

A violator is guilty of a serious misdemeanor for each violation of the bill or rules adopted under the bill. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.