

**RULES AND REGULATIONS  
OF THE  
OFFICE OF OUTFITTERS REGISTRATION**

Effective February 1, 1994  
Amended September 17, 1996  
Amended February 22, 2000  
Amended March 28, 2005  
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A. DEFINITIONS - In addition to the definitions found in section 12-55.5-102, C.R.S., the following shall apply as used in these rules:

- 1. "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.
- 2. "ADVISORY COMMITTEE" means those individuals appointed by the Director to provide recommendations regarding industry related issues.
- 3. "AUTHORIZED AGENT" means any peace officer as defined in section 12-55.5-102(6), C.R.S.; local, state or federal law enforcement officer; or investigator employed by a district attorney, the Attorney General or the Division of Registrations.
- 4. "AUTHORIZED BOOKING AGENT" - means an individual or business entity which has entered into a contractual relationship with an outfitter, as defined in section 12-55.5-102(5), to solicit outfitting services on behalf of an outfitter.
- 5. "OFFICE" means the Office of Outfitters Registration.

6. "REGISTRATION" is a form issued by the Director pursuant to the provisions of section 12-55.5-105, C.R.S., and shall be renewable subject to approval by the Director.

**B. ISSUANCE OF OUTFITTERS ORIGINAL REGISTRATION**

1. An individual person registered in his/her name only shall not outfit under a business name until the registrant has notified the office of the business name. Such notice must be submitted at least ten (10) business days prior to soliciting for or providing outfitting services under the business name.
2. Any registrant listing a d/b/a must list any and all d/b/a's. Should new d/b/a's be formed, the registrant must notify the office within ten (10) days of the action.
3. Registrations are not transferable. If a business is sold or transferred, a new application shall be submitted by the new owner(s) to the office, and approved by the Director.
4. All registrations shall be issued within a reasonable period of time upon approval by the Director.
5. All registrations shall be valid from the date of issue until the date of expiration as printed on the registration.
6. Outfitters shall carry documentation of current registration with them at all times while providing outfitting services. (Amended February 22, 2000.)
7. An outfitter shall maintain a regular place of business at which mail and phone calls can be received and provide address and physical location of such business to the Division. Any change of mailing address, place of residence, or telephone number shall be reported to the Division within thirty (30) days of such change. (Amended March 2005.)
8. The Division Director does not consider regionally or nationally accredited institution of higher learning that teach outdoor survival, adventure or education classes to be "outfitters" as defined by statute. Consequently, any such institution of higher learning does not require a registration. For purposes of this rule, "regionally or nationally" accreditation is a status granted to the school by one of the agencies recognized by the US Department of Education.
9. The Division Director does not consider any institution approved by the Division of Private Occupational Schools (DPOS) to be "outfitters" as defined by statute so long as the school abides by all of the rules required

by the Division of Private Occupational Schools. Consequently, any DPOS approved institution does not require a registration, so long as it abides by all DPOS rules.

C. RENEWAL OF OUTFITTER REGISTRATION

1. Applications for renewal of outfitter registrations shall be submitted on a form or system provided by the Division accompanied with the required fee and any requirements imposed by the Director. (Amended March 2005.)
2. Applications for renewal of registrations shall be subject to approval by the Director.
3. ~~Renewal registrations shall be issued within a reasonable period of time upon approval by the Director. (Rule Repealed March 2005.)~~
4. ~~All applications for renewal of a registration must be postmarked on or before the expiration date of the present registration. Failure to renew by the expiration date will require the applicant to pay a reinstatement fee as well as the renewal fee as determined by the Director, or to apply for an original registration pursuant to rule C-5. (Rule Repealed March 2005.)~~
5. An expired registration may be reinstated by submitting a reinstatement application and fee. If the registration has expired for more than two years, the registrant must demonstrate competency to practice by submitting proof of first aid training, insurance and surety bond. (Amended March 2005.)

D. OUTFITTER RESPONSIBILITIES

1. Outfitters shall advise clients, employees and contracted personnel of applicable local, state or federal laws related to land management and wildlife and shall not condone their violation.
2. An outfitter shall at all times provide for the safety of clients and personnel, and shall not threaten the safety of the general public. (Amended February 22, 2000.)
3. A kit containing supplies to provide immediate and necessary first aid shall be carried by each outfitter and guide while in the field with clients appropriate for the activities being provided. A more extensive kit shall be available at each camp which contains additional supplies to provide first aid necessary until a victim can be moved to a medical facility.

4. An outfitter shall provide safe, serviceable and sufficient equipment in good working condition, adequate to provide the services contracted for. Such equipment shall be made available for inspection upon request of the Director or other authorized agent.
5. An outfitter shall maintain safe and sanitary facilities where services are provided, which shall include compliance with local, county, state, or federal land use regulations. (Amended February 22, 2000.)
6. An outfitter shall maintain, when provided, safe saddle and pack stock.
7. An outfitter shall provide his clients with written information which includes the variable conditions of weather, terrain, equipment, travel, housing, saddle and pack stock the client may expect to encounter. The client must also be advised about personal equipment, clothing and gear the client must furnish, and the approximate degree of physical endurance, agility, strength and skill required to successfully fulfill the client's obligations. Upon arrival at the service location, the client shall be advised by the outfitter of potential hazards and of alternate plans to accommodate the client in the event any hazards require evacuation or other modification to the original contractual arrangements.
8. A written contract as defined in section 12-55.5-109, C.R.S., shall be provided to all hunting clients within thirty (30) days of receipt and acceptance of a deposit from the client. Any deposit made by a hunting client who is not accepted must be returned within thirty (30) days. For any contract executed on or after January 1, 2001, in addition to the basic refund policy language, the contract shall include language which defines the refund policy when the prospective client does not draw the required license or tag for the species he or she is negotiating to hunt, and shall specify the location or locations of the actual hunt using game management units assigned by the Division of Wildlife. A copy of said contract shall be provided to the Director or authorized agent upon request.  
  
A copy of the written contract as defined in section 12-55.5-109, C.R.S. shall be provided to all fishing clients. Any deposit made by a fishing client who is not accepted must be returned within thirty (30) days. A copy of said contract shall be provided to the Director or authorized agent upon request. A single day outfitter or guided fishing trip requires a contract that contains the minimum requirements in §12-55.5-109 (1), (2) and (3), C.R.S. (Amended March, 2005.)
9. An outfitter shall not misrepresent rates, services, or accommodations, or otherwise employ false or misleading statements or advertisements.

10. ~~The outfitter's registration number shall be included in all advertisements, as defined in rule A-1. The outfitter is responsible to ensure that all advertisements placed by an authorized booking agent include the outfitter's registration number. (Amended September 17, 1996.) (Rule Repealed February 22, 2000.)~~
11. An outfitter shall honor the terms of his contractual obligations to his clients. If the outfitter is unable to honor the terms of his contract for any reason, including active suspension or revocation of the outfitter's registration, each client shall be notified immediately.
12. An outfitter shall make no guarantees or assurances, orally or in writing, as to the success of a hunt, shot, or fishing trip or catch.
13. 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.
14. In accordance with section 12-55.5-107(3), C.R.S., 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 sections 12-55.5-108(2), C.R.S.;
  - e) documentation that clients, employees and contracted personnel have been advised of applicable laws required by rule D-1;
  - f) documentation that clients have been provided with all requirements set forth in rule D-7;
  - g) documentation of insurance coverage and bond;
  - h) contracts or agreements with authorized booking agents;
  - i) contracts with each client; and
  - j) other records required by law.
15. Neither an outfitter nor his employees or contracted personnel shall shoot, kill, take, or attempt to take wildlife while acting in the capacity of a guide. Nothing in these rules shall be construed to prohibit an outfitter or his employees or contracted personnel from bearing or carrying firearms or prohibit an outfitter or his employees or contracted personnel from fishing while acting in the capacity of a fishing guide.
16. 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.
17. An outfitter shall not employ or contract with any individual whose outfitter registration is currently under revocation or active suspension to:
- a) provide guide services as defined in section 12-55.5-102(4), C.R.S.;
  - b) provide outfitting services as defined in section 12-55.5-102(5.5), C.R.S.;
  - 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.
18. As set forth in §12-55.5-106(1)(j), an outfitter may hire an individual who does not meet the requirements of §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 18 years of age or older. 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, of the following:

- a) The nature of the emergency,
- b) The individual who will be guiding the client,
- c) That the individual fails to meet the requirements of §12-55.5-103.5, C.R.S.

The outfitter and the client shall sign and date the written notification. The outfitter shall both provide a copy to the client and keep a copy of this document pursuant to §12-55.5-107(3) and rule D.14. (Amended March 2005).

#### E. COMPLAINTS

1. Complaints against outfitters must be made in writing on a form provided by the office or by written letter and shall be signed and clearly and concisely stated.
2. The Director may initiate a complaint against any outfitter if there is reason to believe violations of law or rule and regulation may be occurring or have occurred.

#### F. DECLARATORY ORDERS

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.
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.
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 R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
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 section 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.
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:
    - (1) Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
    - (2) The Director may order the petitioner to file a written brief, memorandum or statement of position.
    - (3) The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
    - (4) The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
    - (5) 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.
    - (6) 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.
    - (7) If the Director rules upon the petition without a hearing, he shall promptly notify the petitioner of his decision.
  - b) The Director may, in his or her 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.

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 4 of this rule F. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Director.
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 section 24-4-106, C.R.S.

G. ADVISORY COMMITTEE

1. The Director shall appoint an advisory committee of five members. The advisory committee will consist of four registered or retired outfitters and one non-registered individual who may be an individual involved with land or wildlife management, or a member of the general public. (Amended March 2005.)
2. When reasonably practical, the registered outfitter members of the Advisory Committee shall include both fishing and hunting outfitters and each shall have been a practicing registered outfitter for a minimum of five (5) years preceding their appointment. Amended March 2005
3. Each member shall serve a four-year term. No member shall serve more than two (2) full consecutive terms.
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.
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. The members shall choose a Chairman and Vice-Chairman from their membership annually to conduct meetings.

7. 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.