WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2022 REGULAR SESSION

Introduced

Senate Bill 579

By Senators Maynard and Woodrum

[Introduced February 03, 2022; referred
to the Committee on Economic Development; and then to the Committee on Finance]

A BILL to amend and reenact §20-2-23 of the Code of West Virginia, 1931, as amended, relating to defining standards for outfitters and guides generally and to commercial jeep tours in particular; requiring the proposal of legislative rules; specifying essential contents of proposed rules for commercial jeep tours; and defining the phrase “commercial jeep tour”.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-23. Outfitters and guides -- Generally; definitions.

(a) Services of outfitters and guides for the benefit and convenience of hunters, fishermen and others in this state are recognized as essential, and such outfitters and guides may be licensed and authorized to serve as provided in this article. The director ~~is hereby authorized to promulgate rules and regulations~~ shall propose rules for legislative approval, pursuant to §29A-3-1 *et seq*. of this code, ~~on~~ regulating services and qualifications of outfitters and guides as herein authorized and defined, including rules for commercial jeep tours. The rules shall be consistent with the federal outfitter and guide operating guidelines as set out in the USDA Forest Service Outfitting and Guide Administrative Guidebook to the greatest extent that is not inconsistent with West Virginia law. The rules shall require training for outfitters and guides for commercial jeep tours and establish a permit system with fees assessed by the director within the rule.

(b) The term “outfitter,” as used herein, means and includes any person who, operating from any temporary or permanent camp, private or public lodge, or private or incorporated home situate within this state, provides for monetary profit or gain, saddle or pack animals or other animals, vehicles, boats, conveyances or equipment, or guide services for any person or persons hunting game animals, game birds, fishing or taking expeditions, both land and water, in this state. The term “outfitter” shall not include, however, any person who occasionally for accommodation or favor rather than profit or gain, rents equipment to hunters, fishermen or others as a service incidental to his or her principal occupation or business without advertising outfitter or guide services or holding out to the public the offering of such services. The term “guide,” as used herein, includes and embraces outfitter services and the term “outfitter” includes and embraces guide services, but the applicant for any license hereunder may in his or her application elect to be designated as an outfitter or guide.

(c) The term “commercial whitewater outfitter,” as used herein, means any person, partnership, corporation or other organization, or any combination thereof, duly authorized and operating from within or from without the state, which for monetary profit or gain, provides whitewater expeditions or rents whitewater craft or equipment for use in whitewater expeditions on any river, portions of rivers or waters of the state in accordance with this article.

(d) The term “commercial whitewater guide,” as used herein, means any person who is an owner, agent or employee of a commercial whitewater outfitter, and who is qualified and authorized to provide services for whitewater expeditions in the state in accordance with this article.

(e) The term “commercial jeep tour,” as used herein, is a form of commercial adventure travel in which one or more guides lead patrons in four-wheel-drive or off-road motor vehicles through the countryside and provide narration about geographic, historical, and natural features of the area. A commercial jeep tour may take place on publicly maintained roads, unimproved roads, off-road routes, or all of the foregoing. A commercial jeep tour may provide the vehicles for its patrons or may lead patrons on tours using the patrons’ own vehicles.

NOTE: The purpose of this bill is to require the Division of Natural Resources to draft and propose legislative rules for commercial jeep tours in West Virginia. This bill also updates the statutory requirement for the DNR to propose rules for outfitters and guides in general.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.