

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 579

FISCAL
NOTE

BY SENATORS MAYNARD AND WOODRUM

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

1 A BILL to amend and reenact §20-2-23 of the Code of West Virginia, 1931, as amended, relating
 2 to defining standards for outfitters and guides generally and to commercial jeep tours in
 3 particular; requiring the proposal of legislative rules; specifying essential contents of
 4 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.

1 (a) Services of outfitters and guides for the benefit and convenience of hunters, fishermen
 2 and others in this state are recognized as essential, and such outfitters and guides may be
 3 licensed and authorized to serve as provided in this article. The director ~~is hereby authorized to~~
 4 ~~promulgate rules and regulations~~ shall propose rules for legislative approval, pursuant to §29A-
 5 3-1 et seq. of this code, on regulating services and qualifications of outfitters and guides as herein
 6 authorized and defined, including rules for commercial jeep tours. The rules shall be consistent
 7 with the federal outfitter and guide operating guidelines as set out in the USDA Forest Service
 8 Outfitting and Guide Administrative Guidebook to the greatest extent that is not inconsistent with
 9 West Virginia law. The rules shall require training for outfitters and guides for commercial jeep
 10 tours and establish a permit system with fees assessed by the director within the rule.

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

20 herein, includes and embraces outfitter services and the term “outfitter” includes and embraces
21 guide services, but the applicant for any license hereunder may in his or her application elect to
22 be designated as an outfitter or guide.

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

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

32 (e) The term “commercial jeep tour,” as used herein, is a form of commercial adventure
33 travel in which one or more guides lead patrons in four-wheel-drive or off-road motor vehicles
34 through the countryside and provide narration about geographic, historical, and natural features
35 of the area. A commercial jeep tour may take place on publicly maintained roads, unimproved
36 roads, off-road routes, or all of the foregoing. A commercial jeep tour may provide the vehicles for
37 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.