

CHAPTER 293

AN ACT

HB 2883

Relating to outfitters and guides; creating new provisions; and amending ORS 704.040.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2017 Act is added to and made a part of the wildlife laws.

SECTION 2. (1) In addition to any other penalty authorized by law, a court may order the State Fish and Wildlife Commission to revoke all licenses, tags and permits issued to a person in the manner provided for in ORS 497.415 if the person:

(a) Is, as provided for in ORS 496.992, convicted of a violation of the wildlife laws, or any rule adopted pursuant to the wildlife laws, that involves the taking or killing of wildlife with a culpable mental state; and

(b) Was, at the time the violation occurred, acting or offering to act as an outfitter and guide subject to registration with the State Marine Board pursuant to ORS 704.020.

(2) Notwithstanding ORS 497.415 (5), upon having a license, tag or permit revoked under subsection (1) of this section, a person is prohibited from applying for or obtaining another such license, tag or permit.

SECTION 3. ORS 704.040 is amended to read:

704.040. (1) The Legislative Assembly finds that violation of fire prevention, wildlife, hunting, angling, trapping, commercial fishing, recreational boating or public safety laws is directly related to the fitness required for registration as an outfitter and guide.

(2) When a person is convicted of a felony or misdemeanor related to the provision of services regulated by this chapter, a violation of ORS 704.020 or 704.030 or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830, or any rule promulgated pursuant to ORS 704.500 or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830, the court having jurisdiction of the offense may order the State Marine Board to revoke the certificate of registration issued to that person pursuant to ORS 704.020.

(3) When a court orders revocation of a certificate of registration pursuant to this section, the court shall take up the certificate of registration and forward it with a copy of the revocation order to the board. Upon receipt thereof, the board shall cause revocation of the certificate of registration in accordance with the court order.

[(4) A person who has had a certificate of registration revoked pursuant to a court order under this section is ineligible to register under ORS 704.020 for a period of 24 months from the date the court ordered the revocation.]

[(5)] (4) **Except as provided in subsection (6) of this section**, the board, in its discretion, may reprimand an outfitter and guide or suspend for up to *[24]* **60** months, revoke or deny the registration of an outfitter and guide for any of the following:

(a) Conviction of a felony or misdemeanor related to the provision of services regulated by this chapter.

(b) Any serious or repeated violation of this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830 or any rule adopted pursuant to ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830.

(c) Any serious or repeated violation of the fish and wildlife laws or regulations of the federal government or of another state for committing or omitting acts that, if committed or omitted in this state, would be a violation of ethical or professional standards established pursuant to this chapter. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof.

(d) Having an outfitter and guide registration, license, permit or certificate suspended, revoked, canceled or denied by another state or by an agency of the United States for committing or omitting acts that, if committed or omitted in this state, would be a violation of ethical or professional standards established pursuant to this chapter. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof.

(e) Having a United States Coast Guard vessel operator license revoked, suspended or canceled by the United States Coast Guard for committing or omitting acts that if committed or omitted in this state would be a violation of standards established pursuant to this chapter. A certified copy of the record of revocation, suspension or cancellation from the United States Coast Guard is conclusive evidence thereof.

(f) Engaging in fraudulent, untruthful or seriously misleading advertising in the conduct of the outfitting and guiding services.

(g) Conviction of a crime involving delivery, manufacture or possession of a controlled substance, as defined in ORS 475.005, except marijuana.

(h) Conviction of assault in any degree, criminal homicide as defined in ORS 163.005 or kidnapping in any degree.

[(6)] (5) The board shall revoke the registration of an outfitter and guide for:

(a) Conviction of a crime, the result of which prohibits the person from possessing a firearm; or

(b) Conviction of a crime, the result of which requires the person to be registered as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025.

(6) The board may deny, for any period, the registration of an outfitter and guide if:

(a) The outfitter and guide or any person who provides or assists the outfitter and guide in directly providing outfitting and guiding services has had a certificate of registration re-

voked pursuant to a court order under this section for conviction of a violation of ORS chapter 496, 497, 498 or 501, or any rule adopted pursuant to ORS chapter 496, 497, 498 or 501; and

(b) The violation described in paragraph (a) of this subsection involved the unlawful taking or killing of wildlife with a culpable mental state as provided for in ORS 496.992.

(7) The board shall adopt rules to implement subsections [(5) and (6)] (4) to (6) of this section, including rules that describe conduct that is a seri-

ous or repeated violation of a law, rule or regulation.

SECTION 4. Section 2 of this 2017 Act and the amendments to ORS 704.040 by section 3 of this 2017 Act apply to violations of agency requirements committed on or after the effective date of this 2017 Act.

Approved by the Governor June 14, 2017

Filed in the office of Secretary of State June 14, 2017

Effective date January 1, 2018
