



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 250
OREGON STATE MARINE BOARD

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FILING CAPTION: Amend Outfitter Guide Registration per 2025 HB 2558

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CONTACT: Jennifer Cooper
503-378-2617
jennifer.cooper@boat.oregon.gov

435 Commercial St NE
Suite 400
Salem, OR 97301

Filed By:
Jennifer Cooper
Rules Coordinator

RULES:

250-016-0020, 250-016-0025, 250-016-0035, 250-016-0040, 250-016-0041, 250-016-0045, 250-016-0050, 250-016-0060, 250-016-0075, 250-016-0100

AMEND: 250-016-0020

RULE TITLE: Definitions

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Update definitions to include crew member designation.

RULE TEXT:

- (1) "Decal" is an identifying registration sticker or fabric tag visibly displayed on a vessel, vehicle, pack or other equipment.
- (2) "Deposit" is a collection of fees prior to providing outdoor recreational activities.
- (3) "Drop Camp" is a site whose location is chosen either by the Outfitter and Guide or the client but where no guided hunt or fishing services are provided to the client.
- (4) "Guide Boatsman Trainee" is an individual who is an Outfitter and Guide or an employee of an Outfitter and Guide who is receiving experience on whitewater as required in ORS 704.070.
- (5) "Outfitter and Guide Hunt" is an outdoor recreational activity in which the client is physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.
- (6) "Owned or Controlled" land means any lands owned or under a formal leasing giving the individual as a sole-proprietor, partnership, or other corporation exclusive control of the use of the lands.
- (7) "Packing" is the act by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide to lead clients in overland outdoor recreational activities including but not limited to the transportation of client, equipment and supplies, harvested game, by machine, boat, animal or guide.
- (8) "Person" means an individual, partnership, corporation or non-profit organization.
- (9) "Resident", as it pertains to this division, is an individual who has physically resided in the State of Oregon for a period of not less than six consecutive months immediately prior to the date of submitting an application to be registered as an Outfitter and Guide or crew member in the State of Oregon. Mere ownership of real property or payment of property taxes in the State of Oregon does not establish residency. A "resident" shall not hold or claim any

resident privileges in any other state or country for any purpose. Resident privileges include, but are not limited to:

- (a) A valid state driver's license;
- (b) A state voter registration; or
- (c) Filing of resident state income taxes.

(10) "Serious" violation is:

- (a) A Felony or Class A, B or C misdemeanor conviction for a violation of any requirements listed in ORS 704.040(5) or any rules adopted pursuant to those Chapters; or
- (b) An action that results in a fishing or hunting license or permit to be suspended, revoked, canceled or denied by the courts or by a state or federal agency with appropriate jurisdiction; or
- (c) Any violation of the requirements in ORS 704.040(5)(b), or any rules adopted pursuant to those Chapters, while the guide or crew member was operating with a conditional registration.

(11) "Repeated" violation is:

- (a) Any combination of three Class A, B, C or D infractions, or violations of ethical or professional standards in OAR 250-016-0060, during a five year period; or
- (b) Any two felony or Class A, B or C misdemeanor convictions within a period of ten (10) years.

STATUTORY/OTHER AUTHORITY: ORS 704.040, ORS 704.500

STATUTES/OTHER IMPLEMENTED: ORS 704.010

AMEND: 250-016-0025

RULE TITLE: Crew Members, Employees, Agents or Parties in Interest

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Update to include crew member designation.

RULE TEXT:

- (1) At the time of application, the Outfitter and Guide will supply the Marine Board a current record of all employees, including agents and parties in interest, as outlined in ORS 704.020(1)(d), and crew members as defined in 704.010(2) of 2025 HB2558, who physically provide, or directly assist in physically providing Outfitting and Guiding services in Oregon.
- (2) The Marine Board shall be notified of all changes to the record before any Outfitting and Guiding services are provided.
- (3) Written change notifications will be dated, and include the:
 - (a) Outfitter and Guide's name and address;
 - (b) Deleted employee's or crew member's full name; and
 - (c) Added employee's or crew member's full name, including residential address, and date of birth.
- (4) The change notification must be received by the Marine Board by email or U.S. mail.
- (5) Outfitter and Guides shall maintain records of all current employees' First Aid/CPR certifications for periodic review by the Marine Board.

STATUTORY/OTHER AUTHORITY: ORS 704.020, ORS 704.500

STATUTES/OTHER IMPLEMENTED: ORS 704.020

AMEND: 250-016-0035

RULE TITLE: Registration Requirement

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Add registration requirements for new crew member designation

RULE TEXT:

- (1) The completed and signed application, with all required attachments and the fee required by ORS 704.020 must be submitted to the Marine Board. The required fee is nonrefundable. The required attachments are:
- (a) A copy of the certificate of first aid and CPR training (American Red Cross or equivalent); or
 - (A) A copy of training and certification as an Emergency Medical Technician I, II or III; or
 - (B) A copy of licensure as a registered nurse or medical doctor.
 - (b) Certificate of insurance;
 - (c) Proof of surety bond or letter of credit, if applicable; and
 - (d) Copy of US Coast Guard Operator's license, if applicable.
- (2) The first aid and CPR training certificate or medical license as defined in (1)(a)(A)(B) of this rule shall remain current. If the first aid and CPR training certificate or medical license expires, the Outfitter and Guide's registration is automatically suspended.
- (3) The certificate of insurance shall:
- (a) Be issued in the applicant's name;
 - (b) Reflect all insured business names; and
 - (c) Reflect the lawfully required insurance minimum amounts.
- (d) Remain current. If the certificate of insurance expires, the Outfitter and Guide's registration is automatically suspended.
- (4) An incomplete application will not be processed. An incomplete application will be deemed inactive following twelve (12) months from date of receipt and lacking any action on the applicant's part to complete.
- (5) Applications for non-boating related outfitter and guide licenses issued between July 1 and December 31 of each year will expire on June 30 of the following year.
- (6) For a crew member,
- (a) The completed and signed application, with all required attachments and the fee required by ORS 704 Section 5 of 2025 HB2558 must be submitted to the Marine Board. The required \$50 fee per year is nonrefundable. The required attachments are:
 - (A) A copy of the certificate of first aid and CPR training as defined in (1)(a)(A)(B) and (2) of this rule;
 - (B) Certificate of employer's insurance;
 - (b) An incomplete application will not be processed. An incomplete application will be deemed inactive following twelve (12) months from date of receipt and lacking any action on the applicant's part to complete.

STATUTORY/OTHER AUTHORITY: ORS 704.500, ORS 704.020

STATUTES/OTHER IMPLEMENTED: ORS 704.020

AMEND: 250-016-0040

RULE TITLE: Proof of Registration Compliance

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Amends rule for crew member proof of compliance requirements

RULE TEXT:

(1) Outfitter and Guide registration certificate:

(a) Upon meeting the registration requirements as outlined in ORS 704.020, the Marine Board will issue proof of compliance in the form of a registration certificate to the applicant. This registration certificate will contain the applicant's:

(A) Name and address;

(B) Registration number;

(C) Business name (if any) and

(D) Expiration date.

(b) A decal will be issued for each boat used in the Outfitter and Guide business with the following information:

(A) For motorized boats used by Charter Guides on federally navigable waters, an oval decal shall show the area of operation allowed by United States Coast Guard operator's license, and the passenger carrying capacity.

(B) For all non-motorized and motorized boats where the operator does not have a US Coast Guard license, a square decal shall be issued

(C) Boats not under the direct operation of an Outfitter and Guide or employee of an Outfitter and Guide are exempt from the decal requirement. Boats operated exclusively by the client of an Outfitter and Guide are exempt from the decal requirement.

(2) Crew member registration certificate: Upon meeting the registration requirements as outlined in ORS 704 Section 5 of 2025 HB2558, the Marine Board will issue proof of compliance in the form of a registration certificate to the applicant. This registration certificate will contain the applicant's:

(a) Name and address;

(b) Registration number; and

(c) Expiration date.

(3) Duplicate Fees:

(a) An Outfitter and Guide or crew member may apply to the Marine Board for a duplicate registration certificate when an original has been lost, stolen or mutilated;

(b) A duplication fee of \$20.00 shall be paid for each replacement requested.

(4) The Outfitter and Guide and crew member registration certificate shall be carried at all times while providing outfitting or guiding services and shall be presented to any peace officer upon demand.

STATUTORY/OTHER AUTHORITY: ORS 704.500, ORS 704.020, ORS 704.060

STATUTES/OTHER IMPLEMENTED: ORS 704.021, ORS 704.060

AMEND: 250-016-0041

RULE TITLE: Non-Resident Hunt Tag Program

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Update non-resident hunt tag program verification program requirements and implement fee changes.

RULE TEXT:

- (1) An Outfitter and Guide seeking to participate in the Oregon Department of Fish and Wildlife allocation of non-resident tags for Outfitter and Guides established under ORS 496.151 must be certified.
- (2) To apply for the Non-Resident Hunt Tag Program, an Outfitter and Guide, must:
 - (a) Be a currently registered Outfitter Guide in good standing by the Oregon State Marine Board. In order to be considered in good standing the applicant must:
 - (A) Have no prior Outfitter Guide registration suspension, revocation or denial, or wait three years past the expiration date of the last suspension, revocation or denial, and
 - (B) Have no prior conviction for a fish and wildlife offense for taking a game mammal in any state, or wait one year past the expiration date of the last conviction, and
 - (C) Not hold a current Outfitter Guide conditional status.
 - (b) Provide verification that they have three (3) years hunting experience working as a registered Outfitter and Guide in Oregon.
 - (c) Pass a written examination on the Outfitter and Guide program and Oregon Department of Fish and Wildlife laws and rules. The passing score is (75) seventy five percent.
 - (A) If the applicant fails the test, they may retake it after a thirty (30) day waiting period.
 - (B) If the applicant fails it a second time, the hunting certification for that year will be denied.
 - (C) Previous program participants with a lapse of Outfitter Guide registration of five years or longer are required to reapply and retake the test.
- (3) Hunt Tag Program Certification Fees:
 - (a) A nonrefundable \$150.00 certification application fee.
 - (b) An annual application renewal fee of \$50.00.
- (4) As a Non-Resident Hunt Tag Program participant:
 - (a) Certification may be denied for the following situations and time periods:
 - (A) Participants receiving an Outfitter Guide conditional status will be denied certification for one year.
 - (B) Convictions of a fish and wildlife offense for taking a game mammal in any state, illegal transfer of tags, or drawing tags without appropriate permits will result in the following:
 - (i) One year denial of certification for first offense;
 - (ii) Five years denial of certification for second offense; and
 - (iii) Lifetime denial of certification for third offense.
 - (b) Program participants shall be held responsible for their employees' actions while under their direction or supervision. Any employee convicted of a fish and wildlife offense for taking a game mammal in any state may result in the following:
 - (A) Employer receives a written warning for first offense;
 - (B) Employer receives one year program conditional status for second offense within 10 years; and
 - (C) One year denial of employer's certification for third offense within 10 years.

STATUTORY/OTHER AUTHORITY: ORS 704.020, ORS 704.060, ORS 704.500

STATUTES/OTHER IMPLEMENTED: ORS 704.060

AMEND: 250-016-0045

RULE TITLE: Registration Requirements

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Amend to include crew member designation.

RULE TEXT:

(1) Registration Renewal:

(a) The Marine Board will notify all registered Outfitter and Guide and crew members, in writing, no later than thirty (30) days in advance of the impending registration expiration.

(b) The notification will include instructions for registration renewal and identify the required forms.

(2) Registration Cancellation:

(a) An Outfitter and Guide or crew member registration will be cancelled upon notification from an insurance company that such Outfitter and Guide's required insurance has been suspended or cancelled.

(b) The Marine Board will give written notice to such Outfitter and Guide and their crew member(s) of the effective date of such insurance suspension or cancellation.

(c) The affected Outfitter and Guide and crew member(s) shall, within ten working days of receipt of such registration suspension or cancellation notice, return the previously issued Outfitter and Guide or crew member's identification card(s) to the Marine Board.

(3) Registration Reinstatement:

(a) A previously cancelled Outfitter and Guide or crew member registration will be reinstated upon receipt of notification (certificate of insurance) from an insurance company.

(b) The Marine Board will return the previously surrendered Outfitter and Guide or crew member identification card(s) and they will remain effective for the unexpired duration of its issuance.

STATUTORY/OTHER AUTHORITY: ORS 704.500

STATUTES/OTHER IMPLEMENTED: ORS 704.020, ORS 704.050

AMEND: 250-016-0050

RULE TITLE: Process to Reprimand an Outfitter and Guide or Crew Member or Suspend, Revoke, or Deny a Registration

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Amend to incorporate crew member designation.

RULE TEXT:

- (1) The Marine Board, with input from the Guide Advisory Committee, will monitor application of statute and rule and modify, as recommended, to encourage high standards of ethical conduct, customer service, safety and natural resource protection.
- (2) The Marine Board Director will notify the outfitter and guide or crew member by registered letter of the agency's decision to reprimand, suspend, revoke or deny for a period of up to 60 months the registration of an outfitter and guide or crew member for conduct noted in ORS 704.040(4)(5)(6).
- (3) For the purpose of ORS 704.040(4)(a), convictions related to the provisions of services regulated by this chapter would be criminal offenses under ORS 163, 166, or 475.
- (4) For the purpose of ORS 704.040(4)(b) and (4)(c), serious and repeated violation shall be defined by OAR 250-016-0020.
- (5) The Marine Board may issue conditional registrations contingent on the Outfitter and Guide or crew member not having any violations or convictions as defined in this section for a period of twenty-four (24) months from issue.
- (6) The Marine Board may seek advice from the Guide Advisory Committee prior to taking action under 250-016-0050(2), and will provide an annually summary report to the Guide Advisory Committee of all said action.
- (7) Any actions taken under 250-016-0050(2) that are not reversed through a contested case hearing shall be made a part of the public record.

STATUTORY/OTHER AUTHORITY: ORS 704.500, ORS 704.040

STATUTES/OTHER IMPLEMENTED: ORS 704.040

AMEND: 250-016-0060

RULE TITLE: Outfitter and Guide Ethical and Professional Standards

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Amend update ethical and professional standards

RULE TEXT:

(1) All Outfitter and Guides shall:

- (a) Make every effort to operate with respect for the rights of others, private and public property, and provide for the health, safety, and well-being of their clients, employees, and the general public;
 - (b) Provide services on public land in a manner such that they do not interfere with the general public access to public land or waterways or access to wildlife on public land;
 - (c) Leave clean camps, striving to maintain the environment in as good or better condition than before and dispose of all garbage, debris, and waste in a proper, approved manner;
 - (d) Cooperate with Federal, State, and local fish and wildlife officials; advise clients of all applicable conservation standards, fish and game laws, license requirements, statutes and regulations and not condone their violation;
 - (e) Not use any illegal drug, or use alcohol, or any other drug or substance, that may be in violation of their user's federal credentials, or to the extent that the use impairs the user physically or mentally while engaged by a client;
 - (f) Not violate any law, rule, or policy of the Oregon Department of Fish and Wildlife concerning the certification of residents and nonresidents for procuring hunting and fishing licenses;
 - (g) Not engage in fraud, deceit, misrepresentation, slander, or concealment of any material fact in advertising, soliciting, social media postings, or providing professional services to members of the public;
 - (h) Provide any animal used in the conduct of business with proper food, water, and shelter and not subject any animal to needless abuse or cruel and inhumane treatment;
 - (i) Not solicit clients or another Outfitter and Guide while client is engaging in an outfitting activity;
 - (j) Promptly refund deposits paid by participants upon request if such deposits are due to the participant in accordance with the Outfitter and Guide's written deposit refund policy;
 - (k) Not substantially breach a contract with any person using guiding services of the Outfitter and Guide;
 - (l) Treat clients, employees, and the general public in a fair and professional manner.
- (2) It is unprofessional and unethical to have 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.

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 704.040

STATUTES/OTHER IMPLEMENTED: ORS 704.040

AMEND: 250-016-0075

RULE TITLE: Safety and Equipment Requirements for Whitewater River Outfitter and Guides

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Amend to include crew member requirements.

RULE TEXT:

- (1) Registered Outfitters and Guides who carry passengers for compensation are required to have all crew members, employees and passengers wear a properly secured personal flotation device on those sections of river that are rated Class III or higher on a commonly accepted scale of river difficulty.
- (2) The personal flotation devices used by outfitters and guides must:
 - (a) Be approved by the U.S. Coast Guard as a wearable personal flotation device.
 - (b) Not have a limitation or restriction on its approval that would prevent its use on whitewater rivers.
 - (c) Not be an inflatable personal flotation device.
- (3) A Guide Boatsman Trainee may operate a boat to transport equipment and gear, but not passengers for compensation, on those sections of rivers rated as Class III or higher. The Guide Boatsman must be either a registered Outfitter and Guide, or a listed employee of a registered Outfitter and Guide.
- (4) To meet requirements of ORS 704.070(1)(e), helmets made available to passengers must meet the CE EN (European Committee for Standardization) 1385 standard. Helmets are considered to be available when the Outfitter and Guide:
 - (a) Sells or rents helmets, or otherwise causes the availability of helmets, at or near the watercraft rental location; or
 - (b) Provides notification to potential customers that Class III or higher waters will be encountered and allows the customer to decline the offer of a helmet verbally or in writing, or to otherwise obtain a helmet for use during the activity.

STATUTORY/OTHER AUTHORITY: ORS 704.500

STATUTES/OTHER IMPLEMENTED: ORS 704.070

AMEND: 250-016-0100

RULE TITLE: Schedule of Civil Penalties

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Increase penalty for Outfitter Guide violations.

RULE TEXT:

- (1) Penalties for first violations of ORS 704.020, 704.021, 704.030, or 704.065 are \$400 per violation.
- (2) The penalty for the first violation of 704.070 is \$500.
- (3) Penalties for violations of ORS 704.020, 704.021, 704.030, or 704.065, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, or 704.065, are \$800 per violation.
- (4) The penalty for a violation of 704.070, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, 704.065, or 704.070, is \$1000.

STATUTORY/OTHER AUTHORITY: ORS 704.500, ORS 704.900

STATUTES/OTHER IMPLEMENTED: ORS 704.900