

AN ACT to amend the environmental  
conservation law, in relation to  
the licensing of guides

1       The People of the State of New York, represented in Senate  
2 and Assembly, do enact as follows:

3       Section 1. The title of section 11-0533 of the  
4 environmental conservation law and subdivisions 1 and 5, are  
5 amended, subdivisions 7 and 8 are renumbered as subdivisions 11  
6 and 12 and amended, and four new subdivisions 7, 8, 9, and 10,  
7 are added to read as follows:

8       §11-0533. [Licensing of] Guides and Outfitters

9       1. Definitions. As used in this section[,]:

10       a. [the]The term "guide" shall mean [a person] an  
11 individual who offers services for hire part or all of which  
12 includes directing, instructing, or aiding another in fishing,  
13 hunting, camping, hiking, white water canoeing, kayaking and  
14 rafting or rock and ice climbing.

15       b. The term "outfitter" shall mean any person soliciting to  
16 provide, or providing, for compensation, a guide.

17       5. A license as required under subdivision two of this  
18 section shall be issued for a period of five calendar years and  
19 the fee therefor shall be established by the department, not to  
20 exceed two hundred dollars for residents and five hundred  
21 dollars for non-residents.

22       7. No outfitter shall provide for guide services a guide  
23 who is not licensed pursuant to this section.

24       8. Every licensed guide or outfitter, prior to engaging in  
25 guiding or providing guides for service, shall provide a written  
26 disclosure to each client, which shall be signed by both the  
27 client and the guide, and state the dates and terms of the  
28 service to be provided, mode of transportation, costs of

1 service, ratio of clients to guides, and the guide's policy  
2 regarding cancellation of the service provided and refund of any  
3 deposit.

4 9. No person shall engage in guiding while in an  
5 intoxicated condition, as defined in section 11-1201 of this  
6 article. No person shall engage in guiding when his or her  
7 ability to guide creates an unreasonable risk of injury or death  
8 to himself or herself, or other human life. Any person who  
9 guides while in an intoxicated condition or an impaired  
10 condition, as defined in section 11-1201 of this article, shall  
11 be subject to the same rules of evidence, standards, procedures  
12 and penalties established pursuant to sections 11-1205 and 11-  
13 1209 of this article as if they were hunting while intoxicated.

14 10. No outfitter shall knowingly provide guides who are,  
15 appear, or are suspected to be in an intoxicated or impaired  
16 condition, as defined in section 11-1201 of this article.

17 [7.] 11. For [Any]any licensed guide who violates any  
18 provision of this chapter or who makes any false statement or  
19 submits false documentation in his or her application for a  
20 license, or violates the penal law while guiding [shall], in  
21 addition to any other penalties, [immediately surrender his  
22 license to] the department[, which] may [be revoked by] suspend  
23 the [department] guide's license for up to [one year following  
24 the date of such surrender] two years, or revoke the license;  
25 provided that such suspension or revocation shall become  
26 effective after a hearing or opportunity to be heard pursuant to  
27 the provisions of department regulations, unless a hearing is  
28 waived by the person. If the alleged violation is for guiding  
29 while in an intoxicated or impaired condition, or the guide  
30 refuses to take a breath test or chemical test, and there was a  
31 threat of harm or loss of life to the guide's client, the  
32 department may immediately suspend the guide's license pending  
33 any prosecution, provided that the department must offer the  
34 guide an opportunity to have a hearing within fifteen days. For  
35 purposes of this subdivision, "threat of harm or loss of life"

1 shall include taking a client boating, kayaking, canoeing,  
2 rafting, hunting with a firearm or bow, rock climbing or ice  
3 climbing while in an intoxicated or impaired condition.

4 [8.]12. The department shall [publish] maintain a current  
5 list of licensed guides [annually] on the department's website.

6 §2. Section 71-0921 of the environmental conservation law  
7 is amended by adding three new subdivisions 14, 15 and 16 to  
8 read as follows:

9 14. Any person who violates subdivisions two, seven or ten  
10 of section 11-0533 of this chapter shall, in the case of a first  
11 violation, be guilty of a class B misdemeanor and, upon  
12 conviction thereof, be punished by a fine not to exceed five  
13 thousand dollars or by imprisonment not to exceed ninety days,  
14 or both; in the case of a second or subsequent violation, such  
15 person shall be guilty of a class A misdemeanor and, upon  
16 conviction thereof, shall be punished by a fine not to exceed  
17 ten thousand dollars or imprisonment not to exceed one year, or  
18 both.

19 15. The department or a court may, for cause and after two  
20 or more violations of subdivision 7 or 10 of section 11-0533,  
21 suspend an outfitter's privilege to provide guides for at least  
22 one year and no more than ten years. In determining the length  
23 of such suspension, the department or a court shall take into  
24 consideration the seriousness of the offense.

25 16. The department or a court may revoke the license of a  
26 guide, or the privilege of an outfitter to provide guides, for  
27 not less than five year upon a conviction of manslaughter or  
28 reckless endangerment while guiding by a guide or by a person  
29 acting as a guide while working for the outfitter.

30 §3 Section 71-0925 of the environmental conservation law is  
31 amended by adding a new subdivision 15 to read as follows:

32 15. If the violation was a violation of subdivision six,  
33 seven or eight of section 11-0533, not less than five hundred  
34 dollars.

35 §4. This act shall take effect immediately.