



GUIDE LAWS AND REGULATIONS

This document is designed to provide essential information about guiding on California land and inland waters. It does not provide complete coverage of all guide laws and regulations.

Although this document contains excerpts from the Fish and Game Code and/or the California Code of Regulations, Title 14, it is the licensee's responsibility to know and obey all laws and regulations in effect while he/she is participating in guide activity. Changes to either code may occur at any time during the year.

Any discrepancies between this document and the codes(s) from which it was prepared will be enforced and adjudicated according to the official code(s) in effect on the date the activity takes place.

Fish and Game Code Excerpts

§46. Guide Boat

"Guide boat" means a boat or vessel under 25 feet in length, which is used by a guide, who is licensed under Chapter 5 (commencing with Section 2535) of Division 3, in inland waters for any of the following purposes:

- (1) For the business of packing or guiding.
- (2) For compensation, to assist another person in taking or attempting to take any fish or amphibian.
- (3) For compensation, to assist another person in locating any bird or mammal.

§2535. Guide

As used in this chapter, "guide" means any person who is engaged in the business of packing or guiding, or who, for a fee, assists another person in taking or attempting to take any bird, mammal, fish, amphibian, or reptile. "Guide" also includes any person who, for profit, transports other persons, their equipment, or both to or from a hunting or fishing area.

§2536. Guide Licensing Requirements

(a) It is unlawful for any person to engage in the business of guiding or packing, or to act as a guide for any consideration or compensation whatever, without first having secured a guide license from the department.

(b) An employee of a licensee who acts as a guide only in connection with, and within the scope of, his or her employment is exempt from

the requirement of subdivision (a) if all of the following conditions are met:

- (1) If the employment is subject to and the person is reported to the carrier of the employer's workers' compensation insurance.
- (2) If the person is subject and reported to the state and federal taxing authorities for withholding of income tax.
- (3) If the person is reported to the department, on forms provided by the department, as an employee of the guide prior to any contact with any person being guided, and a registration fee has been paid. The base fee for an employee guide registration for the 2004 license year shall be thirty-three dollars (\$33), which shall be adjusted annually thereafter pursuant to Section 713.

(c) A person who is licensed in another state to provide guide services for the purposes of fishing is exempt from the requirements of subdivision (a) if all of the following conditions are met:

- (1) The state in which the person is licensed grants a similar exemption to licensed guides who are residents of this state.
- (2) Evidence of a valid guide license is provided to the department upon request.
- (3) The person is engaged in the business of guiding only in conjunction with and during the term of a multistate fishing tournament approved by the appropriate agency in each of the affected states.



(4) The tournament sponsor provides to the department any information or documents necessary to administer and enforce this paragraph, as determined by the department, including, but not limited to, the identities of all guides participating in the tournament, verification of another state's license exemption, and information sufficient to determine the validity of another state's guide licenses.

(5) The tournament sponsor pays the department an amount, determined by the department, to be sufficient to cover the department's cost to administer and enforce this subdivision.

(6) The net proceeds of the tournament are used for resource management projects or habitat improvement projects, or both.

§2537. Commercial Passenger Fishing Boat License; Exception

A person operating under a commercial passenger fishing boat license issued pursuant to Section 7920 is not required to obtain a guide license.

§2538. Application for Guide License Information Required

An application for a guide license shall be on a form furnished by the department on request. The application shall show all of the following:

- (a) The name, date of birth, physical description, age, address, and telephone number, if any, of the applicant.
- (b) The area or areas of the state in which the applicant proposes to operate.
- (c) The type of guiding or packing in which the applicant proposes to engage.
- (d) The experience which qualifies the applicant for the type of guiding or packing he or she proposes to conduct.
- (e) The type and amount of the equipment, vehicles, animals, and other property the applicant proposes to use in his or her operations.

(f) Any other information that the department or the commission may require.

§2539. Other Permit When Required

If the licensee operates with pack or riding animals in any area in which a grazing permit is required, the license is not valid unless the holder thereof has a valid grazing permit for the area. A licensee shall not guide clients on any lands under the jurisdiction of the United States Department of the Interior or Department of Agriculture where permits are required without first obtaining the permit from that federal agency.

§2540. Fees for Guide Licenses

- (a) The base fee for a guide license issued to a resident is one hundred fifty dollars (\$150).
- (b) The base fee for a guide license issued to a nonresident is three hundred fifty dollars (\$350).
- (c) A guide license is valid for the license year beginning on February 1 and ending on January 31 of the succeeding year or, if issued after the beginning of the license year, for the remainder of that license year.
- (d) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

§2541. Surety Bond Proof and Amount

Each applicant for a guide license shall submit proof of having obtained a surety bond in the amount of not less than one thousand dollars (\$1,000) which shall insure faithful performance of the guide and his or her agents or employees in fulfilling their responsibilities to their clients. No guide license shall be issued to any applicant who does not submit proof of having a bond which is valid for the term of the license.

§2542. Guide Conduct and Qualifications; Regulations

The commission shall adopt regulations governing the conduct and qualifications of guides to ensure the safety and welfare of persons engaging the services of a guide, and



may adopt regulations governing the procedures for applications for guide licenses. The qualifications shall include, but not be limited to, knowledge of basic first aid and rescue operations.

§2543. Operation Records; Maintenance of and Inspection

The commission may require licensed guides to maintain and submit records of their operations. The records may be examined at any time by representatives of the department. It is unlawful for any licensed guide to fail to maintain or submit any required records or to refuse to allow the examination of the records upon the request of a department representative.

§2544. License Refusal; Grounds

The department may refuse to issue a guide license to an applicant upon a showing of any of the following:

- (a) The applicant has failed to fulfill his responsibilities to a client.
- (b) The applicant has violated this code or any regulation adopted pursuant thereto, or has knowingly permitted a client or another member of a party being guided to violate this code or any regulation adopted pursuant thereto and the applicant had the authority and means to prevent the violation.

§2545. Hearing for Applicant Denied a License

An applicant denied a guide license by the department may request a hearing before the commission and the commission shall determine whether or not the license shall be issued.

§2546. Revocation of License or Privilege; Grounds

The commission may revoke a guide license or the privilege to guide upon a showing of any of the following:

- (a) The licensee has been convicted of a violation of this code or any regulation adopted pursuant thereto.

(b) The licensee has knowingly permitted a client or other member of the party being guided to violate this code or any regulation adopted pursuant thereto and that the licensee had the authority and means to prevent the violation.

(c) The licensee has failed to fulfill his or her responsibilities to a client.

§12156.5. Conviction of Guide for Violation of this Code – Punishment

(a) The judge before whom any guide, as defined in Section 2535, is arraigned for a violation of this code, or regulation adopted pursuant thereto, may, upon the conviction of the person, order the revocation of the person's privilege to hunt, fish, or guide for a period not to exceed three years from the date of the conviction.

(b) For purposes of this section, a plea of nolo contendere or no contest or a forfeiture of bail is a conviction.

(c) It shall be unlawful for any person to obtain, or attempt to obtain a guide license, sport fishing license, or hunting license during a period of revocation imposed under this section.

(d) Neither the disposition of the criminal action other than by conviction nor the discretionary refusal of the judge to order revocation upon conviction impairs the right of the department to commence proceedings to order revocation of the guide license pursuant to Section 2546.



California Code of Regulations, Title 14 Excerpts

§1.53. Inland Waters

Inland waters are all the fresh, brackish and inland saline waters of the state, including lagoons and tidewaters upstream from the mouths of coastal rivers and streams. Inland waters exclude open or enclosed bays contiguous to the ocean including the waters of San Francisco Bay and the waters of Elkhorn Slough, west of Elkhorn Road between Castroville and Watsonville. See Section 27.00 for the description of San Francisco Bay.

§27.00. Ocean and San Francisco Bay – Definition

The Ocean and San Francisco Bay District consists of the Ocean and San Francisco Bay, as described herein. The Ocean is the open seas adjacent to the coast and islands and the waters of open or enclosed bays contiguous to the ocean, including the waters of Elkhorn Slough, west of Elkhorn Road between Castroville and Watsonville. San Francisco Bay is the waters of San Francisco and San Pablo bays plus all their tidal bays, sloughs, estuaries, and tidal portions of their rivers and streams between the Golden Gate Bridge and the west Carquinez Bridge. For purposes of this section, waters downstream of the Trancas Bridge on the Napa River, downstream of the Highway 121 Bridge on Sonoma Creek, and downstream of the Payran Street Bridge on the Petaluma River are tidal portions of the Napa River, Sonoma Creek, and Petaluma River, respectively. Also see Section 1.53

§745. Guide Licenses

Revocable guide licenses may be issued as follows:

(a) License Application. Application shall be submitted on forms furnished by the department. Applications shall be accompanied by the required license fee and proof that the applicant possesses a surety bond in the amount of \$1,000 to insure faithful performance of the applicant and the applicant's agents or

employees in fulfilling their responsibilities to their clients.

(1) In addition to other information requested, applicant shall certify that he has not been convicted of any fish and wildlife violation or forfeited bail in connection with any such violation in the proceeding 24 months.

(b) License Year. Guide licenses shall be valid from February 1 through January 31 of the following year. Guide licenses issued after the beginning of the license year shall be valid for the remainder thereof.

(c) License Revocation. Upon conviction of a licensed guide for violation of any provision of the Fish and Game Code or any regulations adopted pursuant thereto, or upon the violation of any such law or regulation by any client of such guide when the violation has been knowingly permitted by the guide or an employee or assistant of such guide, the department shall inform the commission of such violation. The commission may thereafter revoke the guide license. The licensee shall be notified of the revocation proceedings and shall be provided an opportunity to be heard.

Any person who has had his guide license revoked shall not act as a guide or assist any guide during the period of revocation.

(d) Notice to Clients. Prior to guiding any person to a place where such person intends to take any bird, mammal, fish, amphibian, or reptile, a licensed guide shall furnish a written statement to the person to be guided. Such statement must contain information describing the services which the guide agrees to perform, the cost of those services, and the guide's license number. A copy of such statement shall be available to the department or its representatives upon request.

(e) Records. Each guide, when guiding for big game mammals or fish, shall make a record of each guided trip on forms furnished by the department. The record shall contain the name, address, and license number of each person being guided and the purpose of the trip. The guide record shall be in the field with the guide and client during the trip and shall be shown on



demand to any department representative. If big game mammals or fish are taken on the trip, the record shall show the number of animals, species, location taken (section, township, and range), and tag number if a tag is required.

Such records shall be completed immediately upon returning to the vehicle, camp, or headquarters, whichever is closest to the site where the animals were taken. Such records shall be accurate, legible, and complete.

The completed original record of guided hunting or fishing trips during the month shall be received by the department no later than the 10th day of the following month and all records for the preceding month shall be included in one mailing.

The duplicate copy of the record shall be retained by the licensed guide for a period of one year. The records shall be shown on demand to any department representative.

Failure of a guide to comply with subsection (e) shall be sufficient cause for the department to refuse to issue a new license to such guide or to revoke a current license.

Fish and Wildlife Officers may forward the following information to the U.S. Coast Guard when violations of the above requirements are observed:

- A. Time and date of observation.
- B. Location (body of water).
- C. Number and names and addresses of persons aboard.
- D. Operator's name and address.
- E. Registration number and description of vessel.
- F. Observations of possible violations.

Other Government Requirements

In addition to all of the above requirements, operators carrying passengers, in powered vessels only, not drift boats, in navigable waterways must also comply with the following rules and regulations:

1. All boat operators must have a valid U.S. Coast Guard license.
2. All boats carrying more than 6 passengers must have a U.S. Coast Guard Certificate of Inspection.
3. All boats must have safety equipment; fire extinguisher, fuel tank ventilation where required, personal flotation devices, etc.
4. Licensing requirements are found in Title 46, U.S. Code, Sections 8902 and 8903. For additional information, visit the U.S. Coast Guard website at www.uscgboating.org.
5. In addition to the above, operators shall comply with all regulations established by the California Department of Boating and Waterways. For additional information, visit their website at http://dbw.parks.ca.gov/?page_id=29250 or by phone at (888) 326-2822.