

Article 55.5 145
Outfitters and Guides

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1 **12-145-101. [Formerly 12-55.5-101] Legislative declaration.** It is the intent of the
 2 general assembly to promote and encourage residents and nonresidents alike to participate
 3 in the enjoyment and use of the mountains, rivers, and streams of Colorado and the state's
 4 fish and game and, to that end, in the exercise of the police power of this state for the purpose
 5 of safeguarding the health, safety, welfare, and freedom from injury or danger of ~~such~~ THE
 6 residents and nonresidents, to register and regulate those persons who, for compensation,
 7 provide equipment or personal services to ~~such~~ THE residents and nonresidents for the
 8 purpose of hunting and fishing. It is neither the intent of the general assembly to interfere in

1 any way with the business of livestock operations or to prevent livestock owners from
2 loaning or leasing buildings or animals to persons, nor is it intended to prevent ~~said~~ THE
3 owner from accompanying a person or persons on land that ~~such~~ THE person owns, nor is it
4 the intent of the general assembly to interfere in any way with the general public's ability to
5 enjoy the recreational value of Colorado's mountains, rivers, and streams when the services
6 of commercial outfitters are not utilized nor to interfere with the right of the United States
7 to manage the public lands under its control.

8
9 **12-145-102. Applicability of common provisions.** ARTICLES 1 AND 20 OF THIS TITLE
10 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 145.

11
12 **12-145-103. [Formerly 12-55.5-102] Definitions.** As used in this article *145*, unless
13 the context otherwise requires:

14 (1) "Compensation" means making, or attempting to make, a profit, salary, or increase
15 in business or financial standing, or supporting any part of other programs or activities, to
16 include receiving fees, charges, dues, service swaps, or something ~~which~~ THAT is not strictly
17 a sharing of actual expenses incurred from amounts received from or for outfitting services
18 rendered or to be rendered.

19 ~~(1.5)~~ (2) "Consultant" means a person who is hired by the director to assist in any
20 investigation initiated under this article *145* or any member of an advisory committee
21 appointed pursuant to section ~~12-55.5-111~~ **12-145-113**.

22 ~~(2)~~ "Director" means the director of the division of professions and occupations in
23 the department of regulatory agencies. <{Redundant with definitions common provision,
24 12-20-102 (6). Recommend repeal of subsection (2).}>

25 ~~(3)~~ "Division" means the division of professions and occupations in the department
26 of regulatory agencies. <{Redundant with definitions common provision, 12-20-102 (7).
27 Recommend repeal of subsection (3).}>

28 ~~(3.5)~~ (3) "Entity" means an entity authorized by Colorado law to conduct business,
29 including, but not limited to, a corporation, partnership, limited liability partnership, or
30 limited liability company.

31 (4) "Guide" means any individual who:

32 (a) Accompanies an outfitter's client to assist the client in the taking or attempted
33 taking of wildlife; and

34 (b) Either:

35 (I) Is employed for compensation by an outfitter; or

36 (II) Has independently contracted with an outfitter.

37 (5) "Outfitter" means a person soliciting to provide or providing, for compensation,
38 outfitting services for the purpose of hunting or fishing on land that the person does not own.

1 ~~(5.5)~~ (6) "Outfitting services" means providing transportation of individuals,
2 equipment, supplies, or wildlife by means of vehicle, vessel, or pack animal, facilities
3 including but not limited to tents, cabins, camp gear, food, or similar supplies, equipment,
4 or accommodations, and guiding, leading, packing, protecting, supervising, instructing, or
5 training persons or groups of persons in the take or attempted take of wildlife.

6 ~~(6)~~ (7) "Peace officer" means a peace officer as described in section 16-2.5-10. C.R.S.

7 ~~(7)~~ (Deleted by amendment, L. 2004, p. 340, § 14, effective July 1, 2004.)

8 (8) "Person" means an individual or entity.

9
10 **12-145-104. [Formerly 12-55.5-102.5] Applicability.** (1) This article *145* does not
11 apply to a person who only authorizes a person to hunt, fish, or take wildlife on property the
12 person owns, rents, or leases, including providing the authorization for compensation.

13 (2) This article *145* does not require a person to register as an outfitter if the person
14 only rents motor vehicles, livestock, or equipment.

15
16 **12-145-105. [Formerly 12-55.5-103] Registration required - fees.** (1) A person
17 shall not engage in activities as an outfitter, advertise in any publication as an outfitter, or
18 represent himself, herself, or itself as an outfitter unless the person first obtains a registration
19 from the division and unless the registration is in full force and effect and in the person's
20 immediate possession. A person shall not continue to act as an outfitter if the person's
21 registration has been suspended or revoked or has expired.

22 (2) An applicant for registration as an outfitter shall follow the procedures provided
23 in section ~~12-55.5-105~~ *12-145-107* and any other procedures required by the director. All
24 applicants shall pay a nonrefundable registration fee to be determined by the director ~~which~~
25 ~~fee shall be adequate to cover the direct and indirect expenses incurred for implementation~~
26 ~~of the provisions of this article. Such registration shall be renewable pursuant to the~~
27 ~~provisions of this article and upon payment of said fee~~ IN ACCORDANCE WITH SECTION
28 12-20-105 (2). <*Redundant with fee-setting common provision, 12-20-105 (2).*
29 *Recommend amending as indicated.*>

30 **12-145-106. [Formerly 12-55.5-103.5] Guide qualifications.** (1) An individual who
31 works as a guide must be eighteen years of age or older and hold either a valid first aid or
32 first aid instructor's card issued by the American red cross or evidence of equivalent training
33 as approved by the director. An individual who violates this subsection (1) is guilty of a
34 misdemeanor and shall be punished by a fine of one hundred dollars.

35 (2) It is a violation of this article *145* for an individual whose outfitter registration has
36 been revoked or suspended to work as a guide.

37
38 **~~12-55.5-104. Powers and duties of the director.~~** (1) ~~In addition to all other powers~~

1 and duties conferred or imposed upon the director by this article or by any other law, the
2 director:

3 (a) May promulgate rules under section 24-4-103 C.R.S., to govern the registration
4 of outfitters and to carry out the purposes of this article; <{Redundant with rule-making
5 common provision, 12-20-204. Recommend repeal of subsection (1)(a).}>

6 (b) (I) May administer oaths, take affirmations of witnesses, and issue subpoenas to
7 compel the attendance of witnesses and the production of all relevant papers, books, records,
8 documentary evidence, and materials in any hearing, investigation, accusation, or other
9 matter coming before the director. The director may appoint an administrative law judge
10 pursuant to part 10 of article 30 of title 24 C.R.S., to perform the functions of this
11 subparagraph (I) and to take evidence and to make findings and report them to the director.

12 (H) Upon failure of any witness to comply with such subpoena or process, the district
13 court of the county in which the subpoenaed person or registrant resides or conducts
14 business, upon application by the director with notice to the subpoenaed person or registrant,
15 may issue to the person or registrant an order requiring that person or registrant to appear
16 before the director; to produce the relevant papers, books, records, documentary evidence,
17 or materials if so ordered; or to give evidence relevant to the matter under investigation or
18 in question. Failure to obey the order of the court may be punished by the court as a contempt
19 of court. <{Redundant with disciplinary procedures/subpoena powers common provision,
20 12-20-403 (2). Recommend repeal of subsection (1)(b).}>

21 (c) Is authorized to apply for injunctive relief in the manner provided by the Colorado
22 rules of civil procedure, to enforce the provisions of this article or to restrain any violation
23 thereof. In such proceedings, it shall not be necessary to allege or prove either that an
24 adequate remedy at law does not exist or that substantial or irreparable damage would result
25 from the continued violation thereof. <{Redundant with injunctive relief procedures
26 common provision, 12-20-406. Recommend repeal of subsection (1)(c).}>

27
28 **12-145-107. [Formerly 12-55.5-105] Issuance of registration - violations.**

29 (1) Except as otherwise provided in this article 145, the director shall issue an initial or
30 renewed registration as an outfitter to an individual who pays the required fee and furnishes
31 evidence satisfactory to the director that the individual:

32 (a) Is eighteen years of age or older;

33 (b) Holds a valid first aid card or first aid instructor's card issued by the American
34 Red Cross or evidence of equivalent training;

35 (c) Possesses minimum liability insurance coverage in the amount of fifty thousand
36 dollars for bodily injury to one individual in a single accident and one hundred thousand
37 dollars for bodily injury to all individuals in a single accident;

38 (d) Has submitted to the director a surety bond in the minimum sum of ten thousand
39 dollars, executed by the applicant as principal and by a surety company qualified and

1 authorized to do business in this state as surety. The bond must be conditioned upon
2 compliance with this article *145* and with the rules promulgated under this article *145*.

3 ~~(e) Repealed.~~

4 ~~(f) (e) Has, or will have before providing outfitting services, all the required permits~~
5 ~~or written permission on the land where the outfitter provides outfitting services.~~

6 ~~(2) and (3) (Deleted by amendment, L. 93, p. 1490, § 3, effective July 1, 1993.)~~

7 ~~(4) (2) An individual or entity may register as an outfitter. An application for~~
8 ~~registration of an entity shall include the names of all officers, directors, members, partners,~~
9 ~~owners of at least ten percent of the entity, and other persons who have managing or~~
10 ~~controlling authority in the entity. The entity shall designate on the application for outfitter~~
11 ~~registration one of its officers, directors, members, partners, or other controlling or managing~~
12 ~~individuals to be the responsible party and agent for the entity for all communications with~~
13 ~~the division. If the entity changes its responsible party and agent, it shall notify the division~~
14 ~~within ten working days after the name change and provide contact information for the new~~
15 ~~responsible party and agent. If such THE responsible party and agent does not provide guide~~
16 ~~services, he or she shall not be required to comply with paragraph (b) of subsection (1)~~
17 ~~SUBSECTION (1)(b) of this section.~~

18 ~~(5) (3) (a) SECTION 12-20-202 (1) AND (2) GOVERN RENEWAL AND DELINQUENCY FEES~~
19 ~~AND renewals, EXPIRATION, and reinstatement of a registration are made under a schedule~~
20 ~~established by the director, and registrations must be renewed or reinstated in accordance~~
21 ~~with section 24-34-102 (8), C.R.S. REGISTRATIONS UNDER THIS ARTICLE *145*.~~

22 ~~(b) The director may establish renewal fees and delinquency fees for reinstatement~~
23 ~~in accordance with section 24-34-105, C.R.S.~~

24 ~~(c) If a person fails to renew a registration in accordance with the schedule~~
25 ~~established by the director, the registration expires: <{Redundant with renewal /~~
26 ~~reinstatement / delinquency common provision, 12-20-202. Recommend amending it as~~
27 ~~indicated.}>~~

28 ~~(d) (b) A person whose registration has expired and who offers or provides outfitter~~
29 ~~services is subject to the penalties provided in this article *145* or section 24-34-102 (8);~~
30 ~~C.R.S. *12-20-202*.~~

31
32 **12-145-108. [Formerly 12-55.5-106] Disciplinary actions - grounds for discipline.**

33 (1) The director may deny, suspend, revoke, or place on probation an outfitter's registration
34 or issue a letter of admonition to an applicant for or holder of an outfitter's registration TAKE
35 DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 if the applicant or
36 holder: <{Redundant with disciplinary actions common provision, 12-20-404. Recommend
37 amending it as indicated.}>

38 (a) Violates any order of the division or the director or any provision of this article

1 *145* or the rules established under this article *145*;

2 (b) Fails to meet the requirements of section ~~12-55.5-105~~ *12-145-107* or uses fraud,
3 misrepresentation, or deceit in applying for or attempting to apply for registration;

4 (c) Violates any local, state, or federal law or regulation concerning public land
5 management, wildlife, health, or cruelty to animals, including, but not limited to, section
6 33-6-113; ~~C.R.S.~~;

7 (d) Is convicted of or has entered a plea of nolo contendere or guilty to a felony;
8 except that the director shall be governed by the provisions of section 24-5-101 ~~C.R.S.~~; in
9 considering ~~such~~ THE conviction or plea;

10 (e) Uses false, deceptive, or misleading advertising;

11 (f) Misrepresents his OR HER services, facilities, or equipment to a client or
12 prospective client;

13 (g) Uses alcohol or any controlled substance as defined in section 18-18-102 (5)
14 ~~C.R.S.~~; to the extent that the use places the user or other persons at risk while providing
15 outfitting services or is a habitual user of alcohol or a controlled substance as defined in
16 section 18-18-102 (5), ~~C.R.S.~~; to the extent that the use places the user or other persons at
17 risk while providing outfitting services;

18 (h) Has incurred disciplinary action related to the practice of outfitting in another
19 jurisdiction. Evidence of such disciplinary action shall be prima facie evidence for denial of
20 registration or other disciplinary action if the violation would be grounds for ~~such~~
21 disciplinary action in this state.

22 (i) Has been convicted of second or third degree criminal trespass pursuant to section
23 18-4-503 or 18-4-504; ~~C.R.S.~~; except that the director shall be governed by the provisions
24 of section 24-5-101 ~~C.R.S.~~; in considering ~~such~~ THE conviction;

25 (j) Hires an individual as a guide who fails to meet the requirements of section
26 ~~12-55.5-103.5~~ *12-145-106*, unless ~~such~~ THE hiring is a result of an emergency situation, as
27 defined by rules promulgated by the director, in which case the outfitter may hire a guide
28 who does not possess a valid first-aid card or first aid instructor's card;

29 (k) Serves or consumes alcohol while engaged in the activities of an outfitter, if the
30 applicant or holder is under twenty-one years of age;

31 (l) Violates section 18-4-503 or 18-4-504, ~~C.R.S.~~, resulting in two or more second
32 or third degree criminal trespass convictions within any three- to five-year period while
33 acting as an outfitter or guide; or

34 (m) Fails to respond to a complaint against the registered outfitter.

35 ~~(2) To be valid, a proceeding to deny, suspend, revoke, or place on probation a~~
36 ~~registration must be conducted in accordance with sections 24-4-104 and 24-4-105, C.R.S.~~
37 ~~The director may use an administrative law judge employed by the office of administrative~~
38 ~~courts in the department of personnel to conduct hearings. <{Redundant with requirements~~
39 ~~of those cited sections of the Administrative Procedure Act and with disciplinary~~

1 *procedures common provision, 12-20-403 (3). Recommend repeal of subsection (2) and*
2 *replace with new subsection (4) with a reference to 12-20-403.*>

3 ~~(3)(a) When a complaint or investigation discloses an instance of misconduct that,~~
4 ~~in the opinion of the director, does not warrant formal action by the director but that should~~
5 ~~not be dismissed as being without merit, the director may issue and send a letter of~~
6 ~~admonition to the registrant.~~

7 ~~(b) When a letter of admonition is sent by the director to a registrant, the letter must~~
8 ~~advise the registrant that the registrant has the right to request in writing, within twenty days~~
9 ~~after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the~~
10 ~~propriety of the conduct upon which the letter of admonition is based.~~

11 ~~(c) If the request for adjudication is timely made, the letter of admonition shall be~~
12 ~~deemed vacated and the matter shall be processed by means of formal disciplinary~~
13 ~~proceedings. <{*Redundant with discipline/letter of admonition common provision,*~~
14 ~~*12-20-404 (4). Recommend repeal of subsection (3).*>~~

15 ~~(3.5) When a complaint or investigation discloses an instance of conduct that does~~
16 ~~not warrant formal action by the director and, in the opinion of the director, should be~~
17 ~~dismissed, but the director has noticed possible errant conduct by the registrant that could~~
18 ~~lead to serious consequences if not corrected, the director may send the registrant a~~
19 ~~confidential letter of concern. <{*Redundant with confidential letter of concern common*~~
20 ~~*provision, 12-20-404 (5). Recommend repeal of subsection (3.5).*>~~

21 ~~(4)(2) Notwithstanding any other provision of this article 145, the director may deny~~
22 ~~an initial application for registration if:~~

23 ~~(a) The applicant is an individual who was previously listed as participating in an~~
24 ~~entity pursuant to section ~~12-55.5-105(4)~~ *12-145-107 (2)*, and such THE entity was subjected~~
25 ~~to discipline under this article 145;~~

26 ~~(b) The applicant is an entity, the entity lists an individual as participating in the entity~~
27 ~~pursuant to section ~~12-55.5-105(4)~~ *12-145-107 (2)*, and that individual was previously listed~~
28 ~~as a participating person in an entity that was subjected to discipline under this article 145;~~
29 ~~or~~

30 ~~(c) The applicant is an entity, the entity lists an individual as a participating person~~
31 ~~pursuant to section ~~12-55.5-105(4)~~ *12-145-107 (2)*, and that individual was previously~~
32 ~~subjected to discipline under this article 145.~~

33 ~~(4.5)(3) The director may discipline an applicant or registrant under this section for~~
34 ~~the acts of a person who:~~

35 ~~(a) Is acting on behalf of the applicant or registrant; and~~

36 ~~(b) (I) Is an officer, director, member, or partner of, or owner of at least a ten-percent~~
37 ~~interest in, the applicant or registrant;~~

38 ~~(II) Has managing or controlling authority of the applicant or registrant; or~~

39 ~~(III) Is an employee, contractor, or authorized booking agent of the applicant or~~

1 registrant.

2 ~~(5) When a complaint or an investigation discloses an instance of misconduct that,~~
3 ~~in the opinion of the director, warrants formal action, the complaint shall not be resolved by~~
4 ~~a deferred settlement, action, judgment, or prosecution. <{Redundant with discipline/no~~
5 ~~deferred action/settlement common provision, 12-20-404 (2). Recommend repeal of~~
6 ~~subsection (5).>~~

7 ~~(6) If a person's registration is revoked under this section or surrendered in lieu of~~
8 ~~discipline, the person is ineligible to submit a new application for registration or register for~~
9 ~~two years after the date the registration is revoked. <{Redundant with discipline/ waiting~~
10 ~~period common provision, 12-20-404 (3). Recommend repeal of subsection (6).>~~

11 (4) SECTION 12-20-403 GOVERNS PROCEEDINGS UNDER THIS SECTION.

12
13 **12-145-109. [Formerly 12-55.5-107] Penalties - distribution of fines.** (1) IN
14 ADDITION TO THE DISCIPLINARY OR OTHER ACTIONS AUTHORIZED UNDER SECTIONS
15 12-145-108 AND 12-20-404, THE DIRECTOR MAY IMPOSE AN ADMINISTRATIVE FINE ON any
16 person who violates the provisions of this article *145* or the rules of the director promulgated
17 under this article *145*, may be penalized by the director upon a finding of a violation subject
18 to article 4 of title 24, C.R.S., as follows:

19 (a) In the first administrative proceeding against any person, a fine of not less than
20 one hundred dollars but not more than five hundred dollars per violation;

21 (b) In any subsequent administrative proceeding against any person for transactions
22 occurring after a final agency action determining that a violation of this article *145* has
23 occurred, a fine of not less than one thousand dollars but not more than two thousand dollars
24 per violation;

25 (c) In an administrative proceeding against a person for a violation of section
26 ~~12-55.5-103 (1)~~ **12-145-105 (1)**, a fine of not less than one thousand dollars but not more
27 than five thousand dollars per violation.

28 ~~(1.5) Repealed.~~

29 (2) ~~In addition to the penalties provided in subsection (1) of this section, the director,~~
30 ~~upon a finding of a violation, may deny, suspend, revoke, or place on probation an outfitter's~~
31 ~~registration or take other disciplinary action as provided in section 12-55.5-106 (3). <{This~~
32 ~~subsection (2) and the introductory portion to subsection (1) redundant with the~~
33 ~~disciplinary common provision 12-20-404. Recommend amending as indicated.>~~

34 (3) (2) A person who engages in activities as an outfitter shall maintain all applicable
35 documents, records, and other items, for the current year and the preceding four years at the
36 address listed on the registration, required to be maintained by this article *145* or by the rules
37 of the director when requested to do so by the director or a peace officer. A registrant who
38 refuses to permit the inspection of documents, records, or items is guilty of a misdemeanor
39 and shall be punished by a fine of one hundred dollars.

1 ~~(4) (Deleted by amendment, L. 93, p. 1491, § 5, effective July 1, 1993.)~~

2 ~~(5) (3) All fines collected pursuant to this article 145 shall be distributed as follows:~~

3 ~~(a) Fifty percent divided by the court between any federal, state, or local law~~
4 ~~enforcement agency assisting with an investigation;~~

5 ~~(b) Fifty percent to the division for the cost of administering this article 145.~~

6
7 ~~**12-55.5-107.5. Violations - penalties - distribution of fines collected. (Repealed)**~~

8
9 ~~**12-145-110. [Formerly 12-55.5-108] Cease-and-desist orders - unauthorized**~~
10 ~~**practice - penalties.**~~ ~~(1) (a) If it appears to the director, based upon credible evidence as~~
11 ~~presented in a written complaint by any person, that a registrant is acting in a manner that is~~
12 ~~an imminent threat to the health and safety of the public, or a person is acting or has acted~~
13 ~~without the required registration, the director may issue an order to cease and desist such~~
14 ~~activity. The order shall set forth the statutes and rules alleged to have been violated, the facts~~
15 ~~alleged to have constituted the violation, and the requirement that all unlawful acts or~~
16 ~~unregistered practices immediately cease:~~

17 ~~(b) Within ten days after service of the order to cease and desist pursuant to paragraph~~
18 ~~(a) of this subsection (1), the respondent may request a hearing on the question of whether~~
19 ~~acts or practices in violation of this article have occurred. Such hearing shall be conducted~~
20 ~~pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

21 ~~(2) (a) If it appears to the director, based upon credible evidence as presented in a~~
22 ~~written complaint by any person, that a person has violated any other portion of this article,~~
23 ~~then, in addition to any specific powers granted pursuant to this article, the director may issue~~
24 ~~to such person an order to show cause as to why the director should not issue a final order~~
25 ~~directing such person to cease and desist from the unlawful act or unregistered practice:~~

26 ~~(b) A person against whom an order to show cause has been issued pursuant to~~
27 ~~paragraph (a) of this subsection (2) shall be promptly notified by the director of the issuance~~
28 ~~of the order, along with a copy of the order, the factual and legal basis for the order, and the~~
29 ~~date set by the director for a hearing on the order. Such notice may be served by personal~~
30 ~~service, by first-class United States mail, postage prepaid, or as may be practicable upon any~~
31 ~~person against whom such order is issued. Personal service or mailing of an order or~~
32 ~~document pursuant to this subsection (2) shall constitute notice thereof to the person:~~

33 ~~(c) (f) The hearing on an order to show cause shall be commenced no sooner than ten~~
34 ~~and no later than forty-five calendar days after the date of transmission or service of the~~
35 ~~notification by the director as provided in paragraph (b) of this subsection (2). The hearing~~
36 ~~may be continued by agreement of all parties based upon the complexity of the matter,~~
37 ~~number of parties to the matter, and legal issues presented in the matter, but in no event shall~~
38 ~~the hearing commence later than sixty calendar days after the date of transmission or service~~

1 of the notification.

2 ~~(H) If a person against whom an order to show cause has been issued pursuant to~~
3 ~~paragraph (a) of this subsection (2) does not appear at the hearing, the director may present~~
4 ~~evidence that notification was properly sent or served upon such person pursuant to~~
5 ~~paragraph (b) of this subsection (2) and such other evidence related to the matter as the~~
6 ~~director deems appropriate. The director shall issue the order within ten days after the~~
7 ~~director's determination related to reasonable attempts to notify the respondent, and the order~~
8 ~~shall become final as to that person by operation of law. Such hearing shall be conducted~~
9 ~~pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

10 ~~(HH) If the director reasonably finds that the person against whom the order to show~~
11 ~~cause was issued is acting or has acted without the required registration, or has or is about~~
12 ~~to engage in acts or practices constituting violations of this article, a final cease-and-desist~~
13 ~~order may be issued, directing such person to cease and desist from further unlawful acts or~~
14 ~~unregistered practices.~~

15 ~~(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this~~
16 ~~subsection (2), of the final cease-and-desist order within ten calendar days after the hearing~~
17 ~~conducted pursuant to this paragraph (c) to each person against whom such order has been~~
18 ~~issued. The final order issued pursuant to subparagraph (HH) of this paragraph (c) shall be~~
19 ~~effective when issued and shall be a final order for purposes of judicial review.~~

20 ~~(3) If it appears to the director, based upon credible evidence presented to the~~
21 ~~director, that a person has engaged in or is about to engage in any unregistered act or~~
22 ~~practice, any act or practice constituting a violation of this article, any rule promulgated~~
23 ~~pursuant to this article, any order issued pursuant to this article, or any act or practice~~
24 ~~constituting grounds for administrative sanction pursuant to this article, the director may~~
25 ~~enter into a stipulation with such person.~~

26 ~~(4) If any person fails to comply with a final cease-and-desist order or a stipulation,~~
27 ~~the director may request the attorney general or the district attorney for the judicial district~~
28 ~~in which the alleged violation exists to bring, and if so requested such attorney shall bring,~~
29 ~~suit for a temporary restraining order and for injunctive relief to prevent any further or~~
30 ~~continued violation of the final order.~~

31 ~~(5) A person aggrieved by the final cease-and-desist order may seek judicial review~~
32 ~~of the director's determination or of the director's final order as provided in section~~
33 ~~12-55.5-115.~~

34 (1) THE DIRECTOR MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES
35 AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Subsections
36 (1) through (5) are redundant with the *cease-and-desist common provisions, 12-20-405.*
37 Recommend repealing and adding cross-reference to common provision, as indicated.}>

38 (6) (2) Any person who engages or offers or attempts to engage in activities as an
39 outfitter without an active registration issued under this article commits a class 2

1 ~~misdemeanor and shall be punished as provided in section 18-1.3-501 C.R.S., for the first~~
2 ~~offense, and for the second or any subsequent offense, the person commits a class 6 felony~~
3 ~~and shall be punished as provided in section 18-1.3-401. C.R.S. 145 IS SUBJECT TO PENALTIES~~
4 ~~PURSUANT TO SUBSECTION 12-20-407 (1)(a). <{~~Redundant with *unauthorized practice*
5 *common provision, 12-20-407 (1)(a)(II). Recommend amendment as indicated.*~~>~~
6

7 **12-145-111. [Formerly 12-55.5-109] Contracts for outfitting services - writing**
8 **required.** (1) Prior to engaging in any activity as an outfitter, an outfitter shall provide a
9 written contract to the client signed by both the outfitter and the client, stating at least the
10 following terms:

- 11 (a) Type of services to be provided;
- 12 (b) Dates of service;
- 13 (c) Transportation arrangements;
- 14 (d) Costs of the services;
- 15 (e) Ratio of clients to guides; and
- 16 (f) The outfitter's policy regarding cancellation of the contract and refund of any
17 deposit.

18 (2) No action may be maintained by an outfitter for breach of a contract or agreement
19 to provide outfitting services or for the recovery of compensation for services rendered under
20 ~~such~~ THE contract or agreement if the outfitter has failed to comply with the provisions of this
21 article **145**.

22 (3) Any written contract provided in accordance with this section must also contain
23 a written statement that pursuant to section ~~12-55.5-105 (1)(c) and (1)(d)~~ **12-145-107 (1)(c)**
24 **AND (1)(d)**, outfitters are bonded and required to possess the minimum level of liability
25 insurance and that the activities of outfitters are regulated by the director.

26
27 **12-145-112. [Formerly 12-55.5-110] Other remedies - contracts void - public**
28 **nuisance - seizure of equipment.** (1) Every agreement or contract for the services of an
29 outfitter shall be void and unenforceable by the outfitter unless ~~such~~ THE outfitter is duly
30 registered with the division under the provisions of this article **145** when ~~such~~ THE services
31 are contracted for and performed.

32 (2) Every motor vehicle, trailer, vessel, firearm, weapon, trap, equipment, livestock,
33 or other personal property used in outfitting services in violation of the provisions of this
34 article **145** is declared to be a class 2 public nuisance. Unless in conflict with the specific
35 provisions of this section, the provisions of article 13 of title 16 ~~C.R.S.~~, shall apply to any
36 action taken pursuant to this section.

37 (3) (a) Any personal property subject to seizure under this section ~~which~~ THAT is
38 seized as a part of or incident to a criminal proceeding for violation of this article **145** and

1 for which disposition is not provided by another statute of this state shall be disposed of as
2 provided in this section.

3 (b) The court may order the property sold in the manner provided for sales on
4 execution.

5 (c) The proceeds of ~~such~~ THE sale shall be applied as follows:

6 (I) To the fees and costs of removal and sale;

7 (II) To the payment of any costs the state has incurred from ~~such~~ THE action; and

8 (III) The balance, if any, to the office of the district attorney who has brought ~~such~~
9 THE action.

10
11 **12-145-113. [Formerly 12-55.5-111] Advisory committee.** The director shall appoint
12 an advisory committee to make recommendations concerning outfitters, which committee
13 shall serve at the request and pleasure of the director. The members of the advisory
14 committee shall receive no compensation but shall be reimbursed for actual and necessary
15 expenses incurred in the performance of their duties under this article *145*.

16
17 ~~**12-55.5-112. Immunity.** The director, the director's staff, any person acting as a
18 witness or consultant to the director, any witness testifying in a proceeding authorized under
19 this article, and any person who files a complaint under this article is immune from liability
20 in a civil action brought against him or her for acts occurring while acting in his or her
21 capacity as director, staff, consultant, or witness, respectively, if the person was acting in
22 good faith within the scope of his or her respective capacity, made a reasonable effort to
23 obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief
24 that the action taken by him or her was warranted by the facts. Any person participating in
25 good faith in filing a complaint or participating in any investigative or administrative
26 proceeding under this article is immune from civil or criminal liability resulting from the
27 participation. <{Redundant with immunity common provision, 12-20-402. Recommend
28 repeal of this section.}>~~

29
30 **12-145-114. [Formerly 12-55.5-113] Enforcement.** Every peace officer as defined
31 in section 12-55.5-102 (6); is hereby authorized to assist the director in the enforcement of
32 the provisions of this article *145* and the rules and regulations prescribed by the director.

33
34 ~~**12-55.5-114. Fees – cash fund.** Except as otherwise provided in this article and in
35 section 12-55.5-110, all fees collected pursuant to this article shall be transmitted to the state
36 treasurer, who shall credit the same to the division of professions and occupations cash fund
37 created pursuant to section 24-34-105 (2)(b), C.R.S. The general assembly shall make annual
38 appropriations from the division of professions and occupations cash fund for expenditures~~

1 of the division incurred in the performance of its duties under this article. <{Redundant with
2 fees common provision, 12-20-105. Recommend repeal of this section.}>
3

4 **12-145-115. [Formerly 12-55.5-115] Judicial review.** The court of appeals shall
5 have initial jurisdiction to review SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF all final
6 actions and orders. that are subject to judicial review. Such proceedings shall be conducted
7 in accordance with section 24-4-106 (11), C.R.S. <{Redundant with judicial review
8 common provision, 12-20-408. Recommend amending as indicated.}>
9

10 **~~12-55.5-116. Persons licensed under previous law. (Repealed)~~**
11

12 **12-145-116. [Formerly 12-55.5-116] Notice - hunting and fishing license.** The
13 division and the division of parks and wildlife shall develop a system to provide a written
14 notice with each hunting or fishing license, at the time of issuance, stating that it is illegal to
15 provide outfitting services in Colorado without registering with the division.
16

17 **12-145-117. [Formerly 12-55.5-117] Repeal of article - review of functions.** Unless
18 continued by the general assembly, This article *145* is repealed, effective September 1, 2025.
19 and those powers, duties, and functions of the division specified in BEFORE ITS REPEAL, this
20 article are abolished. The provisions of *145* IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH
21 section 24-34-104. (2) to (8), C.R.S., concerning a wind-up period, an analysis and
22 evaluation, public hearings, and claims by or against an agency apply to the powers, duties,
23 and functions of the division specified in this article. <{Section updated to conform with
24 current sunset language.}>
25

~~12-55.5-118. Applicability. (Repealed)~~