

HOUSE BILL NO. HB0254

Nonresident anglers-regulatory modifications.

Sponsored by: Representative(s) Western

A BILL

for

1 AN ACT relating to game and fish; creating and amending
 2 provisions specific to nonresident fishing; requiring
 3 nonresident fishing guides to obtain boat permit decals as
 4 specified; providing for fees; imposing penalties;
 5 requiring rulemaking; increasing fees for nonresident
 6 fishing licenses as specified; making conforming
 7 amendments; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 23-2-501 through 23-2-505 are created
 12 to read:

13

14

ARTICLE 5

15

NONRESIDENT PROFESSIONAL FISHING GUIDES

16

1 **23-2-501. Definitions.**

2

3 (a) As used in this article:

4

5 (i) "Fishing guide services" means the services
6 provided for hire or remuneration of accompanying and
7 providing assistance to a fisherman in the field relating
8 to catching fish through the operation of a nonresident
9 commercial guide boat in Wyoming;

10

11 (ii) "Nonresident commercial guide boat" or
12 "nonresident guide boat" means a boat, watercraft, raft or
13 any other vessel which is operated by a nonresident
14 professional fishing guide to provide fishing guide
15 services;

16

17 (iii) "Nonresident professional fishing guide"
18 or "nonresident guide" means a person who is not a Wyoming
19 resident, who advertises or holds himself out to the public
20 for hire for the purpose of financial gain in order to
21 provide fishing guide services and is not guiding on behalf
22 of an outfitting or guiding service located in the state of
23 Wyoming.

1

2 **23-2-502. Permit required; application for**
3 **nonresident commercial guide boat permit decal; affidavit**
4 **required if boat hull identification not visible; penalty.**

5

6 (a) The department or its authorized selling agent
7 shall sell nonresident commercial guide boat permit decals.
8 Each selling agent shall retain the amount specified by
9 W.S. 23-1-701(b) for each guide boat permit decal sold.

10

11 (b) Beginning January 1, 2025, each nonresident
12 professional fishing guide shall annually file in writing
13 with the department or its authorized selling agent, on a
14 form prescribed by the commission, an application for
15 annual permitting of the nonresident commercial guide boat
16 used by the nonresident guide to provide fishing guide
17 services. The application shall state the name and address
18 of the nonresident guide applicant, the name and address of
19 the owner of the nonresident guide boat if different than
20 the nonresident guide applicant and the make, model and
21 identifying hull identification of the nonresident guide
22 boat. If the identifying hull identification is not legible
23 or visible, the applicant shall upon a form provided by the

1 department, provide proof of ownership by affidavit
2 certified in writing. Any person knowingly presenting a
3 false or fraudulent statement under this subsection is
4 subject to the penalties provided by W.S. 6-5-303.

5

6 (c) Any nonresident guide who provides fishing guide
7 services without the permit decal required under this
8 article is guilty of a low misdemeanor punishable as
9 provided in W.S. 23-6-202(a)(v).

10

11 **23-2-503. Required permit fee; payment of fees;**
12 **issuance of numbered decal; duties of department.**

13

14 (a) Every nonresident professional fishing guide who
15 will provide fishing guide services, upon filing of the
16 annual permitting application, shall pay to the department
17 or authorized selling agent an annual permit fee of one
18 thousand dollars (\$1,000.00).

19

20 (b) For any permit decal sold by an authorized
21 selling agent in accordance with this article and W.S.
22 23-1-701, the authorized selling agent shall forward to the
23 department the original copy of the annual permit

1 application required under W.S. 23-2-502(b) together with
2 the permit fee collected under subsection (a) of this
3 section.

4

5 (c) Upon receipt of the application and permit fee
6 required under this article, the department or its
7 authorized selling agent shall issue to the nonresident
8 professional fishing guide a numbered decal which shall be
9 affixed and prominently displayed on the nonresident
10 commercial guide boat used by the nonresident guide to
11 provide fishing guide services. Each permit decal shall
12 include the bucking horse and rider emblem.

13

14 (d) The department shall furnish a sufficient
15 quantity of application forms and numbered decals to each
16 authorized selling agent and keep full and complete records
17 of all nonresident professional fishing guides and
18 nonresident commercial guide boats.

19

20 **23-2-504. Duplicate permit decal upon loss or**
21 **destruction of original; issuance; fees.**

22

1 When any nonresident guide boat permit decal issued under
2 this article has been lost or destroyed, the nonresident
3 professional fishing guide permitted in accordance with
4 W.S. 23-2-503 may secure a duplicate of the original decal
5 from any district office or any authorized personnel of the
6 department upon the presentation of satisfactory proof that
7 the original decal was lost or destroyed. Prior to issuing
8 the duplicate decal and in accordance with rule of the
9 commission, the department may assess a fee of not more
10 than twenty-five dollars (\$25.00) plus the fees charged
11 under W.S. 23-1-701. Duplicate decals shall be issued in
12 accordance with procedure established by commission order.
13 It is unlawful for any person to willfully alter or
14 mutilate any certificate or numbered decal.

15

16 **23-2-505. Duration of permit decal.**

17

18 Each permit decal issued under this article is effective
19 for the calendar year and shall expire on December 31 of
20 the permitting year.

21

22 **Section 2.** W.S. 23-1-302(a) by creating a new
23 paragraph (xxxii), 23-1-701(a), (b)(intro), by creating a

1 new paragraph (iv), (c), (d) and (g), 23-2-201(d), (ii),
2 (vi) and (ix) and 41-13-107 are amended to read:

3

4 **23-1-302. Powers and duties.**

5

6 (a) The commission is directed and empowered:

7

8 (xxxiii) To administer and enforce the
9 nonresident commercial guide boat permitting program in
10 accordance with W.S. 23-2-501 through 23-2-505.

11

12 **23-1-701. Selling agents; administration of oaths;**
13 **licenses, permits, game tags and permit decals.**

14

15 (a) The commission with the advice of the director
16 shall appoint agents to sell game, bird and fish licenses
17 and nonresident commercial guide boat permit decals in
18 accordance with W.S. 23-2-501 through 23-2-505. Any vendor
19 engaged in the commercial sale of sporting goods and
20 equipment who holds a valid sales tax license issued by the
21 department of revenue under W.S. 39-15-106 may apply to the
22 commission and shall be appointed as an agent to sell game,
23 bird and fish licenses, permits, ~~and~~ stamps and nonresident

1 guide boat permit decals. At the end of each year, the
2 commission shall renew the appointment of agents who had
3 combined game, bird and fish license, permit and stamp
4 sales during that year of not less than one thousand
5 dollars (\$1,000.00). Renewal of the appointment of agents
6 selling fish licenses only or agents serving remote
7 locations shall not be subject to the one thousand dollar
8 (\$1,000.00) minimum sales requirement. Renewal of the
9 appointment of agents selling nonresident guide boat permit
10 decals shall be in accordance with the rules set by the
11 commission. The commission shall provide bonding for agents
12 for the purpose of selling game, bird and fish licenses,
13 permits, ~~and~~ stamps and nonresident guide boat permit
14 decals. Bonding shall be provided upon receipt of a
15 nonrefundable annual fee of fifty dollars (\$50.00). The
16 fees shall be deposited in a bond pool fund except in any
17 month when the bond pool fund contains one hundred thousand
18 dollars (\$100,000.00) or more the fees shall be deposited
19 in the game and fish fund. The fee shall be paid to the
20 commission before December 1 preceding the year for which
21 the bond shall be in effect. Newly appointed agents shall
22 pay the same fee immediately upon appointment by the
23 commission to receive bonding for the remainder of the

1 calendar year in which the agent was appointed. All claims
2 against an agent's bond shall be paid from the bond pool
3 account.

4
5 (b) Each license selling agent shall charge a fee as
6 provided in this subsection for each license, permit or
7 stamp he sells or distributes pursuant to this act. ~~The~~
8 Each license selling agent shall charge the fee as provided
9 in W.S. 23-2-503 for each nonresident commercial guide boat
10 permit decal he sells or distributes in accordance with
11 this act. No fee shall ~~not~~ be charged if this act specifies
12 that the issuance shall be without fee or fails to
13 establish a fee for the issuance of the license, permit or
14 stamp. Each license, permit, ~~or~~ stamp or nonresident guide
15 boat permit decal sold or distributed under this act shall
16 display the total amount only of all fees and other charges
17 required under this act or otherwise provided by law. Each
18 selling agent shall retain two dollars (\$2.00) for each
19 license and nonresident guide boat permit decal and fifty
20 cents (\$.50) for each stamp or permit he sells. For failure
21 to comply with this section, selling agents shall not be
22 entitled to retain the amounts specified in this subsection
23 and shall be liable on their bond. No employee of the

1 commission shall receive any commission on licenses,
2 stamps, ~~or~~ permits or nonresident guide boat permit decals
3 sold, but the department shall charge the additional fee
4 specified in this subsection, or otherwise provided by law,
5 for each license, stamp or permit sold by commission
6 employees. The fee charged under this subsection shall be
7 in addition to the amount otherwise established by this act
8 for the license, permit or stamp and shall be as follows:

9

10 (iv) Two dollars (\$2.00) for each nonresident
11 guide boat permit decal.

12

13 (c) Every selling agent shall file a report with the
14 commission at such times and in such manner as prescribed
15 by commission rule and shall account for all licenses,
16 permits, ~~and~~ stamps and nonresident guide boat permit
17 decals received by the selling agent to the commission.

18

19 (d) Every person authorized by the commission or by
20 law to sell and issue licenses and nonresident guide boat
21 permit decals is authorized to administer oaths.

22

1 (g) License selling agents under this section shall
 2 be considered representatives of the game and fish
 3 department for the purpose of charging fees for costs of
 4 processing payments for sales of licenses, permits, ~~or~~
 5 stamps or nonresident guide boat permit decals. In addition
 6 to fees under subsection (b) of this section a license
 7 selling agent may charge and collect from the person
 8 tendering payment a fee for the cost of processing the
 9 payment in the same manner and amount as established by
 10 commission rule for sales directly from the game and fish
 11 department.

12

13 **23-2-201. Fees; restrictions; verification of**
 14 **residency required.**

15

16 (d) The following fishing licenses may be purchased
 17 for the fee indicated in addition to the applicable fee
 18 under W.S. 23-1-701 and subject to the limitations
 19 provided:

20

21 (ii) Nonresident fishing license.....~~\$100.00~~
 22 \$140.00

23

1 (vi) Nonresident daily fishing license....~~\$12.00~~

2 \$28.00

3

4 (ix) Nonresident five (5) consecutive day
5 fishing license.....~~\$54.00~~

6 \$66.00

7

8 **41-13-107. Political subdivisions not to number**
9 **watercraft.**

10

11 Except as provided in W.S. 23-2-501 through 23-2-505 this
12 act governs the numbering and permitting of watercraft on
13 the waters of this state. All other political subdivisions
14 of this state are expressly prohibited from numbering
15 watercraft in any respect.

16

17 **Section 3.** The game and fish commission shall
18 promulgate all rules necessary to implement the provisions
19 of this act on or before July 1, 2024.

20

21 **Section 4.** This act is effective July 1, 2024.

22

23

(END)