

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 640
OUTFITTER REGULATIONS

Section

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SOURCE: Adopted at 26 Ill. Reg. 18019, effective February 1, 2003; amended at 29 Ill. Reg. 12483, effective July 28, 2005; amended at 39 Ill. Reg. 9373, effective June 26, 2015.

Section 640.10 Definitions

Class A Permit – permit required for deer and turkey outfitters.

Class B Permit – permit required for waterfowl outfitters.

Client – an individual who provides, or who has provided on his or her behalf, financial or other consideration to an outfitter in exchange for outfitting services.

Department – the Illinois Department of Natural Resources (IDNR).

Guide – an individual providing guide services to clients of an outfitter.

Guide Services – any of the following: providing advice to the hunter while hunting about how and/or where to conduct his/her hunt, setting decoys, calling, stalking, pursuing, tracking, retrieving game, field dressing, caring for meat, field preparation of trophies including skinning or capeing, carriage of hunters in the field, carriage of hunter's equipment in the field or carriage of waterfowl, deer or turkey harvested by hunters.

Harvest Information Program or HIP – an annual registration mandated for gamebird hunters by the National Migratory Bird Harvest Program to compile annual wildlife estimates for waterfowl, doves and other migratory game birds.

Outfitter – a person (as defined in the Wildlife Code [520 ILCS 5/1.2/]), including an officer or employee of a person, who provides or offers to provide outfitting services for waterfowl, deer or wild turkey hunting.

Outfitting Services – any service that, for financial or other consideration, offers or promises waterfowl, deer and/or wild turkey hunting access, assistance, guidance or opportunity on private or leased lands by way of one or more of the following:

guides, guide services, or bringing or retrieving equipment, stands, blinds, decoys or a client to or from the field; or

access to property that the person providing access leases or rents for waterfowl, deer and/or wild turkey hunting; or

access to property subleased, at least in part, for waterfowl, deer or wild turkey hunting; or

an individual or business that solicits or secures waterfowl, deer and/or turkey hunting clients for a landowner or tenant or another outfitter.

The following are not considered outfitting services for the purposes of this Part:

a hunting lease granted by a landowner to a hunter or group of hunters;

providing transportation to or from a place of accommodation or a hub of public transportation;

for the purpose of waterfowl hunting, landowners or waterfowl hunting clubs or organizations that:

do not take compensation or fees other than annual membership and annual maintenance fees;

do not accept paying hunters on a day-to-day basis and are otherwise closed to the public; or

provide only waterfowl blinds or pits.

Resident Corporation – for the purpose of outfitter permitting, a resident corporation is an Illinois corporation that has been in existence for at least 30 days prior to submitting an application for an outfitter permit, and in which more than 50% of the stock is owned by Illinois resident individuals.

Resident Limited Liability Company – for the purpose of outfitter permitting, a

resident limited liability company (LLC) is an Illinois LLC that has been in existence at least 30 days prior to submitting an application for an outfitter permit and in which more than 50% of the value of all units is held by Illinois resident individuals.

Waterfowl Blind or Pit – an area of concealment that is used to hide hunters from the sight of waterfowl.

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)

Section 640.20 Minimum Standards

- a) An outfitter shall:
- 1) have a current valid Illinois outfitter permit;
 - 2) be at least 21 years of age; if the outfitter permit is held by a business entity, then a responsible individual who is an officer in the business entity must be designated on the application as the contact person;
 - 3) not have had his or her hunting privileges under the Wildlife Code suspended, or any of his or her hunting licenses revoked, within any period during the last 5 years. If the outfitter is a business entity, no officer, employee or contact person shall have had hunting privileges or licenses suspended or revoked within any period during the past 5 years;
 - 4) provide to each client, prior to commencement of outfitting services, in writing, the following: the type of service provided, the dates of service, the cost of services, and a copy of the outfitter's refund policy;
 - 5) be responsible for ensuring each client has the necessary permits, stamps, Harvest Information Program (HIP) registration and licenses prior to any hunting;
 - 6) indicate clearly to each client the boundaries of the property on which the client is to hunt and instruct each client as to how to conduct the hunt (i.e., special rules, restricted areas, etc.);
 - 7) make no guarantees, either oral or written, as to the success of the hunt;
 - 8) not misrepresent his or her facilities, prices, equipment, services or hunting opportunities;
 - 9) not take or attempt to take any wildlife on behalf of the client;
 - 10) for Class A Permit only: maintain a current log, on forms provided by the

Department, of all individuals who hunt on the property controlled under the outfitter permit, including the dates they hunted, their Department customer identification number, and harvest information (including the harvest confirmation numbers and sex and approximate age of the harvested animals, whether the hunter was a paying client or a free hunter).

A copy of this log must be maintained by the outfitter for 5 years and the original shall be submitted to the Department within 30 days after the close of the seasons in which the Class A outfitter is operating;

- 11) for Class B Permits: require all waterfowl hunters to register daily, on the daily registration forms provided by the Department, prior to entering the field to hunt on the area covered by his/her permit. Each hunter shall personally enter his or her name, Department customer identification number and mailing address on the daily registration form.
 - A) The outfitter shall require each hunter, at the completion of each hunting day, to report the number of species (including sex for mallard ducks only) of migratory waterfowl that the hunter has taken using forms provided by the Department. The hunter must personally complete this report and certify by signature that the information is accurate.
 - B) The outfitter shall make all records described in this Part available for inspection upon request by authorized employees of the Department or any federal or State law enforcement officer, and shall keep a copy of the hunter registration forms for at least 7 years after completion. Failure to comply with any required recordkeeping obligations can result in the revocation of a permit or suspension of permit privileges for a period of up to 5 years.
 - C) The original hunter registration forms (waterfowl kill sheets) shall be submitted to the Department, at the address specified on the forms provided by the Department, within 30 days after the close of the latest waterfowl season;
- 12) for outfitters whose only service is to solicit and secure clients for a landowner or tenant or other outfitters, keep a record, on forms provided by the Department, of all clients and landowners or tenants utilizing their services. The record must contain the client, landowner and tenant (if applicable) names, addresses, phone numbers, and both a legal description and common address of the property to be hunted. This record shall be submitted to the Department by the permit holder within 30 days after completion of any agreement between a hunter and a landowner or tenant; and
- 13) if the permit holder performs guide services in addition to outfitting

services, comply with the requirements of subsection (b).

- b) A guide shall:
 - 1) not have had his or her hunting license revoked or hunting privileges suspended under the Wildlife Code for any period of time during the past 5 years;
 - 2) unless exempt by law, have a current Illinois hunting license and habitat stamp (Class A Permit only) or a current hunting license, State and federal waterfowl stamp, and HIP registration (Class B Permit only);
 - 3) have proof of successful completion of a State-approved hunter-safety course;
 - 4) comply with, and ensure that all clients comply with, all State and federal wildlife and weapons laws and regulations; and
 - 5) not take or attempt to take any wildlife on behalf of the client.

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)

Section 640.30 Application Requirements

In order to obtain a permit to operate as an outfitter, the applicant must submit to the Department of Natural Resources, Outfitter Services, One Natural Resources Way, Springfield IL 62702-1271, an application containing the following information:

- a) The name, address, date of birth, phone number and Social Security Number of the applicant, if an individual; or if a business entity, the company, corporation, limited liability company or partnership name, along with a copy of the organization papers filed with the Secretary of State and/or the certification of compliance with the Assumed Business Name Act from the County Clerk, and the name, address, date of birth, phone number and Social Security Number of the contact person, with a certification the applicant is an Illinois resident or a non-resident of Illinois.
- b) A listing of the county, township, range, section, acres and landowner name of the property where the outfitting services will be provided.
- c) A description of hunting activities proposed for the current year, including the approximate number of hunters, type of hunting to occur (waterfowl, deer or turkey hunting), and the type of weapons to be used.
- d) Class A outfitters must provide a management plan for each species (deer or turkey) to be hunted by providing complete and accurate information as requested on the standardized form provided by the Department. A management plan is not

required for outfitters who only solicit or secure waterfowl, deer and/or turkey hunting clients for a landowner or tenant or another outfitter.

- e) Proof of current commercial liability insurance for property damage, personal injury and death with a minimum benefit of \$1,000,000.
- f) A list of any guides to be employed, and any guides who quit or whose employment was terminated, with the name, address, date of birth, and Social Security Number of each guide. This list may be modified at any time by providing the change in writing to the Office of Law Enforcement, IDNR, One Natural Resources Way, Springfield IL 67202-1271.

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)

Section 640.40 Permit Fees

The annual fees for an outfitter permit shall be:

- a) Class A Permit
 - 1) \$500 for a resident.
 - 2) \$2,500 for a non-resident.
- b) Class B Permit
 - 1) \$250 for a resident.
 - 2) \$1,500 for a non-resident.

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)

Section 640.50 Acceptance or Rejection of Applications

- a) Incomplete or inadequate applications shall be returned to the applicant with a summary of deficiencies.
- b) Incomplete or inadequate applications may be completed and re-submitted within 15 days, or until the end of the application period, whichever is longer.
- c) Applications for permits will be accepted January 31 through July 15 of each year, inclusive. Addendums adding acreage may be added to the outfitter's permit by notifying the Department within 24 hours after gaining legal access to the property. Addendums shall include the information required under Section 640.30(b). Acceptable methods of notification to the Department will be email, fax or online. Addendums for properties obtained and utilized only during the

emergency light goose season shall be exempt from reporting as required in this Section.

- d) For Class A Permits: If an outfitter allows deer/turkey populations to increase to the point that they have an abnormal detrimental impact on crops, public safety or environmental conditions in the immediate area, the Department will inform the outfitter of that impact or effect. If, after one year, no reasonable effort has been made to resolve the impact or effect, that outfitter will be warned that remedial action must be taken or his/her outfitter permit will not be renewed. If, after the warning, the outfitter does not institute a reasonable remedial action, the application for renewal will be rejected and that person shall be ineligible for an outfitter permit for a year. Eligibility for a new permit shall be dependent upon submission of a complete new application along with a management plan detailing actions or modifications to be employed to remedy the problem and responsibly manage the wildlife.
- e) Full applications shall be required every 5 years. The annual renewal shall require:
 - 1) payment of the fee required by Section 640.40;
 - 2) proof of insurance;
 - 3) a new complete property listing as required by Section 640.30(b); and
 - 4) regardless of whether the hunter was a paying client or a free hunter, a report of harvest that provides:
 - A) the number of hunter days; and
 - B) the total number taken of:
 - i) male and female deer (Class A);
 - ii) turkey (Class A); and
 - iii) waterfowl, with a separate listing for ducks and geese (Class B).

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)

Section 640.60 Term of Permit

- a) The permit shall be for one year from July 1 to June 30.
- b) Applications and renewals are due at the Department by July 15 of each year. Applications or renewals received after July 15 cannot be guaranteed to be

processed and a permit issued by September 1.

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)

Section 640.70 Violations

- a) It shall be unlawful for an outfitter to:
- 1) employ any person as a guide or facilitator whose hunting license is revoked or whose privileges to hunt in Illinois are suspended, or who does not meet guide requirements (see Section 640.20(b));
 - 2) fail to provide to the Department documentation of change of ownership, transfer of corporate shares or transfer of a limited liability company's membership within 45 days after the date of change;
 - 3) advertise or provide outfitting services at a time the outfitter does not hold a current valid outfitter permit;
 - 4) provide outfitting services on lands not included in the permit application;
 - 5) knowingly allow or cause a client or guide to violate any provisions of the Wildlife Code or related administrative rules or federal regulations;
 - 6) advertise that outfitting services are provided on specific land unless that land is included in the permit;
 - 7) advertise in an intentionally false or misleading manner;
 - 8) fail to allow inspection of required records by an authorized employee of the Department, or by an authorized State or federal law enforcement officer, during reasonable business hours;
 - 9) fail to maintain records or to submit reports, as required by this Part;
 - 10) provide outfitting services at any time when the commercial liability insurance required by Section 640.30(e) is not in full force and effect.
- b) It shall be unlawful for a person to represent himself or herself as, or perform work as, an outfitter or guide unless that person meets the minimum standards provided in Section 640.20.

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)

Section 640.80 Penalty

- a) Any person who violates any provision of this Part shall be guilty of a Class B misdemeanor (see 520 ILCS 5/3.1-3).
- b) Any person found guilty of operating as an outfitter without an outfitter's permit, or of failure to pay the appropriate permit fees, shall, in addition to any criminal penalties, be assessed a civil penalty of three times the amount that should have been paid. This penalty is payable to the Department's Conservation Police Operations Assistance Fund.
- c) The Department shall not issue an outfitter permit to:
 - 1) any person who has not successfully paid the permit fee required by Section 640.40;
 - 2) any person who has been subjected to criminal or civil penalties, until the penalty is paid in full; and
 - 3) any organization or business entity of which a person described in subsection (c)(1) or (c)(2) is an officer, agent or employee.

(Source: Amended at 39 Ill. Reg. 9373, effective June 26, 2015)