

2019

Carrying Passengers for
Hire/Livery/Dealer
Guidebook

Utah State Parks Boating Program

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Carrying Passengers for Hire License and Permit Reciprocity

Vessel operators who are licensed or permitted to carry passengers for hire in another state and possesses a certificate of outfitting company registration or similar license, permit, or registration accepted and recognized by the Division, where the state has similar outfitting company registration provisions, shall not be required to obtain and display a Utah license of outfitting company registration as required by this section. R651-206-2(15)

How to Become a Licensed Outfitting Company

Each company carrying passengers for hire on waters of this state shall apply for a license with the Division annually prior to commencement of operation. Outfitting company licensing with the Division requires the completion of the prescribed application form and provision of the following:

To apply as an outfitting company go to:

<https://stateparks.utah.gov/activities/boating/commercial-boating/>

Provide the following:

- A completed application form;
- A current and valid business license;
- Evidence of general liability insurance coverage; and
- Payment of the appropriate application fee.

Upon a successful application, the Division shall issue a license in the name of the outfitting company. A licensed company shall display its license at its place of business in a prominent location, visible to persons and passengers.

All registered companies MUST:

- Have a written policy describing a program for a drug-free workplace.
- Maintain each vessel in its fleet according to good marine practices and standards.
- Ensure that each vessel used in the service of carrying passengers for hire meets the maintenance and inspection requirements, if such inspections are required of a vessel.
- Maintain a file of maintenance and inspections for each vessel, or the components and equipment that configure a float trip vessel, for which inspection is required.
- Retain and update maintenance and inspection files for the duration in which the vessel is in the service of carrying passengers for hire, plus six additional years.
- Carry general liability insurance for the amount determined by the land managing agency.
- Maintain a trip log for each of its trip leaders and guides.
- Maintain a voyage plan and a passenger manifest, on shore, for each trip or excursion the company conducts.
- Maintain a daily or trip operations log for each of its vessels.
- Ensure that each of its vessel operators conducts a check of the vessel he or she will be operating.

Role of Certifying Agent

An agent of the registered outfitting company shall certify that each trip leader or guide sponsored by the company has:

- Obtained the minimum levels of required vessel operation experience corresponding to the type of license or permit applied for; and
- Obtained the appropriate first-aid and CPR certificates.

Utah Carrying Passengers for Hire (CPFH) Trip Leader and Guide Qualifications

Unless exempted in R651-206-9, no person shall operate a vessel engaged in carrying passengers for hire on sole state waters unless that person is a trip leader, guide, or U.S. Coast Guard Master's License holder authorized by an outfitting company licensed by the Division.

When carrying passengers for hire on the waters of Bear Lake, Flaming Gorge or Lake Powell, the following is required:

- *Motorized trips*: The trip leader(s) or guide(s) authorized by an outfitting company shall have a valid and appropriately endorsed U.S. Coast Guard Master's License.
- *Non-motorized trips*: Authorized trip leader(s) and guide(s) are **not** required to have a U.S. Coast Guard Master's License.

A person qualified as a **trip leader** on **lakes and reservoirs** shall meet the following qualifications:

Be at least 18 years of age.

- Complete a minimum of at least **80** hours of actual vessel operation experience, including 40 hours operating the same or similar vessel on the same lake or reservoir upon which the person shall carry passengers for hire.
- Possess a current advanced first-aid certification; and
- Possess a current CPR certification.
- Motorized trips*: completion of National Association of State Boating Law Administrators (NASBLA) approved boating safety course.
- Non-motorized trips*: Completion of a skills course from the American Canoe Association (ACA) or from the World Paddling Association (WPA).

A person qualified as a **trip leader** operating on **whitewater rivers** shall meet the following qualifications:

- Be at least 18 years of age.
- Complete a minimum of **nine** river trips on whitewater river sections, including at least one trip operating the same or a similar vessel on the same river section on which the operator will be carrying passengers for hire.
- Possess a current advanced first-aid certification.
- Possess a current CPR certification.

A person qualified as a **trip leader** operating on **flat water river areas** shall meet the following qualifications:

- Be at least 18 years of age.
- Complete a minimum of **six** river trips on any river section, including at least one trip operating the same or a similar vessel on the same river section on which the trip leader will be carrying passengers for hire.
- Possess a current advanced first-aid certification.
- Possess a current CPR certification.

A person qualified as a **guide** operating on **lakes and reservoirs** shall meet the following qualifications:

Be at least 18 years of age.

Complete a minimum of at least **20** hours of actual vessel operation experience, including 10 hours operating the same or a similar vessel on the same lake or reservoir upon which the person shall carry passengers for hire.

- Possess a current basic first-aid certification.
- Possess a current CPR certification.
- Motorized trips*: completion of a National Association of Boating Law Administrators (NASBLA) approved boating safety course.
- Non-motorized trips*: completion of a skills course from the American Canoe Association (ACA) or from the World Paddling Association (WPA).

A person qualified as a **guide** operating on **whitewater rivers** shall meet the following qualifications:

- Be at least 18 years of age.
- Complete a minimum of **three** river trips on whitewater rivers or river sections, including at least one trip operating the same or a similar vessel on the same river section on which the person will be carrying passengers for hire.
- Possess a current basic first-aid certification.
- Possess a current CPR certification.

A person qualified as a **guide** operating on **flatwater rivers** shall meet the following qualifications:

- Be at least 18 years of age.
- Complete a minimum of **three** river trips on flatwater or whitewater river sections, including at least one trip operating the same or a similar vessel on the same river section on which the person will be carrying passengers for hire.
- Possess a current basic first-aid certification.
- Possess a current CPR certification.

An outfitting company shall maintain a trip log for each person certified by the company as a trip leader or guide. The log shall include the person's:

- Full legal name and date of birth;
- Proof of a current certification in first-aid and CPR.
- A record of on water experience, including dates of hours on lakes and reservoirs and number of trips on rivers.

An outfitting company shall maintain all trip leader and guide trip logs while such persons are authorized by the company and for a period of at least six years after termination of the trip leader or guide. These records shall be maintained at the outfitting company's designated place of business. The outfitting company, or any employee having access to such records, shall provide them to any peace officer enforcing the provisions of R651-602.

Experience Restriction and Exemption

A trip leader or guide shall not carry passengers for hire when unfamiliar with the vessel and/or the waterway. An exception to this rule allows a trip leader or guide to lead passengers on a lake, reservoir, or designated flatwater river area, as long as there is a trip leader or guide who is familiar with the vessel, the waterway, and remains within sight of the rest of the group. R651-206-3(13)

Conditions Mandating At Least One Trip Leader or Guide Aboard

- On a vessel that is carrying more than 49 passengers for hire.
- On a vessel carrying more than 24 passengers for hire, and operating more than one mile from shore.
- On board for each passenger deck on the vessel carrying passengers for hire. R651-206-3(14)
- A trip leader or guide shall not operate a vessel for more than 12 hours in a 24 hour period. R651-206-3(16)

Low-Capacity Vessel-Led Requirements

On all river sections, except as noted below, there shall be a least one trip leader or guide for every four low capacity vessels.

On lakes, reservoirs, and designated river flatwater areas, there shall be at least one trip leader or guide for every six low capacity vessels. R651-206-3(15)

Operating Within a 24-Hour Period

A trip leader or guide shall not operate a vessel carrying passengers for hire for more than 12 hours in a 24 hour period. R651-206-3(13)

Vessel Checks

All vessels checks shall include the following:

- Check of the vessel's required carriage of safety equipment;
- Check of the vessel's communication systems;
- Check of the operation and control of the vessel's steering controls and propulsion system; and
- Check of the vessel's navigation lights, if the vessel will be operating between sunset and sunrise.

Safety and Emergency Protocol Orientation with Passengers

A trip leader or guide shall conduct a safety and emergency protocols discussion with passengers prior to launch. This discussion shall include:

- A passenger count;
- A discussion of safety protocols and emergency operations with passengers onboard the vessel;
- The conditions of weather, river, terrain, equipment, travel, housing, and vessels that passengers may expect to encounter;
- The personal equipment, clothing, and gear that commercial passengers should have for the trip;
- The proper fit, wearing, and use of personal flotation devices;
- Passenger riding and positioning in the vessel;
- Safety procedures for swimming river rapids and getting back into the vessel;
- Instruction on what to do in the event of an accident; and
- Sanitation, litter prevention, and human refuse disposal.

Suspension, Revocation or Denial of an Outfitting Company License

An outfitting company's license with the Division may be suspended, denied, or revoked for a length of time determined by the Division director, or by an individual designated by the Division director, if one or more of the following occurs:

- Personal injury or death due to negligence;
- A conviction of three rule violations in one year;
- False or fictitious statements were certified or false qualifications were used to qualify a person authorized by the outfitting company as a trip leader or guide;
- False or fictitious statements were intentionally provided when making application with the Division;
- False or fictitious statements or qualifications were intentionally provided when certifying the condition of a vessel or equipment;
- A private trip permit for carrying passengers for hire was utilized and was subsequently prosecuted by the issuing agency and found guilty of the violation;
- A non-authorized trip leader or guide was used while engaging in carrying passengers for hire; or
- Conviction of violating a resource protection regulation or public safety regulation put into effect by a land managing and/or access permitting agency.

Suspension, Revocation or Denial of a Trip Leader or Guide

An outfitting company's license with the Division may be suspended, denied, or revoked for a length of time. The privilege to guide or carry passengers for hire may be suspended, revoked, or denied by the Division or the outfitting company if a trip leader or guide is convicted of the following offenses:

- Three violations of the Utah Boating Act, Title 73, Chapter 18, or rules promulgated thereunder;
- Driving under the influence or reckless driving while carrying passengers for hire, as set forth in the Traffic Code, Utah Code Ann. 41-6a-501 and 53-3-231;
- The Division determines that the trip leader or guide intentionally provided false or fictitious statements or qualifications to obtain authorization to carry passengers for hire.

Exemption from Carrying Passengers for Hire

Owners and employees of a migratory bird production area created under Title 23, Chapter 28, and operating within that Migratory Bird Production Area, shall not be considered an outfitting company.

The Director or the Director's designee may exempt a charitable organization or volunteer, meaning a person donating service without pay or other compensation, from an outfitting company's licensing requirements, upon submission of a written application and request for hearing, pursuant to the procedures set forth in Utah Code Ann. 63G-4-201(1), Utah Admin. Code R651-101 et. seq. and as further set forth in these rules. The determination shall be made after a hearing, and upon showing by a preponderance of the evidence.

How to Become a Livery (Boat Rental Company)

Official Definition:

The Utah Boating Act defines a "Boat Livery" as an "entity which holds any vessel for renting, leasing, or chartering."

Utah Requirements for Boat Liveries:

- ❑ **Licensing:** Boat liveries must be licensed with the Division of State Parks and Recreation. ***The fee is waived for a Utah licensed outfitting company.***

Liveries must adhere to certain obligations:

- ❑ **Information:** The boat livery must advise the lessee or renter of a vessel of all boating laws and rules which the lessee or renter must obey.
- ❑ **Equipment:** The boat livery must equip a leased or rented vessel with the required safety equipment.
- ❑ **Agreement:** A copy of the lease or rental agreement must be carried onboard the leased or rented vessel and must contain the following information:
 - ❑ The vessel's assigned bow number
 - ❑ The period of time for which the vessel is leased or rented
 - ❑ The vessel's departure date and time
 - ❑ TA checklist of the required safety equipment on board
- ❑ **Records:** The owner of a boat livery must keep a record of a lease or rental transaction for at least one year. The record must have the following information:
 - ❑ Name and address of the person renting or leasing the vessel
 - ❑ Identification number of the vessel
 - ❑ The vessel's departure date and time
 - ❑ The vessel's expected time of return

Apply:

To become a livery, go to: <https://stateparks.utah.gov/activities/boating/boat-livery-rental/>

Need more information?

Please contact us at:

- (801) 538-7361
- usprboating@utah.gov

How to Become a Boat Dealer

Official Definition:The State of Utah classifies a vessel dealer as “any person who has an established place of business and sells motorboats and/or sailboats.”

Utah Requirements for Boat Dealer:

Any vessel dealer in Utah demonstrating, servicing, or testing a motorboat or sailboat must submit an application to the Utah Division of Parks and Recreation for a Utah boat dealer number and registration. This application needs to be completed to obtain dealer numbers and registrations decals (this is similar to a “dealer plate” for an automobile).

Apply:

To obtain dealer numbers and registrations decals, go to:

<https://stateparks.utah.gov/activities/boating/boat-dealer-information/>

Need more information?

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- 801-538-7361
- usprboating@utah.gov

How to Become a Marine Assistance (Towing) Company

Marine Assistance (Towing) Information

“Towing for hire” means the activity of towing vessels or providing on-the-water assistance to vessels for consideration.

- Towing for hire is considered carrying passengers for hire.
- Towing for hire does not include a person or entity performing salvage or abandoned vessel retrieval operations.

Utah Requirements for Marine Assistance (Towing) Companies:

- ❑ **Licensing:** Towing companies must be licensed with the Division of Parks and Recreation.
- ❑ Trip leaders and guides must obtain authorization from a licensed towing company.
- ❑ Marine assistance (towing) companies must comply with the dockside and dry dock vessel maintenance and inspection requirements. See R651-206-8 at: <https://rules.utah.gov/publicat/code/r651/r651-206.htm#T8>
- ❑ The owner of a vessel engaged in towing vessels for hire shall carry general liability insurance. The insurance coverage shall be determined by the permitting agency.
- ❑ A vessel engaged in towing vessels for hire shall be a minimum of 21 feet in length and have a minimum total of a 150 hp gasoline engine(s) or a 90 hp diesel engine(s). The towing vessel should be as large as or larger than the average vessel it will be towing.
- ❑ A vessel engaged in towing vessels for hire must have at least one tow vessel trip leader onboard.
- ❑ A person or entity engaged in towing vessels for hire shall provide appropriate types of training for each trip leader or guide. Each trip leader or guide shall conduct a minimum of five training evolutions of towing a vessel each year, with at least one evolution being a side tow.
- ❑ The trip leader(s) or guide(s) and any person onboard a vessel engaged in towing vessels for hire shall wear a PFD at all times. The trip leader or guide of a vessel engaged in towing vessels for hire is responsible for having all occupants of a vessel being towed wear a properly fitted PFD for the duration of the tow.
- ❑ A trip leader engaged in towing vessels for hire must keep a log of each tow or vessel assist. This log of activities shall include:
 - a. Assisted vessel's assigned bow number.
 - b. Name of assisted vessel's owner or operator, including address and phone number.
 - c. Number of persons on board the assisted vessel.
 - d. Nature of assistance.
 - e. Date and time assistance was provided.
 - f. Location of the assisted vessel at time of assistance.
- ❑ The trip leader or guide towing for hire shall make appropriate radio or other communications of the above information with a person on land, preferably at the company's place of business.
- ❑ Upon request by a compliance inspector of the Division, an outfitting company shall provide the Division with a copy of a towing vessel for hire log.

Required Equipment:

- A. PFDs.
 - a. Shall carry a sufficient number of Type I PFDs for persons onboard a towed vessel.
 - b. Shall carry a minimum of two Type IV PFDs, one of which must be a ring life buoy.

- B. Vessel shall be equipped with a depth finder.
- C. Vessel shall be equipped with a minimum of 100 feet of 5/8" tow line with a tow bridle.
- D. Vessel shall be equipped with a towing post or reinforced cleats.
- E. Vessel shall carry a dewatering pump with a minimum capacity of 25 gallons per minute, to be used to dewater other vessels.
- F. If a vessel is towing for hire between sunset and sunrise, the vessel shall carry the following pieces of equipment:
 - a. A white spotlight with a minimum brightness of 500,000 candle power.
 - b. It is recommended that a vessel be equipped with electronic RADAR equipment.
- G. Vessel shall carry a loudhailer, speaker, or other means of communicating with another vessel from a distance.
- H. Vessel shall carry the following equipment, in addition to the equipment required for vessels carrying passengers for hire:
 - a. A knife capable of cutting the vessel's towline;
 - b. A boat hook;
 - c. A minimum of four six-inch fenders;
 - d. Binoculars;
 - e. A jumpstarting system;
 - f. A toolkit and spare items for repairs on assisting vessel; and
 - g. Damage control items for quick repairs to another vessel.

Agreement:

- Any conditions of a contract, special use permit, or other agreement with a person or entity engaged in towing vessels for hire shall not supersede the boating safety and assistance activities of a state park ranger, other law enforcement officer, emergency and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any other person providing "Good Samaritan" service to vessels needing or requesting assistance.
- Any vessel receiving assistance from a state park ranger, other law enforcement officer, emergency and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any person providing "Good Samaritan" service need not be turned over to, or directed to, a person or entity registered with the Division and authorized to tow vessels for hire, unless the operator or owner of the vessel receiving assistance specifically requests such action.
- A person or entity engaged in towing vessels for hire shall immediately notify a law enforcement officer of any vessel they assist, if the person reasonably believes the vessel being assisted was involved in a reportable boating accident.
- A person or entity towing vessels for hire shall not perform an emergency rescue unless he reasonably believes immediate emergency assistance is required to save the lives of persons, prevent additional injuries to persons onboard a vessel, or reduce damage to a vessel, and a state park ranger, other law enforcement officer, emergency and search and rescue personnel, or a member of the U.S. Coast Guard Auxiliary is not immediately available, or a state park ranger, other law enforcement officer, or emergency and search and rescue personnel make such a request for emergency assistance.

Records:

The owner of a boat livery must keep a record of a lease or rental transaction for at least six years. The record must have the following information:

- A. Name and address of the person renting or leasing the vessel
- B. Identification number of the vessel
- C. The Vessel's departure date and time
- D. The vessel's expected time of return

Apply:

To become a marine assistance (towing) company, go to:

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