

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:030. Commercial guide license.

RELATES TO: KRS 150.170, 150.412, 164.772

STATUTORY AUTHORITY: KRS 150.025, 150.175(11), 150.190

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(11) authorizes the department to issue a commercial guide license, which authorizes the holder to guide hunting and fishing parties. KRS 150.190 authorizes the department to ensure that an applicant for a commercial guide license is qualified to act as a commercial guide. This administrative regulation establishes the requirements for a commercial guide license.

Section 1. Definitions.

- (1) "Commercial guide" means a person who advertises, or offers their services for profit, to aid others in the take of fish or wildlife, excluding land leasing for hunting access, tracking of wounded wildlife, club memberships, classroom instruction or seminars.
- (2) "Fishing guide helper" means a person who assists a commercial guide and is in the same boat or is directly alongside of the commercial guide if standing on a stream or river bank and while guiding others in the taking of fish.

Section 2. Commercial Guide License Requirements and Application.

- (1) A person shall possess a valid Kentucky commercial guide license in order to commercially guide others in the taking of fish or wildlife.
- (2) A commercial guide license shall be valid from March 1 through the last day of February.
- (3) An applicant for a commercial guide license shall:
 - (a) Be eighteen (18) years of age or older;
 - (b) Have not been convicted of any state or federal fish or wildlife violation during the previous three (3) years;
 - (c) Have not been convicted of a felony;
 - (d) Possess a valid fishing license and trout permit if applicable; and
 - (e) Possess a valid hunting license and all applicable game permits.
- (4) An elk permit shall not be required to be purchased by a commercial guide in order to guide clients in the taking of elk.
- (5) Except as established in subsection (6) of this section, in order to obtain a commercial guide license, a person shall submit to the department:
 - (a) A completed Commercial Guide License Application Form to the Director's Office, Division of Law Enforcement, #1 Sportsman's Lane, Frankfort, Kentucky 40601;
 - (b) A Law Information Network of Kentucky National Crime Information Center (LINK/NCIC) background check obtained through the Kentucky State Police;
 - (c) Proof of a valid and current certification in:
 1. Cardiopulmonary resuscitation (CPR); and
 2. First aid;
 - (d) Proof of completion of a boater education course upon applying for a commercial guide license for fishing in a boat;
 - (e) Proof of completion of a hunter education course upon applying for a commercial guide license for hunting. A commercial guide applicant who guides hunters by boat shall also submit proof of completion of a boater education course; and
 - (f) The applicable fee.
- (6) A commercial guide applicant who possesses a valid United States Coast Guard Captain's License, or Six-pack, and will guide on a United States Coast Guard regulated waterway may

submit a copy of this license in lieu of the boater education course requirements established in subsection (5)(d) of this section and in lieu of the CPR and first aid requirements, as established in subsection (5)(c) of this section, upon applying for a commercial guide license.

(7) While guiding, a commercial guide shall have in possession all required licenses and permits.

(8) While guiding on private land, a commercial guide shall provide at the request of a conservation officer a name and phone number of the person granting the guide permission to be on the property.

(9) A commercial guide shall not facilitate, promote, or assist a client in the violation of any state or federal fish and wildlife law or regulation.

Section 3. Fishing Guide Helper.

(1) A commercial guide may utilize fishing guide helpers.

(2) A fishing guide helper shall have in possession while assisting a commercial guide a valid Kentucky fishing license and applicable permits.

(3) A commercial guide shall be responsible for any violation of this administrative regulation by a fishing guide helper who is registered by the commercial guide.

Section 4. Commercial Guide License Reporting, Prohibitions and Revocation.

(1) A commercial guide or fishing guide helper shall not participate in the taking of fish or game beyond the daily limit of the person or persons being guided, except that a commercial guide or fishing guide helper may take a daily limit of fish or game, as applicable, while guiding.

(2) The department shall revoke and not renew the commercial guide license for a period of three (3) years, of a person convicted of any state or federal fish or game violation.

(3) The department shall permanently revoke the commercial guide license of a person convicted of a felony.

(4) A commercial guide license holder shall report their guiding activities via the online Commercial Guide Reporting Portal by submitting as follows, via online at <https://app.fw.ky.gov/commReport>:

(a) By the 15th day of every month for the previous month's guiding, if "I plan to be a fishing guide" or "Both hunting & fishing guide" is indicated on the commercial guide license holder's Commercial Guide License Application Form, even if no guiding occurred for fishing;

(b) Within thirty (30) days after closure of the hunting season for a species which commercial guiding for hunting occurred; or

(c) Within thirty (30) days after the end of the license year for a species that can be hunted year-round which commercial guiding for hunting occurred.

(5) The commercial guide shall submit all the following information, via the online commercial guide reporting portal, by each of the applicable deadlines established in subsection (4) of this section:

(a) For commercial guiding for fishing:

1. Commercial guide name;

2. Commercial guide license number;

3. Whether commercial guiding for fishing occurred during the month, and if so:

a. Dates fished or bowfished;

b. Waterbody fished per day fished or bowfished;

c. Fish species targeted each day;

d. Number of anglers or bowfishers guided per trip;

e. Hours fished or bowfished per trip; and

f. Fish species caught or shot and the number of each species that were:

(i) Released with number of specimens below legal harvest size and at or above legal harvest size; and

(ii) Harvested.

(b) For commercial guiding for hunting:

1. Commercial guide name;

2. Commercial guide license number;
 3. Species targeted;
 4. Total number of guided resident and nonresident clients per species targeted;
 5. Number of animals harvested per species by sex of the animal;
 6. Number of animals shot, but not recovered by sex of the animal for black bear, bobcat, deer, elk, and turkey;
 7. Name of each county where guiding occurred per species;
 8. Name of each public land area where guiding occurred per species; and
 9. Indicate whether any guiding was performed for any pen-raised animals or at facilities that are permitted as a shooting facility.
- (6) Failure to submit the required reporting information by the deadline established in subsection (4) of this section for commercial guiding for fishing will result in:
- (a) Issuance of a courtesy reminder letter to a commercial guide who has once failed to properly submit the reporting information during the commercial guiding license year.
 - (b) Issuance of a warning letter to a commercial guide who has twice failed to properly submit the reporting information during the commercial guiding license year.
 - (c) Suspension of the commercial guide license of a commercial guide who has failed to properly submit the reporting information for three (3) or more months in a given commercial guiding license year until the commercial guide submits to the department all required reporting information.
 - (d) Suspension of the commercial guide license of a commercial guide for a period of three (3) months for failure to properly submit the reporting information four (4) or more times in a commercial guiding license year.
 - (e) Additional three (3) month suspensions of the commercial guide license of a commercial guide if a prior year's three (3) month suspension extends into a new commercial guiding license year and subsequent failures to properly submit the reporting information occur.
- (7) Failure to submit the required reporting information after commercial guiding for hunting occurs will result in denial of future license applications or renewals until all required reporting has been completed.
- (8) The department shall deny a commercial guide license to a person who fails to meet the eligibility requirements, fails to properly complete the application process, or has not yet submitted all required reporting information from a prior license year.

Section 5. Administrative Hearings.

- (1) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.
- (2) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.
- (3) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.
- (4) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 6. Incorporation by Reference.

- (1) "Commercial Guide License Application Form", 2023 edition, is incorporated by reference.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at https://fw.ky.gov/Licenses/Documents/Commercial_Guide_License_Application_Form_2023.pdf for the "Commercial Guide License Application Form".
- (301 KAR 002:030. KFWR-G-71; 1 Ky.R. 64; eff. 11-13-1974; 35 Ky.R. 1000; 1451; eff. 1-5-2009; 42 Ky.R. 1602; 2058; eff. 2-5-2016; TAm. eff. 8-29-2016; 45 Ky.R. 3260; 46 Ky.R. 32; eff. 7-9-2019; 50 Ky.R. 1182; eff. 2-22-2024; 51 Ky.R.1969 eff. 11-6-2025 .)

RICH STORM, Commissioner

APPROVED BY AGENCY: October 13, 2023

FILED WITH LRC: October 13, 2023 at 11:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 28, 2023, at 11:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.