

10.4.a. At least one (1) first aid kit per trip.

10.4.b. At the beginning of each trip, each trip leader or trip guide shall possess at least one (1) throw line or throw bag not less than forty (40) feet in length. One (1) professional quality rescue rope which is seventy (70) feet in length shall be carried on each commercial whitewater expedition. The seventy (70) foot rescue rope may be counted as one of the required throw lines or throw bag.

10.5. All watercraft used by a commercial whitewater outfitter or outfitter shall be marked with its name, initials, or an easily recognizable logo, and shall be plainly visible and legible from a distance of one hundred (100) feet.

### **§58-12-11. Accident Reports.**

11.1. Injury Report. If a commercial whitewater outfitter or outfitter receives a report of an injury from a customer or is aware of an injury or accident that requires medical services at an established medical facility and the injury or accident occurs during the performance of a its services from the put-in to the take-out, the commercial whitewater outfitter or outfitter shall file an accident report with the director using the injury report form prescribed by the Whitewater Commission. The form shall include the name, address, and age of the person injured, the nature of the injury, the time and place of the accident and the circumstances of the accident and shall be filed with the director within fifteen (15) days after the accident.

11.2. Property Damage Report. If an accident occurs during the performance of a commercial whitewater outfitter's or outfitter's activities that results in non-vehicular property damage in excess of five hundred dollars (\$500), it shall file a report with the director within fifteen (15) days after the accident. This property damage report shall include the name of the owner of the property; an estimate of the amount of the loss; the time and location of the event causing the damage; and a description of the accident.

### **§58-12-12. Trip Guides and Trip Leaders.**

12.1. Commercial Whitewater Trip Guides. A Commercial Whitewater Trip Guide shall:

12.1.a. Be at least eighteen (18) years old, unless approved in writing by the director; and

12.1.b. Have completed a minimum of fifteen (15) training trips including at least five (5) training trips in the same or similar type of raft used by the commercial whitewater outfitter for commercial whitewater expeditions, two (2) familiarization trips and one (1) evaluation trip on the section of river to be guided, except that on the Shenandoah River only ten (10) training trips will be required plus the two (2) familiarization trips and one (1)

evaluation trip. One (1) of the familiarization trips and the evaluation trip shall be in the same or similar type of raft used by the commercial whitewater outfitter for commercial whitewater expeditions. The second familiarization trip may count as the evaluation trip; or

12.1.c. Have acted as a commercial whitewater guide and completed a minimum of fifteen (15) commercial whitewater expeditions in a raft on a river in which a guide is required in every raft, two (2) familiarization trips and one (1) evaluation trip. The second familiarization trip may count as the evaluation trip;

12.1.d. Have completed a minimum of forty (40) commercial whitewater expeditions in a raft on a river in which a commercial whitewater guide is required in every raft, two (2) familiarization trips and one (1) evaluation trip in order to be qualified on the Gauley River between Summersville Lake and Mason's Branch. The second familiarization trip may count as the evaluation trip.

12.1.e. Be able to operate watercraft used by the commercial whitewater outfitter on the rivers or sections of rivers to be guided;

12.1.f. Supervise passengers and be capable of giving a suitable orientation talk to the passengers in his or her watercraft on subjects which may include, but not be limited to, safety personal flotation devices and how to stay in the boat and paddle;

12.1.g. Have a valid American Red Cross first aid card or its equivalent and a current CPR certification by either the American Red Cross, or the equivalent;

12.1.h. Have a general knowledge of emergency access and evacuation routes; and

12.1.i. Be familiar with floating and swimming in whitewater conditions in a personal flotation device.

12.1.j. For training and evaluation purposes, a guide trainee may act as a trip guide on a commercial whitewater expedition as long as the guide trainee is directly and actively supervised by a commercial whitewater trip guide who is present in the watercraft.

12.1.k. The commercial whitewater outfitter shall document all familiarization trips and evaluation trips on the guide trainee's Whitewater Guide Information Sheet and maintained with the guide's records.

12.1.l. A commercial whitewater trip guide qualified on any river or portion of a river prior to the effective date of this rule remains qualified on those rivers or portions of rivers as long as he or she meets the requirements set forth in subdivision 12.1.7 of this rule.

12.2. Commercial Whitewater Trip Leaders. Each commercial whitewater expedition shall include a trip leader. A trip leader shall meet all commercial whitewater trip guide qualifications specified in Subsection 12.1 of this rule. In addition, a trip leader shall:

12.2.a. Be at least twenty (20) years old, unless approved in writing by the director;

12.2.b. Have completed at least six (6) commercial whitewater expeditions as a commercial whitewater guide on the section of river that he or she will act as a trip guide. On the Upper Gauley between Summersville Lake Dam and Mason's Branch a trip leader shall have completed at least twenty (20) commercial whitewater expeditions as a commercial whitewater guide on the section of river that he or she will act as a trip guide; or

12.2.c. For new sections of river, have completed a minimum of forty (40) commercial whitewater expeditions as a trip leader, in a raft, on a river that requires a commercial whitewater guide in every raft, and have completed six (6) familiarization trips on the section of the river that he or she will act as a trip guide; and

12.2.d. Be knowledgeable and capable of giving a suitable orientation talk to and supervise the passengers on the commercial whitewater expedition on subjects which may include, but not be limited to, trip safety, trip description, personal flotation devices, how to stay in the boat and how to paddle and throw lines.

12.2.e. A commercial whitewater trip leader qualified on any river or portion of a river prior to the effective date of this rule remains qualified on those rivers or portions of rivers as long as he or she meets the requirements set forth in subdivision 12.1.g of this rule.

12.3. Trip Guides or commercial whitewater operations on the Shenandoah River, a commercial whitewater outfitter may employ the services of guides who are at least sixteen (16) years old and otherwise meet the qualifications set forth in subsection 12.1 of this rule.

12.4. Commercial whitewater outfitters may request variations from the trip leader or trip guide qualifications set forth in this section. Requests for variations must be made in writing to the director and the request shall substantiate that the variation does not reduce the intent of the qualifications set forth in this rule.

12.5. Documents relating to the requirements of this section shall be kept at the commercial whitewater outfitter's base camp for inspection by the director or his or her representative.

### **§58-12-13. Enforcement and Penalties.**