

MONTANA BOARD OF OUTFITTERS 301
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**PROCEDURES FOR:
OUTFITTER LICENSE/EXAMINATION APPLICATION**

ILLEGIBLE AND INCOMPLETE APPLICATIONS WILL BE RETURNED. APPLICATIONS MUST BE ACCOMPANIED BY REQUIRED FEES. PROCESSING TIME IS APPROXIMATELY 30-DAYS FROM THE DATE THAT THE BOARD HAS A COMPLETE ROUTINE APPLICATION.

"Outfitter" means any person, except a person providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests, who for consideration provides any saddle or pack animal, facilities, camping equipment, vehicle, watercraft, or other conveyance, or personal service for any person to hunt, trap, capture, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a licensed guide or outfitter's assistant in accompanying that person. [37-47-101, MCA].

In the state of Montana a person may not act as an outfitter or guide or advertise or otherwise represent to the public that the person is an outfitter or guide without first securing a license in accordance with the provisions of this part. [37-47-301, MCA].

Section 37-47-101 (11), MCA, provides an exemption for *Private Landowners* from the law that governs outfitters. The exemption applies only to those persons providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests. The most common mistake relates to the hiring of guides; there is no landowner exemption for guides and, there is no exemption for a person acting as a guide while working for a landowner.

FEES: Applications must be accompanied with the required fees. Checks or money orders are to be made payable to the Montana Board of Outfitters. All fees are non-refundable.

\$1300.00* New/Original License and Examination Application

\$ 450.00 License Amendment and Examination Application

\$ 150.00 Re-Application

\$ 500.00* New Operation Plan/Inspection Application

\$ 100.00 Net Client Hunter Use (NCHU) Transfer Application (Hunting Applicants Only)

* These fees must be paid by all new applicants; other fees may apply depending on your operations plan.

APPLICATION PROCEDURES: Applicants for an outfitter's license must apply on a form prescribed and furnished by the Board. Applicants must meet the experience and training specifications and other qualifications, then must take and pass a written examination administered by the Board or its agent. Incomplete applications will be returned causing a delay in processing.

- Complete the outfitter license/examination application and operation plan by typing or printing all required parts. (A completed NCHU application must accompany hunting outfitter license application).

- Sign the forms and submit them to the Board office with the required fees. Applications submitted without the required experience may be subject to a re-application process with new fees. It is advised that you check with your endorsing outfitter(s) and insure that you have accumulated the required days of guiding experience before submitting your applications.
- Qualifications will be investigated and experience verified upon receipt of an application. The experience may be verified through review of the endorsing outfitter's annually submitted client report logs.
- Inspection of equipment and premises will be made by a representative of the Board at a reasonable time following approval of an application.
- Once an application has been verified and approved, the Board office will send written confirmation of the date and time the applicant is scheduled for examination.
- When all the conditions of licensure have been satisfied, including insurance and inspections, the Board will issue a license stating the outfitter functions that the applicant is qualified and approved to perform. The license is valid for the licensing year in which it is issued and expires on the last day of that license year.

QUALIFICATIONS/EXPERIENCE: An applicant for an outfitter's license must meet experience, training, and testing requirements. Those qualifications and experience requirements are as follows:

- Must be 18 years of age or older, be physically capable and mentally competent to perform the duties of an outfitter, and meet experience, training, and testing requirements as prescribed by board rule. [37-47-302, MCA]
- Must own, hold under written lease, or contract for or represent a business entity who owns, holds under written lease, or contracts for the equipment and facilities that are necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and the outfitter's clients. All equipment and facilities are subject to inspection at all reasonable times and places by the board or its designated agent. [37-47-302, MCA]
- Fishing outfitter applicants must have a minimum of three years and 120 days of verified experience as a licensed guide working for a licensed outfitter in this state, guiding clients and using methods for pursuing fish, reduced by no more than 50 experience days for any waiver or combination of waivers; or a minimum of three years and 120 days of verified experience as a licensed outfitter in another state guiding clients and using methods for pursuing fish, subject to approval by the board, reduced by no more than 50 experience days for any waiver or combination of waivers; or
- All other applicants must have 100 days of verified experience as a licensed guide working for a licensed outfitter in this state, guiding clients in pursuing the types of game and using the methods for which licensure is sought by the applicant or 100 days of verified experience as a licensed outfitter in another state guiding clients in pursuing the types of game and using the methods for which licensure is sought by the applicant subject to approval by the Board [ARM 24.171.502].
- Must be qualified to provide all services and use all equipment necessary to provide the functions of an outfitter that applicant's license will authorize the applicant to provide. [ARM 24.171.502]
- Must hold a current basic first aid at all times actively licensed. [ARM 24.171.412]

EXPERIENCE WAIVER: All experience waivers shall be contingent upon the applicant completing the Board's 1-day education program. In addition to meeting all other qualifications and experience, portions of

- Three days of experience may be waived by the board for every day of training completed by the applicant at an outfitter or guide school approved by the board provided that the training was in the category of licensure being sought (e.g., hunting or fishing). The maximum number of days of experience that may be waived is 30. All experience waivers shall be contingent upon the applicant completing the board's one-day education program at the time specified by the board. [ARM 24.171.502]

- Fifty days of experience may be waived for an applicant purchasing an existing outfitter operation provided that: (1) The applicant receives pre-approval from the Board of a training and instruction plan documenting how and in what capacity the applicant will work with the licensed outfitter from whom the business was obtained; (2) The applicant has entered into a sales agreement with the selling outfitter for the purchase of the operation and the sales agreement provides supervision by the selling outfitter of the applicant during a 12-month period following Board approval of the application; (3) The selling outfitter has a current, approved operations plan on file with the Board; (4) The applicant files an operations plan that is approved by the Board; (5) The applicant has completed the board's one-day education program. [ARM 24.171.502]

WAIVER PROCEDURES: Waiver requests are submitted to the Board office in writing and must receive Full Board approval. The request must clearly specify which type of waiver the petitioner is seeking. When applicable, qualifications and training will be investigated and experience verified prior to Board consideration.

30-Day Waiver:

- Submit the written request along with a current copy of the outfitter or guide school curriculum, proof of attendance and successful completion of training, and any other supporting documents and materials pertinent to the waiver.
- The Board office will send written confirmation of the acceptance of days waived.

50-Day Waiver: This is a three-part process. Part I initiates the process for approval of a 12-Month Plan between two parties as a result of the sale of an outfitting business. Part II initiates the process for approval of the results of a completed pre-approved 12-Month Plan. Part III initiates the process of approval of a 50-Day Experience Waiver based on the completion of a pre-approved 12-Month Plan.

Part I -- 12-Month Plan approval process (Requires pre-approval from the Board for a training and instruction plan).

- The applicant has entered into a sales agreement with the selling outfitter for the purchase of the operation and the sales agreement provides supervision of the applicant by the selling outfitter for a period of 12-months following Board approval.
- The buyer and seller must submit a written request for Board approval of a 12-Month Plan documenting how and in what capacity the applicant will work with the licensed outfitter from whom the business was obtained.
- The selling outfitter must have a current approved operations plan on file with the Board.
- The applicant (buyer) must file an operations plan with the Board and complete the Board's one-day education program.
- The Board office will send written confirmation of the date and time the request is scheduled for review. Board meetings are held four times a year, approximately every three months starting with December and are always held at a pre-scheduled location in Helena, Montana.
- A plan commences upon the day of approval. The applicant (buyer) must work with the licensed outfitter from whom the business was obtained, by operating the business now owned by the applicant, according to the plan details submitted to the Board for not less than 12 months following plan approval by the Board. The Board office is not responsible for tracking completion dates.

Part II -- Approval process of an executed 12-Month Pre-approved Plan

- The buyer must submit a written request for Board approval of a 50-Day Experience Waiver pursuant to the completion of the previously approved 12-Month Plan.
- Requests must be submitted at least three weeks prior to a regularly scheduled Board meeting.
- The Board office will send written confirmation of the date and time the request is scheduled for review. Board meetings are held four times a year, approximately every three months starting with December and are always held at a pre-scheduled location in Helena, Montana.

Part III -- 50-Day Experience Waiver application process

- Once a 50-Day Experience Waiver has been granted a completed outfitter license application must be submitted and approved prior to examination. The buyer's operation plan must synchronize with the entire operation of the existing licensed outfitter's approved plan. Proof of the remaining 50-days of guiding experience in each license function must accompany the license application. Refer to the Application Procedures on Page 1 for a summary on applying for licensure.

SALE AND PURCHASE OF AN OUTFITTING OPERATION: The Board will evaluate outfitter applications involving the sale of an existing outfitting operation by using information regarding experience and training relative to outfitter activities. Refer to the Application Procedures on Page 1 for a summary on applying for licensure.

MAKEUP OF OPEN BOOK WRITTEN EXAMINATION: The examination must require general and sufficient knowledge displaying and indicating ability to perform the services contemplated with efficiency and with safety to the health and welfare of participants. The examination must test the applicant's knowledge of subjects that apply to the type of license applied for and may include the following subjects: (1) federal and state fish and game laws and regulations; (2) federal and state regulations as applicable to outfitting; (3) boat safety; and; (4) water safety.

- This is an open book examination. There are four sections to the examination: (25) multiple-choice questions in the Hunting Services section; (25) questions in the Fishing Services section; (50) questions in the General Outfitter section; and (25) questions in the Horse/Packing section. You must pass each section of the examination you are taking with a score of 75% or more.
- **HUNTING SERVICES:** Applicants who will be providing hunting services must take the Hunting Section. Included are questions concerning Fish and Game hunting laws and regulations and Board of Outfitters regulations.
- **FISHING SERVICES:** Applicants providing fishing services must take the Fishing Section. Included are questions on Fish and Game fishing laws and regulations, Board of Outfitters regulations, stream access, boating and trespass laws.
- **LIVESTOCK SERVICES:** Applicants providing or using livestock must take the Horse/Packing Section. Included are questions on horsemanship, horse care, and knowledge of tack.
- **GENERAL OUTFITTER:** All new license applicants are required to take and pass the General Outfitter Section plus those sections pertaining to the services you wish to offer, (fishing, hunting, and livestock). Included are questions on Board of Outfitters regulations over outfitters and guides and Laws & Rules of the State of Montana relating to fish, wildlife and parks, outdoor recreation and certain other natural resources.

Recommended Materials: The following are recommended materials that you should obtain to help you prepare for the open book exam.

- **General Section:** A compilation of the Board of Outfitter Laws & Rules governing outfitters and guides are contained in this packet. A compilation of the Laws & Rules of the State of Montana relating to fish, wildlife and parks, outdoor recreation and certain other natural resources, can be obtained from a FWP licensing agent or the Department of Fish, Wildlife and Parks.
- **Fishing and Hunting Sections:** A compilation of the Laws & Rules of the State of Montana relating to fish, wildlife and parks, outdoor recreation and certain other natural resources, can be obtained from a FWP licensing agent or the Department of Fish, Wildlife and Parks. In addition, you can obtain pamphlets entitled "Montana Fishing and Hunting Regulations", "Montana Boating Laws", "Stream Access in Montana", "It's the Law: New Legislation Affecting Montana Landowners & Recreationists" and "How to Hunt Safely in Grizzly Country" and/or any other FWP bear identification pamphlets.
- **Livestock Section:** You can obtain the book titled "Packing in on Horses & Mules" by Smoke Elser & Bill Brown.

RE-EXAMINATION: An applicant who fails the written examination may, within 15 days of notification of failure, review his or her examination at the board office. During this review, the applicant may review only questions answered incorrectly. Correct answers to those questions will be furnished to the applicant. The applicant will not be allowed to record any information from examination during the review. An applicant may not repeat any failed portion of the outfitter examination sooner than 30 days from the date of failing.

NET CLIENT HUNTER USE (NCHU): Net client hunter use" or "NCHU" means the number of clients authorized to be served by an outfitter on private and state land and on any federal land where an outfitter's use of the federal land is not limited by some means other than NCHU.

- NCHU categories are as follows:
 - (a) Category 2, consisting of all clients served in the pursuit of upland game birds and big game under combination licenses or in the pursuit of big game; and;
 - (b) Category 3, consisting of all clients served in the pursuit of upland game birds, water fowl, and turkeys.
 - (2) In cases where a federal agency limits an outfitter's use of federal lands by some means other than NCHU, an outfitter is not required to have NCHU to perform services on those lands.
 - (3) NCHU owned by a licensee is part of the operations plan and may be transferred only with notice to the board. Transfers between or among licensees are routinely processed by the department unless the department has received a complaint against the licensee who is the transferor in a NCHU transfer request. If the transferor is a respondent to a complaint, the request will not be processed until after the case is resolved. In addition, a license that has expired may not be part of a NCHU transfer, and any NCHU that is recorded as part of the operations plan of a license that terminates or is revoked ceases to exist upon termination or revocation.
 - (4) Each outfitter entering into a transfer of NCHU with one or more other outfitters must do so by completing a transfer request form prescribed by the department. Prior to being processed by the department, a NCHU transfer request is not complete or valid for any purpose and may be cancelled by any licensee that is a party to it.
 - (5) The records of the board comprise the official records of NCHU and each purported transfer of NCHU is invalid and void that is not reflected in the board's records.
 - (6) NCHU allocated to a deceased outfitter may be transferred only by a successor if an approved successorship has not terminated under ARM [24.171.504](#). NCHU will expire and shall not be revived if it is not transferred the earlier of the date that the license terminates from nonrenewal, or the date that a successorship terminates, or, if no successor has been designated, the date that is one year following the death of the outfitter unless an extension is approved by the board based upon good

cause appearing in a written request received by the board within one year. In cases where the outfitter dies and no successor is designated, someone authorized by the estate or the family of the outfitter must submit a NCHU transfer request form to the board within one year following the death of the outfitter. Authorization by the estate is shown by a certified copy of letters of appointment as a personal representative or by any other procedure allowed under Title 72, MCA, for the transfer of intangible personal property.

LICENSE AMENDMENT/EXAMINATION APPLICATION: All amendments will be considered by the Board using the same criteria as new applicants, including being required to take those parts of the outfitter examination that apply to the proposed amendment, if an outfitter is applying to add the following to the operations plan:

- (a) hunting;
- (b) fishing;
- (c) watercraft used for fishing or hunting;
- (d) upland game bird;
- (e) waterfowl; or
- (f) saddle or pack animal use

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Outfitter License/Examination Application

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Application for Licensure as:

- FISHING OUTFITTER
- OUTFITTER LICENSE/SUCCESSOR
- HUNTING OUTFITTER
- RE-APPLICATION, ACTIVATION, OR RE-
EXAMINATION FISHING & HUNTING OUTFITTER
- ADD ADDITIONAL SERVICES TO EXISTING LICENSE

Complete routine applications will be processed within 30 days

1. FULL NAME: _____
Last First Middle
2. OTHER NAME(S) KNOWN BY _____
3. BUSINESS NAME _____
4. BUSINESS ADDRESS _____
Street or PO Box # City and State Zip
5. PREFERRED CONTACT Postal Mail E-Mail
6. E-MAIL _____ DRIVER'S LICENSE # _____

**DISCIPLINARY QUESTIONS:
PLEASE READ CAREFULLY & ANSWER QUESTIONS COMPLETELY AND TRUTHFULLY, IT
MAY AFFECT YOUR LICENSURE.**

- | | | |
|---|-----|----|
| 1. Have you ever had an application for a professional or occupational license refused or denied? If yes, please attach a detailed explanation and provide supporting documentation from the source. | Yes | No |
| 2. Have you ever withdrawn an application for licensure prior to the licensing agency's decision regarding your application? If yes, please attach a detailed explanation and provide supporting documentation from the source. | Yes | No |
| 3. Has a licensing agency initiated or completed disciplinary action against any professional or occupational license you have held? If yes, please provide agency documents including the complaint, initiating documents, orders, final orders, stipulations and consent and/or settlement agreements directly from the source. | Yes | No |
| 4. Have you ever voluntarily surrendered, cancelled, forfeited, failed to renew a professional or occupation license in anticipation of or during an investigation or disciplinary proceedings or action? If yes, please attach a detailed explanation and provide supporting documentation from the source. | Yes | No |
| 5. Has a complaint ever been made against you with a professional or occupational licensing agency? If yes, please attach a detailed explanation and provide supporting documentation from the source. | Yes | No |
| 6. Have any civil legal proceedings been filed against you by a (patient/client), (former patient/client) or employer/employee? If yes, attach a detailed explanation and documentation from the source including initiating document(s) and documentation of final disposition. | Yes | No |
| 7. Do you have any criminal charges pending or have you ever pled guilty, forfeited bond, or been convicted of a crime (whether or not sentence was suspended or deferred), or have you pled no contest or had prosecution deferred whether or not an appeal is pending? If yes, attach a detailed explanation and documentation from the source. You must report but may omit documentation for: (1) misdemeanor traffic violations resulting in fines of less than \$100; and (2) charges or convictions prior to your 18th birthday unless you were tried as an adult. | Yes | No |
| 8. Have you ever been diagnosed with chemical dependency or another addiction, or have you participated in a chemical dependency or other addiction treatment program? If yes, please attach a detailed explanation and provide documentation regarding evaluations, diagnosis, treatment recommendations and monitoring from the source. | Yes | No |
| 9. Have you ever been diagnosed with a physical condition or mental health disorder involving potential health risk to the public? If yes, please provide a detailed explanation. | Yes | No |
| 10. Have you ever been courts martial or discharged other than honorably from any branch of the armed service? If yes, attach a detailed explanation and documentation for the source. | Yes | No |
| 11. Have you demonstrated a lack of respect for or a lack of compliance with the laws of any state of the United States or any rules promulgated thereunder as to matters of fish and game, conservation of natural resources, and preservation of the natural ecosystem? If yes, attach a detailed explanation. | Yes | No |

SECTION D: List your experience as a licensed outfitter or guide (most recent first). Attach additional sheets if necessary.

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

Year _____ License Number _____
Experience as: outfitter guide
Employer Name _____
Employer's Address _____
Employer's phone _____
Services provided for: hunting fishing
Dates services provided _____

SECTION E: List any and all (other than Montana) states and/or Canadian provinces in which you have ever been licensed (certified).

State/Canadian Provinces	License/Cert. Number	Date Issued	License Status	Specialty

If you are applying for licensure in Montana based on experience in a state or province other than Montana then you must attach the following documents:

Copy of your license or certification in that state or province

Written request for Board review and approval of your experience in that state/letter from the licensing authority stating that license is in good standing.

Copy of that state/provinces' statutes and verifiable proof of your clients served as an outfitter in that state or province

SECTION F: If seeking a waiver of experience, list any and all outfitter or guide schools in which you attended and successfully completed training.

Name of School	Address of School	Phone Number	Dates Attended	Fishing or Hunting

Confirm that you have enclosed the required items.

- COMPLETED LICENSE/EXAMINATION APPLICATION IS ENCLOSED
- COPY OF MY VALID/CURRENT FIRST AID CARD IS ENCLOSED
- COMPLETED OPERATION PLAN IS ENCLOSED
- COMPLETED NET CLIENT HUNTER USE APPLICATION IS ENCLOSED (Hunting Applicants Only)
- REQUIRED FEES ARE ENCLOSED
- ANY ADDITIONAL PAGES OR SUPPORTING DOCUMENTS ARE ENCLOSED
- ALL APPLICATIONS ARE SIGNED & DATED

AFFIDAVIT

I authorize the release of information concerning my education, training, record, character, license history and competence to practice, by anyone who might possess such information, to the Montana Board of _____.

I hereby declare under penalty of perjury the information included in my application to be true and complete to the best of my knowledge. In signing this application, I am aware that a false statement or evasive answer to any question may lead to denial of my application or subsequent revocation of licensure on ethical grounds. I have read and will abide by the current licensure statutes and rules of the State of Montana governing the profession. I will abide by the current laws and rules that govern my practice.

 Legal Signature of Applicant

 Date

VERIFICATION OF LICENSURE

THIS IS NOT AN ENDORSEMENT CERTIFICATION

PLEASE COMPLETE THIS SECTION OF THE FORM AND MAIL TO EACH STATE BOARD IN WHICH YOU ARE NOW OR HAVE EVER BEEN LICENSED TO PRACTICE AS A _____. YOU MAY COPY THIS FORM AS MANY TIMES AS NEEDED. SOME BOARDS REQUIRE A FEE FOR THIS SERVICE.

STATE BOARD OF OUTFITTERS:

I am applying for a license to practice _____ in the State of Montana. The Board of _____ requires this form to be completed by each state wherein I hold or ever have held a professional/occupational license. This is your authority to release any information in your files, favorable or otherwise, **DIRECTLY** to the **BOARD OF _____, P. O. BOX 200513, 301 SOUTH PARK AVENUE, HELENA, MT 59620-0513.** Your early response is appreciated.

(Signature) Name: _____ (Please print)

Address: _____

My License Number is: _____

DO NOT DETACH -- THIS SECTION TO BE COMPLETED BY AN OFFICIAL OF THE STATE BOARD AND RETURNED DIRECTLY TO THE MONTANA STATE BOARD OF _____

State of: _____

Full Name of Licensee: _____

License No. _____ Issue Date: _____

License is current? Yes No If NO, explain _____

Has license been suspended, revoked, placed on probation or otherwise disciplined? Yes No

If YES, explain and attach documentation _____

Has licensee ever been requested to appear before your Board? Yes No

If YES, explain _____

Derogatory information, if any _____

Comments, if any _____

Signed: _____

BOARD SEAL

Title: _____

State Board: _____ Date: _____