



FAQs For Board of Outfitters Issues

FAQs

Pat Tabor spearheaded a project when he was on the Board to have a source of information on the MBO website for frequently asked questions. Below are some excerpts for issues pertinent to existing outfitters. PLEASE NOTE: Answers have been updated from what might appear on the Board site.

Licensing

The Board of Outfitters licenses outfitters, and the guides they employ or contract, strictly for hunting and fishing services. The Board does not license for any other form of recreational service provision. Upon initial application, license applications are classified as routine or non-routine. Non-routine applications require further information gathering and perhaps Board of Outfitter approval before issuance. For that reason they require a longer time frame to process. Specific statutes governing licensing can be found at [MCA 37.47.3](#), and accompany administrative rules can be found at [ARM 24.171 Subchapters 5 & 6](#).

Outfitter Licensing Requirements

Q. I am going to purchase or sell an existing outfitting business, are there legal means by which I can accelerate meeting the experience requirements specified in Board Rule?

A. Yes. Under current Administrative Rules, candidates can seek to have days of experience waived under two methods: 1. Completion of an approved guide school program yielding 3 days of waived experience for every day of completed program to a maximum of 30-days, and; 2. Up to 50-days waived of experience based on the submittal and approval of a 12-month Supervision Plan between a buyer and seller of an outfitting business, and the subsequent approved completion of the plan. Please note that for applicants seeking a fishing endorsement, days of experience cannot be reduced by more than 50 experience days for any waiver or combination of waivers. For all other applicants, up to 80 days of experience may be waived using the combination of waivers.

These options are specifically described at ARM 24.171.502

Q: If I am licensed to outfit in another state, can I retain reciprocity in Montana?

A: No, there is no instant reciprocity granted for licensure as an outfitter. An applicant may be able to obtain credit towards the experience requirement for Montana only if the documentation coming from the state in which the applicant is licensed is of sufficient detail to determine that Montana requirements are met. ARM 24.171.502 requires 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



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the board, reduced by no more than 50 experience days for any waiver or combination of waivers. For all other applicants, 100 days of verified experience 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, reduced by no more than 80 experience days for any combination of waivers. Assessments will be only be made of the applicants experience in another state as a licensed outfitter, a licensed guide, or equivalent experience as determined by the board. All experience in this subsection is subject to board approval.

Q. If I have performed guide services under a license outfitter in another state, can that experience count in meeting the guide days experience in Montana?

A: You may submit application and supporting documents subject to approval by the board and subject to all rules regarding experience requirements.

Q: If I am providing services outside of Outfitted/guided hunting and fishing and my guest/client chooses to fish as a secondary activity am I required to have a fishing endorsement?

A: Yes, if you accompany the client or in any other observed manner provide what would constitute guiding or outfitting services

Q: Is an outfitter license required to pack out game meat for people who hunt on their own?

A: No.

Q: What schooling qualifies for credit toward an outfitter license? (Guide school, Associate degree in outdoor recreation, Bachelors degree in wildlife sciences, Bachelors degree in marketing, Masters Degree, PhD?) Is different credit given for different degrees or field of study?

A: Currently only provisions exist for the waiver of guide days experience up to a maximum of 30 days as a result of the applicant attending a Board approved hunting or fishing guide program.

Guide Licensing Requirements

Q. What is the standard for compliance with the First Aid requirement for Guide Licensure?

A: You are required to possess a current First Aid certification at the time of application for your Guide License. You may renew your First Aid certification through a Department approved on-line course listed on the Board of Outfitters website, but your initial certification must be “hands on” training.



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Q: How do I know if my guide application will be considered routine or non-routine?

A: As defined in ARM [24.101.402](#) DEFINITIONS, "Nonroutine application" means an application submitted to the division in which the application is defined as nonroutine either by the specific licensing entity's rules or by these rules. In conflicts between the specific licensing entity's rules and these rules, the specific licensing entity's rules govern.

(a) A nonroutine application means that the applicant has one or more of the following:

(i) Has pending or completed disciplinary action in this state, or pending or completed disciplinary action in another state, territory, or jurisdiction;

(ii) Is restricted by the terms and conditions of a final order in a disciplinary matter

(iii) Is required to submit materials that require professional evaluation by another licensee or licensing entity

(iv) Has loss of documentation due to natural disaster or national emergency

Q: What circumstances may delay or prohibit being licensed as a guide?

A: Failure on the part of the applicant to provide all the required documentation in a complete and legible manner, answer the questions completely on all parts of the form, or sign the application or fail to have endorsing outfitter sign the application. In most instances, delays could have been avoided had the applicant and/or endorsing outfitter reviewed the submittal before tendering.

Q: How much time is needed to get my guide license?

A: Planning is very important, and in certain peak times of the year (prior to hunting and fishing seasons), the Department can experience heavy application volume that can lead to delay. It is best to plan on a full two weeks. On the average, the Department can process a clean application within one business week under normal volume, however applicants should account for mail delivery and other factors in the process from start to finish.

Year End Reporting for Outfitters

Year-end reporting requirements were substantially streamlined due to the passage of HB274 in 2013. Since then, the Board of Outfitters has amended, repealed and enacted several administrative rules to add clarity and guidance as to what is expected in year end reporting of an outfitter. Specific reporting requirements are governed by [MCA 37.47.201](#), and [24.171.408](#).

Q: Do I still need to provide addresses on client logs, and are statistics sheets still



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required?

A: No. The client [logs](#) have been revised and outfitters need only capture data as depicted on the forms currently available on the Board's website.

Operation Plans

Q. Am I required to send in all of my supporting documents, e.g. proof of first aid, insurance certificate, L1s, etc., with my annual operations plan update?

A: No. As a result of HB 274 and recent amendments to the operations plan administrative rules; licensees no longer need to submit the underlying documents that support the entries they will update on their operations plans. Outfitters must keep these documents readily available and should be aware that they could be asked to provide them if selected for a compliance audit.

Q: Are L1s still required?

A: No. However, written documentation of lands on which an outfitter is authorized to operate must be captured, and using the old L1 form is perhaps the easiest way to do that. In any case, documents are no longer to be submitted to the Board, but must be retained by the Outfitter, should they be selected for a compliance audit.

Q: How often and under what circumstances am I required to update my operating plan?

A: Annually as part of your license renewal. You may have to update more frequently if you have added private land to be accessed during a hunting or fishing season, this must be up-to-date on your operations plan on file with the Board of you plan on accessing that land prior to your next renewal.

Q: What are the limitations on hunting camps?

A: There are no limitations on number or type of camps. However the outfitter must sign an affidavit stating that the camps and facilities and accompanying equipment are on good condition.

Q: When do I need to request an inspection?

A: Upon initial licensing.

Q: What are the limitations on where I can outfit clients?

A: You can only access public lands as an outfitter if you have a permit or special use license issued by the governing agency. You can only access those same lands as a guide



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if you are working under an outfitter who has the respective permits. In the case of Private land, you can only access as an outfitter if you have permission granted by the land owner, and likewise, as a guide you can only access those lands if you are working for an outfitter who has permission. As indicated above, if audited, outfitters need some form of proof of the private land access permitted. If you do use the old L1, please note that there is no legal requirement that it be signed by the land owner.

Q: Must the Board acknowledge in writing a change in operations plan before the outfitter can proceed with services related to the change?

A: No.

Q: What information in operations plans and outfitter logs is public?

A: Pursuant to ARM [24.171.408 OUTFITTER RECORDS](#): In general, submitted outfitter records, including but not limited to the operations plans, shall be maintained as confidential information and shall not be released to any person or organization without written permission of the outfitter, subpoena or order of a court, or written request of a state or federal agency for law enforcement purposes. A specific outfitter's number of NCHU is confidential information, but whether an outfitter has NCHU of a particular category is public information. Also, while total acreage of private lands where any outfitter is authorized to operate is a matter of public record, where a particular outfitter is authorized to operate is a confidential matter between the landowner and the outfitter. The Department of Fish, Wildlife and Parks or the Private Land/Public Wildlife Council may use board data to create a map depicting all private land where any outfitter is authorized to operate. All inquiries for outfitter records shall be reviewed and considered in relation to this rule and the competing interests between the public's right to know and the rights of privacy involved in the particular records requested.

Q: Under what circumstances is a verbal consent or arrangement allowed between an outfitter and neighbors or other hunters?

A: Although there is no requirement to get a signed agreement with the landowner, Outfitters still must have written proof that access was granted. When enforcement contacts a landowner, they must state that permission was granted, and Outfitters are required to maintain contact details for each private landowner for ready access by enforcement.

Net Client Hunter Use (NCHU)

Q. Can I apply for new NCHU from the Board of Outfitters, if not how do I acquire it if I need more?

A: No. The Board no longer has the legal authority to create or issue more NCHU. The only manner that an outfitter can acquire initial or additional NCHU is by purchasing



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from an existing NCHU holder. The whole process can now be done online without the use of the form. Outfitters can also use the substantially streamlined form that has been developed and is available on the Board's website to request a change of record of holder of NCHU from a seller to buyer. The Board will be the official record keeper of which licensed outfitters own NCHU, under which categories and specific amounts. No authorization by the Board for transfer is required other than the requirement that the transferee be licensed.

MOGA can assist you in locating or selling NCHU through their membership network.

Q: What is the procedure to purchase NCHU?

A: You must locate a willing seller (outfitter who has ownership of NCHU on record with the Board of Outfitters), negotiate with that person, and then utilize the online process or prescribed form to report the transaction to the Board of Outfitters. The Board and staff do not provide any names of potential selling outfitters.

Q: What is the procedure to sell NCHU?

A: An outfitter must find a willing buyer and negotiate with that person, and then utilize the online process or prescribed form to report the transaction to the Board of Outfitters. Please note, unless the purchaser is a licensed outfitter, the Board cannot record the transaction as officially transpired. The Board and staff do not provide any names of potential NCHU purchasers.

Q: Does NCHU expire or can it be taken away if I do not use it?

A: No.

Use of Agents, Taking Payment for and Contracting for Outfitting Services

Q. Is there a law or requirement that only the outfitter may receive payments for hunting and fishing services rendered?

A: No. While it is true that only licensed outfitters can legally provide hunting and or fishing services for remuneration, the rule is not intended to imply that they are the only individuals that can take payment on behalf of their business/organization. The Board recognizes that many outfitters hire agents, guides, employees, reservationists, etc., to assist in the conduct of the business, and the collection of client receipts on behalf of the outfitter's business is not considered a violation of law.

Q. Is a written contract required between outfitter and participant?



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A: No. While [ARM 24.171.2301](#) does require that the outfitter “set all contract terms and conditions with clients”, it does not specifically indicate that the contract be in writing. Under common law, contracts can be and often are verbal. MOGA has taken the long time stance recommending that arrangements be in writing and that it be treated as a contract for the protection of the outfitter should a dispute arise.

Q. I am an independent contractor guide and have been able to acquire loyal clients over the years. If I want to grow my business, can I advertise to acquire more clients?

A: Not to customers directly, but a guide can advertise to potential endorsing outfitters in order to solicit more opportunities to obtain guide days. It is important for guides to recognize that under Montana Outfitter statutes and rules, only outfitters are deemed to “have” clients. While you may have serviced specific customers over several years, they are deemed clients of the outfitter that reports their service on his or her respective client logs and therefore are not the guide’s clients. If a guide desires to actually “have” their own clients, they would need to become a licensed outfitter.

Q: When must an outfitter report names and addresses of booking agents who booked or referred hunters or fishermen?

A: Currently there is no promulgation in Statute or Rule that requires an Outfitter to report the names and addresses of agents or referring parties.

Q: Must outfitter file copy of booking agent agreements with Board of Outfitters?

A: No. Currently there is no promulgation in Statute or Rule that requires an Outfitter to report the names and addresses of agents or referring parties.

Q: Must outfitter report names and addresses of all persons to whom he pays a commission for hunter referrals? (Sometimes this is another licensed outfitter).

A: No, Currently there is no promulgation in Statute or Rule that requires an Outfitter to report the commission or payment arrangements of agents or referring parties.

Outfitter Assistants

The Outfitter Assistant statute and rules were promulgated to create a legal pathway for outfitters to use, in response to an unforeseen staffing vacancy, an employee designated as an outfitter assistant as a temporary guide to provide guiding services under the direct supervision of the outfitter. This designation was not designed as a replacement for the utilization of a licensed guide, and in fact has many limiting features to ensure that, as a



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tool in cannot be abused. Outfitters must familiarize themselves with the statute at [MCA 37.47.325](#), and accompanying Administrative Rule at [ARM 24.171 .410](#).

Q. What is an Outfitter Assistant (OA)?

A. The Outfitter Assistant job class provides immediate and temporary relief when a guide staffing shortage occurs due to an unforeseen circumstance.

- An OA may legally serve in the capacity of hunting or fishing guide for a maximum of 15 days without having to be licensed by the Montana Board of Outfitters.
- The employing outfitter is fully responsible for the actions of the OA
- The administrative burden is minimal and there is a minimal fee associated with the OA
- Outfitters are required to verbally notify the client that they are being served by an Outfitter Assistant and why, and if the assistant has first aid training or not.

Q. What if my guide or I have not received his guide's license prior to the expiration of the 15-day limit on the outfitter assistant dates of use?

A: If the routine guide license application was submitted within the 15-day period without deficiency in required information, the outfitter assistant can continue to provide guiding services until the Board has issued the respective guide license.

Q: How does an Outfitter appoint an OA?

A: Simply go online on the Board's website and complete the license amendment process to activate an Outfitter's Assistant

Q: Does an Outfitter Assistant have to apply to be a Guide if working less than 15 days?

A: No, an Outfitter Assistant does not automatically need to be a guide applicant in order to serve as an outfitter assistant.

Q: What if my guide or I have not received his guide's license prior to the expiration of the 15-day limit on the outfitter assistant dates of use?

A: In this case the Outfitter Assistant status is superseded by virtue of the fact the individual is now a licensed guide



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Q: If I have been an Outfitter Assistant before but did not apply for a guide license, can I be an Outfitter Assistant again?

A: Yes, but not in the same year as your initial application or in excess of the 15 days maximum.

Advertising

Q: On what pieces of literature and stationery must an outfitter's license number appear?

A: ARM [24.171.2301](#) states: "(r) when advertising services, clearly designate the outfitter's registered business name or personal name and the outfitter's license number. So in this regard, anything an outfitter produces that can be deemed to be advertising would require the disclosure of the name and outfitter license number.

Q: Must the outfitter's license number be printed on all website pages, and on all social media pages?

A: It is not necessary for the license number to be on every page, but most importantly it has to be readily found and at a minimum should be on the page that describes the outfitter's rates, refund and deposit policies.

Q: Must the outfitter's license number be printed within all printed advertising?

A: Yes, as described above.

Q: Are there any Board rules regarding video/television representations of outfitting services?

A: There are no specific rules regarding this type of media, however the same criteria apply regarding disclosure of the name and license number of the outfitter

Q: Does the Board have rules regarding social media representations of outfitting services?

A: The Board has rules that the same administrative Rule applies to instances of usage of social media.