

HOUSE BILL 520

Introduced by Daily, et al.

2/01	Introduced
2/02	Referred to Fish & Game
2/14	Hearing
2/14	Tabled in Committee

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2 INTRODUCED BYHouse Bill No. 529
Daily Journal

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4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING LICENSED
5 OUTFITTERS TO PROVIDING FISHING SERVICES ON TWO RIVERS OF
6 THEIR CHOICE DURING A LICENSE PERIOD; PROVIDING A PENALTY;
7 AMENDING SECTIONS 37-47-304 AND 37-47-341, MCA; AND
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 37-47-304, MCA, is amended to read:

12 **"37-47-304. Application.** (1) Each applicant for an
13 outfitter's or professional guide's license shall make
14 application for license upon a form to be prescribed and
15 furnished by the board. The application which shall include:

16 (a) the applicant's full name, residence, address,
17 conservation license number, driver's license number, birth
18 date, physical description, and telephone number;

19 (b) the address of his principal place of business in
20 the state of Montana;

21 (c) the amount and kind of property and equipment
22 owned and used in the outfitting business of the applicant,
23 if an outfitter's license application is involved;

24 (d) the experience of the applicant, including years
25 of experience as an outfitter or professional guide,

1 knowledge of areas in which he has operated and intends to
2 operate, and ability to cope with weather conditions and
3 terrain;

4 (e) a signed statement of the licensed outfitter by
5 whom the professional guide is to be employed that the
6 professional guide is in fact to be employed by such
7 outfitter and stating that the outfitter recommends the
8 applicant for his qualifications;

9 (f) an affidavit by the outfitter to the board that
10 the equipment listed on the application is in fact owned or
11 leased by the applicant, is in good operating condition, and
12 is sufficient and satisfactory for the services advertised
13 or contemplated to be performed by such the applicant;

14 (g) a statement of the maximum number of guests to be
15 taken at any one time;

16 (h) the written approval of the appropriate agency or
17 landowner on whose lands he will establish hunting camps.

18 (2) Applications for outfitter's license shall be in
19 the name of an individual person only. Applications
20 involving corporations or partnerships shall be made by one
21 individual person who qualifies under the provisions of this
22 part; any license issued pursuant ~~thereto~~ to this part shall
23 be in the name of that person; and the license shall
24 specifically state that ~~the same~~ it is issued for the use
25 and benefit of the named corporation or partnership

involved. Any revocation or suspension of such a license is binding upon the individual person and the partnership or corporation for the use and benefit of which the license was originally issued.

(3) Application shall be made to and filed with the board.

(4) Only one application for an outfitter's or professional guide's license may be made in any one license year. If any application is denied, subsequent applications by the same applicant for the license year involved are void, except as provided in 37-47-308.

(5) An applicant for an outfitter's license who intends to provide fishing services as part of his business shall indicate on the application the choice of two Montana rivers upon which he will provide fishing services. A licensee is limited to providing fishing services on only the two designated rivers during the period of licensure."

Section 2. Section 37-47-341, MCA, is amended to read:

"37-47-341. Grounds for suspension or revocation of license. Every license or right to apply for and hold such a license may be suspended or revoked upon any of the following grounds:

(1) having ceased to meet all of the qualifications for holding a license;

(2) fraud or deception in procuring a license;

(3) fraudulent, untruthful, or misleading advertising;

(4) having pleaded guilty to or been adjudged by a court guilty of a felony, including a case in which the sentence is suspended or imposition of the sentence is deferred, unless civil rights have been restored pursuant to law;

(5) two convictions or bond forfeitures of \$100 or more as to violations of the fish and game or outfitting laws or regulations of the state of Montana or of the United States within the past 5 years;

(6) a substantial breach of any contract with any person utilizing the services of the license holder provided that such the breach is established as a matter of final judgment in a court of law;

(7) the willful employment of an unlicensed professional guide by an outfitter;

(8) negligence or misconduct while acting as an outfitter or professional guide that causes an accident or injury to person or property of any client of such the outfitter or professional guide;

(9) providing fishing services on a river that was not designated on the application for licensure, in violation of 37-47-304(5)."

NEW SECTION. Section 3. Extension of authority. Any existing authority to make rules on the subject of the

LC 1490/01

1 provisions of [this act] is extended to the provisions of
2 [this act].

3 NEW SECTION. **Section 4.** Effective date. [This act] is
4 effective on passage and approval.

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