

Frequently Asked Questions Regarding NEW MEXICO GUIDES AND OUTFITTERS

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HOW DO I GET A GUIDE OR OUTFITTER APPLICATION?

-Applications can be obtained from the Department's webpage at www.wildlife.state.nm.us, or call the Outfitter/Guide Registrar at 505-222-4711.

HOW DO I GET A LIST OF OUTFITTERS?

-The current list of registered outfitters can be viewed at the Department's web site at www.wildlife.state.nm.us, or call the Outfitter/Guide Registrar at 505-222-4711.

HOW WOULD I FILE A COMPLAINT IF AN OUTFITTER OR GUIDE HAS:

BROKEN THE LAW?

-Contact the local Conservation Officer, Area Game and Fish Office, or call Operation Game Thief at 1-800-432-4263.

BREACHED A CONTRACT?

-Contact the Outfitter/Guide Registrar and/or the Consumer Protection Division of the Attorney General's office @ 1-800-678-1508 (out state) or 505-827-6060 (in state). A complaint form can also be obtained from the Department's webpage; the form explains what is needed to file a complaint.

WHO HAS TO BE REGISTERED AS A GUIDE OR OUTFITTER?

Individuals that need to be a registered outfitter or guide are those people who accept some type of compensation for providing services and/or equipment within a big game management unit for big game hunting purposes. Whether the big game hunting is done on public land or private land. The Department does not register outfitters and guides for running fishing services or small game hunting services. **Turkey is no longer a big game animal and outfitters and guides are not required to be registered to outfit turkey hunts.**

A guide is defined by Game Commission regulation as:

Any person employed or contracted by a registered outfitter to furnish personal services for the purpose of hunting or taking game animals except a 'guide' does not include a person who only cooks, cuts wood, wrangles horses, or escorts clients between camp and vehicle, retrieves downed game, or otherwise solely provides services not directly related to hunting or taking of game animals.

An Outfitter, as defined by Game Commission regulation:

Shall mean any person who advertises or holds himself out for hire to the public or accepts compensation for providing, within a game management unit where a hunt occurs, equipment or services for hunting activities.

A New Mexico Outfitter, as defined by Game Commission regulation:

Shall mean an outfitter that is qualified by the department to participate in the special drawing pool by utilizing their outfitter numbers as established in 17-3-16 NMSA, comp.

Registered outfitter, as defined by Game Commission regulation:

Shall be an outfitter who has met all the requirements described herein and has been issued a registration number by the department.

An “Agent” of a landowner, as defined by Game Commission regulation:

Shall mean anyone employed or contracted in writing by a landowner to oversee the hunting operations or to outfit or guide for a landowner on the landowner’s deeded property or, pursuant to a landowner’s permit, on a shared public or private unit.

(Note: Definitions found under 19.30.8.7 NMAC.)

“Outfitter vs. Agent of Landowner”

State Statute 17-2A-3 NMSA 1978 exempts a landowner or the landowner’s authorized agent from becoming a registered outfitter or guide. It states that a landowner or their agent can outfit or guide pursuant to a landowner’s permit(s) issued by the Department for the landowner’s private property **or** for the landowner’s shared private and public property within a big game management unit.

(Note: All persons running a guiding or outfitting operation on any public land should first consult with that public land agency. They may require current state registration to outfit or guide on public land regardless of the landowner-agent relationship.)

An Agent of a Landowner on Private Property:

- Is either contracted* in writing or employed to work directly for the landowner.
- Is not independent from the landowner’s operation.
- Is likely not responsible or liable for any negligence during a hunt. **In this circumstance the landowner might be held responsible and liable for any negligent act.**

(*Written contracts should also stipulate a time frame in which hunts are to occur on the private property and names the kind(s) of big game animal to be hunted on the private property.)

A Registered Outfitter:

- Runs his/her hunting operation independent from the landowner’s operation.
- Is responsible and **liable** for any negligent act during a big game hunt.
- Has purchased or was given the trespass rights to hunt on a landowner’s private property.
- Must have signed contracts with all of their hunter-clients.

- Required to use only registered guides and provide one guide/outfitter for every 4 or fewer hunter-clients.
- Must have commercial liability insurance.

Bottom line- “Who needs to be a registered Outfitter”?

- ◆ Any person who advertises or who holds himself out for hire to the public;
- ◆ Any person who accepts compensation for providing equipment or services for hunting activities within a game management unit where a hunt occurs; and
- ◆ Any person who is not a landowner or the landowner’s authorized agent.

OUTFITTER QUALIFICATIONS (to be a registered outfitter):

- Pass G/O examination with a 70% or better
- No felony convictions
- No Game and Fish violations totaling 20 points or more in the previous 3 years
- 21 years old or older
- Registered with New Mexico Taxation and Revenue
- Minimum \$500,000 commercial liability insurance policy
- Passed a Hunter Education Course and provide a copy of a HE card
- Complete an application and send it in with appropriate registration fee
- Provide proof of three years of outfitting experience

QUALIFIED NEW MEXICO OUTFITTER FOR SPECIAL DRAW (aka 10% outfitter pool):

- ❖ A current and valid New Mexico state, county or municipal business registration and a valid outfitter license issued by the Department of Game and Fish authorizing you to carry out an outfitting business under the laws of this state;
- ❖ Receipts or other documentation for property taxes or rent on real property in New Mexico, gross receipts taxes and at least one other tax administered by the New Mexico Taxation and Revenue Department in three years immediately preceding the submission of an affidavit to the Department of Game and Fish; the majority of which is owned by a person who resides in New Mexico during the three-year period immediately preceding the submission of this form;
- ❖ Employment records that demonstrate at least eighty percent (80%) of the total personnel of the business are New Mexico residents;
- ❖ Receipts or other documentation for leased property for ten years or purchased property greater than fifty thousand dollars (\$50,000) in value in New Mexico;
- ❖ A contract or legal document that verifies that if your business changed its name from that of a previously certified business, the business is identical in every way to the previously certified business that meets all criteria;
- ❖ Federal or state land use permits to operate as a New Mexico outfitter as required on public lands prior to the hunt; and
- ❖ All contracts for special draw hunts will require that my hunting guide service will ensure that a hunter-client will be accompanied at least two days in the area where the license is valid.

GUIDE QUALIFICATIONS:

- Pass G/O examination with a 70% or better
- No felony convictions
- No Game and Fish violations totaling 20 points or more in the pervious 3 years.
- 18 years or older
- Complete an application and send it in with appropriate fee

WHAT ARE THE DEADLINES FOR OUTFITTERS AND GUIDES TO SUBMIT THEIR APPLICATIONS FOR REGISTRATION?

The deadline for a qualified N.M. Outfitter to be registered for the special draw is February 15. There is a late fee period for these outfitters of February 16-March 15 for an additional \$100.00.

Outfitters who do not need or want to be included in the special draw need to register **before** they advertise, accept compensation, and/or sign written contracts for hunting big game within a game management unit have no deadline.

The deadline for guides to register for their guide’s registration is anytime **before** they start guiding big game hunts for an outfitter.

WHERE DO I TAKE THE OUTFITTER AND GUIDE EXAM?

The outfitter and guide exam can be taken at any New Mexico Game and Fish Area Office from 8 a.m. to 3 p.m., not including holidays, or you can call the Outfitter/Guide Registrar @ 505 222-4711 to schedule other arrangements.

WHAT DOES THE OUTFITTER AND GUIDE EXAM COVER?

The outfitter and guide exam covers general rules and regulations that are found within the Game and Fish Big Game Hunting Booklet, the outfitter and guide regulation, wilderness survival, first aid, ethics, federal land use regulations, and outdoorsmanship.

WHAT ARE THE REGISTRATION FEES FOR BECOMING AN OUTFITTER OR GUIDE?

All outfitters--	\$500	Outfitter Late Charge for Special Draw: Additional \$100
Resident guides--	\$50	Non-resident guides-- \$100

CAN GUIDES WORK ON THEIR OWN; BECOME THEIR OWN OUTFITTER?

No, all registered guides must work for a registered outfitter. Outfitters shall responsibly supervise each registered guide working under the outfitter’s direction. A lawfully procured guide license is only valid when working for a registered outfitter during a big game hunt. Guides are not required to carry commercial liability insurance and are not required to have taken hunter education. The regulation that covers this is found under 19.30.8.11 NMAC.

DO I HAVE TO ENGAGE IN A WRITTEN CONTRACT WITH AN OUTFITTER?

Yes, New Mexico Statute requires that outfitters provide a written contract for big game outfitting services to each resident and nonresident who seeks to use the services of a registered outfitter. State Game Commission rules require that the contract be signed and executed with each hunter-client before the hunt begins (19.30.8.11 NMAC). In addition, if a hunter-client applies for a license granted from a special draw for a hunt on public lands and the application is to be placed in the 10% outfitter pool, the contract must be executed **before** the application is made (19.30.8.9 NMAC). It is always recommended that a hunter-client signs a **detailed** written contract so there is no question as to what services they are to receive.

HOW DO I GET AN OUTFITTER'S REGISTRATION NUMBER SO I WOULD BE ABLE TO APPLY FOR SPECIAL DRAW BIG GAME HUNTS?

Any hunter-client should be allowed to utilize an outfitter's registration number after signing a written contract with a qualified N.M. Outfitter to apply for the big game special draw hunts (Note: unless other arrangements are made like the outfitter applying for his/her hunter-clients). (19.30.8.11 NMAC)

DOES THE OUTFITTER HAVE TO PHYSICALLY ACCOMPANY ME ON MY HUNT?

A New Mexico outfitter shall ensure that the hunter-client drawn from the 10% special draw is accompanied by the outfitter or their registered guide for at least two days in the area where the hunter-client's license is valid. There is no specific time requirement per day, but shall be specified per the outfitter's contract with the hunter-client. (19.30.8.9 NMAC) All outfitted hunts an outfitter shall provide one registered guide or outfitter in the field for every four or fewer hunters who are contracted for guided hunting services with the outfitter. (19.30.8.11 NMAC)

WHAT IF I WANT TO FIND OUT IF AN OUTFITTER OR GUIDE IS REGISTERED OR HAS HAD ANY COMPLAINTS FILED AGAINST THEM?

Any individual who wants to find out if an outfitter or guide is registered with the Department can obtain a current outfitter list from the Department's webpage www.wildlife.state.nm.us. You also can contact the Outfitter/Guide Registrar at 505-222-4711. The Registrar can provide you information on not only what individuals are currently registered but if they have any complaints filed against them. In addition, you should call and check any references provided by the outfitter.

HOW DO I FILE A COMPLAINT AGAINST AN OUTFITTER?

A person can file a complaint against an outfitter simply by writing a letter to the Outfitter/Guide Registrar that explains the complaint in detail. Please include a photocopies of the contract, advertisements, correspondence, payments, receipts, etc... and forward the complaint to 3841 Midway Place NE, Albuquerque, N.M. 87109; Attn: Outfitter/Guide Registrar. A person can also print the complaint form off of the Game and Fish webpage, www.wildlife.state.nm.us, and simply follow the form's instructions.

DOES A HUNTER-CLIENT THAT DRAWS A 10% BIG GAME LICENSE HAVE TO USE THE SAME NEW MEXICO REGISTERED OUTFITTER THAT WAS USED TO PROCURE HIS/HER BIG GAME HUNTING LICENSE:

No, an outfitter may release a contracted hunter-client to another qualified New Mexico outfitter provided that the original contract was valid, in place prior to the application deadline and only if it is mutually agreed upon by all parties. (19.30.8.11 NMAC)

WHAT IF A HUNTER-CLIENT DECIDED NOT TO USE A NEW MEXICO REGISTERED OUTFITTER AFTER DRAWING A 10% DRAWN BIG GAME LICENSE DURING THE HUNT:

If a hunter-client did not use the qualified New Mexico outfitter then it is unlawful hunting:

- 1) 17-3-16 (B) requires 10% of licenses issued to nonresidents and residents who will be contracted with a NM Outfitter prior to application.
- 2) 17-2-7(A).1 Except as permitted by regulation or as otherwise allowed by law [17-3-16.B] it is unlawful to: hunt or attempt to take, at any time or in any manner, any game animal...

What does this mean; if a NM Outfitter was not used by a nonresident and/or resident hunter-client with a 10% special draw license this would equate to a misdemeanor violation of unlawful hunting without an appropriate license as described above.

WHAT IF THE HUNTER-CLIENT APPLIES WITH A NEW MEXICO OUTFITTER'S NUMBER IN THE SPECIAL DRAW WITHOUT THE OUTFITTER'S PERMISSION?

Remember all hunters sign an affidavit when applying for or procuring a license from the Department. The affidavit in general says that they are attesting that the information is true and correct and they understand the rules of eligibility and that they are eligible for this license as per chapter 17 N.M.S.A. 1978 and associated rules. It is unlawful to apply in the special drawing pool using a N.M. Outfitter's number prior to having a valid, signed contract with the same N.M. Outfitter; a misdemeanor offense. (19.30.8.15 NMAC)

(NOTE: THIS FAQ IS ONLY TO BE USED AS A REFERENCE GUIDE; IT IS BEING USED TO ASSURE EVERYONE IS GETTING THE SAME INFORMATION.)