

**NEW MEXICO DEPARTMENT OF
GAME AND FISH
—INFORMATION FLYER—**



“Outfitter vs. Agent of Landowner”

The New Mexico Department of Game and Fish (Department) would like to clarify the confusion between who is an agent of a landowner and who needs to be a registered outfitter for the purposes of hunting on private property. There is a part of State law that 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 not responsible or liable for any negligence during a hunt. **In this circumstance the landowner will 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 clients.
- Must use only registered guides and provide one guide for every 4 or fewer hunters.

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.

(Note: The legal definition of an outfitter and agent of landowner is on the back of this page.)

****Question concerning agents of landowners, outfitters, and guides should be directed to the Outfitter/Guide Registrar at the phone number of (505) 222-4711.****

Outfitter:

- 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.

Agent:

- 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.