

## **CHAPTER 20.1-03 LICENSES AND PERMITS**

### **20.1-03-01. General penalty.**

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

### **20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion.**

The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

### **20.1-03-01.2. Instruction required before issuance of hunting license - Age limits - Penalty.**

No person born after December 31, 1961, except as provided in section 20.1-03-01.3, may be issued any hunting license in this state unless that person submits or exhibits the certificate of completion earned by that person for successful completion of the course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 or the person submits or exhibits a prior North Dakota hunting license issued to that person with that person's hunter education certificate number on the license. A certificate of completion issued by any other state or province of Canada is valid for all purposes. Any person who purchases a hunting license without successfully completing the course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 is guilty of a class 2 noncriminal offense.

### **20.1-03-01.3. Exemptions.**

Sections 20.1-03-01.1 through 20.1-03-01.3 do not apply to:

1. Persons under twelve years of age who hunt only with their parent or legal guardian.
2. Persons who hunt exclusively on land of which they are the record title owner or operator.

### **20.1-03-01.4. Additional education requirement for bowhunters - Standards - Penalty.**

Expired under S.L. 1993, ch. 228, § 2.

### **20.1-03-01.5. Apprentice hunter validation.**

An individual born after December 31, 1961, who is sixteen years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication.

### **20.1-03-02. General game license - Stamps allowed for specific licenses.**

Except as provided in section 20.1-03-07.3, a person may not:

1. Acquire any resident or nonresident license to hunt, catch, take, or kill any small game or big game animal unless that person first obtains an annual general game license.

2. Hunt, catch, take, trap, or kill any small game or big game animal unless that person has in that person's possession an annual general game license together with the specific license required.

The director shall design and furnish, for sale to residents and nonresidents, an annual general game license. A stamp may be prepared by the director to be affixed to a general game license in place of each separate small game or big game hunting license.

**20.1-03-03. Licenses to hunt, trap, or fish required of residents.**

No resident of this state, except as provided in section 20.1-03-04, may:

1. Hunt, catch, take, or kill any small game without having a resident small game license.
2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal without having a resident fur-bearer license.
3. Catch, attempt to catch, take, or kill any fish without having a resident fishing license.
4. Hunt, catch, take, or kill any big game animal without having the respective resident big game license.

Each violation of this section constitutes a distinct and separate offense.

**20.1-03-03.1. General game license not required for hunting on Indian land.**

An individual hunting on Indian land pursuant to a tribal hunting license is not required to possess a state license to hunt on such land.

**20.1-03-04. When licenses to hunt, fish, or trap not required of residents.**

Subject to the provisions of this title:

1. Any resident, or any member of the resident's family residing customarily with the resident, may hunt small game, fish, or trap during the open season without a license upon land owned or leased by the resident.
2. Residents or nonresidents under the age of sixteen years may fish without a fishing license.
3. Residents may fish at a private fish hatchery without a resident fishing license.
4. Developmental center at westwood park, Grafton patients, North Dakota youth correctional center students, school for the deaf students, North Dakota vision services - school for the blind students, state hospital patients, clients of regional human service centers under direct therapeutic care, and residents of facilities licensed by the state department of health and the department of human services may fish without a resident fishing license. Patients of these institutions must be identified. The department shall issue authority to each institution.
5. Residents may fish without a resident fishing license on free fishing days. The date of these free fishing days may be set by proclamation by the governor.
6. Residents under age sixteen may take fur-bearers without a fur-bearer license.
7. Residents under age sixteen may take small game or waterfowl without a small game license.
8. Residents who are enrolled as students or serving as certified instructors during official aquatics education program events of the game and fish department may be granted free fishing privileges by discretion of the director.
9. Upon presentation of valid leave papers and a valid North Dakota operator's license, a resident who is on leave and is on active duty as a member of the United States armed forces or the United States merchant marine may hunt small game, fish, or trap during the open season without a license.

**20.1-03-04.1. When license to take frogs not required of residents.**

Subject to the provisions of this title:

1. Any resident, or any member of the resident's family residing customarily with the resident, may take frogs for sale during the open season without a license upon land owned or leased by the resident for agricultural purposes.
2. Residents under the age of fifteen may take frogs without a resident frog license.

3. Any person may take and possess a maximum of twenty-four frogs without a frog license if that person has a fishing license or is otherwise legally entitled to fish in the state.
4. Any licensed bait vendor may take, buy, sell, or ship within the state frogs for angling purposes without a frog license.

**20.1-03-05. Application for resident general game, fur-bearer, or fishing license - Contents.**

Each application for a resident general game, fur-bearer, or fishing license must be signed by the applicant and must state:

1. That the applicant has been a bona fide state resident for at least six months.
2. The applicant's residential address, including street and post office.
3. The applicant's weight, height, color of hair, and color of eyes.

**20.1-03-06. Contents of resident general game, fur-bearer, or fishing licenses - Licenses not transferable - Resident family fishing license.**

A resident general game, fur-bearer, or fishing license is not transferable. Each such license shall:

1. Describe the licensee.
2. Designate the licensee's place of residence.
3. Have printed upon it in large figures the year for which it is issued, or if it is a fur-bearer license, the statement that it expires on the first day of September following the date of issue.
4. Have printed upon it in large letters the word "nontransferable".
5. Be issued in the name of the director.

In addition to the regular resident fishing license, there is hereby authorized a resident family fishing license allowing the husband and wife of a family to fish under one license. Such license shall be valid for the same period as other resident fishing licenses and shall be issued in duplicate. The husband and wife are each to have a copy in possession while fishing.

**20.1-03-07. Licenses to hunt, trap, or fish required of nonresidents.**

Nonresidents, except as provided in sections 20.1-02-05, 20.1-03-07.3, and 20.1-03-08, may not:

1. Hunt, catch, take, or kill any small game without a nonresident small game license. The nonresident small game license entitles the nonresident to hunt small game for any period of fourteen consecutive days or any two periods of seven consecutive days each. The hunting period for which the license is valid must be designated on the license. A nonresident small game license is not required to hunt waterfowl under section 20.1-03-07.1 or wild turkeys under section 20.1-04-07. A nonresident may purchase more than one nonresident small game license per year.
2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal, except that nonresidents holding a valid nonresident fur-bearer and nongame hunting license may hunt only fox and coyote and except that residents of a state that allows North Dakota residents to trap within that state may purchase a nonresident reciprocal trapping license to trap in this state. However, a nonresident holding a valid nonresident reciprocal trapping license may not trap, catch, attempt to catch, take, or kill bobcats.
3. Catch, attempt to catch, take, or kill any fish without having a nonresident fishing license.
4. Hunt, catch, take, or kill any unprotected bird or animal without having a nonresident nongame hunting license or nonresident fur-bearer and nongame hunting license.
5. Hunt, catch, take, or kill any big game animal without having the respective nonresident big game license.

Each violation of this section is a distinct and separate offense.

**20.1-03-07.1. (Effective through July 31, 2013) Nonresident waterfowl hunting license required.**

Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year. The fourteen-day and two 7-day hunting period restrictions do not apply to nonresidents hunting in Richland and Sargent Counties or in Benson, Ramsey, or Towner Counties during the early September Canada goose season.

**(Effective after July 31, 2013) Nonresident waterfowl hunting license required.**

Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

**20.1-03-07.2. Nonresident youth hunting licenses.**

A nonresident youth who is less than sixteen years of age may purchase a resident small game hunting license and may hunt small game and waterfowl except swans and wild turkeys; provided, that the nonresident youth's state, or province or territory of Canada, of residence provides a reciprocal licensing agreement for North Dakota residents who are less than sixteen years of age. To be eligible to purchase a license under this section, a nonresident youth may not have arrived at the age of sixteen before September first of the year for which the license is issued and must possess a certificate of completion for a certified hunter education course. The nonresident youth may only hunt under the supervision of an adult family member or legal guardian who is licensed to hunt small game or waterfowl in this state and is subject to the same regulations as that youth's adult family member or legal guardian. This section does not apply to the hunting of big game or to a license issued by lottery.

**20.1-03-07.3. Nonresident spring white goose license.**

A nonresident may purchase a nonresident spring white goose license to hunt white geese during a spring season as determined by the governor by proclamation. The governor, in the governor's proclamation, may specify the number of licenses that may be issued and the

manner in which they are to be issued. Nonresidents are not required to purchase any other license to hunt white geese during a spring white goose season. A nonresident is entitled to purchase only one nonresident spring white goose license per year; however, a nonresident may still purchase a nonresident waterfowl hunting license under section 20.1-03-07.1.

**20.1-03-08. When licenses to fish not required of nonresident.**

Subject to other provisions of this title, any nonresident under the age of sixteen years may fish without a nonresident fishing license if accompanied by an adult possessing a valid fishing license. Any nonresident may fish in the waters of a private fish hatchery without a nonresident fishing license. Nonresidents approved by the department and serving as instructors at official aquatics education events may fish without a license at the discretion of the director.

**20.1-03-09. Application for nonresident general game or fishing license - Contents.**

Each application for a nonresident general game or fishing license must be signed by the applicant and state the applicant's residential address, including street and post office, and the applicant's weight, height, color of hair, and color of eyes.

**20.1-03-10. Contents of nonresident general game, fishing, or reciprocal trapping licenses - Licenses not transferable - Nonresident short-term fishing license.**

A nonresident general game, fishing, or reciprocal trapping license is not transferable. Each license must:

1. Describe the licensee.
2. Designate the licensee's place of residence.
3. Have printed upon it in large figures the year for which it is issued.
4. Have printed upon it in large letters the words "nonresident license" and "nontransferable".
5. Have connected to it detachable shipping tags as the director may deem advisable.
6. Be issued in the name of the director.

In addition to the regular nonresident fishing license, nonresident short-term fishing licenses may be issued. These licenses are valid up to ten days from the date of issue.

**20.1-03-10.1. Trout and salmon license stamp.**

Repealed by S.L. 1995, ch. 231, § 2.

**20.1-03-11. License to hunt big game required - Limitations on licenses.**

1. An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal must be issued as an integral part of the big game hunting license. Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season provided, however, that an individual who is under fourteen years of age and who will be eligible to hunt on the opening date of or during the regular deer hunting season may hunt during the youth deer season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section is a distinct and separate offense. The following provisions govern youth deer and antelope hunting:
  - a. An individual whose twelfth birthday occurs on or before the opening date of or during the youth deer hunting season but is younger than fourteen years of age is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in the youth deer hunting season.
  - b. An individual whose twelfth birthday occurs on or before the opening date of or during the antelope hunting season but is younger than fourteen years of age is entitled to apply for an antelope permit.

- c. An individual hunting under subdivision a or b must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section, "accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.
2. The number of licenses issued, including those licenses issued without charge under the provisions of this section, shall not exceed the number of licenses authorized by the governor's proclamation issued pursuant to section 20.1-08-04.
3. An individual who is a resident, corporation, limited liability company, limited liability partnership, limited partnership, or partnership that has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and that actively farms or ranches that land or an individual, corporation, limited liability company, limited liability partnership, limited partnership, or partnership that holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt deer without charge, or if that entity is a nonresident upon payment of the fee requirement for a nonresident big game license, upon filing a signed application describing that land. If the license is issued to a corporation, limited liability company, limited liability partnership, limited partnership, or partnership, only one license may be issued and the license must be issued in the name of an individual shareholder, member, or partner. The land must be within a unit open for the hunting of deer. The license must include a legal description of the eligible land described in the completed application and may be used to hunt deer only upon that land. A license issued under this subsection is valid for the deer bow, deer gun, and muzzleloader seasons until filled. However, an individual, that individual's spouse, and their children who have a license issued under this subsection may hunt together on land described in any of the affidavits making them eligible for the license. Family members hunting together under this provision shall hunt within the same unit within which the land described in the affidavit making them eligible for the license is located. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. An individual who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with that individual, but no more than one license may be issued under this subsection for any qualifying land. An individual transferring eligibility under this subsection may not receive a license under this subsection for the season for which the eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.
4. One percent of the total deer licenses and permits to hunt deer with guns to be issued in any unit or subunit as described in the governor's proclamation, including licenses issued to nonresidents under subsection 3, must be allocated for nonresidents. Notwithstanding the number of licenses allocated under this subsection, upon payment of the fee requirement for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, a nonresident may participate on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents.
5. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt antelope without charge upon filing a signed application describing that land. The land must be within a unit open for the hunting of antelope. The license must include a legal description of the eligible land described in the completed application and may be used to hunt antelope only upon that land. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this

subsection may not receive a license under this subsection for the season for which eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued without charge under this subsection may not exceed the total number of licenses prescribed for each district or unit in the governor's proclamation. If the number of eligible persons who apply for licenses issued without charge under this subsection exceeds the number of licenses prescribed for the district or unit in the governor's proclamation less any licenses that are otherwise designated to be issued with a charge under this subsection, the licenses to be issued without charge must be issued by lottery as prescribed in the governor's proclamation. If the number of licenses prescribed for the district or unit in the governor's proclamation exceeds fifty and if the number of applications for these licenses exceeds the number of licenses prescribed for the district or unit in the governor's proclamation, then one-half of the licenses exceeding fifty must be issued by lottery as prescribed in the governor's proclamation and may not be issued to landowners without charge.

6. A person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing and who receives or obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to convert one license to take any sex or species of deer in the unit or subunit for which the license is issued. Notwithstanding any other law or any provision contained in the governor's proclamation concerning the hunting of deer, a person who is unable to step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer regardless of whether that person received a license to hunt deer in any prior year.
7. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt elk upon filing a signed application describing that land and payment of the fee requirement for a resident big game license. The land must be within a unit open for the hunting of elk. The license must include a legal description of the eligible land described in the completed application and may be used to hunt elk within the district or unit in which the land described in the completed application is located. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The governor's proclamation may restrict the districts or units for which preferential licenses may be issued under this subsection. The number of licenses issued under this subsection for each designated district or unit for hunting elk may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for each district or unit. If the number of applications for licenses to be issued under this subsection in a district or unit exceeds the maximum number of such licenses allocated to that district or unit, the licenses to be issued must be issued by weighted lottery as prescribed in the governor's proclamation. Licenses to hunt elk may not be issued under this subsection when the total number of licenses prescribed in the governor's proclamation is fewer than twenty. The director may issue special elk depredation management licenses to landowners in designated areas around Theodore Roosevelt national park upon payment of the fee requirement for a resident big game license. The provisions of this section governing the number of licenses issued for each designated district or unit for hunting elk do not apply to special elk depredation management licenses and a person

who receives such a license under this subsection is eligible to apply for a license to hunt elk in future years and is eligible to participate in the raffle under section 20.1-08-04.6. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this subsection.

8. A resident who has executed a lease for at least one hundred sixty acres [64.75 hectares] of land and who actively farms or ranches that land or a resident who holds title to at least one hundred sixty acres [64.75 hectares] of land is eligible to apply for a license to hunt moose without charge upon filing a signed application describing that land. The land must be within a unit open for the hunting of moose. The license must include a legal description of the eligible land described in the completed application and may be used to hunt moose only upon that land. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or a legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the raffle under section 20.1-08-04.2. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit. If the number of eligible persons who apply for a license under this subsection exceeds the number of licenses available under this subsection, the licenses must be issued by lottery as prescribed in the governor's proclamation. A person who receives a license under this subsection and who is successful in harvesting a moose is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the raffle under section 20.1-08-04.2. Notwithstanding this subsection, if a person other than the transferee of license eligibility is unsuccessful in harvesting a moose under this subsection, that person may return the unused license to the department and is eligible to apply for, but not transfer, an additional license to hunt moose in future years. A person who receives a second license under this subsection is not eligible to participate in the raffle under section 20.1-08-04.2. If a person receives a license under this subsection, the person's spouse, children, and parents living with the person are not eligible to receive a license under this subsection for the district or unit in which the land described in the completed application is located, unless the person has sold or otherwise transferred the person's rights to the land described in the completed application. The governor's proclamation may restrict the area of land within a unit open for the hunting of moose for which a preferential license is issued under this subsection. If the proclamation restricts the area for issuance of preferential licenses, an applicant must own or lease land within the restricted area to be eligible to apply for a license to hunt moose upon payment of the fee required for a resident big game license. The license may be used to hunt moose within the entire unit in which the land described in the completed application is located. A successful applicant from a restricted area may not return an unused license to regain eligibility for a license to hunt moose in future years. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this subsection.
9. A person who holds a valid license to hunt deer may hunt the same species and sex of deer, for which that person's license is valid, on land in an adjoining unit for which that person would be eligible for a gratis deer license under subsection 3.
10. Fifteen percent of the total mule deer licenses and permits to hunt mule deer made available in the immediately preceding year for the regular gun season must be made available to nonresidents to hunt any deer with bow and arrow.



### **20.1-03-11.1. Combination license - Director authorized to establish.**

The director may establish a combination license consisting of a general game license, resident fishing license, resident small game license, habitat stamp, and fur-bearer license.

### **20.1-03-11.2. Hunting outfitters - White-tailed deer licenses - Fees.**

The governor shall make one-half of the antlered white-tailed deer licenses and permits allocated to nonresidents under subsection 4 of section 20.1-03-11, up to a maximum of one hundred licenses, available to hunting outfitters licensed in this state. A hunting outfitter may not purchase or obtain more than five white-tailed deer licenses under this section in any one year. A hunting outfitter shall pay the fee required for a white-tailed deer license sold to outfitters and provided by them to nonresidents for each license purchased under this section. A hunting outfitter may provide to nonresidents, for compensation, big game guiding and outfitting services and one white-tailed deer license per nonresident as provided in this section to hunt white-tailed deer in the manner, at the places, and during the times the governor prescribes by proclamation.

### **20.1-03-12. Schedule of fees for licenses and permits.**

The various license and permit fees are as follows:

1. For a resident, age sixteen and over, small game hunting license, six dollars.
2. For a nonresident small game hunting license, eighty-five dollars.
3. For a resident big game hunting license, twenty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred dollars, and for a nonresident bow license, two hundred dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, seven dollars.
6. For a resident fishing license, ten dollars, except that for a resident sixty-five years or over or a resident totally or permanently disabled, the license fee is three dollars.
7. For a nonresident fishing license, thirty-five dollars.
8. For a nonresident short-term seven-day fishing license, twenty dollars.
9. For a resident husband and wife fishing license, fourteen dollars.
10. For a nonresident nongame hunting license, fifteen dollars.
11. For a resident wild turkey permit, eight dollars.
12. For an annual general game license, three dollars.
13. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
14. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
15. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
16. For an annual license to practice taxidermy, twenty-five dollars.
17. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
18. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.

19. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, twelve dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, twenty-four dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, thirty-three dollars.
20. To operate watercraft used for hire, the following license fees apply for three years:
  - Class 1. Each craft capable of carrying two adults of average weight, six dollars.
  - Class 2. Each craft capable of carrying three adults of average weight, six dollars.
  - Class 3. Each craft capable of carrying four adults of average weight, six dollars.
  - Class 4. Each craft capable of carrying five adults of average weight, six dollars.
  - Class 5. Each craft capable of carrying up to eight adults of average weight, nine dollars.
  - Class 6. Each craft capable of carrying up to ten adults of average weight, twelve dollars.
  - Class 7. Each craft capable of carrying up to fifteen adults of average weight, twenty-four dollars.
  - Class 8. Each craft capable of carrying sixteen or more adults of average weight, thirty dollars.
21. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
22. For a resident paddlefish tag annual license, three dollars per tag.
23. For a nonresident paddlefish tag annual license, seven dollars and fifty cents per tag.
24. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
25. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
26. For an annual license to operate a private fish hatchery, seventy-five dollars.
27. For a resident commercial frog license, fifty dollars.
28. For a nonresident commercial frog license, two hundred dollars.
29. For a resident frog license, three dollars.
30. For a resident husband and wife frog license, five dollars.
31. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
32. For a nonresident waterfowl hunting license, eighty-five dollars.
33. For a nonresident husband and wife fishing license, forty-five dollars.
34. For a nonresident short-term three-day fishing license, fifteen dollars.
35. For a nonresident fur-bearer and nongame hunting license, twenty-five dollars.
36. For a combination license, thirty-two dollars.
37. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
38. For a resident swan license, five dollars.
39. For a nonresident swan license, twenty-five dollars.
40. For a resident and nonresident sandhill crane license, five dollars.
41. For a resident commercial clam license, one hundred dollars.
42. For a nonresident commercial clam license, one thousand dollars.
43. For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
44. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
45. For a bighorn sheep license issued to a nonresident, five hundred dollars.
46. For a nonresident reciprocal trapping license, two hundred fifty dollars.
47. For a nonresident spring white goose license, fifty dollars.

48. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
49. For a nonresident short-term ten-day fishing license, twenty-five dollars.
50. For a nonresident wild turkey permit, eighty dollars.
51. For a statewide nonresident waterfowl hunting license, one hundred twenty-five dollars.
52. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.

The fees for these licenses and permits must be deposited with the state treasurer and credited to the game and fish fund. Forty-five dollars of each nonresident big game hunting license fee must be used for the private land initiative.

**20.1-03-12.1. Habitat restoration stamp required - Use of revenue - Land purchases not allowed.**

Except for licenses issued under section 20.1-03-07.3, a habitat restoration stamp is required for every resident and nonresident general game license for which a stamp fee of ten dollars must be charged. The habitat restoration stamp fee is in addition to the annual general game license fee charged under section 20.1-03-12. Land may not be purchased with habitat restoration stamp moneys. All moneys generated by habitat restoration stamp fees must be placed in the game and fish private land habitat and access improvement fund with five dollars of the fee allocated to the private land open to sportsmen program.

**20.1-03-12.2. Hunting license and permit application fees.**

Each resident applying for a license or permit to hunt elk, moose, or bighorn sheep under this chapter must be assessed a nonrefundable application fee of three dollars for each license or permit application in addition to the fee charged for the issuance of the license or permit under this chapter. Each nonresident applying for a license or permit to hunt bighorn sheep under this chapter must be assessed a nonrefundable application fee of one hundred dollars in addition to the fee charged for the issuance of a license or permit to hunt bighorn sheep under this chapter.

**20.1-03-13. Stocking and propagation of upland game.**

The department shall allocate not less than fifty thousand dollars biennially, from moneys collected under section 20.1-03-12, to the stocking and propagation of upland game.

**20.1-03-14. Practicing taxidermy for pay without a license unlawful.**

No person may practice taxidermy for pay in this state without a taxidermist's license. Each violation of this section is a distinct and separate offense.

**20.1-03-15. Taxidermist's license - Who to issue.**

The director shall issue an annual license to practice taxidermy upon payment of the appropriate license fee.

**20.1-03-16. Records required of licensed taxidermists - Contents - Inspection of records and unmounted specimens by game officials - Penalty.**

Each person having a license to practice taxidermy shall keep a record showing the name of every person who furnished the licensee with a green or unmounted specimen and the species of each specimen. The licensee, upon request, shall exhibit the record and all unmounted specimens in the licensee's possession to the director, the deputy director, or any bonded game warden. Any person who violates this section is guilty of a class 1 noncriminal offense.

**20.1-03-17. Issuance of licenses - Who to issue - County auditor may appoint agents to receive service fees - Disposition of proceeds - Continuing appropriation.**

All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by county auditors, the director, deputy director, and bonded game wardens. The county auditors, deputy director, and each bonded game warden shall send the director all license fees. For each license the county auditor issues, the county auditor shall collect the authorized charges and record them in the county auditor's record of cash received. Unless the county auditor and the board of county commissioners execute a written agreement providing for the disposition of compensation for the issuance of licenses, the county auditor is entitled to be reimbursed, as compensation, twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and fifteen cents for the issuance of each resident hunting, fishing, or fur-bearer license issued in excess of the first one thousand licenses issued each year; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license. The compensation due for the issuance of licenses is hereby appropriated as a standing and continuing appropriation from the game and fish fund for the purposes of this section.

The county auditor may appoint agents to distribute hunting and fishing licenses or stamps. A county auditor may not provide hunting or fishing licenses to agents located outside this state, but the director may provide licenses to agents located outside this state if there are no agents located a reasonable distance within this state where nonresidents may obtain licenses. The director and county auditor may require agents to show evidence of adequate financial security before the agents are appointed. Adequate financial security may be evidenced by a letter of credit, cash deposit, or bond. Agents may be bonded through the state bonding fund. The agents may charge purchasers a service fee of fifty cents for each license. Service fees may be retained by the agent. The agent shall return the remainder of the license fees to the county auditor for deposit with the county treasurer, or to the director if the agent is appointed by the director, at least once each month, and not later than three days after the close of the month. Notwithstanding section 26.1-21-11, if a claim against the state bonding fund is not filed within sixty days of the expiration of the reporting period provided in this section, the claim is waived. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the director. The director shall deposit all license or stamp fees received with the state treasurer to be credited to the game and fish fund.

**20.1-03-18. County auditors to file applications and stubs - Game officials may inspect file - Return of unused supplies.**

Each county auditor shall keep on file all license applications the auditor receives and all the stubs of licenses the auditor issues. These applications and stubs may be inspected at any time by the director or the director's duly authorized deputies and wardens. Within thirty days after the close of each open season, the auditor shall transmit to the director all applications, stubs, and unused or mutilated licenses covering that open season.

**20.1-03-19. When reports and remittances to be made by county auditors to the director.**

Each county auditor, on the first day of February and August of each year, and within thirty days after the close of each open season, shall make a complete report of all license sales to the director on forms furnished by the director, accompanied by a warrant drawn on the county treasurer to cover such report.

**20.1-03-20. Bonds of county auditors and agents applicable to duties imposed by this title.**

The official bond of each county auditor and of each agent bonded through the state bonding fund and appointed by the county auditor to distribute hunting and fishing licenses or stamps applies to all duties required of county auditors and agents under this title, including the liability for all moneys required to be collected or received by county auditors and agents under this title for the issuance of licenses.

**20.1-03-21. Failure to turn over money collected under provisions of this title unlawful - Penalty.**

It is unlawful for a person to fail or refuse to turn over any moneys collected or authorized to be collected under this title, or to fail or refuse to turn over and deliver to the director all applications, stubs, and mutilated and unused licenses and permits. The director may take appropriate action to recover from the person so defaulting, or on that person's bond.

**20.1-03-22. Buying or shipping green furs - License required - Expiration of license.**

No person may engage in the business of buying or shipping green furs in this state unless that person first obtains a license from the director. A license issued under this section expires on the first day of September following the date of its issue and may be issued only upon payment of the appropriate fee.

**20.1-03-23. Records to be kept by licensed dealers in green furs - Report to director - Penalty.**

Each person licensed to engage in the business of buying or shipping green furs shall keep a true and correct record of each purchase of green furs made by that person. The record must show:

1. The date of the purchase.
2. The name and address of the seller.
3. The kind and number of furs involved in the purchase.
4. The amount of money paid to the seller for the furs purchased.
5. Any additional information as the director may require.

The information contained in the record must be furnished to the director on forms prepared by the director and under rules the director may adopt. Any person who violates this section is guilty of a class 1 noncriminal offense.

**20.1-03-24. Transportation of game or fish by residents having hunting, fishing, or fur-bearer licenses.**

Any resident having a hunting, fishing, or fur-bearer license and lawfully in possession of any big game, small game, fur-bearer, or fish may:

1. Ship such game or fish by common carrier to the person's residential address; or
2. Carry such game or fish on a common carrier or other conveyance to the person's residential address.

**20.1-03-24.1. Permits for the transportation of big game.**

Upon request, a resident or nonresident may obtain a permit for the transportation of big game from the director, deputy director, chief game wardens, district game wardens, or any law enforcement officer. The director shall determine the criteria for and the conditions under which a permit for the transportation of big game may be issued under this section.

**20.1-03-25. Transportation of game or fish by nonresidents having a hunting, fur-bearer, or fishing license.**

Any nonresident having a nonresident hunting, fur-bearer, or fishing license, and lawfully in possession of any big game, small game, fur-bearer, or fish may:

1. Carry such game or fish with the person on leaving this state.

2. Ship by common carrier, upon providing identification by displaying the person's nonresident license, such game or fish, if the shipment is carried openly for content inspection and is plainly marked with a suitable tag bearing the person's name, address, and the number of the person's nonresident hunting, fishing, or fur-bearer license, and has attached to it a special shipping tag provided with the nonresident license form. The total number of such game or fish shipped in any one season shall not exceed the number the person may lawfully possess.
3. Ship upland game or migratory waterfowl by common carrier, upon identifying that person by displaying that person's nonresident license, if the shipment is carried openly for content inspection and is plainly marked with tags issued by the director. These tags must be designed so they can be used only once.

**20.1-03-26. Nonresidents - Taking and transporting of game birds - License.**

Repealed by S.L. 1983, ch. 275, § 1.

**20.1-03-27. Licenses to be carried on person - Licenses to be shown officers upon demand - Penalty.**

Any person holding a hunting, trapping, or fishing license required under this title shall carry the license on that person's person when hunting, trapping, or fishing. Upon the request or demand of the director, the deputy director, any game warden, or any police officer, that person shall show the license immediately to the officer making the request or demand. Any person who violates this section is guilty of a class 2 noncriminal offense.

**20.1-03-28. Duplicate licenses or permits.**

Repealed by S.L. 1983, ch. 265, § 2.

**20.1-03-29. Making misrepresentation in application for, or alteration in, license or permit unlawful.**

No person may make any willful misrepresentation in the person's application for a license or permit or make any alteration on a license or permit already issued.

**20.1-03-30. Application for license issued by lottery - Forfeiture of fee if not eligible to apply.**

The fee remitted by any person who applies for a license issued by lottery, when by any law or proclamation that person is ineligible to apply because of any waiting period, is forfeited. The director shall notify the applicant that the applicant is ineligible for this reason and the fee has been forfeited. The fees received by the department pursuant to this section must be deposited in the state game and fish fund.

**20.1-03-31. Using or claiming as one's own the license or permit of another person unlawful.**

No person may use the license or permit of another person or attempt to deceive the director, the deputy director, any game warden, or any police officer by claiming that license as that person's own.

**20.1-03-32. Computer-generated license.**

In addition to the license system under this chapter, licenses may be generated by a telephone, computer, or electronic system designated by the director. The director may accept payment by wire transfer, electronic transfer, or a nationally recognized credit or debit card for licenses issued under this section. A reasonable fee not exceeding the discount charged by the credit card issuer may be added to the payment as a service charge for the acceptance of the credit or debit card. The director shall determine which nationally recognized cards will be accepted for payments made under this section. If payment is made by a credit or debit card, the liability for a license purchased under this section is not discharged until the director receives payment or credit from the institution responsible for making the payment or credit.

**20.1-03-33. When an individual considered licensed.**

An individual is considered licensed upon:

1. Submittal of any required information;
2. Payment of the appropriate fee; and
3. Approval of the director or representatives designated by the director.

**20.1-03-34. Signature and possession requirements.**

Signature and possession of license requirements may be waived by the director by rule for individuals licensed through license systems established under section 20.1-03-32.

**20.1-03-35. Social security number to be furnished.**

The social security number of an applicant for any license or permit issued under this chapter must be recorded on the application unless the applicant is a foreign national to whom no social security number has been issued. A social security number recorded under this section is confidential. Beginning on January 1, 2008, any application that is printed in paper form for a resident or nonresident fishing, hunting, or fur-bearer certificate must be printed in a manner so that only the last four digits of the applicant's social security number are recorded on the application, and the first five digits of the applicant's social security number are not recorded on the application.

**20.1-03-36. Guides and outfitters to be licensed.**

An individual may not act as a guide or outfitter or advertise or otherwise represent to the public as a guide or outfitter without first securing a license in accordance with this chapter and the rules of the director.

**20.1-03-36.1. Fee for guide or outfitter license.**

1. The annual fee to receive a hunting guide license is one hundred dollars for a resident and four hundred dollars for a nonresident.
2. The annual fee to receive a fishing outfitter license is one hundred dollars for a resident and four hundred dollars for a nonresident. The annual fee to receive a fishing outfitter license is fifty dollars for a resident and two hundred dollars for a nonresident if the individual applying for the license has paid for a hunting guide or outfitter license for the same year.
3. The annual fee for a resident to receive a hunting outfitter license is two hundred fifty dollars for under ten thousand acres [4046.86 hectares] and five hundred dollars for ten thousand acres [4046.86 hectares] and over on which the outfitter provides services. The annual fee for a nonresident to receive a hunting outfitter license is two thousand dollars. The acreage must be presented by the county with a list of lessors by county in every application for outfitter licensure. The annual permit fee for day leasing is two hundred dollars. The acreage day leased by county for the preceding year must be provided to receive a day leasing permit.
4. Except as otherwise provided in this subsection, a license is not required for a person to provide services on real property that person owns or leases for the primary pursuit of bona fide agricultural interests, for a nonprofit organization registered with the secretary of state, or for a person that acts as a booking agent for a person that legally conducts business as an outfitter. However, a person who has been convicted of a state or federal criminal game or fish violation within the last three years or whose license to hunt or fish is under suspension or revocation is not exempt from licensure and is subject to subsection 5 of section 20.1-03-37. A booking agent that refers an individual to an outfitter under this subsection may receive a fee or commission for the referral. The director shall determine the number of acres by county exempted from licensure by this subsection and shall publish the results. The director shall provide written information to the public on the possible liability exposure for outfitting under this subsection and on the benefits of liability insurance and proper training. For

purposes of this subsection, a booking agent means a person that receives only a fee for referring or marketing the services of a legal outfitter in this state.

**20.1-03-36.2. Guides and outfitters licenses.**

1. Each licensee shall carry the license while afield and show the license to any law enforcement officer upon request.
2. Hunting guide and fishing outfitter licenses are not transferable.
3. Guide and outfitter licenses expire on December thirty-first of each year unless revoked at earlier date.
4. The department shall deposit in the game and fish department private habitat and access improvement fund any funds collected under section 20.1-03-36.1 or this section from hunting guides and outfitters which are not used for the administration of this chapter.

**20.1-03-37. Guides and outfitters license qualifications.**

1. An individual who is eighteen years of age or more may apply for a guide or outfitter license.
2. An applicant for a hunting guide license and an outfitter acting as a guide shall provide the director proof that the individual is certified in adult cardiopulmonary resuscitation or its equivalent and in standard or first aid or its equivalent.
3. An applicant for a hunting outfitter or fishing outfitter license shall provide to the director proof that the individual and the individual's business operation are covered by general liability insurance against loss or expense due to accident or injury from outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per accident.
4. An individual must hold a hunting guide license for two years to be eligible to apply for a hunting outfitter license unless that individual provides proof to the department that the individual has been exempt under subsection 4 of section 20.1-03-36.1 and has been conducting outfitter or guide service as an exempt individual for at least two years.
5. The director may not issue a license to an individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation. As used in this chapter, "conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court suspended execution of a sentence in accordance with subsection 3 of section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt which is reversed on appeal.
6. If an application is for a business association, the applicant must be an agent of the association to be held personally responsible for the conduct of the licensed outfitter's operations, in addition to the association, and the applicant must be actively and regularly employed in and responsible for the management, supervision, and operation of the outfitting business. The department may only issue an outfitter license to a business applicant if the applicant is qualified to conduct the business of outfitting. A corporation or association may qualify for an outfitter license if a majority of stock is owned by licensed outfitters in good standing or landowners who own agricultural land used for the outfitting business, or if a limited liability company, the majority membership interest is owned by licensed outfitters in good standing or by landowners who own agricultural land used for the outfitting business. If a business entity owns, is a leaseholder in land, or provides compensation for the use of land, and directly or indirectly receives remuneration from hunting on that land, the business entity must be licensed under this title unless exempt under subsection 4 of section 20.1-03-36.1. A business entity may not conduct business operations through a subsidiary, contractor, or an agent that would permit the business entity to avoid this chapter. This section does not authorize any act or transaction prohibited by any other law of this state.



7. An applicant for a hunting guide or hunting outfitter license must have legally hunted in this state for part of each of any three years in a manner directly contributing to the individual's experience and competency as a guide. The department may waive this requirement if the applicant proves that the applicant has legally hunted for parts of at least three years in other states and an outfitter employing that individual would suffer an undue hardship without that individual.

**20.1-03-38. Licensing guides and outfitters by the department - Rules - Inspections.**

1. The director may license guides and outfitters and may adopt rules to regulate guides and outfitters. If the director requests a trade secret or proprietary information, the director shall request the information on a separate form, and that information is confidential and is not a public record subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. The director may release this information, however, if it is aggregated so as not to identify any guide, outfitter, or client. Before engaging in rulemaking activities with respect to guides and outfitters, the director shall appoint a committee composed of guides, outfitters, and interested individuals and shall consult with the committee when preparing rules.
2. The director shall periodically inspect or cause to be inspected all outfitter businesses. All records, facilities, and equipment kept or used by the outfitter are open to inspection by the director or a game warden. Records may not be deceptive and must be kept in a manner and location that is readily accessible to the director or a game warden during normal business hours.
3. The director shall perform a background search for criminal and game and fish violations on each applicant on initial application and on each renewal.
4. The director may not issue a license to an individual to be a hunting guide or hunting outfitter unless the individual is proficient in the application of state and federal laws on the hunting of wild game. The director shall create and administer a written examination to test proficiency of hunting guides and outfitters in these laws. The director shall administer examinations at least twice a year; however, an examination may not be given within ninety days after the previous examination.

**20.1-03-39. Guides and outfitters restrictions.**

1. The license of a guide or outfitter may be denied, revoked, or suspended, or placed on probation by the director if:
  - a. The licensee, while carrying out the business of guiding or outfitting, engages in conduct detrimental to the image and professional integrity of the guiding and outfitting industry;
  - b. The licensee willfully and substantially misrepresented that person's facilities, prices, equipment, services, or hunting or fishing opportunities as a guide or outfitter;
  - c. The licensee has been convicted of an offense not listed in this section which is determined by the director to have a direct bearing on the licensee's ability to serve the public as a guide or outfitter;
  - d. The licensee is addicted to the use of intoxicating liquors, narcotics, or stimulants to the extent the licensee's performance of professional duties is affected;
  - e. The licensee has become not qualified, or has violated any rule for the licensing of a guide or outfitter by the director;
  - f. The licensee is convicted of violating state or federal criminal law pertaining to hunting, fishing, or trapping, or if the director finds by clear and convincing evidence that such a violation has occurred;
  - g. The licensee provided guiding or outfitting services to a person that had not obtained the appropriate license for the species sought by that person; or
  - h. A licensed outfitter utilized any unlicensed person to perform outfitter or guide services on behalf of the outfitter. This subsection applies to outfitters regardless of whether the person who performed the service is otherwise exempt under subsection 4 of section 20.1-03-36.1.

2. For the purpose of administrative sanctions, an outfitter is liable if a guide violates a criminal provision of this chapter or a state or federal criminal law pertaining to hunting, fishing, or trapping while guiding on behalf of the outfitter. It is an affirmative defense if the outfitter reported the violation to the department or law enforcement when the outfitter discovered the violation or has not had more than two independent violations by a guide working on behalf of the outfitter in the previous three-year period and the outfitter did not aid in or attempt to conceal evidence of the violation. A guide is liable if a client violates a state or federal criminal law pertaining to hunting, fishing, or trapping if the guide knowingly aids in the violation or knows of the violation and the guide or client fail to report the violation to the department within a reasonable time.
3. Notwithstanding chapters 45-11 and 47-25, another person may not use a name, business name, fictitious name, trade name, internet address, world wide web uniform resource identifier, place of business, or telephone number of an outfitter who has been convicted of a violation at least three years from the time of the conviction except on permission from the director after a determination by the director that the new business is significantly separate from the previous business and the new business does not employ, contract with, or receive assistance from any person who has been prohibited from guiding or outfitting.

**20.1-03-40. Penalty.**

Any person providing guide or outfitter services without a license, or while under suspension, revocation, or denial is guilty of a class A misdemeanor. The court must suspend an individual's hunting, trapping, and fishing privileges for at least one year under section 20.1-01-26 if an individual provided guide or outfitter services without a license, or while under suspension, revocation, or denial, or guided on prohibited lands. Unless otherwise specified, other violations of this chapter are a class B misdemeanor. Each client guided is subject to separate and distinct offenses. In addition to this penalty, the director may initiate civil action in a court of competent jurisdiction as necessary to enforce this chapter or any rule adopted under this chapter, including an injunction to restrain a violation, without proof of actual damages sustained by any person. Any individual who commits for remuneration or compensation an act of fraud involving hunting or fishing or any individual who illegally takes or causes death to fish or wildlife for remuneration or compensation may be prosecuted for theft, fraud, or conspiracy under title 12.1 and is, upon conviction, liable for the higher amount between the actual compensation received or the value of the fish or wildlife illegally taken or killed.

**20.1-03-41. Director's powers for immediate suspension.**

If the director determines by clear and convincing evidence that a substantial violation of state or federal criminal hunting, fishing, or trapping laws of this chapter by a guide or outfitter has occurred, the director may suspend, revoke, or deny a guide or outfitter license to the person violating the laws or provisions. In such a case, a hearing must be held within ten days of the director's intended action and the person must be given notice of the hearing. The person may waive the hearing after having been notified of the person's right to a hearing, in which case the action of the director takes effect upon signing the waiver. The director may serve notice of the hearing by publication if reasonable efforts to make personal service have failed.

**20.1-03-42. Guiding on prohibited lands.**

A person may not act as a hunting guide or hunting outfitter on land the person knows is owned by the state unless the appropriate state agency permits or authorizes the guiding or outfitting, on private land enrolled by the department for purposes of hunting, on land in which the department pays in lieu of taxes, on federal lands without being authorized or permitted as required by the appropriate federal agency, or on private lands posted against hunting or trespassing without first informing and obtaining permission from the landowner to conduct guiding or outfitting on the land. If the landowner did not grant the permission in writing, there is a presumption that the permission did not exist.