



## BIG GAME COMMERCIAL SERVICES BOARD

### Transporter Frequently Asked Questions

#### **As an air taxi who is not a licensed big game transporter:**

##### **1.) Can I fly, for compensation, big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field?**

**Yes**, AS 08.54.790(12) allows you to fly big game hunters as long as you do not:

- (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or
- (ii) advertise transportation services or big game hunting services to the public; in this subparagraph, "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.

##### **2.) Can I advertise air transportation for big game hunters if I do not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters?**

**No**. If you advertise that you are a transporter of big game hunters, etc., you will be providing "transportation services" and for that, you need a license per AS 08.54.650 and .720(12).

##### **3.) Can I advertise air transportation for hunters if I do not refer to "big game" or any species that are defined as big game in Alaska?**

**No**. The use of hunt or hunting as stand-alone words in advertising implies big-game. If specified "duck hunting" or "squirrel hunting" etc. then it is an unregulated activity and is allowed in unlicensed advertising.

##### **4.) Can I advertise air transportation at The Great Alaska Sportsman's Show if I don't refer to hunting?**

**No**. In AS 08.54.790(12) "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services. The Great Alaska Sportsman's Show clearly contains and promotes elements of the hunting "trade".

Advertising at a boat show, commercial fishing show or other show, without elements of the hunting trade, would be allowed.

**As an air taxi who is a licensed big game transporter:**

**1.) Do I need to complete a transporter contract and a transporter activity report if I exercise my advertising privilege as a licensed transporter, but I do not charge more than the usual tariff or charter rate for the carriage of big game hunters?**

**Yes.** AS 08.54.790(12) allows no exemption from transporter contract or reporting requirements for licensed business or individuals who advertise transportation services or big game hunting services to the public, regardless of the tariff or charter rate.

**2.) Do I need to complete a transporter contract and a transporter activity report when I fly a hunter to a licensed guide camp or to another licensed transporter's lodge or boat?**

**Yes.** AS 08.54.680(c), 12 AAC 75.400 and 12 AAC 75.450 combine to require a transporter contract and a transporter activity report whenever flying a hunter to, from, or in the field. There are currently no regulatory exceptions to contract or report requirements for multiple service providers on a single hunt.

**3.) Do I need to complete a transporter contract and a transporter activity report each time I fly a hunter to, from or in the field?**

**Yes,** if you are providing "transportation services" as defined in AS 08.54.790(12). AS 08.54.680(c), 12 AAC 75.400 and 12 AAC 75.450 combine to require a transporter contract and a transporter activity report whenever flying a hunter to, from, or in the field. "Once a transporter, always a transporter".

**4.) Is every pilot of an Air Taxi/Transporter required to have the Transporter license?**

**No.** 12 AAC 75.145 allows that a transporter license can be held by a person, a partnership or a corporation. The name of one individual who is responsible for managing the transporter's business activities must be identified. There are no restrictions on employees of the person, partnership or corporation from providing transportation services on their employers behalf.

**Transportation Services – AS 08.54.790(12)**

"Transportation Services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between airports listed in the Alaska supplement to the Airmen's Guide published by the Federal Aviation Administration; or

(B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to big game hunters by an air taxi operator or air carrier who does not

(i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or

(ii) advertise transportation services or big game hunting services to the public; in this subparagraph, "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.