



Reference Guide: Commercial Use Permit for Still Photography and Filming
 Administrative Rules of Montana 12.14.101-12.14.170

This reference guide provides information on permits required to conduct still photography or filming for commercial purposes on Montana Fish, Wildlife & Parks (FWP) land. Please note that commercial use on FWP land is a privilege, not a right. Authorization may be denied, amended, or revoked at any time for cause.

Permit Requirements

A Commercial Use Permit (CUP) is required to conduct still photography and filming for commercial purposes on FWP lands. The size of your crew and the type, timing, and location of your proposed activity will determine the availability of the permit and the permit fee. The following definitions apply:

- Model – a person who is accompanying the photographer/videographer and is the subject of a photo or video.
- Prop – an object brought on location to enhance the photo or video, e.g. a piece of furniture, backdrop, signs, etc. “Prop” does not include a tripod or other piece of photography equipment.
- Client – a person who is compensating a photographer or videographer for their services. A client is not considered a crew member for purposes of determining the permit fee.
- Crew member – a person who is compensated to assist the photographer or videographer. The photographer, videographer, prop or model is considered a crew member for purposes of determining the permit fee.

Permit Authorization

The CUP is valid at the location(s) and time period specified on the permit.

Permit Application Process and Fee

You must submit a completed CUP Application to the FWP Regional Office that oversees the site where you wish to conduct use. Applications are available on the FWP website (fwp.mt.gov) and at FWP regional offices. Applications are due a minimum of 45 days in advance of the proposed use.

The permit fee for still photography and filming on FWP lands is as follows:

1 person operating <u>with</u> use of models, props, crew members, or clients	\$25 per day or \$50 per year
2 to 3 person crew	\$25 per day or \$50 per year
4 to 7 person crew	\$50 per day
8 to 20 person crew	\$200 per day
21 or more person crew	\$500 for first day, \$1,000 per additional day

The permit administrator will determine the total fee based on the information provided in the permit application. FWP may adjust the fee on a case-by-case basis when:

- The CUP holder donates all proceeds, minus expenses, from the use or event to the management or improvement of fish, wildlife, or parks, including the maintenance, management, or the improvement or development of facilities;
- The CUP holder donates all proceeds, minus expenses, from the event or activity to a nonprofit organization or charitable cause and is not compensated for the service;
- The commercial use is for special events involving children under the age of thirteen; or
- When the sole purpose of the use is to promote FWP land and resources.

Applications received under 45 days of proposed use are subject to a late fee of \$100 in addition to applicable use fees.

Applications received under 5 days to of proposed use are subject to an additional rush permit fee of \$25 in addition to applicable use fees at State Parks.

Individual Photographer/Videographer

An individual photographer or videographer operating on their own (e.g., landscape photographer) without the use of a model, crew, client, or prop, does not need to obtain a CUP. See Fee Rule sheet for definitions to see if you qualify for this exemption.

Crews of one to three people

A crew of up to three people may obtain an annual CUP that authorizes photography or filming at all FWP sites unless posted otherwise. This permit is valid for the calendar year (expiration date: December 31). The crew leader or contact person must submit a completed CUP Application to the FWP Regional Office that oversees the site where you wish to conduct use.

Crews of four or more people

A crew of four or more people may only apply for a permit that is valid at specific locations and time periods (statewide permit is not available). The cost of the permit varies depending on the size of your crew. FWP may adjust the fees upward or downward to accommodate the nature of the activity and to compensate for staffing needs pertaining to the activity. The crew leader or contact person must submit a completed CUP Application to the FWP Regional Office that oversees the site where you wish to conduct use.

Terms and Conditions

The terms and conditions will be listed on your permit and/or provided to you via email or hard copy with your permit. As noted above, the CUP is valid at the location(s) and time period specified on the permit. Your compliance is important to ensure future opportunities to obtain a permit.

Upon authorization of your permit application and fee, FWP will send you a permit. FWP may require fee payment in advance of issuing the permit, or a security deposit. The crew leader or contact person must have a copy of the permit on their person or readily available for inspection when conducting commercial use.

Note: There may be times or days that are not conducive to still photography or filming at a site, e.g. a school group or special event is scheduled. FWP recommends that you call the site in advance.

Permit holder is required to check in with FWP staff upon arrival at a site (before conducting use). This does not apply to un-staffed sites.

Insurance Requirements

For crews of four or more people the permit holder must possess a general liability policy that names the State of Montana – FWP as additionally insured. You will need to provide a copy of your policy or Certificate of Insurance with your permit application. The minimum coverage for a crew of four or more is \$300,000 per occurrence and \$600,000 aggregate. A crew of 3 or fewer is not required to possess general liability insurance.