

HUNTING AND FISHING LICENSE AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill amends provisions relating to hunting and fishing licenses and permits.

Highlighted Provisions:

This bill:

- ▶ alters the combination license to allow a licensee to:
 - fish;
 - hunt small game; and
 - apply for or obtain a big game, cougar, bear, or turkey hunting permit;
- ▶ changes how certain fees may be used;
- ▶ changes the name of the small game license to a hunting license;
- ▶ creates a hunting license that allows the licensee to:
 - hunt small game; and
 - apply for or obtain a big game, cougar, bear, or turkey hunting permit;
- ▶ requires a person 12 years of age or older to have a fishing license;
- ▶ requires a person to have a hunting license before applying for a big game, cougar, bear, or turkey hunting permit; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2007.

Utah Code Sections Affected:

30 AMENDS:

- 31 **23-19-17**, as last amended by Chapter 325, Laws of Utah 2006
- 32 **23-19-17.5**, as last amended by Chapter 195, Laws of Utah 2000
- 33 **23-19-21**, as last amended by Chapter 346, Laws of Utah 2004
- 34 **23-19-22**, as last amended by Chapter 259, Laws of Utah 1995
- 35 **23-19-22.5**, as last amended by Chapter 287, Laws of Utah 2004
- 36 **23-19-22.6**, as last amended by Chapter 325, Laws of Utah 2006
- 37 **23-19-24**, as last amended by Chapter 325, Laws of Utah 2006
- 38 **23-19-26**, as last amended by Chapter 325, Laws of Utah 2006
- 39 **23-19-34.5**, as last amended by Chapter 7, Laws of Utah 1999
- 40 **23-19-38**, as last amended by Chapter 115, Laws of Utah 2005
- 41 **23-19-38.2**, as enacted by Chapter 245, Laws of Utah 2002
- 42 **23-19-42**, as last amended by Chapter 22, Laws of Utah 2001
- 43 **23-19-47**, as enacted by Chapter 195, Laws of Utah 2000



45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **23-19-17** is amended to read:

47 **23-19-17. Resident fishing and hunting license -- Use of fee.**

48 (1) A resident, ~~[upon payment of]~~ after paying the fee [prescribed] established by the
49 Wildlife Board, may ~~[receive]~~ obtain, as provided by the Wildlife Board's rules, a combination
50 license to:

- 51 (a) fish [and to];
- 52 (b) hunt for small game [as provided in the rules of the Wildlife Board.]; and
- 53 (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

54 (2) ~~[One dollar]~~ Up to \$1 of the combination license fee ~~[shall]~~ may be used for the
55 hunter education program for any of the following:

- 56 (a) instructor and student training;
- 57 (b) assisting local organizations with development;

- 58 (c) maintenance of existing facilities; or
- 59 (d) operation and maintenance of the hunter education program.
- 60 (3) (a) ~~[Fifty]~~ Up to 50 cents of the combination license fee ~~[shall]~~ may be used for the
- 61 upland game program ~~[as follows]~~ to:
 - 62 (i) ~~[to]~~ acquire pen-raised birds; or
 - 63 (ii) ~~[to]~~ capture and transplant upland game species.
- 64 (b) The combination license fee revenue designated for the upland game program by
- 65 Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the
- 66 upland game program as provided by Sections 23-19-43 and 23-19-47.

67 Section 2. Section **23-19-17.5** is amended to read:

68 **23-19-17.5. Lifetime hunting and fishing licenses.**

69 (1) Lifetime licensees born after December 31, 1965, must be certified under Section

70 23-19-11 before engaging in hunting.

71 (2) A lifetime license shall remain valid if the residency of the lifetime licensee

72 changes to another state or country.

73 (3) (a) A lifetime license may be used in lieu of ~~[an annual small game]~~ a hunting or

74 fishing license.

75 (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag

76 of the lifetime licensee's choice for one of the following general season deer hunts:

- 77 (i) archery;
- 78 (ii) rifle; or
- 79 (iii) muzzleloader.

80 (c) A lifetime licensee is subject to each requirement for special hunting and fishing

81 permits and tags, except as provided in ~~[Subsection (3)(b)]~~ Subsections (3)(a) and (b).

82 (4) The Wildlife Board may adopt rules necessary to carry out the provisions of this

83 section.

84 Section 3. Section **23-19-21** is amended to read:

85 **23-19-21. Fishing license.**

86 (1) A person [~~14~~] 12 years of age or older shall purchase a fishing license before
87 engaging in any regulated fishing activity.

88 (2) A person [~~14~~] 12 years of age or older, upon paying the fee prescribed by the
89 Wildlife Board, may [~~receive~~] obtain a license to fish:

90 (a) for one day;

91 (b) for seven consecutive days; or

92 (c) for 365 consecutive days from the date of sale.

93 (3) A person under [~~14~~] 12 years of age may fish without a license [~~pursuant~~]
94 according to rules, proclamations, and orders set forth by the Wildlife Board.

95 (4) The effective date shall be indicated on the license.

96 Section 4. Section **23-19-22** is amended to read:

97 **23-19-22. Big game hunting permit.**

98 (1) A person 14 years of age or older, upon paying the [~~fee prescribed~~] big game
99 hunting permit fee established by the Wildlife Board[~~, may receive~~] and possessing a valid
100 hunting or combination license, may apply for or obtain a permit to hunt big game as provided
101 by rules and proclamations of the Wildlife Board.

102 (2) A person 13 years of age may apply for or obtain a big game hunting permit [~~to~~
103 ~~hunt big game~~] consistent with the requirements of Subsection (1) if that person's 14th birthday
104 falls within the calendar year for which the permit is issued.

105 (3) One dollar of each big game permit fee collected from a resident shall be used for
106 the hunter education program as provided in Section 23-19-17.

107 Section 5. Section **23-19-22.5** is amended to read:

108 **23-19-22.5. Cougar or bear hunting permit.**

109 (1) A person 12 years of age or older, upon [~~payment of the fee prescribed~~] paying the
110 cougar or bear hunting permit fee established by the Wildlife Board[~~, may receive~~] and
111 possessing a valid hunting or combination license, may apply for or obtain a permit to take
112 cougar or bear as provided by rules and proclamations of the Wildlife Board.

113 (2) A person 11 years of age[~~, upon payment of the fee,~~] may apply for or obtain a

114 cougar or bear hunting permit [~~to hunt cougar or bear~~] consistent with the requirements of
115 Subsection (1) if that [~~persons's~~] person's 12th birthday falls within the calendar year in which
116 the permit is issued.

117 (3) One dollar of each cougar or bear permit fee collected from a resident shall be used
118 for the hunter education program.

119 Section 6. Section **23-19-22.6** is amended to read:

120 **23-19-22.6. Turkey hunting permit -- Use of fee.**

121 (1) A person, upon [~~payment of the fee, may receive~~] paying the turkey permit fee
122 established by the Wildlife Board and possessing a valid hunting or combination license, may
123 apply for or obtain a permit to take turkey as provided by rules and proclamations of the
124 Wildlife Board.

125 (2) One dollar of each turkey permit fee collected from a resident shall be used for the
126 hunter education program.

127 Section 7. Section **23-19-24** is amended to read:

128 **23-19-24. Resident hunting license -- Use of fee.**

129 (1) A resident, [~~upon payment of the fee prescribed~~] after paying the fee established by
130 the Wildlife Board, may [~~receive a license to hunt small game~~] obtain a hunting license.

131 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife
132 Board's rules and proclamations:

133 (a) take small game; and

134 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

135 [~~2~~] ~~One dollar~~ (3) Up to \$1 of the [~~small game~~] hunting license fee [~~shall~~] may be
136 used for the hunter education program.

137 [~~3~~] (4) (a) [~~Fifty~~] Up to 50 cents of the [~~small game~~] hunting license fee [~~shall~~] may
138 be used for the upland game program [~~as follows~~] to:

139 (i) [~~to~~] acquire pen-raised birds; or

140 (ii) [~~to~~] capture and transplant upland game species.

141 (b) The [~~small game~~] hunting license fee revenue designated for the upland game

142 program by Subsection [~~(3)~~] (4)(a) is in addition to any [~~small game~~] hunting license fee
143 revenue that may be used for the upland game program as provided by Sections 23-19-43 and
144 23-19-47.

145 Section 8. Section **23-19-26** is amended to read:

146 **23-19-26. Nonresident hunting license -- Use of fee.**

147 (1) A nonresident, [~~upon payment of~~] after paying the fee [~~prescribed~~] established by
148 the Wildlife Board, may [~~receive a license to hunt small game~~] obtain a hunting license.

149 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife
150 Board's rules and proclamations:

151 (a) take small game; and

152 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

153 [~~(2)~~] (3) (a) [~~Fifty~~] Up to 50 cents of the [~~small game~~] hunting license fee [~~shall~~] may
154 be used for the upland game program [~~as follows~~] to:

155 (i) [~~to~~] acquire pen-raised birds; or

156 (ii) [~~to~~] capture and transplant upland game species.

157 (b) The [~~small game~~] hunting license fee revenue designated for the upland game
158 program by Subsection [~~(2)~~] (3)(a) is in addition to any [~~small game~~] hunting license fee
159 revenue that may be used for the upland game program as provided by Sections 23-19-43 and
160 23-19-47.

161 Section 9. Section **23-19-34.5** is amended to read:

162 **23-19-34.5. Falconry certificate of registration -- Residents 14 or older may**
163 **obtain certificate of registration -- License for falconry meet for nonresidents -- Wildlife**
164 **Board approval required for falconry meet -- Hunting license required to take protected**
165 **game.**

166 (1) Any resident 14 years of age or older, upon application to the division, may
167 [~~receive~~] obtain a certificate of registration to hold falcons and engage in the sport of falconry
168 on nongame wildlife species.

169 (2) A nonresident entering Utah to participate in the sport of falconry at an organized

170 meet shall obtain a license as provided in Section 23-19-34.7.

171 (3) Organizers of a falconry meet must apply to and receive approval from the Wildlife
172 Board in order to conduct an organized falconry meet.

173 (4) (a) Any person engaging in the sport of falconry on protected small game species
174 shall possess, in addition to the falconry certificate of registration, a hunting license [~~for taking~~
175 ~~small game~~].

176 (b) Any nonresident who has been issued a license pursuant to Section 23-19-34.7 is
177 not required to possess a [~~small game~~] hunting license in order to take small game during the
178 five-day period of the license.

179 Section 10. Section **23-19-38** is amended to read:

180 **23-19-38. Sales of licenses, certificates, or permits final -- Exceptions --**
181 **Reallocation of surrendered permits.**

182 (1) Sales of all licenses, certificates, or permits are final, and no refunds may be made
183 by the division except as provided in Subsection (2).

184 (2) The division may refund the amount of the license, certificate, or permit if:

185 (a) the division or the Wildlife Board discontinues the activity for which the license,
186 certificate, or permit was obtained;

187 (b) the division determines that it has erroneously collected a fee;

188 (c) (i) the person to whom the license, certificate, or permit is issued becomes ill or
189 suffers an injury that [~~would preclude that~~] precludes the person from [~~being able to participate~~
190 ~~in the activity for which~~] using the license, certificate, or permit [~~was obtained~~];

191 (ii) the person furnishes verification of illness or injury from a physician;

192 (iii) the person does not actually [~~participate in the activity for which~~] use the license,
193 certificate, or permit [~~was obtained~~]; and

194 (iv) the license, certificate, or permit is surrendered before the end of the season for
195 which the permit was issued; or

196 (d) the person to whom the license, certificate, or permit is issued dies prior to [~~that~~
197 ~~person's~~] the person being able to [~~participate in the activity for which~~] use the license,

198 certificate, or permit [~~was obtained~~].

199 (3) The division director may reallocate surrendered permits in accordance with rules
200 adopted by the Wildlife Board.

201 Section 11. Section **23-19-38.2** is amended to read:

202 **23-19-38.2. Refunds for armed forces or public health or safety organization**
203 **members -- Criteria.**

204 (1) A member of the United States Armed Forces or public health or public safety
205 organization who is mobilized or deployed on order in the interest of national defense or
206 emergency and is precluded from [~~participating in the hunting or fishing activity for which the~~
207 ~~person purchased a~~] using a purchased license, certificate, tag, or permit, may, as provided in
208 Subsection (2):

209 (a) receive a refund from the division; and

210 (b) if the person has drawn a permit, have all opportunities to draw that permit in a
211 future draw reinstated.

212 (2) To qualify, the person or a legal representative must:

213 (a) notify the division within a reasonable amount of time that the person is applying
214 for a refund;

215 (b) surrender the license, certificate, tag, or permit to the division; and

216 (c) furnish satisfactory proof to the division that the person:

217 (i) is a member of:

218 (A) the United States Armed Forces;

219 (B) a public health organization; or

220 (C) a public safety organization; and

221 (ii) was precluded from [~~being able to participate in the hunting or fishing opportunity~~]
222 using the license, certificate, tag, or permit as a result of being called to active duty.

223 (3) The Wildlife Board may adopt rules in accordance with Title 63, Chapter 46a, Utah
224 Administrative Rulemaking Act, necessary to administer this section including allowing
225 retroactive refund to September 11, 2001.

226 Section 12. Section **23-19-42** is amended to read:

227 **23-19-42. Search and rescue surcharge.**

228 (1) In addition to the fees imposed under this chapter, there is imposed a 25 cent
229 surcharge on each fishing, [~~small game~~] hunting, or combination license.

230 (2) This surcharge shall be deposited in the General Fund as a dedicated credit for the
231 Search and Rescue Financial Assistance Program created under Section 53-2-107.

232 Section 13. Section **23-19-47** is amended to read:

233 **23-19-47. Portion of revenue from license, permit, stamp, certificate of**
234 **registration, and Wildlife Heritage certificate fees deposited in Wildlife Habitat Account.**

235 (1) Fifty cents of the fee charged for any of the following licenses or stamps shall be
236 deposited in the Wildlife Habitat Account created in Section 23-19-43:

237 (a) a one-day fishing license; or

238 (b) a one-day fishing stamp.

239 (2) Three dollars and fifty cents of the fee charged for any of the following licenses or
240 permits shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

241 (a) a fishing license, except any one-day fishing license;

242 (b) [~~a small game~~] hunting license;

243 (c) a combination license;

244 (d) a furbearer license; or

245 (e) a fishing permit, except any fish stamp.

246 (3) Four dollars and seventy-five cents of the fee charged for any of the following
247 certificates of registration, permits, or Wildlife Heritage certificates shall be deposited in the
248 Wildlife Habitat Account created in Section 23-19-43:

249 (a) a certificate of registration for the dedicated hunter program, except a certificate of
250 registration issued to a lifetime licensee;

251 (b) a big game permit;

252 (c) a bear permit;

253 (d) a cougar permit;

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- 254 (e) a turkey permit;
- 255 (f) a muskrat permit; or
- 256 (g) a Wildlife Heritage certificate.
- 257 Section 14. **Effective date.**
- 258 This bill takes effect on July 1, 2007.