

HUNTING PERMIT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Curtis Oda

LONG TITLE

General Description:

This bill allows a minor to use the resident or nonresident hunting permit of another person under certain circumstances.

Highlighted Provisions:

This bill:

- ▶ allows a minor to use the resident or nonresident hunting permit of another person under certain circumstances; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-19-1, as last amended by Laws of Utah 2011, Chapter 366

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

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

23-19-1. Possession of licenses, certificates of registration, permits, and tags required -- Nonassignability -- Exceptions -- Free fishing day.



28 (1) ~~[A]~~ Except as provided in Subsection (5), a person may not [engage in hunting,
29 trapping, fishing, or seining] take, hunt, fish, or seine protected wildlife or [in the sale] sell,
30 trade, or barter [of] protected wildlife or [their parts without first having procured] wildlife
31 parts unless the person:

32 (a) procures the necessary licenses, certificates of registration, permits, [and] or tags [as
33 provided] required under this [chapter] title, by rule made by the Wildlife Board under this
34 title, or by an order or proclamation issued in accordance with a rule made by the Wildlife
35 Board under this title; and [having at the same time the licenses, certificates of registration,
36 permits, and tags on his or her person, except as provided under Subsection (3).]

37 (b) carries in the person's possession while engaging in the activities described in
38 Subsection (1) the license, certificate of registration, permit, or tag required under this title, by
39 rule made by the Wildlife Board under this title, or by an order or proclamation issued in
40 accordance with a rule made by the Wildlife Board under this title.

41 (2) ~~[(a)]~~ Except as provided in Subsection ~~[(2)(b)]~~ (3) a person may not:

42 ~~[(i)]~~ (a) lend, transfer, sell, give, or assign [licenses, certificates of registration, permits,
43 or tags];

44 (i) a license, certificate of registration, permit, or tag belonging to the person; or [the
45 rights granted by licenses, certificates of registration, permits, or tags; or]

46 (ii) a right granted by a license, certificate of registration, permit, or tag; or

47 ~~[(ii)]~~ (b) use or attempt to use a license, certificate of registration, permit, or tag of
48 another person.

49 ~~[(b) The]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative
50 Rulemaking Act, the Wildlife Board may, by rule, make exceptions to the prohibitions
51 [specified in Subsection (2)(a) for purposes of] described in Subsection (2) to:

52 ~~[(i) transporting wildlife;]~~

53 (a) transport wildlife;

54 ~~[(ii) taking]~~ (b) allow a person to take protected wildlife [for a] for another person if:

55 (i) the person [who] possessing the license, certificate of registration, permit, or tag has
56 a permanent physical impairment due to a congenital or acquired injury or disease[; congenital
57 or acquired, that]; and

58 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a

59 disability that renders the person physically unable to use a legal hunting weapon or fishing
60 device; [or]

61 (c) allow a resident minor under 18 years of age to use the resident or nonresident
62 hunting permit of another person if:

63 (i) the resident minor is:

64 (A) the permit holder's child, stepchild, grandchild, or legal ward, if the permit holder's
65 guardianship of the legal ward is based solely on the minor's age; or

66 (B) suffering from a life threatening medical condition; and

67 (ii) the permit holder:

68 (A) receives no form of compensation or remuneration for allowing the minor to use
69 the permit;

70 (B) obtains the division's prior written approval to allow the minor to use the permit;

71 and

72 (C) accompanies the minor, for the purposes of advising and assisting during the hunt,
73 at a distance where the permit holder can communicate with the minor, in person, by voice or
74 visual signals; or

75 ~~[(iii) transferring]~~ (d) subject to the requirements of Subsection (4), transfer to another
76 person a certificate of registration to harvest brine shrimp and brine shrimp eggs [to another
77 person], if the certificate is transferred in connection with the sale or transfer of the brine
78 shrimp harvest operation or [the] harvesting equipment[, subject to the restrictions referred to
79 under Subsection (2)(c)].

80 ~~[(e) (i) A certificate of registration to harvest brine shrimp and brine shrimp eggs may~~
81 ~~not be transferred without the approval of the division.]~~

82 ~~[(ii) Application to allow the transfer of a certificate of registration to harvest brine~~
83 ~~shrimp and brine shrimp eggs shall be made to the division on a form prescribed and furnished~~
84 ~~by it.]~~

85 ~~[(iii) The division may grant a transfer of a certificate of registration to harvest brine~~
86 ~~shrimp and brine shrimp eggs if the proposed transferee meets all the requirements necessary to~~
87 ~~obtain an original certificate of registration.]~~

88 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine
89 shrimp eggs if:

90 (a) the person submits ~~§~~ **→ to the division ←** ~~§~~ an application to transfer the certificate
 90a ~~§~~ **→ [to the division] ←** ~~§~~ on a form
 91 provided by the division;

92 (b) the proposed transferee meets all requirements necessary to obtain an original
 93 certificate of registration; and

94 (c) the division approves the transfer of the certificate.

95 [~~3~~ ~~No~~] (5) A person is not required to obtain a license, certificate of registration,
 96 permit, or tag [is required] to:

97 (a) fish on a free fishing day [~~which~~] that the Wildlife Board may establish each year
 98 [under rules prescribed by the board] by rule made by the Wildlife Board under this title or by
 99 an order or proclamation issued in accordance with a rule made by the Wildlife Board under
 100 this title;

101 (b) fish at a private fish pond operated in accordance with Section 23-15-10; or

102 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to
 103 propagate, keep, and release for shooting [~~pursuant to~~] in accordance with a certificate of
 104 registration issued under Section 23-17-6.

Legislative Review Note
 as of 2-4-13 11:50 AM

Office of Legislative Research and General Counsel