

HB0153S02 compared with HB0153

{Omitted text} shows text that was in HB0153 but was omitted in HB0153S02

inserted text shows text that was not in HB0153 but was inserted into HB0153S02

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Hunting Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses the taking of wildlife through the use of a {~~hunting~~} guide {~~or~~} outfitter, or spotter.

Highlighted Provisions:

This bill:

▶ ~~{allows for compensating up to three individuals in locating or monitoring the location of big game animals on public land;}~~

▶ defines terms;

▶ creates the Guide, Outfitter, and Spotter Fund;

▶ provides ~~{an exemption under certain circumstances for an individual disclosing the location}~~ when the use of a ~~{big game animal}~~ guide, outfitter, or spotter is unlawful;

▶ ~~{clarifies effect of violating provisions related to compensating people to locate big game animals; and}~~

▶ requires registration with the Division of Wildlife Resources (division);

▶ provides for rulemaking;

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- 13 ▶ permits the division to take action related to an applicant or registrant;
- 14 ▶ outlines prohibited activities and penalties for violations;
- 15 ▶ addresses the operations of a guide, outfitter, or spotter;
- 16 ▶ repeals regulation by the Division of Professional Licensing; and
- 14 ▶ makes technical and conforming amendments.

18 Money Appropriated in this Bill:

19 None

20 This bill provides a special effective date.

23 AMENDS:

24 23A-1-101 , as last amended by Laws of Utah 2024, Chapter 80 , as last amended by Laws of Utah 2024, Chapter 80

25 23A-5-309 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as renumbered and amended by Laws of Utah 2023, Chapter 103

22 ~~{23A-11-204 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as renumbered and amended by Laws of Utah 2023, Chapter 103}~~

26 23A-12-301 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as renumbered and amended by Laws of Utah 2023, Chapter 103

27 23A-12-302 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as renumbered and amended by Laws of Utah 2023, Chapter 103

28 23A-12-303 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as renumbered and amended by Laws of Utah 2023, Chapter 103

23 ~~{58-79-501 , as last amended by Laws of Utah 2020, Chapters 316, 376 , as last amended by Laws of Utah 2020, Chapters 316, 376}~~

29 ENACTS:

30 23A-3-216 , Utah Code Annotated 1953 , Utah Code Annotated 1953

31 23A-4-1201 , Utah Code Annotated 1953 , Utah Code Annotated 1953

32 23A-4-1202 , Utah Code Annotated 1953 , Utah Code Annotated 1953

33 23A-4-1203 , Utah Code Annotated 1953 , Utah Code Annotated 1953

34 23A-4-1204 , Utah Code Annotated 1953 , Utah Code Annotated 1953

35 REPEALS:

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- 36 **23A-11-204 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as**
renumbered and amended by Laws of Utah 2023, Chapter 103
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- 37 **58-79-101 , as last amended by Laws of Utah 2020, Chapters 316, 376 , as last amended by**
Laws of Utah 2020, Chapters 316, 376
-
- 38 **58-79-102 , as last amended by Laws of Utah 2023, Chapter 34 , as last amended by Laws of**
Utah 2023, Chapter 34
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- 39 **58-79-103 , as enacted by Laws of Utah 2023, Chapter 345 , as enacted by Laws of Utah**
2023, Chapter 345
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- 40 **58-79-301 , as last amended by Laws of Utah 2020, Chapters 316, 376 , as last amended by**
Laws of Utah 2020, Chapters 316, 376
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- 41 **58-79-302 , as last amended by Laws of Utah 2020, Chapters 316, 339 and 376 , as last**
amended by Laws of Utah 2020, Chapters 316, 339 and 376
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- 42 **58-79-303 , as last amended by Laws of Utah 2020, Chapters 316, 376 , as last amended by**
Laws of Utah 2020, Chapters 316, 376
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- 43 **58-79-304 , as last amended by Laws of Utah 2020, Chapters 316, 376 , as last amended by**
Laws of Utah 2020, Chapters 316, 376
-
- 44 **58-79-401 , as last amended by Laws of Utah 2023, Chapter 345 , as last amended by Laws of**
Utah 2023, Chapter 345
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- 45 **58-79-501 , as last amended by Laws of Utah 2020, Chapters 316, 376 , as last amended by**
Laws of Utah 2020, Chapters 316, 376
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- 46 **58-79-502 , as last amended by Laws of Utah 2020, Chapters 316, 376 , as last amended by**
Laws of Utah 2020, Chapters 316, 376
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47

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

49 Section 1. Section **23A-1-101** is amended to read:

50 **23A-1-101. Definitions.**

As used in this title:

52 (1) "Activity regulated under this title" means an act, attempted act, or activity prohibited or regulated under this title or the rules and proclamations promulgated under this title pertaining to protected wildlife including:

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- 55 (a) fishing;
- 56 (b) hunting;
- 57 (c) trapping;
- 58 (d) taking;
- 59 (e) permitting a dog, falcon, or other domesticated animal to take;
- 60 (f) transporting;
- 61 (g) possessing;
- 62 (h) selling;
- 63 (i) wasting;
- 64 (j) importing;
- 65 (k) exporting;
- 66 (l) rearing;
- 67 (m) keeping;
- 68 (n) using as a commercial venture; and
- 69 (o) releasing to the wild.
- 70 (2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.
- 71 (3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.
- 72 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or amphibians.
- 74 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that one person may legally take during one day.
- 76 (6) "Big game" means species of hoofed protected wildlife.
- 77 (7) "Carcass" means the dead body of an animal or the animal's parts.
- 78 (8) "Certificate of registration" means a paper-based or electronic document issued under this title, or a rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit, or tag.
- 81 (9) "Closed season" means the period of time during which the taking of protected wildlife is prohibited.
- 83 (10) "Dedicated hunter program" means a program that provides:
- 84 (a) expanded hunting opportunities;
- 85 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 86 (c) education in hunter ethics and wildlife management principles.

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- 87 (11) "Department" means the Department of Natural Resources.
- 88 (12) "Director" means the director of the division appointed under Section 23A-2-202.
- 89 (13) "Division" means the Division of Wildlife Resources.
- 90 (14) "Division of Law Enforcement" means the division within the Department of Natural Resources
created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 92 (15) Subject to Section 23A-1-103, "domicile" means the place:
- 93 (a) where an individual has a fixed permanent home and principal establishment;
- 94 (b) to which the individual if absent, intends to return and has an actual plan, method, and means to
return to the individual's domicile within six months;
- 96 (c) in which the individual, and the individual's family voluntarily reside, not for a special or temporary
purpose, but with the intention of making a permanent home; and
- 99 (d) is a place where the individual resides for the majority of the individual's time.
- 100 (16) "Endangered" means wildlife designated as endangered according to Section 3 of the federal
Endangered Species Act of 1973.
- 102 (17) "Executive director" means the executive director of the Department of Natural Resources.
- 104 (18) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.
- 105 (19) "Feral" means an animal that is normally domesticated but has reverted to the wild.
- 106 (20) "Fishing" means to take fish or crayfish by any means.
- 107 (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and Castoridae
families, except coyote and cougar.
- 109 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for human use.
- 111 (23) "Guide" means the same as that term is defined in Section 23A-4-1201.
- 112 [~~(23)~~] (24) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any means.
- 114 [~~(24) "Hunting guide" means the same as that term is defined in Section 58-79-102.]~~
- 115 (25) "Intimidate or harass" means to physically interfere with or impede, hinder, or diminish the efforts
of an officer in the performance of the officer's duty.
- 117 (26)
- . (a) "Natural flowing stream" means a topographic low where water collects and perennially or
intermittently flows with a perceptible current in a channel formed exclusively by forces of nature.
- 120 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:
- 121 (i) realigned or modified channel that replaces the historic, natural flowing stream channel; and

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- 123 (ii) dredged natural flowing stream channel.
- 124 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or other water
delivery system that diverts and conveys water to an approved place of use pursuant to a certificated
water right.
- 127 (27)
- . (a) "Natural lake" means a perennial or intermittent body of water that collects on the surface of the
earth exclusively through the forces of nature and without human assistance.
- 130 (b) "Natural lake" does not mean a lake where the surface water sources supplying the body of water
originate from groundwater springs no more than 100 yards upstream.
- 132 (28) "Natural resources officer" means the same as that term is defined in Section 79-2-701.
- 133 (29) "Nominating committee" means the Wildlife Board Nominating Committee created in Section
23A-2-302.
- 135 (30) "Nonresident" means a person who does not qualify as a resident.
- 136 (31) "Open season" means the period of time during which protected wildlife may be legally taken.
- 138 (32) "Outfitter" means the same as that term is defined in Section ~~[58-79-102]~~ 23A-4-1201.
- 139 (33) "Pecuniary gain" means the acquisition of money or something of monetary value.
- 140 (34) "Permit" means a paper-based or electronic document that grants authority to engage in specified
activities under this title or a rule or proclamation of the Wildlife Board.
- 142 (35) "Person" means an individual, association, partnership, government agency, corporation, or an
agent of the individual, association, partnership, government agency, or corporation.
- 145 (36) "Pollute water" means to introduce into waters within the state matter or thermal energy that:
- 147 (a) exceeds state water quality standards; or
- 148 (b) could harm protected wildlife.
- 149 (37) "Possession" means actual or constructive possession.
- 150 (38) "Possession limit" means the number of bag limits one individual may legally possess.
- 151 (39)
- . (a) "Private fish pond" means a pond, reservoir, or other body of water, including a fish culture system,
located on privately owned land where privately owned fish:
- 153 (i) are propagated or kept for a private noncommercial purpose; and
- 154 (ii) may be taken without a fishing license.
- 155 (b) "Private fish pond" does not include:

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- 156 (i) an aquaculture facility;
- 157 (ii) a fee fishing facility;
- 158 (iii) a short-term fishing event; or
- 159 (iv) private stocking.
- 160 (40) "Private stocking" means an authorized release of privately owned, live fish in the waters of the state not eligible as:
- 162 (a) a private fish pond under Section 23A-9-203; or
- 163 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture Act.
- 165 (41) "Private wildlife farm" means an enclosed place where privately owned birds or furbearers are propagated or kept and that restricts the birds or furbearers from:
- 167 (a) commingling with wild birds or furbearers; and
- 168 (b) escaping into the wild.
- 169 (42) "Proclamation" means the publication that is:
- 170 (a) used to convey a statute, rule, policy, or pertinent information related to wildlife; and
- 171 (b) issued in accordance with a rule made by the Wildlife Board under this title.
- 172 (43)
- . (a) "Protected aquatic wildlife" means aquatic wildlife except as provided in Subsection (43)(b).
- 174 (b) "Protected aquatic wildlife" does not include aquatic insects.
- 175 (44)
- . (a) "Protected wildlife" means wildlife, except as provided in Subsection (44)(b).
- 176 (b) "Protected wildlife" does not include:
- 177 (i) coyote;
- 178 (ii) field mouse;
- 179 (iii) gopher;
- 180 (iv) ground squirrel;
- 181 (v) jack rabbit;
- 182 (vi) muskrat; or
- 183 (vii) raccoon.
- 184 (45) "Regional advisory council" means a council created under Section 23A-2-303.
- 185 (46) "Released to the wild" means to be turned loose from confinement.
- 186 (47)

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- . (a) "Reservoir constructed on a natural stream channel" means a body of water collected and stored on the course of a natural flowing stream by impounding the stream through excavation or diking.
- 189 (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment on a natural flowing stream where all surface water sources supplying the impoundment originate from groundwater springs no more than 100 yards upstream.
- 192 (48) Subject to Section 23A-1-103, "resident" means a person who:
- 193 (a) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license; and
- 195 (b) does not claim residency for hunting, fishing, or trapping in another state or country.
- 196 (49) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging, or trading.
- 198 (50) "Short-term fishing event" means an event when:
- 199 (a) privately acquired fish are held or confined for a period not to exceed 10 days for the purpose of providing fishing or recreational opportunity; and
- 201 (b) no fee is charged as a requirement to fish.
- 202 (51) "Small game" means species of protected wildlife:
- 203 (a) commonly pursued for sporting purposes;
- 204 (b) not classified as big game, aquatic wildlife, or furbearers; and
- 205 (c) excluding turkey, cougar, and bear.
- 206 (52) "Spoiled" means impairment of the flesh of wildlife that renders the flesh unfit for human consumption.
- 208 (53) "Spotlighting" means throwing or casting the rays of a spotlight, headlight, or other artificial light on a highway or in a field, woodland, or forest while having in possession a weapon by which protected wildlife may be killed.
- 211 (54) "Tag" means a card, label, or other paper-based or electronic means of identification used to document harvest of protected wildlife.
- 213 (55) "Take" means to:
- 214 (a) hunt, pursue, harass, catch, capture, possess, gather, angle, seine, trap, or kill protected wildlife; or
- 216 (b) attempt an action referred to in Subsection (55)(a).
- 217 (56) "Threatened" means wildlife designated as threatened pursuant to Section 3 of the federal Endangered Species Act of 1973.

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- 219 (57) "Trapping" means taking protected wildlife with a trapping device.
- 220 (58) "Trophy animal" means an animal described as follows:
- 221 (a) deer - a buck with an outside antler measurement of 24 inches or greater;
- 222 (b) elk - a bull with six points on at least one side;
- 223 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
- 224 (d) moose - a bull with at least one antler exceeding five inches in length;
- 225 (e) mountain goat - a male or female;
- 226 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
- 227 (g) bison - a bull.
- 228 (59) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning dove, band-tailed
pigeon, turkey, cottontail rabbit, or snowshoe hare.
- 230 (60) "Waste" means to:
- 231 (a) abandon protected wildlife; or
- 232 (b) allow protected wildlife to spoil or to be used in a manner not normally associated with the
protected wildlife's beneficial use.
- 234 (61) "Wild" means the natural environment, including a private pond or private property.
- 235 (62) "Wildlife" means:
- 236 (a) crustaceans, including brine shrimp and crayfish;
- 237 (b) mollusks; and
- 238 (c) vertebrate animals living in nature, except feral animals.
- 239 (63) "Wildlife Board" means the board created in Section 23A-2-301.
- 240 (64) "Wildlife parts" means biological material derived from the body or anatomy of wildlife,
including:
- 242 (a) an antler or horn;
- 243 (b) a hide;
- 244 (c) a bone; or
- 245 (d) meat.
- 246 Section 2. Section 2 is enacted to read:
- 247 **23A-3-216. Guide, Outfitter, and Spotter Fund.**
- 248 (1) There is created an expendable special revenue fund known as the "Guide, Outfitter, and Spotter
Fund."

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- 250 (2) The Guide, Outfitter, and Spotter Fund shall consist of:
251 (a) revenue from fees collected under Section 23A-4-1202;
252 (b) money appropriated by the Legislature; and
253 (c) interest, dividends, or other income earned on fund money.
254 (3) The division shall use the money in the Guide, Outfitter, and Spotter Fund to administer Chapter 4,
Part 12, Guide, Outfitter, and Spotter.

256 Section 3. Section 3 is enacted to read:

257

Part 12. Guide, Outfitter, and Spotter

23A-4-1201. Definitions.

As used in this part:

- 260 (1) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted,
given, donated, or transferred to a guide, outfitter, or spotter for or in consideration of personal
services, materials, or property.
- 263 (2) "Guide" means an individual who offers or provides guide services on public lands for
compensation.
- 265 (3) "Guide services" means to guide, lead, or assist an individual in hunting protected wildlife.
- 267 (4) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill protected wildlife and includes
fishing.
- 269 (5) "Outfitter" means an individual who offers or provides outfitting or guide services for compensation
to another individual for hunting protected wildlife on public lands.
- 271 (6)
- . (a) "Outfitting services" means providing, for hunting protected wildlife on public lands:
- 273 (i) transportation of people, equipment, supplies, protected wildlife to or from a location;
- 275 (ii) cooking for the participants hunting, including fishing;
- 276 (iii) packing, protecting, or supervising services; or
- 277 (iv) guide services.
- 278 (b) "Outfitting services" do not include activities undertaken by the division or the division's employees,
associates, volunteers, contractors, or agents under authority granted in this title.
- 281 (7)
- .

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(a) "Public lands" means any lands owned by the United States, the state, or a political subdivision or independent entity of the state that are open to the public for purposes of engaging in a wildlife related activity.

284 (b) "Public lands" does not include lands owned by the United States, the state, or a political subdivision or independent entity of the state that are included in a cooperative wildlife management unit under Subsection 23A-7-204(5) so long as the guiding and outfitting services furnished by the cooperative wildlife management unit are limited to hunting species of wildlife specifically authorized by the division in the unit's management plan.

290 (8) "Retain" or "retained" means a written or oral agreement for the delivery of guide services or outfitter services between a guide or outfitter and the recipient of those services.

293 (9) "Spotter" means an individual compensated by a guide or outfitter to locate or monitor the location of protected wildlife on public land.

295 Section 4. Section 4 is enacted to read:

296 **23A-4-1202. Registration as guide, outfitter, or spotter -- Rulemaking.**

297 (1) Beginning July 1, 2025, to provide the services of a guide, outfitter, or spotter an individual is required to annually obtain a certificate of registration with the division under this part.

300 (2) The division shall issue to an individual who qualifies under this part a certificate of registration in the classification of:

302 (a) guide;

303 (b) outfitter; or

304 (c) spotter.

305 (3) The division shall maintain a record of each individual who is registered with the division under this part.

307 (4)

. (a) To register as a guide, a resident shall:

308 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

310 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in the activity for which the guide provides guide services; and

312 (iii) pay an annual registration fee of:

313 (A) \$350 if the resident provides guide services related to the hunting of big game or bear; or

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(B) \$175 if the resident only provides guide services related to the hunting, including fishing, of protected wildlife other than big game or bear.

317 (b) To register as a guide, a nonresident shall:

318 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

320 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in the activity for which the guide provides guide services; and

322 (iii) pay an annual registration fee of:

323 (A) \$1,000 if the nonresident provides guide services related to the hunting of big game or bear; or

325 (B) \$500 if the nonresident only provides guide services related to the hunting, including fishing, of protected wildlife other than big game or bear.

327 (5)

. (a) To register as an outfitter, a resident shall:

328 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

330 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in the activity for which the outfitter provides outfitter services; and

332 (iii) pay an annual registration fee of:

333 (A) \$700 if the resident provides services related to the hunting of big game or bear; or

335 (B) \$350 if the resident only provides services related to the hunting, including fishing, of protected wildlife other than big game or bear.

337 (b) To register as an outfitter, a nonresident shall:

338 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

340 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in the activity for which the outfitter provides outfitter services; and

342 (iii) pay an annual registration fee of:

343 (A) \$2,000 if the nonresident provides services related to the hunting of big game or bear; or

345 (B) \$1,000 if the nonresident only provides services related to the hunting, including fishing, of protected wildlife other than big game or bear.

347 (6)

. (a) To register as a spotter, a resident shall:

348 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

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- (ii) have the appropriate hunting license under this chapter to engage in the activity for which the spotter provides services; and
- 352 (iii) pay an annual registration fee of \$175.
- 353 (b) To register as a spotter, a nonresident shall:
- 354 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;
- 356 (ii) have the appropriate hunting license under this chapter to engage in the activity for which the spotter provides services; and
- 358 (iii) pay an annual registration fee of \$500.
- 359 (7)
- . (a) Notwithstanding a fee amount described in Subsections (4), (5), and (6), the Wildlife Board may increase or decrease the fee amount under this section.
- 361 (b) An adjustment made by the Wildlife Board under Subsection (7)(a) takes effect when confirmed in the legislative fee schedule adopted in the general session of the Legislature immediately following the adjustment.
- 364 (8) The division shall deposit fees collected under this section into the Guide, Outfitter, and Spotter Fund created in Section 23A-3-216.
- 366 (9) A registration automatically expires on the expiration date shown on the registration unless the registrant renews the registration.
- 368 (10) The Wildlife Board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to address:
- 370 (a) the form of applications submitted under this section;
- 371 (b) prohibited activities under Section 23A-4-1203; or
- 372 (c) operations of a guide, outfitter, or spotter regulated under Section 23A-4-1204.
- 373 Section 5. Section 5 is enacted to read:
- 374 **23A-4-1203. Grounds for denial or revoking of registration -- Prohibited activities.**
- 376 (1) The division shall refuse to register an applicant and shall refuse to renew or shall revoke the certificate of registration of a registrant during the time period that the division suspends the applicant's or registrant's privilege to:
- 379 (a) hunt, if the applicant or registrant provides services requiring registration under this part related to hunting; or
- 381

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- (b) fish, if the applicant or registrant provides services requiring registration under this part related to fishing.
- 383 (2) If the division suspends the privilege to hunt or fish under this title of the chief executive officer of an outfitter under which an applicant or registrant provides guide services, outfitting services, or spotting services:
- 386 (a) during the time period that the chief executive officer's privilege to hunt is suspended, the division shall:
- 388 (i) refuse to issue a registration to the applicant for services requiring registration under this part related to hunting; and
- 390 (ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration under this part related to hunting; and
- 392 (b) during the time period that the chief executive officer's privilege to fish is suspended, the division shall:
- 394 (i) refuse to issue a registration to the applicant for services requiring registration under this part related to fishing; and
- 396 (ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration under this part related to fishing.
- 398 (3) An individual may not use the title "guide," "outfitter," or "spotter" or any other title or designation to indicate that the individual is a guide, outfitter, or spotter or acting as a guide, outfitter, or spotter unless the individual is registered as a guide, outfitter, or spotter under this part.
- 402 (4) An individual may not:
- 403 (a) engage in an activity that would place a registrant's client's, prospective client's, or third party's safety at risk, recognizing the inherent risks associated with hunting wildlife and the activity engaged in being above and beyond those inherent risks;
- 406 (b) use false, deceptive, or misleading advertising related to providing services as a guide, outfitter, or spotter;
- 408 (c) misrepresent services, outcomes, facilities, equipment, or fees to a client or prospective client; or
- 410 (d) fail to provide the division with active and current contact information within 30 days of any changes to the registrant's contact information that was provided to the division during registration or the renewal of registration as a guide, outfitter, or spotter.
- 414 (5)

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- . (a) If an individual violates this part, the division may:
- 415 (i) revoke the certificate of registration of the individual; and
- 416 (ii) suspend the individual's privilege to hunt or fish under this title.
- 417 (b) An individual who violates Subsection (3) or (4) is guilty of a class B misdemeanor in accordance
with Section 23A-5-301.
- 419 Section 6. Section 6 is enacted to read:
- 420 **23A-4-1204. Operations of a guide, outfitter, and spotter -- Limits on retaining guide or**
outfitter -- Spotter.
- 422 (1) Except as provided in Subsections (2) and (3), a person may not compensate an individual to
provide guide services, outfitting services, or spotting services in connection with or in furtherance
of taking protected wildlife on public land.
- 425 (2) A person may compensate a guide or outfitter to help the person locate and take protected wildlife
on public land if:
- 427 (a) the guide or outfitter is registered and in good standing under this part;
- 428 (b) the person has retained the guide or outfitter and is the recipient of the guide services or outfitting
services;
- 430 (c) the person possesses the licenses and permits required to take protected wildlife;
- 431 (d) in total the number of individuals providing services requiring registration under this part does not
exceed four;
- 433 (e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than three spotters; and
- 435 (f) the person who retains the guide or outfitter is not simultaneously using another guide or outfitter to
assist in taking the same species and sex of protected wildlife.
- 437 (3) A registered guide or registered outfitter in good standing may use a spotter if:
- 438 (a) the guide or outfitter is retained by the recipient of the guide services or outfitting services to assist
the recipient to take protected wildlife on public land; and
- 440 (b) the guide or outfitter does not use more than the number of spotters allowed under Subsections (2)
(d) and (e).
- 442 (4)
- . (a) A person who knowingly retains an individual that is not registered under this part as a guide
or outfitter or who knowingly retains a spotter in violation of this section is guilty of a class B
misdemeanor in accordance with Section 23A-5-301.

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445 (b) The division may suspend a person's privilege to hunt or fish under this title if the person knowingly
446 retains an individual that is not registered under this part as a guide or outfitter or knowingly retains
447 a spotter in violation of this section.

448 Section 7. Section **23A-5-309** is amended to read:

449 **23A-5-309. Taking, transporting, selling, or purchasing protected wildlife illegal except as**
450 **authorized -- Criminal penalty.**

- 29 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may
30 not:
- 31 (a) take protected wildlife or wildlife parts;
- 32 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or
33 wildlife parts;
- 34 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife parts without
35 having previously procured the necessary licenses, permits, tags, federal stamps, certificates of
36 registration, authorizations, and receipts required in this title or a rule, proclamation, or order of the
37 Wildlife Board;
- 38 (d) take protected wildlife with a weapon, ammunition, implement, tool, device, or any part of any of
39 these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 41 (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement, tool, device, or any
42 part of any of these not specifically authorized in this title or a rule, proclamation, or order of the
43 Wildlife Board;
- 44 (f) take protected wildlife using a method, means, process, or practice not specifically authorized in this
45 title or a rule, proclamation, or order of the Wildlife Board;
- 46 (g) take protected wildlife outside the season dates, location boundaries, and daily time frames
47 established in rule, proclamation, or order of the Wildlife Board;
- 48 (h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation,
49 or order of the Wildlife Board;
- 50 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule, proclamation,
51 or order of the Wildlife Board, or by executive order of the director pursuant to Subsection
52 23A-2-203(4);
- 53 (j) practice falconry or capture, possess, or use birds in falconry;

54

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- (k) take wildlife from an airplane or any other airborne vehicle or device or a motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;
- 56 (l) hold in captivity at any time any live protected wildlife;
- 57 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 58 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 59 (o) release captured or captive wildlife into the wild;
- 60 (p) use spotlighting to take protected wildlife;
- 61 (q) employ or use a means of concealment or camouflage while taking protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 63 (r) possess or use bait or other attractant to take protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 65 (s) use a decoy or recorded or electronically amplified call which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 67 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp eggs;
- 69 (u) use protected wildlife for commercial purposes or financial gain as prohibited by Section 23A-5-304;
- 71 (v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;
- 73 (w) operate or participate in a commercial hunting area as described in Section 23A-12-202; [or]
- 75 (x) operate or participate in a cooperative wildlife management unit as defined in Section 23A-7-101[.]; or
- 499 (y)
- 77 ~~{(y)}~~ (i) operate or participate in {outfitter} guide, outfitter, or {hunting guide} spotter services or activities in violation of {Section 23A-11-204} Chapter 4, Part 12, Guide, Outfitter, and Spotter; or
- 501 (ii) knowingly retain a guide, outfitter, or spotter in violation of Chapter 4, Part 12, Guide, Outfitter, and Spotter.
- 79 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was illegally taken and is illegally held in possession.
- 82 (3) A person is subject to the penalty under Section 23A-5-301 if the person:
- 83 (a) violates Subsection (1); and
- 84 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

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85 {Section 2. Section 23A-11-204 is amended to read: }

86 **23A-11-204. Limitation on compensating people to provide outfitting or hunting guide services for big game animals.**

88 (1) As used in this section:

89 (a) "Compensate" or "compensated" means anything of value in excess of \$25 that is paid, loaned, given, granted, donated, or transferred to a person for or in consideration of locating or monitoring the location of big game animals.

92 (b) "Retain" or "retained" means a written or oral agreement for the delivery of outfitting services or hunting guide services between an outfitter or hunting guide and the recipient of those services.

95 (2) Except as provided in Subsections (3) and (4), a person may not compensate another person to locate or monitor the location of big game animals on public land in connection with or furtherance of taking a big game animal under this title.

98 (3) A person may compensate a registered outfitter or hunting guide to help the person locate and take a big game animal on public land if:

100 (a) the outfitter or hunting guide is registered and in good standing under Title 58, Chapter 79, Hunting Guides and Outfitters Registration Act;

102 (b) the person has retained the outfitter or hunting guide and is the recipient of the outfitting services and hunting guide services, as defined in Section 58-79-102;

104 (c) the person possesses the licenses and permits required to take a big game animal;

105 (d) the person retains and uses not more than one outfitter or hunting guide in connection with taking a big game animal; and

107 (e) the retained outfitter or hunting guide uses no more than [~~one compensated individual~~] three compensated individuals in locating or monitoring the location of big game animals on public land.

110 (4) A registered outfitter or registered hunting guide in good standing may compensate another person to locate or monitor the location of big game animals on public land if:

112 (a) the outfitter or hunting guide has been retained by the recipient of the outfitting services or hunting guide services to assist the recipient take a big game animal on public land;

115 (b) the recipient possesses the licenses and permits required to take a big game animal;

116 (c) the recipient is not simultaneously using another outfitter or hunting guide to assist in taking the same species and sex of big game animal; and

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(d) the outfitter or hunting guide compensates not more than [~~one other individual~~] three other individuals to locate or monitor the location of big game animals in connection with assisting the recipient take a big game animal on public land.

121 (5) This section does not apply to an individual who informs an outfitter or hunting guide of the location of a big game animal without being employed to locate or monitor the location of a big game animal by an outfitter, hunting guide, or recipient of the outfitting services or hunting guide services.

125 [(5)] (6) A violation of:

126 (a) this section constitutes an unlawful take under Section 23A-5-309; and

127 (b) Subsection (4) constitutes unlawful conduct under Sections 58-1-501, 58-1-502, and 58-79-501.

509 Section 8. Section 23A-12-301 is amended to read:

510 **23A-12-301. Definitions.**

511 (1) The definitions in Section [~~58-79-102~~] 23A-4-1201 apply to this part.

512 (2)

(a) As used in this part, "waterfowl management area" means real property owned or managed by the division that is:

514 (i) primarily used for the conservation, production, or recreational harvest of ducks, mergansers, geese, brant, swans, and other waterfowl; and

516 (ii) designated as a waterfowl management area by the Wildlife Board in accordance with Section 23A-12-303.

518 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management Area and the Harold Crane Waterfowl Management Area described in Section 23A-6-403.

521 Section 9. Section 23A-12-302 is amended to read:

522 **23A-12-302. Prohibited activities.**

523 (1) A commercial [~~hunting~~] guide or outfitter may not use a waterfowl management area for any of the following, unless the commercial[~~hunting~~] guide or outfitter has an annual permit, issued by the Wildlife Board pursuant to this part, for the use:

526 (a) [~~hunting~~]guide services or outfitter services; or

527 (b) transportation of an individual to another area for the purpose of providing [~~hunting~~]guide services or outfitter services.

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- (2) An individual may not construct a permanent blind or other permanent structure that is used for hunting within the boundaries of a waterfowl management area.

531 Section 10. Section 23A-12-303 is amended to read:

532 **23A-12-303. Rulemaking -- Notice.**

533 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board shall make rules:

535 (a) designating and establishing the boundaries of a waterfowl management area;

536 (b) governing the management and use of a waterfowl management area in accordance with this part; and

538 (c) to create an annual permit process by which commercial [~~hunting~~] guides and outfitters may use waterfowl management areas in accordance with this part.

540 (2) The annual permit process described in Subsection (1)(c) shall:

541 (a) preserve the opportunity for non-guided hunters to use waterfowl management areas; and

543 (b) require a permit holder to comply with safety standards established by the Wildlife Board.

545 (3) The division shall provide an annual report to the Natural Resources, Agriculture, and Environment Interim Committee regarding any rules made or changed in accordance with this part.

548 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl management area.

550 (5) Nothing in this part modifies or limits:

551 (a) Section 23A-6-403, or the discretion of the division to manage waterfowl management areas for other beneficial purposes, including for the benefit of the public, shorebirds, waterfowl, and other protected wildlife; or

554 (b) the authority of the division, the director, or the Wildlife Board under Chapter 6, Lands and Waters for Wildlife Purposes.

556 **Section 11. Repealer.**

This Bill Repeals:

557 This bill repeals:

558 **Section 23A-11-204, Limitation on compensating people to locate big game animals.**

559 **Section 58-79-101, Title.**

560 **Section 58-79-102, Definitions.**

561 **Section 58-79-103, Hunting guide and outfitter rules.**

562 **Section 58-79-301, Registration required.**

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563 Section **58-79-302, Qualifications for registration.**
564 Section **58-79-303, Term of registration -- Expiration -- Renewal.**
565 Section **58-79-304, Exemptions from registration.**
566 Section **58-79-401, Grounds for denial of registration -- Disciplinary proceedings.**
567 Section **58-79-501, Unlawful conduct.**
568 Section **58-79-502, Unprofessional conduct.**

129 ~~{Section 3. Section 58-79-501 is amended to read: }~~

130 **58-79-501. Unlawful conduct.**

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501^[5] :

- 132 (1) using the title "hunting guide" or "outfitter" or any other title or designation to indicate that
the individual is a hunting guide or outfitter or acting as a hunting guide or outfitter, unless the
individual is currently registered as a hunting guide or outfitter under this chapter^[-] ; or
136 (2) violating Subsection 23A-11-204(4).

569 Section 12. **Effective date.**

This bill takes effect on {~~May 7.~~ July 1, 2025.

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