

# HB0153S03 compared with HB0153S02

~~{Omitted text}~~ shows text that was in HB0153S02 but was omitted in HB0153S03  
inserted text shows text that was not in HB0153S02 but was inserted into HB0153S03

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**Hunting Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Rex P. Shipp**  
Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Guide, Outfitter, and Spotter Fund;
- ▶ provides when the use of a guide, outfitter, or spotter is unlawful;
- ▶ requires registration with the Division of Wildlife Resources (division);
- ▶ provides for rulemaking;
- ▶ permits the division to take action related to an applicant or registrant;
- ▶ outlines prohibited activities and penalties for violations;
- ▶ addresses the operations of a guide, outfitter, or spotter;
- ▶ repeals regulation by the Division of Professional Licensing; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

**HB0153S02**

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19 None

20 **Other Special Clauses:**

21 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

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

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:**

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

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

39 **58-79-103** , as enacted by Laws of Utah 2023, Chapter 345 , as enacted by Laws of Utah 2023,  
Chapter 345

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

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

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

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

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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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:

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;

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- 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.
- 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

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- 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
- 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.
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- (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.
- (b) "Private fish pond" does not include:
- 155 (i) an aquaculture facility;
- 156 (ii) a fee fishing facility;
- 157 (iii) a short-term fishing event; or
- 158 (iv) private stocking.
- 159 (40) "Private stocking" means an authorized release of privately owned, live fish in the waters of the state not eligible as:
- 160 (a) a private fish pond under Section 23A-9-203; or
- 162 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture Act.
- 163 (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:
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- 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)  
173 (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)  
176 (a) "Protected wildlife" means wildlife, except as provided in Subsection (44)(b).  
177 (b) "Protected wildlife" does not include:  
178 (i) coyote;  
179 (ii) field mouse;  
180 (iii) gopher;  
181 (iv) ground squirrel;  
182 (v) jack rabbit;  
183 (vi) muskrat; or  
184 (vii) raccoon.
- 185 (45) "Regional advisory council" means a council created under Section 23A-2-303.
- 186 (46) "Released to the wild" means to be turned loose from confinement.
- 187 (47)  
188 (a) "Reservoir constructed on a natural stream channel" means a body of water collected and stored on  
189 the course of a natural flowing stream by impounding the stream through excavation or diking.  
190 (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment on a natural  
191 flowing stream where all surface water sources supplying the impoundment originate from  
192 groundwater springs no more than 100 yards upstream.
- 193 (48) Subject to Section 23A-1-103, "resident" means a person who:  
194 (a) has been domiciled in the state for six consecutive months immediately preceding the purchase of a  
195 license; and  
196 (b) does not claim residency for hunting, fishing, or trapping in another state or country.

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- (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.
- 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.



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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."

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**

258 **23A-4-1201. Definitions.**

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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)
- (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

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(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~~ **250** if the resident provides guide services related to the hunting of big game or bear; or

315 (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~~ **750** 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.

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- 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}~~ \$500 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}~~ \$1,500 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;
- 350 (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~~} \$125.
- 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~~} \$375.
- 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.

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- 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 (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

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- (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)
- (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.

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- 425 (2) A person may compensate a guide or outfitter to help the person locate and take protected wildlife  
426 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  
429 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  
432 exceed {four:} :
- 433 (i) two; or
- 434 (ii) if a guide or outfitter is retained for purposes of taking a moose, bison, bighorn sheep, or mountain  
435 goat, three;
- 436 (e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than {three-} two spotters;  
437 and
- 438 (f) the person who retains the guide or outfitter is not simultaneously using another guide or outfitter to  
439 assist in taking the same species and sex of protected wildlife.
- 440 (3) A registered guide or registered outfitter in good standing may use a spotter if:
- 441 (a) the guide or outfitter is retained by the recipient of the guide services or outfitting services to assist  
442 the recipient to take protected wildlife on public land; and
- 443 (b) the guide or outfitter does not use more than the number of spotters allowed under Subsections (2)  
444 (d) and (e).
- 445 (4)
- 446 (a) A person who knowingly retains an individual that is not registered under this part as a guide  
447 or outfitter or who knowingly retains a spotter in violation of this section is guilty of a class B  
448 misdemeanor {in accordance with Section 23A-5-301} , except that, notwithstanding Section  
449 76-3-204, a court may not sentence the person to imprisonment or probation.
- 450 (b) The division may suspend a person's privilege to hunt or fish under this title if the person knowingly  
451 retains an individual that is not registered under this part as a guide or outfitter or knowingly retains  
452 a spotter in violation of this section.
- 453 Section 7. Section **23A-5-309** is amended to read:
- 454 **23A-5-309. Taking, transporting, selling, or purchasing protected wildlife illegal except as**  
455 **authorized -- Criminal penalty.**

## HB0153S02 compared with HB0153S03

- 451 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may  
not:
- 453 (a) take protected wildlife or wildlife parts;
- 454 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or  
wildlife parts;
- 456 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife parts without  
having previously procured the necessary licenses, permits, tags, federal stamps, certificates of  
registration, authorizations, and receipts required in this title or a rule, proclamation, or order of the  
Wildlife Board;
- 460 (d) take protected wildlife with a weapon, ammunition, implement, tool, device, or any part of any of  
these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 463 (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement, tool, device, or any  
part of any of these not specifically authorized in this title or a rule, proclamation, or order of the  
Wildlife Board;
- 466 (f) take protected wildlife using a method, means, process, or practice not specifically authorized in this  
title or a rule, proclamation, or order of the Wildlife Board;
- 468 (g) take protected wildlife outside the season dates, location boundaries, and daily time frames  
established in rule, proclamation, or order of the Wildlife Board;
- 470 (h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation,  
or order of the Wildlife Board;
- 472 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule, proclamation,  
or order of the Wildlife Board, or by executive order of the director pursuant to Subsection  
23A-2-203(4);
- 475 (j) practice falconry or capture, possess, or use birds in falconry;
- 476 (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;
- 478 (l) hold in captivity at any time any live protected wildlife;
- 479 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 480 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 481 (o) release captured or captive wildlife into the wild;
- 482 (p) use spotlighting to take protected wildlife;



## HB0153S02 compared with HB0153S03

- 483 (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;
- 485 (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;
- 487 (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;
- 489 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp eggs;
- 491 (u) use protected wildlife for commercial purposes or financial gain as prohibited by Section  
23A-5-304;
- 493 (v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;
- 495 (w) operate or participate in a commercial hunting area as described in Section 23A-12-202; [or]
- 497 (x) operate or participate in a cooperative wildlife management unit as defined in Section  
23A-7-101[:]; or
- 499 (y)
- (i) operate or participate in guide, outfitter, or spotter services or activities in violation of 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.
- 503 (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.
- 506 (3) A person is subject to the penalty under Section 23A-5-301 if the person:
- 507 (a) violates Subsection (1); and
- 508 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).
- 513 Section 8. Section **23A-12-301** is amended to read:
- 514 **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

## HB0153S02 compared with HB0153S03

(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.

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

526 **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.

529 (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.

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

536 **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.

## HB0153S02 compared with HB0153S03

- 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.

560 Section 11. **Repealer.**

This Bill Repeals:

- 561 This bill repeals:
- 562 Section **23A-11-204, Limitation on compensating people to locate big game animals.**
- 563 Section **58-79-101, Title.**
- 564 Section **58-79-102, Definitions.**
- 565 Section **58-79-103, Hunting guide and outfitter rules.**
- 566 Section **58-79-301, Registration required.**
- 567 Section **58-79-302, Qualifications for registration.**
- 568 Section **58-79-303, Term of registration -- Expiration -- Renewal.**
- 569 Section **58-79-304, Exemptions from registration.**
- 570 Section **58-79-401, Grounds for denial of registration -- Disciplinary proceedings.**
- 571 Section **58-79-501, Unlawful conduct.**
- 572 Section **58-79-502, Unprofessional conduct.**
- 573 Section 12. **Effective date.**
- This bill takes effect on July 1, 2025.

3-3-25 10:06 AM