

Chapter 13 General Provisions

23-13-1 Title.

This title is known as the "Wildlife Resources Code of Utah."

Amended by Chapter 306, 2007 General Session

23-13-2 Definitions.

As used in this title:

- (1) "Activity regulated under this title" means any act, attempted act, or activity prohibited or regulated under any provision of Title 23, Wildlife Resources Code of Utah, or the rules, and proclamations promulgated thereunder pertaining to protected wildlife including:
 - (a) fishing;
 - (b) hunting;
 - (c) trapping;
 - (d) taking;
 - (e) permitting any dog, falcon, or other domesticated animal to take;
 - (f) transporting;
 - (g) possessing;
 - (h) selling;
 - (i) wasting;
 - (j) importing;
 - (k) exporting;
 - (l) rearing;
 - (m) keeping;
 - (n) utilizing as a commercial venture; and
 - (o) releasing to the wild.
- (2) "Aquatic animal" has the meaning provided in Section 4-37-103.
- (3) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or amphibians.
- (4) "Aquaculture facility" has the meaning provided in Section 4-37-103.
- (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that one person may legally take during one day.
- (6) "Big game" means species of hoofed protected wildlife.
- (7) "Carcass" means the dead body of an animal or its parts.
- (8) "Certificate of registration" means a document issued under this title, or any rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit, or tag.
- (9) "Closed season" means the period of time during which the taking of protected wildlife is prohibited.
- (10) "Conservation officer" means a full-time, permanent employee of the Division of Wildlife Resources who is POST certified as a peace or a special function officer.
- (11) "Dedicated hunter program" means a program that provides:
 - (a) expanded hunting opportunities;
 - (b) opportunities to participate in projects that are beneficial to wildlife; and
 - (c) education in hunter ethics and wildlife management principles.
- (12) "Division" means the Division of Wildlife Resources.

(13)

(a) "Domicile" means the place:

- (i) where an individual has a fixed permanent home and principal establishment;
- (ii) to which the individual if absent, intends to return; and
- (iii) 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.

(b) To create a new domicile an individual shall:

- (i) abandon the old domicile; and
- (ii) be able to prove that a new domicile has been established.

(14) "Endangered" means wildlife designated as endangered according to Section 3 of the federal Endangered Species Act of 1973.

(15) "Fee fishing facility" has the meaning provided in Section 4-37-103.

(16) "Feral" means an animal that is normally domesticated but has reverted to the wild.

(17) "Fishing" means to take fish or crayfish by any means.

(18) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and Castoridae families, except coyote and cougar.

(19) "Game" means wildlife normally pursued, caught, or taken by sporting means for human use.

(20) "Guide" means a person who receives compensation or advertises services for assisting another person to take protected wildlife, including the provision of food, shelter, or transportation, or any combination of these.

(21) "Guide's agent" means a person who is employed by a guide to assist another person to take protected wildlife.

(22) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any means.

(23) "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.

(24) "Nonresident" means a person who does not qualify as a resident.

(25) "Open season" means the period of time during which protected wildlife may be legally taken.

(26) "Pecuniary gain" means the acquisition of money or something of monetary value.

(27) "Permit" means a document, including a stamp, that grants authority to engage in specified activities under this title or a rule or proclamation of the Wildlife Board.

(28) "Person" means an individual, association, partnership, government agency, corporation, or an agent of the foregoing.

(29) "Possession" means actual or constructive possession.

(30) "Possession limit" means the number of bag limits one individual may legally possess.

(31)

(a) "Private fish pond" means a body of water where privately owned, protected aquatic wildlife are propagated or kept for a noncommercial purpose.

(b) "Private fish pond" does not include an aquaculture facility or fee fishing facility.

(32) "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:

- (a) commingling with wild birds or furbearers; and
- (b) escaping into the wild.

(33) "Proclamation" means the publication used to convey a statute, rule, policy, or pertinent information as it relates to wildlife.

(34)

(a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection (3), except as provided in Subsection (34)(b).

(b) "Protected aquatic wildlife" does not include aquatic insects.

(35)

- (a) "Protected wildlife" means wildlife as defined in Subsection (49), except as provided in Subsection (35)(b).
- (b) "Protected wildlife" does not include coyote, field mouse, gopher, ground squirrel, jack rabbit, muskrat, and raccoon.

(36) "Released to the wild" means to be turned loose from confinement.

(37)

(a) "Resident" means a person who:

- (i) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license; and
- (ii) does not claim residency for hunting, fishing, or trapping in any other state or country.

(b) A Utah resident retains Utah residency if that person leaves this state:

- (i) to serve in the armed forces of the United States or for religious or educational purposes; and
- (ii) the person complies with Subsection (37)(a)(ii).

(c)

(i) A member of the armed forces of the United States and dependents are residents for the purposes of this chapter as of the date the member reports for duty under assigned orders in the state if the member:

- (A) is not on temporary duty in this state; and
- (B) complies with Subsection (37)(a)(ii).

(ii) A copy of the assignment orders shall be presented to a wildlife division office to verify the member's qualification as a resident.

(d) A nonresident attending an institution of higher learning in this state as a full-time student may qualify as a resident for purposes of this chapter if the student:

- (i) has been present in this state for 60 consecutive days immediately preceding the purchase of the license; and
- (ii) complies with Subsection (37)(a)(ii).

(e) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is purchased in any other state or country.

(f) An absentee landowner paying property tax on land in Utah does not qualify as a resident.

(38) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging, or trading.

(39) "Small game" means species of protected wildlife:

- (a) commonly pursued for sporting purposes; and
- (b) not classified as big game, aquatic wildlife, or furbearers and excluding turkey, cougar, and bear.

(40) "Spoiled" means impairment of the flesh of wildlife which renders it unfit for human consumption.

(41) "Spotlighting" means throwing or casting the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest while having in possession a weapon by which protected wildlife may be killed.

(42) "Tag" means a card, label, or other identification device issued for attachment to the carcass of protected wildlife.

(43) "Take" means to:

- (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill any protected wildlife; or
- (b) attempt any action referred to in Subsection (43)(a).

- (44) "Threatened" means wildlife designated as such pursuant to Section 3 of the federal Endangered Species Act of 1973.
- (45) "Trapping" means taking protected wildlife with a trapping device.
- (46) "Trophy animal" means an animal described as follows:
- (a) deer - a buck with an outside antler measurement of 24 inches or greater;
 - (b) elk - a bull with six points on at least one side;
 - (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
 - (d) moose - a bull with at least one antler exceeding five inches in length;
 - (e) mountain goat - a male or female;
 - (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
 - (g) bison - a bull.
- (47) "Waste" means to abandon protected wildlife or to allow protected wildlife to spoil or to be used in a manner not normally associated with its beneficial use.
- (48) "Water pollution" means the introduction of matter or thermal energy to waters within this state that:
- (a) exceeds state water quality standards; or
 - (b) could be harmful to protected wildlife.
- (49) "Wildlife" means:
- (a) crustaceans, including brine shrimp and crayfish;
 - (b) mollusks; and
 - (c) vertebrate animals living in nature, except feral animals.

Amended by Chapter 297, 2011 General Session

23-13-3 Wildlife declared property of the state.

All wildlife existing within this state, not held by private ownership and legally acquired, is the property of the state.

Amended by Chapter 27, 1992 General Session

23-13-4 Captivity of protected wildlife unlawful.

It is unlawful for any person to hold in captivity at any time any protected wildlife except as provided by this code or rules and regulations of the Wildlife Board.

Enacted by Chapter 46, 1971 General Session

23-13-5 Importation or exportation and release of wildlife unlawful.

It is unlawful for any person to import into or export from the state of Utah any species of live native or exotic wildlife or to possess or release from captivity any such imported live wildlife except as provided in this code or the rules and regulations of the Wildlife Board without first securing written permission from the division of Wildlife Resources.

Amended by Chapter 33, 1973 General Session

23-13-6 Taking of wildlife by division.

The Division of Wildlife resources may take wildlife of any kind from any place and in any manner for purposes deemed by the director to be in the interest of wildlife conservation.

Amended by Chapter 56, 1995 General Session

23-13-7 Use of fireworks and explosives by division employees and certain federal game agents.

Notwithstanding any other provision of law, employees of the Division of Wildlife Resources and federal game agents charged with the duty of managing wildlife resources may, without obtaining a permit, use fireworks and explosives to rally, drive, or otherwise disperse concentrations of wildlife as may be necessary to protect property or wildlife resources.

Amended by Chapter 76, 1986 General Session

23-13-8 Private wildlife farms.

- (1) Any person may establish and maintain private wildlife farms for propagating, rearing, and keeping furbearers or birds classified as protected wildlife and may sell or dispose of wildlife reared upon such farms except that disposal may not include release to the wild without first securing written permission from the Wildlife Board. Before establishing such farm, a person shall obtain written authorization from the Division of Wildlife Resources in accordance with rules established by the Wildlife Board. Any wildlife which escapes from private wildlife farms becomes the property of the state.
- (2) This section does not apply to private fur farms established and maintained for rearing domesticated, privately owned mink or chinchilla which were not acquired as wild animals from any state or country, nor does it provide for the propagating, rearing, and keeping of any protected wildlife other than those specified in this section.

Amended by Chapter 76, 1986 General Session

23-13-11 Violations.

Except as otherwise provided in this title:

- (1) a violation of any provision of this title is a class B misdemeanor; and
- (2) a violation of any rule or proclamation of the Wildlife Board is an infraction.

Amended by Chapter 347, 2009 General Session

23-13-12.5 Agreement with a tribe.

- (1) As used in this section, "tribe" means a federally recognized:
 - (a) Indian tribe; or
 - (b) Indian band.
- (2)
 - (a) Subject to the requirements of this section, the governor may enter into an agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting, fishing, or trapping right claim that is:
 - (i) based on:
 - (A) a treaty;
 - (B) an aboriginal right; or
 - (C) other recognized federal right; and
 - (ii) on lands located within the state.
 - (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection (2)(a) may not exempt any person from the requirements of this title.

- (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a tribe that is a party to the agreement or a member of that tribe from:
 - (i) Section 23-16-5, placing a limit of one of any species of big game during a license year;
 - (ii) Section 23-16-6, commencement date of the general deer season;
 - (iii) a hunter or furharvester education requirement under Chapter 19, Licenses, Permits, and Tags;
 - (iv) an age restriction under Chapter 19, Licenses, Permits, and Tags;
 - (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license or permit;
 - (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or
 - (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is not inconsistent with this title.
- (d) An agreement permitted under Subsection (2)(a) shall:
 - (i) be in writing;
 - (ii) be signed by:
 - (A) the governor; and
 - (B) the governing body of the tribe that:
 - (I) is designated by the tribe; and
 - (II) may bind the tribe to the terms of the agreement;
 - (iii) be conditioned on obtaining any approval required by federal law;
 - (iv) state the effective date of the agreement;
 - (v) provide that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute for which an exemption is not authorized under this section; and
 - (vi) include any accommodation made by the tribe that:
 - (A) is agreed to by the tribe;
 - (B) is reasonably related to the agreement; and
 - (C) concerns the management and use of wildlife resources or habitat.
- (e) Prior to executing an agreement under this Subsection (2), the governor shall consult with:
 - (i) the division; and
 - (ii) the chair of the Wildlife Board created in Section 23-14-2.
- (f) At least 30 days before the agreement under this Subsection (2) is executed, the governor or the governor's designee shall provide a copy of the agreement in the form that the agreement will be executed to:
 - (i) the chairs of the Native American Legislative Liaison Committee; and
 - (ii) the Office of Legislative Research and General Counsel.

Amended by Chapter 70, 2002 General Session

23-13-13 Commercialization of wildlife unlawful.

It shall be unlawful for any person to utilize wildlife as a commercial venture for financial gain except as provided in this code or under rules and regulations of the Wildlife Board.

Amended by Chapter 60, 1975 General Session

23-13-14 Release of wildlife unlawful -- Penalty.

- (1) A person may not release a live terrestrial or aquatic wildlife into the wild except as provided in this title and rules and regulations established by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) Except as provided in Subsection (3), a person who violates Subsection (1) is guilty of a class A misdemeanor.
- (3) A person who knowingly and without lawful authority imports, transports, or releases a live species of wildlife that the person knows is listed as threatened or endangered, or is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an area of the state not currently known to be occupied by a reproducing population of that species is guilty of a third degree felony.

Amended by Chapter 231, 2015 General Session

23-13-15 Hunting and Fishing Day.

In recognition of the substantial and continued contribution by hunters and fishermen toward the sound management of wildlife in Utah, the fourth Saturday of September of each year is hereby established as Utah State Hunting and Fishing Day.

Enacted by Chapter 33, 1973 General Session

23-13-16 Judicial notice of proclamations.

The courts shall take judicial notice of any proclamation published under the authority of this title.

Enacted by Chapter 261, 1992 General Session

23-13-17 Spotighting of coyote, red fox, striped skunk, and raccoon -- County ordinances -- Permits.

- (1) Spotighting may be used to hunt coyote, red fox, striped skunk, or raccoon where allowed by a county ordinance enacted pursuant to this section.
- (2) The ordinance shall provide that:
 - (a) any artificial light used to spotlight coyote, red fox, striped skunk, or raccoon shall be carried by the hunter;
 - (b) a motor vehicle headlight or light attached to or powered by a motor vehicle may not be used to spotlight the animal; and
 - (c) while hunting with the use of an artificial light, the hunter may not occupy or operate any motor vehicle.
- (3) For purposes of the county ordinance, "motor vehicle" shall have the meaning as defined in Section 41-6a-102.
- (4) The ordinance may specify:
 - (a) the time of day and seasons when spotighting is permitted;
 - (b) areas closed or open to spotighting within the unincorporated area of the county;
 - (c) safety zones within which spotighting is prohibited;
 - (d) the weapons permitted; and
 - (e) penalties for violation of the ordinance.
- (5)
 - (a) A county may restrict the number of hunters engaging in spotighting by requiring a permit to spotlight and issuing a limited number of permits.

- (b)
 - (i) A fee may be charged for a spotlighting permit.
 - (ii) Any permit fee shall be established by the county ordinance.
 - (iii) Revenues generated by the permit fee shall be remitted to the Division of Wildlife Resources for deposit into the Wildlife Resources Account, except the Wildlife Board may allow any county that enacts an ordinance pursuant to this section to retain a reasonable amount to pay for the costs of administering and enforcing the ordinance, provided this use of the permit revenues does not affect federal funds received by the state under 16 U.S.C. Sec. 669 et seq., Wildlife Restoration Act and 16 U.S.C. Sec. 777 et seq., Sport Fish Restoration Act.
- (6) A county may require hunters to notify the county sheriff of the time and place they will be engaged in spotlighting.
- (7) The requirement that a county ordinance shall be enacted before a person may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:
 - (a) a person or the person's agent who is lawfully acting to protect the person's crops or domestic animals from predation by those animals; or
 - (b) an animal damage control agent acting in the agent's official capacity under a memorandum of agreement with the division.

Amended by Chapter 297, 2011 General Session

23-13-18 Use of a computer or other device to remotely hunt wildlife prohibited.

- (1) A person may not use a computer or other device to remotely control the aiming and discharge of a firearm or other weapon for hunting an animal.
- (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

Enacted by Chapter 34, 2008 General Session

23-13-19 Administering substances to protected wildlife prohibited -- Exceptions.

- (1) For purposes of this section:
 - (a) "Administer" means the application of a substance by any method, including:
 - (i) injection;
 - (ii) inhalation;
 - (iii) ingestion; or
 - (iv) absorption.
 - (b) "Agricultural producer" means a person who produces an agricultural product.
 - (c) "Agricultural product" is as defined in Section 4-1-8.
 - (d) "Substance" means a chemical or organic substance that:
 - (i) pacifies;
 - (ii) sedates;
 - (iii) immobilizes;
 - (iv) harms;
 - (v) kills;
 - (vi) controls fertility; or
 - (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).
- (2) Except as authorized by Subsection (3) or a rule made by the Wildlife Board, a person may not administer or attempt to administer a substance to protected wildlife.
- (3)

- (a) A division employee or a person with written permission from the division may administer a substance to protected wildlife if that employee or person administers the substance to promote wildlife management and conservation.
- (b) One or more of the following may administer a substance to protected wildlife that the person is authorized by this title, the Wildlife Board, or the division to possess:
 - (i) a licensed veterinarian;
 - (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
 - (iii) a person who is following written instructions for veterinary care from a licensed veterinarian.
- (4) A person is not liable under this section for administering a substance, notwithstanding the substance has an effect described in Subsection (1)(d) on protected wildlife, if:
 - (a) an agricultural producer administers the substance:
 - (i) for the sole purpose of producing an agricultural product and not for the purpose of affecting protected wildlife in a manner described in Subsection (1)(d);
 - (ii) consistent with generally accepted agricultural practices; and
 - (iii) in compliance with applicable local, state, and federal law; or
 - (b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Enacted by Chapter 308, 2009 General Session