

Effective 5/10/2016

23-19-1 Possession of licenses, certificates of registration, permits, and tags required -- Nonassignability -- Exceptions -- Free fishing day -- Nature of licenses, permits, or tags issued by the division.

- (1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:
 - (a) procures the necessary licenses, certificates of registration, permits, or tags required under this title, by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title; and
 - (b) carries in the person's possession while engaging in the activities described in Subsection (1) the license, certificate of registration, permit, or tag required under this title, by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title.
- (2) Except as provided in Subsection (3) a person may not:
 - (a) lend, transfer, sell, give, or assign:
 - (i) a license, certificate of registration, permit, or tag belonging to the person; or
 - (ii) a right granted by a license, certificate of registration, permit, or tag; or
 - (b) use or attempt to use a license, certificate of registration, permit, or tag of another person.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2) to:
 - (a) transport wildlife;
 - (b) allow a person to take protected wildlife for another person if:
 - (i) the person possessing the license, certificate of registration, permit, or tag has a permanent physical impairment due to a congenital or acquired injury or disease; and
 - (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a disability that renders the person physically unable to use a legal hunting weapon or fishing device;
 - (c) allow a resident minor under 18 years of age to use the resident or nonresident hunting permit of another person if:
 - (i) the resident minor is:
 - (A) the permit holder's child, stepchild, grandchild, or legal ward, if the permit holder's guardianship of the legal ward is based solely on the minor's age; or
 - (B) suffering from a life threatening medical condition; and
 - (ii) the permit holder:
 - (A) receives no form of compensation or remuneration for allowing the minor to use the permit;
 - (B) obtains the division's prior written approval to allow the minor to use the permit; and
 - (C) accompanies the minor, for the purposes of advising and assisting during the hunt, at a distance where the permit holder can communicate with the minor, in person, by voice or visual signals; or
 - (d) subject to the requirements of Subsection (4), transfer to another person a certificate of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in connection with the sale or transfer of the brine shrimp harvest operation or harvesting equipment.
- (4) A person may transfer a certificate of registration to harvest brine shrimp and brine shrimp eggs if:
 - (a) the person submits to the division an application to transfer the certificate on a form provided by the division;

- (b) the proposed transferee meets all requirements necessary to obtain an original certificate of registration; and
 - (c) the division approves the transfer of the certificate.
- (5) A person is not required to obtain a license, certificate of registration, permit, or tag to:
- (a) fish on a free fishing day that the Wildlife Board may establish each year by rule made by the Wildlife Board under this title or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title;
 - (b) fish at a private fish pond operated in accordance with Section 23-15-10; or
 - (c) hunt birds on a commercial hunting area that the owner or operator is authorized to propagate, keep, and release for shooting in accordance with a certificate of registration issued under Section 23-17-6.
- (6)
- (a) A license, permit, tag, or certificate of registration issued under this title, or the rules of the Wildlife Board issued pursuant to authority granted by this title, to take protected wildlife is:
 - (i) a privilege; and
 - (ii) not a right or property for any purpose.
 - (b) A point or other form of credit issued to, or accumulated by, a person under procedures established by the Wildlife Board in rule to improve the likelihood of obtaining a hunting permit in a division-administered drawing:
 - (i) may not be transferred, sold, or assigned to another person; and
 - (ii) is not a right or property for any purpose.

Amended by Chapter 258, 2016 General Session