

## Chapter 19 Licenses, Permits, and Tags

### **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

**23-19-2 License and certificate forms prescribed by Wildlife Board.**

- (1) The Wildlife Board shall prescribe the form of license or certificate of registration to be used for hunting, fishing, trapping, seining, and dealing in furs.
- (2) Any license issued pursuant to Section 23-19-36 shall be designated as such by a code number and shall contain no reference to the licensee's disability.

Amended by Chapter 128, 1999 General Session

**23-19-3 Special tags as supplements to licenses and permits.**

The division may issue, as supplements to appropriate licenses and permits, special tags for protected wildlife, as determined by the Wildlife Board.

Amended by Chapter 211, 1995 General Session

**23-19-4 Alien's and nonresident peace officer's right to licenses and certificates.**

- (1) An alien resident of the State of Utah may purchase hunting, fishing, trapping, seining, and fur dealer licenses and certificates of registration upon the same terms as a resident citizen.
- (2) All nonresident aliens may purchase hunting, fishing, trapping, seining, and fur dealer licenses and certificates of registration upon the same terms as nonresident citizens.
- (3) Notwithstanding Subsection 23-19-5(1)(b), a nonresident may purchase a hunting, fishing, trapping, seining, and fur dealer license and certificate of registration upon the same terms as a resident citizen if the person is:

- (a) employed by the state as a peace officer, as classified by Title 53, Chapter 13, Peace Officer Classifications; and
- (b) required to live outside the state as a condition of the person's employment.

Amended by Chapter 136, 2007 General Session

**23-19-5 Fraud, deceit, or misrepresentation in obtaining a license, permit, tag, or certificate of registration.**

- (1) It is unlawful for:
  - (a) any person to obtain or attempt to obtain a license, permit, tag, or certificate of registration by fraud, deceit, or misrepresentation;
  - (b) a nonresident to purchase a resident license; and
  - (c) a resident to purchase a nonresident license.
- (2) Any license, permit, tag, or certificate of registration obtained in violation of Subsection (1) is invalid.
- (3) Any person violating Subsection (1) is guilty of a class B misdemeanor.
- (4) A fraudulent claim of residency in another state or country does not exempt a person from the definition of resident in Section 23-13-2.

Amended by Chapter 136, 2007 General Session

**23-19-6 Imitating or counterfeiting license unlawful -- Violation -- Penalty.**

It is unlawful to imitate or counterfeit any license, permit, tag, or certificate of registration for the purpose of defrauding the state of Utah or for evading the purposes and provisions of this code. Any person who violates any provision of this section is guilty of a class A misdemeanor.

Amended by Chapter 90, 1979 General Session

**23-19-7 Expiration date of licenses, permits, and certificates of registration.**

- (1) The Wildlife Board shall establish the term and expiration date for a license, permit, and certificate of registration issued under this title.
- (2) The division shall indicate the term and expiration date established under Subsection (1) on each license, permit, and certificate of registration.

Amended by Chapter 21, 2014 General Session

**23-19-8 Signature on documents -- Considered under oath -- Prohibition on use of unsigned documents.**

- (1) A person's signature on a license, permit, tag, or certificate of registration is certification of that person's eligibility to use the license, permit, tag, or certificate of registration for the purpose intended by this title.
- (2) The signature need not be notarized but shall be considered to be made under oath.
- (3) A person may not use an unsigned license, permit, tag, or certificate of registration.

Amended by Chapter 195, 2000 General Session

**23-19-9 Suspension of license or permit privileges -- Suspension of certificates of registration.**

- (1) As used in this section, "license or permit privileges" means the privilege of applying for, purchasing, and exercising the benefits conferred by a license or permit issued by the division.
  - (2) A hearing officer, appointed by the division, may suspend a person's license or permit privileges if:
    - (a) in a court of law, the person:
      - (i) is convicted of:
        - (A) violating this title or a rule of the Wildlife Board;
        - (B) killing or injuring domestic livestock while engaged in an activity regulated under this title;
      - or
      - (C) violating Section 76-10-508 while engaged in an activity regulated under this title;
    - (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or
    - (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person enters into a diversion agreement which suspends the prosecution of the offense; and
  - (b) the hearing officer determines the person committed the offense intentionally, knowingly, or recklessly, as defined in Section 76-2-103.
- (3)
  - (a) The Wildlife Board shall make rules establishing guidelines that a hearing officer shall consider in determining:
    - (i) the type of license or permit privileges to suspend; and
    - (ii) the duration of the suspension.
  - (b) The Wildlife Board shall ensure that the guidelines established under Subsection (3)(a) are consistent with Subsections (4), (5), and (6).
- (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a person's license or permit privileges according to Subsection (2) for a period of time not to exceed:
  - (a) seven years for:
    - (i) a felony conviction;
    - (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is held in abeyance pursuant to a plea in abeyance agreement; or
    - (iii) being charged with an offense punishable as a felony, the prosecution of which is suspended pursuant to a diversion agreement;
  - (b) five years for:
    - (i) a class A misdemeanor conviction;
    - (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor, which plea is held in abeyance pursuant to a plea in abeyance agreement; or
    - (iii) being charged with an offense punishable as a class A misdemeanor, the prosecution of which is suspended pursuant to a diversion agreement;
  - (c) three years for:
    - (i) a class B misdemeanor conviction;
    - (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor when the plea is held in abeyance according to a plea in abeyance agreement; or
    - (iii) being charged with an offense punishable as a class B misdemeanor, the prosecution of which is suspended pursuant to a diversion agreement; and
  - (d) one year for:
    - (i) a class C misdemeanor conviction;
    - (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor, when the plea is held in abeyance according to a plea in abeyance agreement; or

- (iii) being charged with an offense punishable as a class C misdemeanor, the prosecution of which is suspended according to a diversion agreement.
- (5) The hearing officer may double a suspension period established in Subsection (4) for offenses:
  - (a) committed in violation of an existing suspension or revocation order issued by the courts, division, or Wildlife Board; or
  - (b) involving the unlawful taking of a trophy animal, as defined in Section 23-13-2.
- (6)
  - (a) A hearing officer may suspend, according to Subsection (2), a person's license or permit privileges for a particular license or permit only once for each single criminal episode, as defined in Section 76-1-401.
  - (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the suspension periods of any license or permit privileges of the same type suspended, according to Subsection (2), may run consecutively.
  - (c) If a hearing officer suspends, according to Subsection (2), license or permit privileges of the type that have been previously suspended by a court, a hearing officer, or the Wildlife Board and the suspension period has not expired, the suspension periods may run consecutively.
- (7)
  - (a) A hearing officer, appointed by the division, may suspend a person's privilege of applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:
    - (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as defined in Section 76-2-103, violated:
      - (A) this title;
      - (B) a rule or order of the Wildlife Board;
      - (C) the terms of a certificate of registration; or
      - (D) the terms of a certificate of registration application or agreement; or
    - (ii) the person, in a court of law:
      - (A) is convicted of an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration;
      - (B) pleads guilty or no contest to an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and the plea is held in abeyance in accordance with a plea in abeyance agreement; or
      - (C) is charged with an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and prosecution of the offense is suspended in accordance with a diversion agreement.
  - (b) All certificates of registration for the harvesting of brine shrimp eggs, as defined in Section 59-23-3, shall be suspended by a hearing officer, if the hearing officer determines the holder of the certificates of registration has violated Section 59-23-5.
- (8)
  - (a) The director shall appoint a qualified person as a hearing officer to perform the adjudicative functions provided in this section.
  - (b) The director may not appoint a division employee who investigates or enforces wildlife violations.
- (9)
  - (a) The courts may suspend, in criminal sentencing, a person's privilege to apply for, purchase, or exercise the benefits conferred by a license, permit, or certificate of registration.

- (b) The courts shall promptly notify the division of any suspension orders or recommendations entered.
  - (c) The division, upon receiving notification of suspension from the courts, shall prohibit the person from applying for, purchasing, or exercising the benefits conferred by a license, permit, or certification of registration for the duration and of the type specified in the court order.
  - (d) The hearing officer shall consider any recommendation made by a sentencing court concerning suspension before issuing a suspension order.
- (10)
- (a) A person may not apply for, purchase, possess, or attempt to exercise the benefits conferred by any permit, license, or certificate of registration specified in an order of suspension while that order is in effect.
  - (b) Any license possessed or obtained in violation of the order shall be considered invalid.
  - (c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.
- (11) Before suspension under this section, a person shall be:
- (a) given written notice of any action the division intends to take; and
  - (b) provided with an opportunity for a hearing.
- (12)
- (a) A person may file an appeal of a hearing officer's decision with the Wildlife Board.
  - (b) The Wildlife Board shall review the hearing officer's findings and conclusions and any written documentation submitted at the hearing.
  - (c) The Wildlife Board may:
    - (i) take no action;
    - (ii) vacate or remand the decision; or
    - (iii) amend the period or type of suspension.
- (13) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry privileges consistent with Title 23, Chapter 25, Wildlife Violator Compact.
- (14) The Wildlife Board may make rules to implement this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 297, 2011 General Session

**23-19-9.1 Court-ordered action against a license.**

The division shall promptly withhold, suspend, restrict, or reinstate the use of a license issued under this chapter if so ordered by a court.

Enacted by Chapter 232, 1997 General Session

**23-19-9.5 Warrant outstanding or failure to comply with citation -- Person not entitled to license, permit, tag, or certificate.**

- (1) A person may not purchase a license, permit, tag, or certificate of registration if:
- (a) there is an outstanding Utah warrant against him for failure to appear in answer to a summons for a violation of:
    - (i) a provision of this title; or
    - (ii) a rule, proclamation, or order of the Wildlife Board; or
  - (b) he has failed to comply with a wildlife citation in a state which is a party to the Wildlife Violator Compact set forth in Title 23, Chapter 25, Wildlife Violator Compact.

- (2) The division may allow a person referred to in Subsection (1) to purchase a license, permit, tag, or certificate of registration if satisfactory proof is given that:
- (a) the warrant is no longer outstanding; or
  - (b) he has complied with the wildlife citation.

Amended by Chapter 211, 1995 General Session

**23-19-10 Duplicate license, permit, tag, or certificate of registration.**

If an unexpired license, permit, tag, or certificate of registration issued under the provisions of this code is destroyed, lost, or stolen, the Division of Wildlife Resources and its authorized license agents may issue a duplicate license, permit, tag, or certificate of registration in accordance with the rules set and fees determined by the Wildlife Board.

Amended by Chapter 117, 2005 General Session

**23-19-11 Age restriction -- Proof of hunter education required.**

- (1) Except as provided in Section 23-19-14.6, a person born after December 31, 1965, may not purchase a hunting license or permit unless the individual presents proof to the division or one of its authorized wildlife license agents that the person has passed a division-approved hunter education course offered by a state, province, or country.
- (2) For purposes of this section, "proof" means:
- (a) a certificate of completion of a hunter education course;
  - (b) a preceding year's hunting license or permit issued by a state, province, or country with the applicant's hunter education number noted on the hunting license or permit; or
  - (c) verification of completion of a hunter education course pursuant to Subsections (3) and (4).
- (3) If an applicant for a nonresident hunting license or permit is not able to present a hunting license, permit, or a certificate of completion as provided in Subsections (1) and (2), the division may contact another state, province, or country to verify the completion of a hunter education course so that a nonresident hunting license or permit may be issued.
- (4) If an applicant for a resident or nonresident hunting license or permit has completed a hunter education course in Utah but is not able to present a hunting license, permit, or a certificate of completion as provided in Subsections (1) and (2), the division may research the division's hunter education records to verify that the applicant has completed the hunter education course.
- (5)
- (a) If an applicant for a resident or nonresident hunting license has completed a hunter education course and is applying for a hunting permit or license through the division's drawings, Internet site, or other electronic means authorized by the division, the applicant's hunter education number and the name of the state, province, or country that issued the number may constitute proof of completion of a hunter education course under this section.
  - (b) The division may research the hunter education number to verify that the applicant has completed a division-approved hunter education course.
- (6) Upon issuance of the hunting license or permit, the division shall indicate the applicant's hunter education number on the face of the hunting license or permit.
- (7) The division may charge a fee for a service provided in Subsection (3) or (4).

Amended by Chapter 33, 2014 General Session

**23-19-11.1 Hunter education practical shooting test -- Exemptions.**

- (1) Except as provided in Subsection (2), the Wildlife Board may require that the division-approved hunter education course required by Subsection 23-19-11(1) include a practical shooting test.
- (2) A member of the United States Armed Forces, including the Utah National Guard, is exempt from a practical shooting test that may be required under Subsection (1) if the member has passed firearms training in the United States Armed Forces or Utah National Guard.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing firearms test verification requirements.

Enacted by Chapter 217, 2008 General Session

**23-19-11.5 Age restriction -- Proof of furharvester education required.**

- (1)
  - (a) A resident born after December 31, 1984, may not purchase a resident furbearer license unless the applicant presents:
    - (i) a certificate of completion of a division approved furharvester education course; or
    - (ii) an immediately preceding year's furbearer license with the furharvester education number noted on the furbearer license.
  - (b) Upon issuance of the resident furbearer license, the division or authorized wildlife license agent shall indicate the applicant's furharvester education number on the face of the furbearer license.
- (2) If an applicant for a resident furbearer license has completed a furharvester education course in Utah but is not able to present a furbearer license or a certificate of completion as provided in Subsection (1), the division may research the division's furharvester education records to verify that the applicant has completed a furharvester education course in Utah.
- (3)
  - (a) If an applicant for a resident furbearer license has completed a furharvester education course and is applying for a furbearer license through the division's Internet site or other electronic means authorized by the division, the applicant's Utah furharvester education number may constitute proof of completion of a furharvester education course under this section.
  - (b) The division may research the furharvester education number to verify that the applicant has completed a division approved furharvester education course.
- (4) The division may charge a fee for the service specified in Subsection (2).

Amended by Chapter 86, 2000 General Session

**23-19-12 Instruction in hunter education -- Issuance of certificate of competency.**

The Division of Wildlife Resources shall provide a course of instruction in the safe handling of firearms, conservation, hunting ethics, and related subject matter for individuals interested in obtaining an instructor's certificate in hunter education. Certified instructors will, on a voluntary basis, give instruction in the course of hunter education, as established by the Division of Wildlife Resources, to all eligible persons who, upon the successful completion of the course, shall be issued a certificate of competency in hunter education.

Amended by Chapter 90, 1979 General Session

**23-19-12.5 Instruction in furharvester education -- Issuance of certificate of completion.**

- (1) The division shall provide a course of instruction in safe and responsible trapping, including instruction in:
  - (a) the use of trapping devices;
  - (b) trapping laws;
  - (c) trapping ethics;
  - (d) techniques in safely releasing nontarget animals;
  - (e) firearms safety;
  - (f) wildlife management;
  - (g) proper catch handling;
  - (h) trapper health and safety; and
  - (i) ethics relating to the avoidance of conflicts with other public land users and private landowners.
- (2)
  - (a) Certified instructors will, on a voluntary basis, give instruction in the course of furharvester education, as established by the division.
  - (b) Upon the successful completion of the course, each participant in the furharvester education course shall be issued a certificate of completion in furharvester education.

Enacted by Chapter 120, 1995 General Session

**23-19-12.7 Instruction in bow hunter education -- Issuance of certificate of completion.**

- (1) The division shall establish criteria for a bow hunter education course, which may be offered by any entity that meets the division's criteria.
- (2) The bow hunter education course shall include instruction in:
  - (a) the safe use of bow hunting equipment;
  - (b) fundamentals of bow hunting;
  - (c) shooting and hunting techniques; and
  - (d) hunter ethics.
- (3) The division shall issue a certificate of completion to a participant upon successful completion of a bow hunter education course which meets the requirements of this section and criteria established by the division.

Enacted by Chapter 166, 1998 General Session

**23-19-13 Hunter and furharvester education training -- Fee.**

The Wildlife Board shall establish the fees to be assessed for obtaining instruction in hunter education and furharvester education.

Amended by Chapter 120, 1995 General Session

**23-19-14 Persons residing in certain institutions authorized to fish without license.**

- (1) The Division of Wildlife Resources shall permit a person to fish without a license if:
  - (a)
    - (i) the person resides in:
      - (A) the Utah State Developmental Center in American Fork;
      - (B) the state hospital;
      - (C) a veteran's hospital;
      - (D) a veteran's nursing home;

- (E) a mental health center;
- (F) an intermediate care facility for people with an intellectual disability;
- (G) a group home licensed by the Department of Human Services and operated under contract with the Division of Services for People with Disabilities;
- (H) a group home or other community-based placement licensed by the Department of Human Services and operated under contract with the Division of Juvenile Justice Services;
- (I) a private residential facility for at-risk youth licensed by the Department of Human Services; or
- (J) another similar institution approved by the division; or
- (ii) the person is a youth who participates in a work camp operated by the Division of Juvenile Justice Services;
- (b) the person is properly supervised by a representative of the institution; and
- (c) the institution obtains from the division a certificate of registration that specifies:
  - (i) the date and place where the person will fish; and
  - (ii) the name of the institution's representative who will supervise the person fishing.
- (2) The institution shall apply for the certificate of registration at least 10 days before the fishing outing.
- (3)
  - (a) An institution that receives a certificate of registration authorizing at-risk youth to fish shall provide instruction to the youth on fishing laws and regulations.
  - (b) The division shall provide educational materials to the institution to assist it in complying with Subsection (3)(a).

Amended by Chapter 297, 2011 General Session

Amended by Chapter 366, 2011 General Session

**23-19-14.5 Persons participating in youth organization or school activity authorized to fish without license.**

- (1) As used in this section:
  - (a) "School" means an elementary school or a secondary school that:
    - (i) is a public or private school located in the state; and
    - (ii) provides student instruction for one or more years of kindergarten through grade 9.
  - (b) "Youth organization" means a local Utah chapter of:
    - (i) the Boy Scouts of America;
    - (ii) the Girls Scouts of the USA; or
    - (iii) an organization that:
      - (A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and
      - (B) promotes character building through outdoor activities.
- (2) The Division of Wildlife Resources shall permit a person to fish without a license during a youth organization or school activity if:
  - (a) the person is:
    - (i)
      - (A) a member of the youth organization; or
      - (B) a student enrolled in the school; and
    - (ii) younger than 16 years old;
  - (b) the fishing is in compliance with all fishing statutes and rules;

- (c) the activity is part of a recreational or instructional program of the youth organization or school; and
  - (d) an adult leader of the activity obtains from the youth organization or school:
    - (i) a valid tour permit; or
    - (ii) documentation that specifies:
      - (A) the date and place of the fishing activity;
      - (B) the name of the adult leader that will supervise the fishing; and
      - (C) that the activity is officially sanctioned or authorized by the youth organization or school.
- (3)
- (a) The adult leader shall:
    - (i) possess a valid Utah fishing or combination license; and
    - (ii) instruct the activity participants on fishing statutes and rules.
  - (b) The division shall provide educational materials on its website to assist the adult leader in complying with Subsection (3)(a).
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board shall adopt rules specifying the form of the documentation required under Subsection (2)(d)(ii).

Amended by Chapter 25, 2015 General Session

**23-19-14.6 Trial hunting authorization.**

- (1) Upon application, the division may issue a trial hunting authorization to an individual who:
- (a) is 11 years of age or older at the time of application;
  - (b) is eligible under state and federal law to possess a firearm and archery equipment; and
  - (c)
    - (i) was born after 1965; and
    - (ii) has not completed a division approved hunter education course.
- (2) Notwithstanding the requirements of Section 23-19-11, an individual who has obtained a trial hunting authorization under Subsection (1) may obtain:
- (a) a hunting license under Sections 23-19-17, 23-19-24, and 23-19-26; or
  - (b) a hunting permit authorized by the Wildlife Board under Subsection (4).
- (3) An individual who has obtained a hunting license or permit with a trial hunting authorization under Subsection (2) may use the license or permit if the individual is:
- (a) 12 years of age or older; and
  - (b) accompanied, as defined in Subsection 23-20-20(1), in the field while hunting by an individual who:
    - (i) is 21 years of age or older;
    - (ii) is eligible under state and federal law to possess a firearm and archery equipment;
    - (iii) possesses a current Utah hunting or combination license;
    - (iv) has satisfied applicable hunter education requirements under this chapter; and
    - (v) possesses the written consent of the holder's parent or legal guardian, if accompanying a holder of a trial hunting authorization who is under 18 years of age.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules to:
- (a) designate the types of hunting permits under Subsection (2) that may be obtained with a trial hunting authorization;
  - (b) establish the term of a trial hunting authorization;
  - (c) establish the number of years a person may obtain a trial hunting authorization;

- (d) prescribe the number of individuals using a trial hunting authorization that an individual may accompany in the field under Subsection (3) at a single time;
- (e) establish the application process for an individual to obtain a trial hunting authorization; and
- (f) administer and enforce the provisions of this section.

Amended by Chapter 258, 2016 General Session

**23-19-15 License agents -- Authority -- Bond -- Compensation -- Violations.**

- (1) The director of the division may designate wildlife license agents to sell licenses, permits, and tags.
- (2) Wildlife license agents may:
  - (a) sell licenses, permits, and tags to all eligible applicants, except those licenses, permits, and tags specified in Subsection 23-19-16(2) which may be sold only by the division; and
  - (b) collect a fee for each license, permit, or tag sold.
- (3) A wildlife license agent shall receive:
  - (a) for any wildlife license, permit, or tag having a fee \$10 or less and greater than \$1, 50 cents for each wildlife license, permit, or tag sold; and
  - (b) for any wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.
- (4) The division may require wildlife license agents to obtain a bond in a reasonable amount.
- (5)
  - (a) As directed by the division, each wildlife license agent shall:
    - (i) report all sales to the division; and
    - (ii) submit all of the fees obtained from the sale of licenses, permits, and tags less the remuneration provided in Subsection (3).
  - (b) If a wildlife license agent fails to pay the amount due, the division may assess a penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.
  - (c) All fees, except the remuneration provided in Subsection (3), shall:
    - (i) be kept separate from the private funds of the wildlife license agents; and
    - (ii) belong to the state.
- (6) A wildlife license agent may not intentionally:
  - (a) fail to date or misdate a license, permit, or tag; or
  - (b) issue a license to any person until that person furnishes proof of having passed a division-approved hunter education course as provided in Section 23-19-11 or furnishes proof of having passed a division-approved fur harvester education course as provided in Section 23-19-11.5.
- (7)
  - (a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a class B misdemeanor.
  - (b) A violation of this section is a class A misdemeanor if the aggregate amount required under Subsection (5)(a):
    - (i) is at least \$1,000, but less than \$10,000;
    - (ii) is not submitted for one or more months; and
    - (iii) remains uncollectable.
  - (c) A violation of this section is a felony of the third degree if the aggregate amount required under Subsection (5)(a):
    - (i) is \$10,000 or more;

- (ii) is not submitted for one or more months; and
  - (iii) remains uncollectable.
- (8) Violation of any provision of this section may be cause for revocation of the wildlife license agent authorization.

Amended by Chapter 68, 2005 General Session

**23-19-16 Licenses obtained from agents of division.**

- (1) Licenses provided for in Sections 23-19-17 through 23-19-27 may be obtained from the division or one of its authorized wildlife license agents.
- (2) Licenses provided for in Sections 23-19-17.5, 23-19-34.7, and 23-19-36 may be obtained only from the division.

Amended by Chapter 195, 2000 General Session

**23-19-17 Resident fishing and hunting license -- Use of fee.**

- (1) A resident, after paying the fee established by the Wildlife Board, may obtain, as provided by the Wildlife Board's rules, a combination license to:
  - (a) fish;
  - (b) hunt for small game; and
  - (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.
- (2) Up to \$1 of the combination license fee may be used for the hunter education program for any of the following:
  - (a) instructor and student training;
  - (b) assisting local organizations with development;
  - (c) maintenance of existing facilities; or
  - (d) operation and maintenance of the hunter education program.
- (3)
  - (a) Up to 50 cents of the combination license fee may be used for the upland game program to:
    - (i) acquire pen-raised birds; or
    - (ii) capture and transplant upland game species.
  - (b) The combination license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Amended by Chapter 187, 2007 General Session

**23-19-17.5 Lifetime hunting and fishing licenses.**

- (1) Lifetime licensees born after December 31, 1965, shall be certified under Section 23-19-11 before engaging in hunting.
- (2) A lifetime license shall remain valid if the residency of the lifetime licensee changes to another state or country.
- (3)
  - (a) A lifetime license may be used in lieu of a hunting or fishing license.
  - (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag of the lifetime licensee's choice for one of the following general season deer hunts:
    - (i) archery;
    - (ii) rifle; or

(iii) muzzleloader.

(c) A lifetime licensee is subject to each requirement for special hunting and fishing permits and tags, except as provided in Subsections (3)(a) and (b).

(4) The Wildlife Board may adopt rules necessary to carry out the provisions of this section.

Amended by Chapter 297, 2011 General Session

**23-19-17.7 Wildlife Resources Trust Account created -- Lifetime license fees deposited -- Disposition of income -- Restriction on use of fund.**

(1) There is created within the General Fund a restricted account to be known as the Wildlife Resources Trust Account. All fees received from the sale of lifetime licenses shall be deposited in that account.

(2) All interest earned by investments of the funds in the Wildlife Resources Trust Account shall, on July 1 of each year, be deposited in the Wildlife Resources Account created in Section 23-14-13.

(3) Money in the Wildlife Resources Trust Account is subject to the restriction in Section 23-22-2 that no money paid to the state for hunting and fishing license fees shall be diverted for any other purpose than the enhancement of wildlife by the Division of Wildlife Resources.

Enacted by Chapter 30, 1984 General Session

**23-19-21 Fishing license.**

(1) A person 12 years of age or older shall purchase a fishing license before engaging in a regulated fishing activity.

(2) Upon paying the fee prescribed by the Wildlife Board, a person may obtain a license to fish and engage in a regulated fishing activity in accordance with the rules, proclamations, and orders of the Wildlife Board.

(3) A person under 12 years of age may fish without a license in accordance with the rules, proclamations, and orders of the Wildlife Board.

Amended by Chapter 21, 2014 General Session

**23-19-22 Big game hunting permit.**

(1) A person who is at least 12 years old, upon paying the big game hunting permit fee established by the Wildlife Board, paying the fee established by Subsection (4), and possessing a valid hunting or combination license, may apply for or obtain a permit to hunt big game as provided by rules and proclamations of the Wildlife Board.

(2)  
(a) A person who is 11 years old may apply for or obtain a big game hunting permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year for which the permit is issued.

(b) A person may not use a permit to hunt big game before the person's 12th birthday.

(3) One dollar of each big game permit fee collected from a resident shall be used for the hunter education program as provided in Section 23-19-17.

(4) There is established a fee in the amount of \$5 added to each permit under this section to be deposited in the Predator Control Restricted Account.

Amended by Chapter 258, 2016 General Session

**23-19-22.5 Cougar or bear hunting permit.**

- (1) A person 12 years of age or older, upon paying the cougar or bear hunting permit fee established by the Wildlife Board and possessing a valid hunting or combination license, may apply for or obtain a permit to take cougar or bear as provided by rules and proclamations of the Wildlife Board.
- (2) A person 11 years of age may apply for or obtain a cougar or bear hunting permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year in which the permit is issued.
- (3) One dollar of each cougar or bear permit fee collected from a resident shall be used for the hunter education program.

Amended by Chapter 187, 2007 General Session

**23-19-22.6 Turkey hunting permit -- Use of fee.**

- (1) A person, upon paying the turkey permit fee established by the Wildlife Board and possessing a valid hunting or combination license, may apply for or obtain a permit to take turkey as provided by rules and proclamations of the Wildlife Board.
- (2) One dollar of each turkey permit fee collected from a resident shall be used for the hunter education program.

Amended by Chapter 187, 2007 General Session

**23-19-24 Resident hunting license -- Use of fee.**

- (1) A resident, after paying the fee established by the Wildlife Board, may obtain a hunting license.
- (2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:
  - (a) take small game; and
  - (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.
- (3) Up to \$1 of the hunting license fee may be used for the hunter education program.
- (4)
  - (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:
    - (i) acquire pen-raised birds; or
    - (ii) capture and transplant upland game species.
  - (b) The hunting license fee revenue designated for the upland game program by Subsection (4)
    - (a) is in addition to any hunting license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Amended by Chapter 187, 2007 General Session

**23-19-26 Nonresident hunting license -- Use of fee.**

- (1) A nonresident, after paying the fee established by the Wildlife Board, may obtain a hunting license.
- (2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:
  - (a) take small game; and
  - (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.
- (3)

- (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:
  - (i) acquire pen-raised birds; or
  - (ii) capture and transplant upland game species.
- (b) The hunting license fee revenue designated for the upland game program by Subsection (3) (a) is in addition to any hunting license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Amended by Chapter 187, 2007 General Session

**23-19-27 Furbearer license -- Resident or nonresident.**

A resident or nonresident, upon payment of the fee prescribed by the Wildlife Board, may receive a license to take furbearers.

Amended by Chapter 22, 2001 General Session

**23-19-31 Resident fur dealer registration.**

A resident, upon application to the Wildlife Board, may be registered as a fur dealer.

Amended by Chapter 28, 1980 General Session

**23-19-32 Nonresident fur dealer registration.**

A nonresident, upon application to the wildlife board, may be registered as a fur dealer.

Amended by Chapter 28, 1980 General Session

**23-19-33 Registration of fur dealer's agent.**

Any person who is employed by a fur dealer as a fur buyer in the field, upon application to the Wildlife Board, may be registered as a fur dealer's agent.

Amended by Chapter 28, 1980 General Session

**23-19-34.5 Falconry certificate of registration -- Residents 12 or older may obtain certificate of registration -- License for falconry meet for nonresidents -- Wildlife Board approval required for falconry meet -- Hunting license required to take protected game.**

- (1) A resident 12 years of age or older, upon application to the division, may obtain a certificate of registration to hold falcons and engage in the sport of falconry on nongame wildlife species.
- (2) A nonresident entering Utah to participate in the sport of falconry at an organized meet shall obtain a license as provided in Section 23-19-34.7.
- (3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife Board in order to conduct an organized falconry meet.
- (4)
  - (a) Any person engaging in the sport of falconry on protected small game species shall possess, in addition to the falconry certificate of registration, a hunting license.
  - (b) Any nonresident who has been issued a license pursuant to Section 23-19-34.7 is not required to possess a hunting license in order to take small game during the five-day period of the license.

Amended by Chapter 256, 2010 General Session

**23-19-34.7 Nonresident falconry meet license.**

- (1) A nonresident 12 years of age or older may participate in a falconry meet in this state upon payment of a fee prescribed by the Wildlife Board.
- (2)
  - (a) A nonresident falconry meet license is valid only for five consecutive days, the dates to be designated on the license.
  - (b) The holder of the license may engage in the sport of falconry on nongame wildlife species and small game species, during the specified five-day period.

Amended by Chapter 256, 2010 General Session

**23-19-35 Seining registration.**

Any person, upon application to the Wildlife Board, may be registered to seine.

Amended by Chapter 28, 1980 General Session

**23-19-36 Persons with a physical or intellectual disability, terminally ill persons, and children in the custody of the state -- License to fish for free.**

- (1) A resident who is blind, has paraplegia, or has another permanent disability so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, may receive a free license to fish upon furnishing satisfactory proof of this fact to the Division of Wildlife Resources.
- (2) A resident who has an intellectual disability and is not eligible under Section 23-19-14 to fish without a license may receive a free license to fish upon furnishing verification from a physician that the person has an intellectual disability.
- (3) A resident who is terminally ill, and has less than five years to live, may receive a free license to fish:
  - (a) upon furnishing verification from a physician; and
  - (b) if the resident qualifies for assistance under any low income public assistance program administered by a state agency.
- (4) A child placed in the custody of the state by a court order may receive a free fishing license upon furnishing verification of custody to the Division of Wildlife Resources.

Amended by Chapter 366, 2011 General Session

**23-19-38 Sales of licenses, certificates, or permits final -- Exceptions -- Reallocation of surrendered permits.**

- (1) Sales of all licenses, certificates, or permits are final, and no refunds may be made by the division except as provided in Subsections (2) and (3).
- (2) The division may refund the amount of the license, certificate, or permit if:
  - (a) the division or the Wildlife Board discontinues the activity for which the license, certificate, or permit was obtained;
  - (b) the division determines that it has erroneously collected a fee;
  - (c)
    - (i) the person to whom the license, certificate, or permit is issued becomes ill or suffers an injury that precludes the person from using the license, certificate, or permit;
    - (ii) the person furnishes verification of illness or injury from a physician;

- (iii) the person does not actually use the license, certificate, or permit; and
  - (iv) the license, certificate, or permit is surrendered before the end of the season for which the permit was issued; or
  - (d) the person to whom the license, certificate, or permit is issued dies prior to the person being able to use the license, certificate, or permit.
- (3) The Wildlife Board may establish additional exceptions in rule to the refund prohibitions in Subsection (1).
- (4) The division director may reallocate surrendered permits in accordance with rules adopted by the Wildlife Board.

Amended by Chapter 288, 2010 General Session

**23-19-38.2 Refunds for armed forces or public health or safety organization members -- Criteria.**

- (1) A member of the United States Armed Forces or public health or public safety organization who is mobilized or deployed on order in the interest of national defense or emergency and is precluded from using a purchased license, certificate, tag, or permit, may, as provided in Subsection (2):
- (a) receive a refund from the division; and
  - (b) if the person has drawn a permit, have all opportunities to draw that permit in a future draw reinstated.
- (2) To qualify, the person or a legal representative shall:
- (a) notify the division within a reasonable amount of time that the person is applying for a refund;
  - (b) surrender the license, certificate, tag, or permit to the division; and
  - (c) furnish satisfactory proof to the division that the person:
    - (i) is a member of:
      - (A) the United States Armed Forces;
      - (B) a public health organization; or
      - (C) a public safety organization; and
    - (ii) was precluded from using the license, certificate, tag, or permit as a result of being called to active duty.
- (3) The Wildlife Board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this section including allowing retroactive refund to September 11, 2001.

Amended by Chapter 297, 2011 General Session

**23-19-38.3 Fishing licenses for disabled veterans -- Free or reduced price.**

- (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability may receive a fishing license free or at a reduced price.
- (2) In making rules under this section, the division shall utilize the same guidelines for disability as the United States Department of Veterans Affairs.

Amended by Chapter 366, 2011 General Session

**23-19-39 Additional appropriation.**

The division each year shall request the Legislature to appropriate from the General Fund in the appropriations act, for deposit in the Wildlife Resources Restricted Account, a sum equal to the total of the fees, as determined by the previous year's license sales, that would have otherwise been collected for fishing licenses had full fees been paid by those 65 years of age or older or those who received free fishing privileges under the provisions of Section 23-19-14 or 23-19-36.

Amended by Chapter 128, 1999 General Session

**23-19-42 Search and rescue surcharge.**

- (1) In addition to the fees imposed under this chapter, there is imposed a 25 cent surcharge on each fishing, hunting, or combination license.
- (2) This surcharge shall be deposited in the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created under Section 53-2a-1101.

Amended by Chapter 295, 2013 General Session

**23-19-43 Wildlife Habitat Account -- Contents -- Use of fund money.**

- (1) There is created a restricted account within the General Fund known as the Wildlife Habitat Account.
- (2) The contents of the account shall consist of:
  - (a) revenue from the sale of licenses, permits, stamps, certificates of registration, and Wildlife Heritage certificates as provided in Section 23-19-47;
  - (b) money donated to the division for a purpose specified in Subsection (6); and
  - (c) interest and earnings on account money.
- (3) Revenue from the sale of licenses, permits, stamps, certificates of registration, and Wildlife Heritage certificates that is deposited to the account pursuant to Section 23-19-47 shall be used by the division, after appropriation by the Legislature, as provided in Subsections (4) through (6).
- (4)
  - (a) Each year up to \$70,000 or 4% of the annual deposits to the account, whichever amount is greater, shall be allocated for the development, restoration, and preservation of wetlands that are beneficial to waterfowl.
  - (b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the Legislature for use by a nonprofit conservation organization for wetland development projects within the state that benefit waterfowl.
- (5)
  - (a) Each year up to \$230,000 or 12% of the annual deposits to the account, whichever amount is greater, shall be allocated to upland game projects as follows:
    - (i) the control of predators;
    - (ii) the development, improvement, restoration, or maintenance of critical habitat through the establishment of landowner incentives, cooperative programs, or other means;
    - (iii) the acquisition or preservation of critical habitat;
    - (iv) landowner habitat education and assistance programs;
    - (v) public access to private lands; and
    - (vi) upland game transplant and reintroduction programs.
  - (b) As used in this section "upland game" means pheasant, quail, chukar, partridge, sage grouse, sharp-tailed grouse, Hungarian partridge, ruffed grouse, blue grouse, ptarmigan, mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

- (c) Money allocated to upland game may not be used for the acquisition, development, improvement, restoration, or maintenance of habitat within commercial hunting areas.
- (d) No more than 5% of the money allocated to upland game may be used for landowner habitat education programs.
- (e) The money allocated to upland game shall be used for programs and activities relating to upland game species based generally upon the proportion of average annual hunter participation for each species.
- (f) Projects for which free public access is assured shall receive first priority for funding from money allocated to upland game.
- (g) Projects for which public access is assured shall receive second priority for funding from money allocated to upland game.
- (6) The remaining money in the account shall be used for the following purposes:
  - (a) the enhancement, acquisition, preservation, protection, and management of aquatic and terrestrial wildlife habitat; and
  - (b) to improve access for fishing and hunting.
- (7) The division shall seek the advice and recommendations of the Habitat Council, created by the division, regarding the expenditure of account money.
- (8) Donations of money deposited into the account and interest earned on that money shall be expended:
  - (a) as directed by the donor; and
  - (b) without being appropriated by the Legislature.

Amended by Chapter 195, 2000 General Session

**23-19-45 Fees and certificates of registration to harvest brine shrimp eggs.**

- (1) The Wildlife Board may not impose fees to harvest brine shrimp eggs other than certificate of registration fees.
- (2) Each person holding certificates of registration for the harvesting of brine shrimp eggs in the 1996-97 harvesting season may obtain the same number of certificates of registration for the 1997-98 and 1998-99 harvesting seasons upon payment of the required fee.

Enacted by Chapter 179, 1997 General Session

**23-19-47 Portion of revenue from license, permit, stamp, certificate of registration, and Wildlife Heritage certificate fees deposited in Wildlife Habitat Account.**

- (1) Fifty cents of the fee charged for any of the following licenses or stamps shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:
  - (a) a one-day fishing license; or
  - (b) a one-day fishing stamp.
- (2) Three dollars and fifty cents of the fee charged for any of the following licenses or permits shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:
  - (a) a fishing license, except any one-day fishing license;
  - (b) a hunting license;
  - (c) a combination license;
  - (d) a furbearer license; or
  - (e) a fishing permit, except any fish stamp.

- (3) Four dollars and seventy-five cents of the fee charged for any of the following certificates of registration, permits, or Wildlife Heritage certificates shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:
- (a) a certificate of registration for the dedicated hunter program, except a certificate of registration issued to a lifetime licensee;
  - (b) a big game permit;
  - (c) a bear permit;
  - (d) a cougar permit;
  - (e) a turkey permit;
  - (f) a muskrat permit; or
  - (g) a Wildlife Heritage certificate.

Amended by Chapter 187, 2007 General Session

**23-19-48 Predator Control Restricted Account -- Contents -- Use of funds.**

- (1) There is created a restricted account within the General Fund known as the Predator Control Restricted Account.
- (2) The restricted account includes:
  - (a) deposits made to the restricted account from fees established on hunting permits in accordance with Section 23-19-22; and
  - (b) any other amount deposited in the restricted account from donations or appropriations.
- (3) Money from the restricted account shall be used by the division to fund a predator control program to control populations of predatory animals that endanger the health of nonpredatory wildlife populations in the state, consistent with the policies of the Wildlife Board.

Enacted by Chapter 142, 2012 General Session