

Effective 7/1/2023

**Part 11
Violations and Enforcement**

23A-4-1101 Fraud, deceit, or misrepresentation in obtaining a license, permit, tag, or certificate of registration -- Criminal penalty.

- (1) A person may not:
 - (a) obtain or attempt to obtain a license, permit, tag, or certificate of registration by fraud, deceit, or misrepresentation;
 - (b) if a nonresident, purchase a resident license; and
 - (c) if a resident, purchase a nonresident license.
- (2) A person violating Subsection (1) is guilty of a class B misdemeanor.
- (3) A license, permit, certificate of registration, or tag obtained in violation of Subsection (1) is invalid.
- (4) A fraudulent claim of residency in another state or country does not exempt a person from the definition of resident in Section 23A-1-101.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-4-1102 Issuance of license, permit, or tag prohibited for failure to pay child support.

- (1) As used in this section:
 - (a) "Child support" means the same as that term is defined in Section 26B-9-301.
 - (b) "Delinquent on a child support obligation" means that:
 - (i) an individual owes at least \$2,500 on an arrearage obligation of child support based on an administrative or judicial order;
 - (ii) the individual has not obtained a judicial order staying enforcement of the individual's obligation on the amount in arrears; and
 - (iii) the office has obtained a statutory judgment lien pursuant to Section 26B-9-214.
 - (c) "Office" means the Office of Recovery Services created in Section 26B-9-103.
 - (d) "Wildlife license agent" means a person authorized under Section 23A-4-501 to sell a license, permit, or tag in accordance with this chapter.
- (2)
 - (a) An individual who is delinquent on a child support obligation may not apply for, obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by the Wildlife Board under this title, or by an order or proclamation.
 - (b)
 - (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or tag in violation of Subsection (2)(a) violates Section 23A-4-1101.
 - (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.
 - (iii) An individual who takes protected wildlife with an invalid license, permit, or tag violates Section 23A-5-309.
- (3)
 - (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective until the office notifies the division that the individual who is delinquent on a child support obligation has:
 - (i) paid the delinquency in full; or
 - (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive months with a payment schedule entered into with the office.

- (b) A payment schedule under Subsection (3)(a) shall provide that the individual:
 - (i) pay the current child support obligation in full each month; and
 - (ii) pays an additional amount as assessed by the office pursuant to Section 26B-9-219 towards the child support arrears.
- (c) Except as provided in Subsection (3)(d), if an individual fails to comply with the payment schedule described in Subsection (3)(b), the office may notify the division and the individual is considered to be an individual who is delinquent on a child support obligation and cannot obtain a new license, permit, or tag without complying with this Subsection (3).
- (d) If an individual fails to comply with the payment schedule described in Subsection (3)(b) for one month of the 12-month period because of a transition to new employment, the individual may obtain a license, permit, or tag and is considered in compliance with this Subsection (3) if the individual:
 - (i) provides the office with information regarding the individual's new employer within 30 days from the day on which the missed payment was due;
 - (ii) pays the missed payment within 30 days from the day on which the missed payment was due; and
 - (iii) complies with the payment schedule for all other payments owed for child support within the 12-month period.
- (4)
 - (a) The division or a wildlife license agent may not knowingly issue a license, permit, or tag under this title to an individual identified by the office as delinquent on a child support obligation until notified by the office that the individual has complied with Subsection (3).
 - (b) The division is not required to hold or reserve a license, permit, or tag opportunity withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that individual upon compliance with Subsection (3).
 - (c) The division may immediately reissue to another qualified person a license, permit, or tag opportunity withheld from an individual identified by the office as delinquent on a child support obligation pursuant to Subsection (4)(a).
- (5) The office and division shall automate the process for the division or a wildlife license agent to be notified whether an individual is delinquent on a child support obligation or has complied with Subsection (3).
- (6) The office is responsible to provide administrative or judicial review required incident to the division issuing or denying a license, permit, or tag to an individual under Subsection (4).
- (7) The denial or withholding of a license, permit, or tag under this section is not a suspension or revocation of license and permit privileges for purposes of:
 - (a) Section 23A-4-1106;
 - (b) Subsection 23A-5-311(1); and
 - (c) Section 23A-2-505.
- (8) This section does not modify a court action to withhold, suspend, or revoke a recreational license under Sections 26B-9-108 and 78B-6-315.

Renumbered and Amended by Chapter 103, 2023 General Session
Amended by Chapter 327, 2023 General Session

23A-4-1103 Imitating or counterfeiting license unlawful -- Criminal penalty.

- (1) A person may not imitate or counterfeit a license, permit, tag, or certificate of registration for the purpose of defrauding the state or for evading the purposes and provisions of this title.
- (2) A person who violates this section is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-4-1104 Violation of hunter education requirements -- Criminal penalty.

- (1) An individual may not obtain, attempt to obtain, or possess a hunting license or permit in violation of the hunter education requirements in Subsection 23A-4-1001(1).
- (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.
- (3) A hunting license or permit obtained or possessed in violation of Section 23A-4-1101 is invalid.

Enacted by Chapter 103, 2023 General Session

23A-4-1105 Violation of furharvester education requirements -- Criminal penalty.

- (1) An individual may not obtain, attempt to obtain, or possess a furbearer license in violation of the furharvester education requirements in Subsection 23A-4-1005(1).
- (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.
- (3) A furbearer license or permit obtained or possessed in violation of this section is invalid.

Enacted by Chapter 103, 2023 General Session

23A-4-1106 Suspension of license or permit privileges -- Suspension of certificates of registration.

- (1) As used in this section:
 - (a) "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.
 - (b) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.
- (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 or a livestock guardian dog while engaged in an activity regulated under this title;
 - (C) violating Section 76-6-111; or
 - (D) 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 23A-1-101.
- (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 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) A hearing officer shall suspend a certificate of registration for the harvesting of brine shrimp eggs, as defined in Section 59-23-3, if the hearing officer determines the holder of the certificate 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 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 a recommendation made by a sentencing court concerning suspension before issuing a suspension order.
- (10) Before suspension under this section, the division shall give a person:
 - (a) written notice of action the division intends to take; and
 - (b) an opportunity for a hearing.
- (11)
 - (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.
- (12) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry privileges consistent with Chapter 2, Part 5, Wildlife Violator Compact.
- (13) Within 30 days after the day on which an individual's privilege to hunt or fish is suspended under this title, the division shall report to the Division of Professional Licensing the:
 - (a) identifying information for the individual; and

(b) time period of the suspension.

(14) The Wildlife Board may make rules to implement this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 103, 2023 General Session
Amended by Chapter 345, 2023 General Session

23A-4-1107 Violation of suspension -- Criminal penalty.

- (1) A person may not apply for, purchase, possess, or attempt to exercise the benefits conferred by a permit, license, or certificate of registration specified in an order of suspension while that order is in effect.
- (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.
- (3) A license possessed or obtained in violation of the order is invalid.

Enacted by Chapter 103, 2023 General Session

23A-4-1108 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.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-4-1109 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 the person for failure to appear in answer to a summons for a violation of:
 - (i) this title; or
 - (ii) a rule, proclamation, or order of the Wildlife Board; or
 - (b) the person fails to comply with a wildlife citation in a state which is a party to the Wildlife Violator Compact set forth in Chapter 2, Part 5, 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) the person has complied with the wildlife citation.

Renumbered and Amended by Chapter 103, 2023 General Session