

Effective 7/1/2023

**Part 3
Special Circumstances**

23A-4-301 Refunds for armed forces or public health or safety organization members.

- (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 the 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 make 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.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-4-302 Licenses for disabled veterans.

- (1) The Wildlife Board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability may receive a hunting, fishing, or combination license free or at a reduced price.
- (2) In making rules under this section, the Wildlife Board shall:
 - (a) use the same guidelines for disability as the United States Department of Veterans Affairs; and
 - (b) provide at a minimum a reduction under this section of 25% of the full fee.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-4-303 Persons residing in certain institutions may fish without license.

- (1) The division 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 veterans hospital;
 - (D) a veterans 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 Health and 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 Health and Human Services and operated under contract with the Division of Juvenile Justice and Youth Services;
- (I) a private residential facility for at-risk youth licensed by the Department of Health and 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 and Youth Services;
- (b) the person is properly supervised by a representative of the institution described in Subsection (1)(a); and
- (c) the institution described in Subsection (1)(a) 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 described in Subsection (1) 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 the institution in complying with Subsection (3)(a).

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

23A-4-304 Persons participating in youth organization or school activity may 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 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 the 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 the division's 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).

Renumbered and Amended by Chapter 103, 2023 General Session

23A-4-305 Persons with a physical or intellectual disability, terminally ill persons, and children in the custody of the state may 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.
- (2) A resident who has an intellectual disability and is not eligible under Section 23A-4-303 to fish without a license may receive a free license to fish upon furnishing verification from a physician or physician assistant 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 or physician assistant; and
 - (b) if the resident qualifies for assistance under a 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.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-4-306 Additional appropriation.

The division each year shall request the Legislature to appropriate from the General Fund in an 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 old or older or those who received free fishing privileges under Section 23A-4-303 or 23A-4-305.

Renumbered and Amended by Chapter 103, 2023 General Session

