

**Effective 7/1/2023**

**Chapter 4**  
**Licenses, Permits, Certificates of Registration, and Tags**

**Part 1**  
**General Provisions**

**23A-4-101 Definitions.**

Reserved.

Enacted by Chapter 103, 2023 General Session

**Part 2**  
**Basic Requirements**

**23A-4-201 Possession of licenses, certificates of registration, permits, and tags required -- Nonassignability -- Exceptions -- 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; 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.
- (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 or nonresident minor under 18 years old to use the resident or nonresident hunting permit of another person in accordance with Section 23A-4-710; 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 the 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;
  - (b) fish at a private fish pond operated in accordance with Section 23A-9-203;
  - (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 23A-12-202; or
  - (d) take fish at a short-term fishing event.
- (6)
- (a) A license, permit, tag, or certificate of registration issued under this title, or the rules of the Wildlife Board issued pursuant to 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.

Renumbered and Amended by Chapter 103, 2023 General Session  
Amended by Chapter 149, 2023 General Session

**23A-4-202 License, permit, and certificate forms prescribed by Wildlife Board.**

- (1) The Wildlife Board shall prescribe the form of a license, permit, or certificate of registration to be used for hunting, fishing, trapping, seining, and dealing in furs.
- (2) A license, permit, or certificate of registration may be paper-based or in electronic format pursuant to the rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) A license issued pursuant to Section 23A-4-305 shall be designated as such by a code number and may not contain a reference to the licensee's disability.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-203 Tag as supplement to licenses and permits.**

The division may issue, as a supplement to the appropriate license or permit, a tag for protected wildlife, as determined by the Wildlife Board.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-204 Alien's and nonresident peace officer's ability to obtain licenses and certificates.**

- (1) An alien resident of Utah may purchase a hunting, fishing, trapping, seining, and fur dealer license or certificate of registration upon the same terms as a resident citizen.

- (2) A nonresident alien may purchase a hunting, fishing, trapping, seining, or fur dealer license or certificate of registration upon the same terms as nonresident citizens.
- (3) Notwithstanding Subsection 23A-4-1101(1)(b), a nonresident may purchase a hunting, fishing, trapping, seining, and fur dealer license or 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.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-205 Expiration date of licenses, permits, and certificates of registration.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-206 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) A signature described in Subsection (1) need not be notarized but shall be considered to be made under oath.
- (3) A signature may be an electronic signature if allowed by rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) A person may not use an unsigned license, permit, tag, or certificate of registration.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-207 Sales of licenses, certificates, or permits final -- Exceptions -- Reallocation of surrendered permits.**

- (1) A sale of a license, permit, or certificate is final, and the division may not refund money except as provided in Subsections (2) and (3) or Section 23A-4-301.
- (2) The division may refund the amount of a 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 the division 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 or physician assistant;
    - (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 before the person being able to use the license, certificate, or permit.
- (3) The Wildlife Board may establish additional exceptions to the refund prohibitions in Subsection (1) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) The director may reallocate surrendered permits in accordance with rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-208 Duplicate license, permit, tag, or certificate of registration.**

If an unexpired license, permit, tag, or certificate of registration issued under this title is destroyed, lost, or stolen, the division, a person designated by the director, or the division's 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.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-209 Search and rescue surcharge.**

- (1) In addition to the fees imposed under this title, there is imposed a 25 cent surcharge on a fishing, hunting, or combination license.
- (2) The surcharge imposed under Subsection (1) shall be deposited in the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created under Section 53-2a-1102.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-210 Fees and certificates of registration to harvest brine shrimp eggs.**

The Wildlife Board may not impose a fee to harvest brine shrimp eggs other than a certificate of registration fee.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-211 Electronic duck stamp -- Fee.**

- (1) As used in this section, "duck stamp" means the migratory bird hunting and conservation stamp described in 16 U.S.C. Sec. 718a.
- (2) The division may provide for the purchase of an electronic duck stamp by an individual on the division's website, as authorized by 16 U.S.C. Sec. 718p.
- (3) Except as described in Subsection (5), there is imposed a \$30 electronic duck stamp fee for an electronic duck stamp purchased on the division's website.
- (4) The division shall deposit the electronic duck stamp fee collected under Subsection (3) into the Wildlife Resources Account created in Section 23A-3-201.
- (5)
  - (a) Notwithstanding the fee amount described in Subsection (3), the Wildlife Board may increase or decrease the electronic duck stamp fee to an amount that is no less than the amount the division is required to submit to the secretary of the interior under 16 U.S.C. 718r.
  - (b) An adjustment made by the Wildlife Board under Subsection (5)(a) takes effect when confirmed in the legislative fee schedule adopted in the general session of the Legislature immediately following the adjustment.

Enacted by Chapter 82, 2023 General Session

### **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

## **Part 4 Combined or Lifetime Licenses**

### **23A-4-401 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;
  - (c) hunt or trap cougar during a period beginning on January 1 and ending on December 31; and
  - (d) apply for or obtain a big game,, 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 combination license fee revenue that may be used for the upland game program as provided by Sections 23A-3-207 and 23A-3-208.

Renumbered and Amended by Chapter 103, 2023 General Session

Amended by Chapter 345, 2023 General Session

### **23A-4-402 Lifetime hunting and fishing licenses.**

- (1) A lifetime licensee who is born after December 31, 1965, shall complete the hunter education requirements under Section 23A-4-1001 before engaging in hunting.
- (2) A lifetime license remains 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 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out this section.

Renumbered and Amended by Chapter 103, 2023 General Session

## **Part 5 License Agents**

### **23A-4-501 Wildlife license agents.**

- (1) The director may designate wildlife license agents to sell licenses, permits, and tags.
- (2) A wildlife license agent may:
- (a) sell a license, permit, or tag to an eligible applicant, except for a license, permit, or tag specified in Subsection 23A-4-503(2) which may be sold only by the division; and
  - (b) collect a fee for a license, permit, or tag sold.
- (3) A wildlife license agent shall receive:
- (a) for a wildlife license, permit, or tag having a fee equal to \$10 or less but greater than \$1, 50 cents for a wildlife license, permit, or tag sold; and
  - (b) for a wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.
- (4) The division may require a wildlife license agent to obtain a bond in a reasonable amount.
- (5)
- (a) As directed by the division, a wildlife license agent shall:
    - (i) report the wildlife license agent's sales to the division; and
    - (ii) submit to the division 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. A delinquent payment 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) Fees, except the remuneration provided in Subsection (3), shall:
    - (i) be kept separate from the private money 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;
  - (b) issue a hunting license or permit to an individual until that individual furnishes proof of successful completion of a division-approved hunter education course as provided in Section 23A-4-1001; or
  - (c) issue a furbearer license to an individual until that individual furnishes proof of successful completion of a division-approved furharvester education course as provided in Section 23A-4-1005.

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-502 Violations by a wildlife license agent -- Criminal penalty.**

- (1) A person is guilty of an unlawful act if the actor:
- (a) fails to take an action required by Section 23A-4-501; or
  - (b) takes an action prohibited by Section 23A-4-501.

- (2)
  - (a) Except as provided in Subsections (2)(b) and (c), a violation of Subsection (1) is a class B misdemeanor.
  - (b) A violation of Subsection (1) is a class A misdemeanor if the aggregate amount required under Subsection 23A-4-501(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 Subsection (1) is a felony of the third degree if the aggregate amount required under Subsection 23A-4-501(5)(a):
    - (i) is \$10,000 or more;
    - (ii) is not submitted for one or more months; and
    - (iii) remains uncollectable.
- (3) A violation of Subsection (1) may be cause for revocation of the wildlife license agent authorization.

Enacted by Chapter 103, 2023 General Session

**23A-4-503 Licenses obtained from agents of division.**

- (1) A person may obtain a license provided for in the following sections from the division or one of the division's authorized wildlife license agents:
  - (a) Section 23A-4-401;
  - (b) Section 23A-4-601;
  - (c) Sections 23A-4-703 through 23A-4-707; and
  - (d) Section 23A-4-901.
- (2) A person may obtain a license provided for in Section 23A-4-305, 23A-4-402, or 23A-4-802 only from the division.

Renumbered and Amended by Chapter 103, 2023 General Session

**Part 6  
Fishing**

**23A-4-601 Fishing license.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-602 Seining registration.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

## **Part 7 Hunting**

### **23A-4-701 Trial hunting authorization.**

- (1) Upon application, the division may issue a trial hunting authorization to an individual who:
  - (a) is 11 years old 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 Section 23A-4-1001, an individual who obtains a trial hunting authorization under Subsection (1) may obtain:
  - (a) a hunting license under Section 23A-4-401, 23A-4-706, or 23A-4-707; or
  - (b) a hunting permit authorized by the Wildlife Board under Subsection (4).
- (3) An individual who obtains 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 old or older; and
  - (b) accompanied, as defined in Subsection 23A-4-708(1), in the field while hunting by an individual who:
    - (i) is 21 years old 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 old.
- (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 this section.

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-702 Air rifle hunting.**

- (1) As used in this section, "pre-charged pneumatic air rifle" means a rifle that fires a single projectile with compressed air released from a chamber:
  - (a) built into the rifle; and

- (b) pressurized at a minimum of 2,000 pounds per square inch from an external high compression device or source, such as a hand pump, compressor, or scuba tank.
- (2) An individual may use a pre-charged pneumatic air rifle to hunt:
  - (a) a species of protected wildlife designated by the Wildlife Board;
  - (b) a cottontail rabbit;
  - (c) a snowshoe hare; or
  - (d) a turkey, with a fall turkey permit.
- (3) The division shall review available funding to pay the costs of regulating hunting with pre-charged pneumatic air rifles, including eligibility for federal excise taxes, and report the division's findings to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November 2024 interim committee meeting.

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

**23A-4-703 Big game hunting permit.**

- (1) A person who is at least 12 years old may apply for or obtain a permit to hunt big game as provided by a rule or proclamation of the Wildlife Board upon:
  - (a) paying the big game hunting permit fee established by the Wildlife Board;
  - (b) paying the fee established by Subsection (4); and
  - (c) possessing a valid hunting or combination license.
- (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) The division shall use one dollar of a big game permit fee collected from a resident for the hunter education program as provided in Section 23A-4-401.
- (4) There is established a fee in the amount of \$5 added to a permit under this section to be deposited in the Predator Control Restricted Account.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-704 Cougar or bear hunting permit.**

- (1) A person 12 years old or older may apply for or obtain a permit to take bear as provided by a rule or proclamation of the Wildlife Board upon:
  - (a) paying the cougar or bear hunting permit fee established by the Wildlife Board; and
  - (b) possessing a valid hunting or combination license.
- (2) A person 11 years old may apply for or obtain a 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) The division shall use one dollar of a bear permit fee collected from a resident for the hunter education program.

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

**23A-4-705 Turkey hunting permit -- Use of fee.**

- (1) A person may apply for or obtain a permit to take turkey as provided by a rule or proclamation of the Wildlife Board upon:
  - (a) paying the turkey permit fee established by the Wildlife Board; and
  - (b) possessing a valid hunting or combination license.
- (2) The division shall use one dollar of a turkey permit fee collected from a resident for the hunter education program.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-706 Resident hunting license -- Use of fee.**

- (1) A resident may obtain a hunting license after paying the fee established by the Wildlife Board.
- (2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:
  - (a) take small game;
  - (b) hunt or trap cougar during a period beginning on January 1 and ending on December 31; and
  - (c) apply for or obtain a big game, 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 hunting license fee revenue that may be used for the upland game program as provided by Sections 23A-3-207 and 23A-3-208.

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

**23A-4-707 Nonresident hunting license -- Use of fee.**

- (1) A nonresident may obtain a hunting license after paying the fee established by the Wildlife Board.
- (2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:
  - (a) take small game;
  - (b) hunt or trap cougar during a period beginning on January 1 and ending on December 31; and
  - (c) apply for or obtain a big game, 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 hunting license fee revenue that may be used for the upland game program as provided by Sections 23A-3-207 and 23A-3-208.

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

**23A-4-708 Children accompanied by adults while hunting with weapon.**

- (1) As used in this section:
  - (a) "Accompanied" means at a distance within which visual and verbal communication is maintained for the purposes of advising and assisting.
  - (b)
    - (i) "Electronic device" means a mechanism powered by electricity that allows communication between two or more people.
    - (ii) "Electronic device" includes a mobile telephone or two-way radio.
  - (c) "Verbal communication" means the conveyance of information through speech that does not involve an electronic device.
- (2) A person younger than 14 years old who is hunting with a weapon shall be accompanied by:
  - (a) the person's parent or legal guardian; or
  - (b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.
- (3) A person younger than 16 years old who is hunting big game with a weapon shall be accompanied by:
  - (a) the person's parent or legal guardian; or
  - (b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.
- (4) A person who is at least 14 years old but younger than 16 years old shall be accompanied by a person who is at least 21 years old while hunting wildlife, other than big game, with a weapon.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-709 Tagging requirements.**

- (1) The Wildlife Board may make rules that require the carcass of certain species of protected wildlife to be tagged.
- (2) Except as provided by the Wildlife Board by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a hunter shall tag the carcass of a species of protected wildlife required to be tagged before the carcass is moved from or the hunter leaves the site of kill.
- (3) To tag a carcass, a person shall:
  - (a)
    - (i) completely detach the tag from the license or permit;
    - (ii) completely remove the appropriate notches to correspond with:
      - (A) the date the animal was taken; and
      - (B) the sex of the animal; and
    - (iii) attach the tag to the carcass so that the tag remains securely fastened and visible; or
  - (b) complete an electronic tagging certification according to standards approved by the Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) A person may not:
  - (a) remove more than one notch indicating date or sex; or
  - (b) tag more than one carcass using the same tag.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-710 Hunting Mentor Program.**

- (1) As used in this section, "immediate family member" means a spouse, child, parent, sibling, grandparent, grandchild, parent-in-law, child-in-law, sibling-in-law, or stepchild.
- (2) A resident or nonresident minor under 18 years old may use the hunting permit of another person if:
  - (a) the permit holder:
    - (i) receives no form of compensation or remuneration for allowing the minor to use the permit;
    - (ii) obtains the division's prior written approval to allow the minor to use the permit; and
    - (iii) 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; and
  - (b) the minor is otherwise legally eligible to hunt.
- (3) If the permit holder dies before the hunt authorized by the permit described in this section, the minor may use the permit if the minor is:
  - (a) an immediate family member of the permit holder; and
  - (b) accompanied by an adult immediate family member while using the permit.
- (4) This section does not convey any property interest.
- (5) The Wildlife Board shall issue a permit in accordance with this chapter.

Enacted by Chapter 149, 2023 General Session

## **Part 8 Falconry**

### **23A-4-801 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 old or older may obtain a certificate of registration to hold falcons and engage in the sport of falconry on nongame wildlife species upon application to the division.
- (2) A nonresident entering Utah to participate in the sport of falconry at an organized meet shall obtain a license as provided in Section 23A-4-802.
- (3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife Board to conduct an organized falconry meet.
- (4)
  - (a) A 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) A nonresident who has been issued a license pursuant to Section 23A-4-802 is not required to possess a hunting license to take small game during the five-day period of the license.

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-802 Nonresident falconry meet license.**

- (1) A nonresident 12 years old 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.

Renumbered and Amended by Chapter 103, 2023 General Session

## **Part 9 Furbearer License or Registration**

### **23A-4-901 Furbearer license -- Resident or nonresident.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-902 Resident fur dealer registration.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-903 Nonresident fur dealer registration.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-904 Registration of fur dealer's agent.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-905 Fur dealer and fur dealer's agent -- Certificates of registration required -- Receipts required.**

- (1)
  - (a) A person engaging in, carrying on, or conducting, wholly or in part, the business of buying, selling, trading, or dealing, within the state, in the skins or pelts of furbearing mammals is considered a fur dealer within the meaning of this title.
  - (b) A fur dealer shall secure a fur dealer certificate of registration from the division, except a certificate of registration is not required for:
    - (i) a licensed trapper or fur farmer selling skins or pelts that the licensed trapper or fur farmer has lawfully taken or raised; or
    - (ii) a person who is not a fur dealer and who purchases skins or pelts described in Subsection (1)(b)(i) exclusively for the person's own use and not for sale.
- (2)
  - (a) A person who is employed by a resident or nonresident fur dealer as a fur buyer, in the field, is considered a fur dealer's agent.



- (b) The fur dealer employing an agent shall apply for a fur dealer's agent certificate of registration, and an agent certificate of registration may not be issued until the necessary fur dealer certificate of registration has been first secured by the employer of the agent.
- (3) The vendor shall issue a receipt to the vendee whenever the skins or pelts of furbearing mammals change ownership by virtue of sale, exchange, barter, or gift. Both the vendor and vendee shall produce the receipt or evidence of legal transaction upon request by the division or other person authorized to enforce this title.

Renumbered and Amended by Chapter 103, 2023 General Session

## **Part 10 Education**

### **23A-4-1001 Hunter education required.**

- (1)
  - (a) Except as provided in Section 23A-4-701, an individual born after December 31, 1965, may not acquire or possess a hunting license or permit unless the individual has successfully completed a division-approved hunter education course.
  - (b) A division-approved hunter education course shall include education concerning the importance of gates and fences used in agriculture and how to properly close a gate.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing:
  - (a) criteria and standards for approving a hunter education course, including a course offered in another state or country; and
  - (b) procedures for verifying and documenting that an individual seeking a hunting license or permit has successfully completed a division-approved hunter education course.

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-1002 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 Section 23A-4-1001 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.

Renumbered and Amended by Chapter 103, 2023 General Session

### **23A-4-1003 Instruction in hunter education -- Issuance of certificate of competency.**

- (1) The division shall provide for an individual interested in obtaining an instructor's certificate in hunter education a course of instruction in:
  - (a) the safe handling of firearms;
  - (b) conservation;
  - (c) hunting ethics;

- (d) information required by Subsection 23A-4-1001(1)(b); and
  - (e) related subject matter.
- (2) A certified instructor may, on a voluntary basis, give instruction in the course of hunter education, as established by the division, to eligible persons. The division shall issue a certificate of competency in hunter education upon the successful completion of the course.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-1004 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 an 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.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-1005 Proof of furharvester education required.**

- (1) A resident born after December 31, 1984, may not acquire or possess a furbearer license unless the individual has successfully completed a division-approved furharvester education course.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing:
- (a) criteria and standards for approving a furharvester education course, including a course offered in another state or country; and
  - (b) procedures for verifying and documenting that an individual seeking a furbearer license has successfully completed a division-approved furharvester education course.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-1006 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) A certified instructor may, 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, the division shall issue to the participant in the furharvester education course a certificate of completion in furharvester education.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-4-1007 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.

Renumbered and Amended by Chapter 103, 2023 General Session

**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