

1 **WILDLIFE LICENSE AGENTS - PENALTIES**

2 **FOR VIOLATIONS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Bradley G. Last**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends wildlife licensing agent provisions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends compensation provisions for wildlife licensing agents;
- 13 ▶ prohibits wildlife licensing agents from failing to date a license, permit, or tag; and
- 14 ▶ amends wildlife licensing agent penalty provisions.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **23-19-15**, as last amended by Chapter 195, Laws of Utah 2000

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **23-19-15** is amended to read:

25 **23-19-15. License agents -- Authority -- Bond -- Compensation -- Violations.**

26 (1) The director of the division may designate wildlife license agents to sell licenses,
27 permits, and tags.



- 28 (2) Wildlife license agents may:
- 29 (a) sell licenses, permits, and tags to all eligible applicants, except those licenses,
- 30 permits, and tags specified in Subsection 23-19-16(2) which may be sold only by the division;
- 31 and
- 32 (b) collect a fee for each license, permit, or tag sold.
- 33 (3) A wildlife license agent shall receive:
- 34 (a) for any wildlife license, permit, or tag having a fee ~~[of]~~ \$10 or less and greater than
- 35 \$1, 50 cents for each wildlife license, permit, or tag sold; and
- 36 (b) for any wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.
- 37 (4) The division may require wildlife license agents to obtain a bond in a reasonable
- 38 amount.
- 39 (5) (a) On or before the 10th day of each month, each wildlife license agent shall:
- 40 (i) report all sales to the division; and
- 41 (ii) submit all of the fees obtained from the sale of licenses, permits, and tags less the
- 42 remuneration provided in Subsection (3).
- 43 (b) If a wildlife license agent fails to pay the amount due, the division may assess a
- 44 penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of
- 45 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall
- 46 assess a penalty of 100% of the total amount due together with interest.
- 47 (c) All fees, except the remuneration provided in Subsection (3), shall:
- 48 (i) be kept separate and apart from the private funds of the wildlife license agents; and
- 49 (ii) belong to the state ~~[of Utah]~~.
- 50 (6) A wildlife license agent may not intentionally:
- 51 (a) fail to date or misdate a license, permit, or tag; or
- 52 (b) issue a license to any person until that person furnishes proof of having passed a
- 53 division approved hunter education course as provided in Section 23-19-11 or furnishes proof
- 54 of having passed a division-approved fur harvester education course as provided in Section
- 55 23-19-11.5.
- 56 (7) ~~(a) [Violation of any provision of]~~ Except as provided in Subsections (7)(b) and (c),
- 57 a violation of this section is a class B misdemeanor [and].
- 58 (b) A violation of this section is a class A misdemeanor if the aggregate amount

59 required under Subsection (5)(a):

60 (i) is at least \$1,000, but less than \$ ~~[\$5,000]~~ \$10,000 § :

61 (ii) is not submitted for one or more months; and

62 (iii) remains uncollectable.

63 (c) A violation of this section is a felony of the third degree if the aggregate amount

64 required under Subsection (5)(a):

65 (i) is \$ ~~[\$5,000]~~ \$10,000 § or more;

66 (ii) is not submitted for one or more months; and

67 (iii) remains uncollectable.

68 (8) Violation of any provision of this section may be cause for revocation of the

69 wildlife license agent authorization.

Legislative Review Note
as of 1-7-04 4:43 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Wildlife License Agents-Penalties for Violations***20-Jan-04***Bill Number HB0080***2:29 PM*

State Impact

No fiscal impact on expenditures. Revenues may increase slightly to the extent that higher penalties cause license agents to more carefully track and submit funds.

Individual and Business Impact

License agents who do not submit funds from the sale of hunting and fishing licenses would be subject to higher penalties, up to a third degree felony if the amount taken is greater than \$5,000.

Office of the Legislative Fiscal Analyst