

WILDLIFE LICENSE AGENTS - PENALTIES
FOR VIOLATIONS
2004 GENERAL SESSION
STATE OF UTAH
Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends wildlife licensing agent provisions.

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

(2) Wildlife license agents may:

(a) sell licenses, permits, and tags to all eligible applicants, except those licenses,

permits, and tags specified in Subsection 23-19-16(2) which may be sold only by the division; and

(b) collect a fee for each license, permit, or tag sold.

(3) A wildlife license agent shall receive:

(a) for any wildlife license, permit, or tag having a fee ~~[of]~~ \$10 or less and greater than \$1, 50 cents for each wildlife license, permit, or tag sold; and

(b) for any wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.

(4) The division may require wildlife license agents to obtain a bond in a reasonable amount.

(5) (a) On or before the 10th day of each month, each wildlife license agent shall:

(i) report all sales to the division; and

(ii) submit all of the fees obtained from the sale of licenses, permits, and tags less the remuneration provided in Subsection (3).

(b) If a wildlife license agent fails to pay the amount due, the division may assess a penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.

(c) All fees, except the remuneration provided in Subsection (3), shall:

(i) be kept separate and apart from the private funds of the wildlife license agents; and

(ii) belong to the state ~~[of Utah]~~.

(6) A wildlife license agent may not intentionally:

(a) fail to date or misdate a license, permit, or tag; or

(b) issue a license to any person until that person furnishes proof of having passed a division-approved hunter education course as provided in Section 23-19-11 or furnishes proof of having passed a division-approved fur harvester education course as provided in Section 23-19-11.5.

(7) (a) ~~[Violation of any provision of]~~ Except as provided in Subsections (7)(b) and (c), a violation of this section is a class B misdemeanor [and].

(b) A violation of this section is a class A misdemeanor if the aggregate amount required

under Subsection (5)(a):

(i) is at least \$1,000, but less than \$10,000;

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

(iii) remains uncollectable.

(c) A violation of this section is a felony of the third degree if the aggregate amount required under Subsection (5)(a):

(i) is \$10,000 or more;

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

(iii) remains uncollectable.

(8) Violation of any provision of this section may be cause for revocation of the wildlife license agent authorization.