

1 **WILDLIFE LICENSE AGENTS AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Julie Fisher**

5

LONG TITLE

6 **General Description:**

7 This bill allows the Division of Wildlife Resources to specify the date and manner that
8 wildlife license agents report sales and submit fees.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ allows the Division of Wildlife Resources to specify the date and manner that
12 wildlife license agents report sales and submit fees.

13 **Monies Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **23-19-15**, as last amended by Chapter 87, Laws of Utah 2004

20

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

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

22 **23-19-15. License agents -- Authority -- Bond -- Compensation -- Violations.**

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

25 (2) Wildlife license agents may:
26
27



28 (a) sell licenses, permits, and tags to all eligible applicants, except those licenses,
29 permits, and tags specified in Subsection 23-19-16(2) which may be sold only by the division;
30 and

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

32 (3) A wildlife license agent shall receive:

33 (a) for any wildlife license, permit, or tag having a fee \$10 or less and greater than \$1,
34 50 cents for each wildlife license, permit, or tag sold; and

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

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

38 (5) (a) [~~On or before the 10th day of each month~~] As directed by the division, each
39 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;
49 and

50 (ii) belong to the state.

51 (6) A wildlife license agent may not intentionally:

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

53 (b) issue a license to any person until that person furnishes proof of having passed a
54 division-approved hunter education course as provided in Section 23-19-11 or furnishes proof
55 of having passed a division-approved fur harvester education course as provided in Section
56 23-19-11.5.

57 (7) (a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a
58 class B misdemeanor.

59 (b) A violation of this section is a class A misdemeanor if the aggregate amount
60 required under Subsection (5)(a):

- 61 (i) is at least \$1,000, but less than \$10,000;
- 62 (ii) is not submitted for one or more months; and
- 63 (iii) remains uncollectable.

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

- 66 (i) is \$10,000 or more;
- 67 (ii) is not submitted for one or more months; and
- 68 (iii) remains uncollectable.

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

Legislative Review Note

as of 11-29-04 5:06 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0160

Wildlife License Agents Amendments

19-Jan-05

7:13 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst