

1 **WILDLIFE LICENSE REFUND AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Margaret Dayton**

5 

---

---

**LONG TITLE**

6 **General Description:**

7  
8 This bill amends wildlife license refund provisions to provide for a refund if a person  
9 becomes ill or suffers an injury that precludes that person from being able to participate  
10 in the activity for which the license, certificate, or permit was issued.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends wildlife license refund provisions to provide for a refund if a person  
14 becomes ill or suffers an injury that precludes that person from being able to  
15 participate in the activity for which the license, certificate, or permit was issued.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **23-19-38**, as last amended by Chapter 140, Laws of Utah 1998

23 

---

---

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

24 Section 1. Section **23-19-38** is amended to read:

25 **23-19-38. Sales of licenses, certificates, or permits final -- Exceptions --**

26 **Reallocation of surrendered permits.**



28 (1) Sales of all licenses, certificates, or permits are final, and no refunds may be made  
29 by the division except as provided in Subsection (2).

30 (2) The division may refund the amount of the license, certificate, or permit if:

31 (a) the division or the Wildlife Board discontinues the activity for which the license,  
32 certificate, or permit was obtained;

33 (b) the division determines that it has erroneously collected a fee;

34 (c) (i) ~~[a] the person [is not able to participate in a permitted activity due to illness or~~  
35 ~~injury] to whom the license, certificate, or permit is issued becomes ill or suffers an injury that~~  
36 ~~would preclude that person from being able to participate in the activity for which the license,~~  
37 ~~certificate, or permit was obtained;~~

38 (ii) the person furnishes verification of illness or injury from a physician; ~~[and]~~

39 ~~(iii) the person does not actually participate in the activity for which the license,~~  
40 ~~certificate, or permit was obtained; and~~

41 ~~[(iii)] (iv) the license, certificate, or permit is surrendered before the end of the season~~  
42 ~~for which the permit was issued [begins]; or~~

43 (d) the person to whom the license, certificate, or permit is issued dies prior to that  
44 person's being able to participate in the activity for which the license, certificate, or permit was  
45 obtained.

46 (3) The division director may reallocate surrendered permits in accordance with rules  
47 adopted by the Wildlife Board.

---

---

**Legislative Review Note**

**as of 11-29-04 5:08 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**

**State Impact**

This bill allows refunds of wildlife licenses under certain specific circumstances. It is anticipated that 20 individuals would apply for a refund annually and would result in a net loss of revenue into the Wildlife Restricted Account of \$1,800. There would be a small increase in staff workload to process the refunds, but it can be handled by current staffing levels.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Restricted Funds	\$0	\$0	(\$1,800)	(\$1,800)
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$1,800)</b>	<b>(\$1,800)</b>

---

---

**Individual and Business Impact**

This bill would allow the refund of a license fee which would benefit the purchaser.

---

---