

## HB0197S01 compared with HB0197

~~text~~ shows text that was in HB0197 but was deleted in HB0197S01.

text shows text that was not in HB0197 but was inserted into HB0197S01.

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Representative Karianne Lisonbee proposes the following substitute bill:

### FISHING AND HUNTING RESTRICTIONS FOR NONPAYMENT OF CHILD SUPPORT

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill addresses a license, permit, or tag related to fishing and hunting.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the issuance of a license, permit, or tag related to fishing or hunting if an individual is delinquent in child support;
- ▶ provides when a license, permit, or tag may be issued after delinquency;
- ▶ addresses responsibilities of the Division of Wildlife Resources and Office of Recovery Services;

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- ▶ requires automation; and
- ▶ provides scope of the provision.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

ENACTS:

**23-19-5.5**, Utah Code Annotated 1953

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

Section 1. Section **23-19-5.5** is enacted to read:

**23-19-5.5. 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 62A-11-401.

(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 ~~placed~~obtained a statutory judgment lien ~~on the individual's assets for arrears~~ pursuant to Section 62A-11-312.5.

(c) "Office" means the Office of Recovery Services created in Section 62A-11-102.

(d) "Wildlife license agent" means a person authorized under Section 23-19-15 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 issued in accordance with a rule made by the Wildlife Board under this title.

~~(b) The license, permit, and tag restrictions in Subsection (2)(a) remain effective until~~

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the individual who is delinquent on a child support obligation pays it in full and the office notifies the division.

~~(c)~~ (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or tag in violation of Subsection (2)(a) violates Section 23-19-5.

(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 23-20-3.

(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) 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 62A-11-320 towards the child support arrears.

(c) 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).

~~{3}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 ~~{paid the individual's child support obligation in full}~~ 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 ~~{3}4~~(a) for purposes of reissuance to that individual upon ~~{payment of the individual's child support obligation in full}~~ 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

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support obligation pursuant to Subsection (~~f3~~4)(a).

(~~f4~~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 ~~paid the individual's child support obligation in full~~ complied with Subsection (3).

(~~f5~~6) The office is responsible to provide any administrative or judicial review required incident to the division issuing or denying a license, permit, or tag to an individual under Subsection (~~f3~~4).

(~~f6~~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 23-19-9;
- (b) Subsection 23-20-4(1); and
- (c) Section 23-25-6.

(~~f7~~8) This section does not modify a court action to withhold, suspend, or revoke a recreational license under Sections 62A-11-107 and 78B-6-315.

Section 2. **Effective date.**

This bill takes effect on July 1, 2021.