

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

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

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

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**LONG TITLE**

**General Description:**

This bill amends the fishing and hunting restrictions for nonpayment of child support.

**Highlighted Provisions:**

This bill:

- ▶ amends the restrictions for a license, permit, or tag related to fishing or hunting when an individual is delinquent in child support;
- ▶ addresses a failure to comply with a payment schedule due to transition to new employment or for other good cause; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**23-19-5.5**, as enacted by Laws of Utah 2020, Chapter 183

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

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



28           **23-19-5.5. Issuance of license, permit, or tag prohibited for failure to pay child**  
29 **support.**

30           (1) As used in this section:

31           (a) "Child support" means the same as that term is defined in Section [62A-11-401](#).

32           (b) "Delinquent on a child support obligation" means that:

33           (i) an individual owes at least \$2,500 on an arrearage obligation of child support based  
34 on an administrative or judicial order;

35           (ii) the individual has not obtained a judicial order staying enforcement of the  
36 individual's obligation on the amount in arrears; and

37           (iii) the office has obtained a statutory judgment lien pursuant to Section  
38 [62A-11-312.5](#).

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

40           (d) "Wildlife license agent" means a person authorized under Section [23-19-15](#) to sell a  
41 license, permit, or tag in accordance with this chapter.

42           (2) (a) An individual who is delinquent on a child support obligation may not apply for,  
43 obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by  
44 the Wildlife Board under this title, or by an order or proclamation issued in accordance with a  
45 rule made by the Wildlife Board under this title.

46           (b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or  
47 tag in violation of Subsection (2)(a) violates Section [23-19-5](#).

48           (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.

49           (iii) An individual who takes protected wildlife with an invalid license, permit, or tag  
50 violates Section [23-20-3](#).

51           (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective  
52 until the office notifies the division that the individual who is delinquent on a child support  
53 obligation has:

54           (i) paid the delinquency in full; or

55           (ii) except as provided in Subsection (3)(d), complied for at least ~~12~~ eight  
56 consecutive months with a payment schedule entered into with the office.

57           (b) A payment schedule under Subsection (3)(a) shall provide that the individual:

58           (i) pay the current child support obligation in full each month; and

59 (ii) pays an additional amount as assessed by the office pursuant to Section  
60 62A-11-320 towards the child support arrears.

61 (c) [H] Except as provided in Subsection (3)(d), if an individual fails to comply with  
62 the payment schedule described in Subsection (3)(b), the office may notify the division and the  
63 individual is considered to be an individual who is delinquent on a child support obligation and  
64 cannot obtain a new license, permit, or tag without complying with this Subsection (3).

65 (d) If an individual fails to comply with a payment schedule because of a transition to  
66 new employment or there is good cause for the individual's failure to comply, the individual  
67 may obtain a license, permit, or tag and is considered in compliance with this Subsection (3) if:

68 (i) the individual has not missed a payment for a current child support obligation or  
69 additional amount for child support arrears in accordance with the payment schedule more than  
70 four times during the eight-month period described in Subsection (3)(a);

71 (ii) the individual pays any missed payment within three months from the day on which  
72 payment was due; and

73 (iii) the individual complies with the payment schedule for all other payments owed for  
74 child support.

75 (4) (a) The division or a wildlife license agent may not knowingly issue a license,  
76 permit, or tag under this title to an individual identified by the office as delinquent on a child  
77 support obligation until notified by the office that the individual has complied with Subsection  
78 (3).

79 (b) The division is not required to hold or reserve a license, permit, or tag opportunity  
80 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that  
81 individual upon compliance with Subsection (3).

82 (c) The division may immediately reissue to another qualified person a license, permit,  
83 or tag opportunity withheld from an individual identified by the office as delinquent on a child  
84 support obligation pursuant to Subsection (4)(a).

85 (5) The office and division shall automate the process for the division or a wildlife  
86 license agent to be notified whether an individual is delinquent on a child support obligation or  
87 has complied with Subsection (3).

88 (6) The office is responsible to provide any administrative or judicial review required  
89 incident to the division issuing or denying a license, permit, or tag to an individual under

90 Subsection (4).

91 (7) The denial or withholding of a license, permit, or tag under this section is not a  
92 suspension or revocation of license and permit privileges for purposes of:

93 (a) Section [23-19-9](#);

94 (b) Subsection [23-20-4\(1\)](#); and

95 (c) Section [23-25-6](#).

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