

Representative Karianne Lisonbee proposes the following substitute bill:

FISHING AND HUNTING RESTRICTIONS FOR NONPAYMENT OF CHILD SUPPORT

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Todd D. Weiler

LONG TITLE

9 General Description:

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends the restrictions for a license, permit, or tag related to fishing or hunting
- 14 when an individual is delinquent in child support;

15 ▶ addresses a failure to comply with a payment schedule due to transition to new
16 employment; and

17 ▶ makes technical and conforming changes.

18 Money Appropriated in this Bill:

19 None

20 Other Special Clauses:

21 None

22 Utah Code Sections Affected:

23 AMENDS:

24 **23-19-5.5**, as enacted by Laws of Utah 2020, Chapter 183



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

27 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 consecutive
56 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 1-320 towards the child support arrears.

(c) [H] Except as provided in Subsection (3)(d), 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).

(d) If an individual fails to comply with the payment schedule described in Subsection (3)(b) for one month of the 12-month period because of a transition to new employment, the individual may obtain a license, permit, or tag and is considered in compliance with this Subsection (3) if the individual:

(i) provides the office with information regarding the individual's new employer within 30 days from the day on which the missed payment was due;

(ii) pays the missed payment within 30 days from the day on which the missed payment was due; and

(iii) complies with the payment schedule for all other payments owed for child support within the 12-month period.

(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 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 (4)(a) for purposes of reissuance to that individual upon 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 support obligation pursuant to Subsection (4)(a).

(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 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](#).