

HUNTING MENTOR AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies requirements for using a hunting permit.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a hunting mentor program;
- ▶ describes the circumstances under which a minor may use an adult's permit under the program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-19-1, as last amended by Laws of Utah 2017, Chapter 104

ENACTS:

23-19-50, Utah Code Annotated 1953

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

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

23-19-1. Possession of licenses, certificates of registration, permits, and tags

30 **required -- Nonassignability -- Exceptions -- Free fishing day -- Nature of licenses,**
31 **permits, or tags issued by the division.**

32 (1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine
33 protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:

34 (a) procures the necessary licenses, certificates of registration, permits, or tags required
35 under this title, by rule made by the Wildlife Board under this title, or by an order or
36 proclamation issued in accordance with a rule made by the Wildlife Board under this title; and

37 (b) carries in the person's possession while engaging in the activities described in
38 Subsection (1) the license, certificate of registration, permit, or tag required under this title, by
39 rule made by the Wildlife Board under this title, or by an order or proclamation issued in
40 accordance with a rule made by the Wildlife Board under this title.

41 (2) Except as provided in Subsection (3) a person may not:

42 (a) lend, transfer, sell, give, or assign:

43 (i) a license, certificate of registration, permit, or tag belonging to the person; or

44 (ii) a right granted by a license, certificate of registration, permit, or tag; or

45 (b) use or attempt to use a license, certificate of registration, permit, or tag of another
46 person.

47 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
48 Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2)
49 to:

50 (a) transport wildlife;

51 (b) allow a person to take protected wildlife for another person if:

52 (i) the person possessing the license, certificate of registration, permit, or tag has a
53 permanent physical impairment due to a congenital or acquired injury or disease; and

54 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a
55 disability that renders the person physically unable to use a legal hunting weapon or fishing
56 device;

57 (c) allow a resident or nonresident minor under 18 years of age to use the resident or

58 nonresident hunting permit of another person [if:] in accordance with Section 23-19-50; or

59 ~~[(i) the resident minor is otherwise legally eligible to hunt; and]~~

60 ~~[(ii) the permit holder:]~~

61 ~~[(A) receives no form of compensation or remuneration for allowing the minor to use~~
62 ~~the permit;]~~

63 ~~[(B) obtains the division's prior written approval to allow the minor to use the permit;~~
64 ~~and]~~

65 ~~[(C) accompanies the minor, for the purposes of advising and assisting during the hunt,~~
66 ~~at a distance where the permit holder can communicate with the minor, in person, by voice or~~
67 ~~visual signals; or]~~

68 (d) subject to the requirements of Subsection (4), transfer to another person a certificate
69 of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in
70 connection with the sale or transfer of the brine shrimp harvest operation or harvesting
71 equipment.

72 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine
73 shrimp eggs if:

74 (a) the person submits to the division an application to transfer the certificate on a form
75 provided by the division;

76 (b) the proposed transferee meets all requirements necessary to obtain an original
77 certificate of registration; and

78 (c) the division approves the transfer of the certificate.

79 (5) A person is not required to obtain a license, certificate of registration, permit, or tag
80 to:

81 (a) fish on a free fishing day that the Wildlife Board may establish each year by rule
82 made by the Wildlife Board under this title or by an order or proclamation issued in accordance
83 with a rule made by the Wildlife Board under this title;

84 (b) fish at a private fish pond operated in accordance with Section 23-15-10; or

85 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to

86 propagate, keep, and release for shooting in accordance with a certificate of registration issued
87 under Section 23-17-6.

88 (6) (a) A license, permit, tag, or certificate of registration issued under this title, or the
89 rules of the Wildlife Board issued pursuant to authority granted by this title, to take protected
90 wildlife is:

91 (i) a privilege; and

92 (ii) not a right or property for any purpose.

93 (b) A point or other form of credit issued to, or accumulated by, a person under
94 procedures established by the Wildlife Board in rule to improve the likelihood of obtaining a
95 hunting permit in a division-administered drawing:

96 (i) may not be transferred, sold, or assigned to another person; and

97 (ii) is not a right or property for any purpose.

98 Section 2. Section 23-19-50 is enacted to read:

99 **23-19-50. Hunting Mentor Program.**

100 (1) As used in this section, "immediate family member" means a spouse, child, parent,
101 sibling, grandparent, grandchild, parent-in-law, child-in-law, sibling-in-law, or stepchild.

102 (2) A resident or nonresident minor under 18 years old may use the hunting permit of
103 another person if:

104 (a) the permit holder:

105 (i) receives no form of compensation or remuneration for allowing the minor to use the
106 permit;

107 (ii) obtains the division's prior written approval to allow the minor to use the permit;

108 and

109 (iii) accompanies the minor, for the purposes of advising and assisting during the hunt,
110 at a distance where the permit holder can communicate with the minor, in person, by voice or
111 visual signals; and

112 (b) the minor is otherwise legally eligible to hunt.

113 (3) If the permit holder dies before the hunt authorized by the permit described in this

114 section, the minor may use the permit if the minor is:

115 (a) an immediate family member of the permit holder; and

116 (b) accompanied by an adult immediate family member while using the permit.

117 (4) This section does not convey any property interest.

118 (5) The Wildlife Board shall issue a permit in accordance with this chapter.