

1 **WILDLIFE AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike K. McKell**

5 Senate Sponsor: Margaret Dayton

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the procedure for the acquisition or possession of a hunting license or
10 permit or a furbearer license.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ prohibits an individual from acquiring or possessing a hunting license or permit
14 unless the individual has successfully completed a Division of Wildlife-approved
15 hunter education course;

16 ▶ prohibits an individual from acquiring or possessing a furbearer license unless the
17 individual has successfully completed a Division of Wildlife-approved furharvester
18 education course; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **23-19-11**, as last amended by Laws of Utah 2014, Chapter 33

27 **23-19-11.1**, as enacted by Laws of Utah 2008, Chapter 217

28 **23-19-11.5**, as last amended by Laws of Utah 2000, Chapter 86

29 **23-19-15**, as last amended by Laws of Utah 2005, Chapter 68

30 **23-19-17.5**, as last amended by Laws of Utah 2011, Chapter 297

31

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

33 Section 1. Section **23-19-11** is amended to read:

34 **23-19-11. Age restriction -- Hunter education required.**

35 (1) Except as provided in Section **23-19-14.6**, ~~[a person]~~ an individual born after
36 December 31, 1965, may not ~~[purchase]~~ acquire or possess a hunting license or permit unless
37 the individual ~~[presents proof to the division or one of its authorized wildlife license agents that~~
38 ~~the person has passed]~~ has successfully completed a division-approved hunter education course
39 ~~[offered by a state, province, or country].~~

40 ~~[(2) For purposes of this section, "proof" means:]~~

41 ~~[(a) a certificate of completion of a hunter education course;]~~

42 ~~[(b) a preceding year's hunting license or permit issued by a state, province, or country~~
43 ~~with the applicant's hunter education number noted on the hunting license or permit; or]~~

44 ~~[(c) verification of completion of a hunter education course pursuant to Subsections (3)~~
45 ~~and (4).]~~

46 ~~[(3) If an applicant for a nonresident hunting license or permit is not able to present a~~
47 ~~hunting license, permit, or a certificate of completion as provided in Subsections (1) and (2),~~
48 ~~the division may contact another state, province, or country to verify the completion of a hunter~~
49 ~~education course so that a nonresident hunting license or permit may be issued.]~~

50 ~~[(4) If an applicant for a resident or nonresident hunting license or permit has~~
51 ~~completed a hunter education course in Utah but is not able to present a hunting license,~~
52 ~~permit, or a certificate of completion as provided in Subsections (1) and (2), the division may~~
53 ~~research the division's hunter education records to verify that the applicant has completed the~~
54 ~~hunter education course.]~~

55 ~~[(5) (a) If an applicant for a resident or nonresident hunting license has completed a~~
56 ~~hunter education course and is applying for a hunting permit or license through the division's~~
57 ~~drawings, Internet site, or other electronic means authorized by the division, the applicant's~~

58 ~~hunter education number and the name of the state, province, or country that issued the number~~
59 ~~may constitute proof of completion of a hunter education course under this section.]~~

60 ~~[(b) The division may research the hunter education number to verify that the applicant~~
61 ~~has completed a division-approved hunter education course.]~~

62 ~~[(6) Upon issuance of the hunting license or permit, the division shall indicate the~~
63 ~~applicant's hunter education number on the face of the hunting license or permit.]~~

64 ~~[(7) The division may charge a fee for a service provided in Subsection (3) or (4).]~~

65 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
66 Wildlife Board may make rules establishing:

67 (a) criteria and standards for approving a hunter education course, including a course
68 offered in another state or country; and

69 (b) procedures for verifying and documenting that an individual seeking a hunting
70 license or permit has successfully completed a division-approved hunter education course.

71 (3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a hunting
72 license or permit in violation of the hunter education requirements in Subsection (1).

73 (b) A hunting license or permit obtained or possessed in violation of this section is
74 invalid.

75 Section 2. Section **23-19-11.1** is amended to read:

76 **23-19-11.1. Hunter education practical shooting test -- Exemptions.**

77 (1) Except as provided in Subsection (2), the Wildlife Board may require that the
78 division-approved hunter education course required by ~~[Subsection 23-19-11(1)]~~ Section
79 23-19-11 include a practical shooting test.

80 (2) A member of the United States Armed Forces, including the Utah National Guard,
81 is exempt from a practical shooting test that may be required under Subsection (1) if the
82 member has passed firearms training in the United States Armed Forces or Utah National
83 Guard.

84 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
85 Wildlife Board may make rules establishing firearms test verification requirements.

86 Section 3. Section 23-19-11.5 is amended to read:

87 **23-19-11.5. Age restriction -- Proof of furharvester education required.**

88 (1) ~~[(a)]~~ A resident born after December 31, 1984, may not ~~[purchase a resident]~~
89 acquire or possess a furbearer license unless the [applicant presents:] individual has
90 successfully completed a division-approved furharvester education course.

91 ~~[(i) a certificate of completion of a division approved furharvester education course;~~
92 ~~or]~~

93 ~~[(ii) an immediately preceding year's furbearer license with the furharvester education~~
94 ~~number noted on the furbearer license.]~~

95 ~~[(b) Upon issuance of the resident furbearer license, the division or authorized wildlife~~
96 ~~license agent shall indicate the applicant's furharvester education number on the face of the~~
97 ~~furbearer license.]~~

98 ~~[(2) If an applicant for a resident furbearer license has completed a furharvester~~
99 ~~education course in Utah but is not able to present a furbearer license or a certificate of~~
100 ~~completion as provided in Subsection (1), the division may research the division's furharvester~~
101 ~~education records to verify that the applicant has completed a furharvester education course in~~
102 ~~Utah.]~~

103 ~~[(3) (a) If an applicant for a resident furbearer license has completed a furharvester~~
104 ~~education course and is applying for a furbearer license through the division's Internet site or~~
105 ~~other electronic means authorized by the division, the applicant's Utah furharvester education~~
106 ~~number may constitute proof of completion of a furharvester education course under this~~
107 ~~section.]~~

108 ~~[(b) The division may research the furharvester education number to verify that the~~
109 ~~applicant has completed a division approved furharvester education course.]~~

110 ~~[(4) The division may charge a fee for the service specified in Subsection (2).]~~

111 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
112 Wildlife Board may make rules establishing:

113 (a) criteria and standards for approving a furharvester education course, including a

114 course offered in another state or country; and

115 (b) procedures for verifying and documenting that an individual seeking a furbearer
116 license has successfully completed a division-approved furharvester education course.

117 (3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a
118 furbearer license in violation of the furharvester education requirements in Subsection (1).

119 (b) A furbearer license or permit obtained or possessed in violation of this section is
120 invalid.

121 Section 4. Section **23-19-15** is amended to read:

122 **23-19-15. License agents -- Authority -- Bond -- Compensation -- Violations.**

123 (1) The director of the division may designate wildlife license agents to sell licenses,
124 permits, and tags.

125 (2) Wildlife license agents may:

126 (a) sell licenses, permits, and tags to all eligible applicants, except those licenses,
127 permits, and tags specified in Subsection **23-19-16**(2) which may be sold only by the division;
128 and

129 (b) collect a fee for each license, permit, or tag sold.

130 (3) A wildlife license agent shall receive:

131 (a) for any wildlife license, permit, or tag having a fee \$10 or less and greater than \$1,
132 50 cents for each wildlife license, permit, or tag sold; and

133 (b) for any wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.

134 (4) The division may require wildlife license agents to obtain a bond in a reasonable
135 amount.

136 (5) (a) As directed by the division, each wildlife license agent shall:

137 (i) report all sales to the division; and

138 (ii) submit all of the fees obtained from the sale of licenses, permits, and tags less the
139 remuneration provided in Subsection (3).

140 (b) If a wildlife license agent fails to pay the amount due, the division may assess a
141 penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of

142 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall
143 assess a penalty of 100% of the total amount due together with interest.

144 (c) All fees, except the remuneration provided in Subsection (3), shall:

145 (i) be kept separate from the private funds of the wildlife license agents; and

146 (ii) belong to the state.

147 (6) A wildlife license agent may not intentionally:

148 (a) fail to date or misdate a license, permit, or tag; ~~[or]~~

149 (b) issue a hunting license or permit to ~~[any person]~~ an individual until that ~~[person]~~
150 individual furnishes proof of ~~[having passed]~~ successful completion of a division-approved
151 hunter education course as provided in Section 23-19-11; or

152 (c) issue a furbearer license to an individual until that individual furnishes proof of
153 ~~[having passed]~~ successful completion of a division-approved ~~[fur harvester]~~ furharvester
154 education course as provided in Section 23-19-11.5.

155 (7) (a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a
156 class B misdemeanor.

157 (b) A violation of this section is a class A misdemeanor if the aggregate amount
158 required under Subsection (5)(a):

159 (i) is at least \$1,000, but less than \$10,000;

160 (ii) is not submitted for one or more months; and

161 (iii) remains uncollectable.

162 (c) A violation of this section is a felony of the third degree if the aggregate amount
163 required under Subsection (5)(a):

164 (i) is \$10,000 or more;

165 (ii) is not submitted for one or more months; and

166 (iii) remains uncollectable.

167 (8) Violation of any provision of this section may be cause for revocation of the
168 wildlife license agent authorization.

169 Section 5. Section 23-19-17.5 is amended to read:

170 **23-19-17.5. Lifetime hunting and fishing licenses.**

171 (1) Lifetime licensees born after December 31, 1965, shall [~~be certified~~] complete the
172 hunter education requirements under Section 23-19-11 before engaging in hunting.

173 (2) A lifetime license shall remain valid if the residency of the lifetime licensee
174 changes to another state or country.

175 (3) (a) A lifetime license may be used in lieu of a hunting or fishing license.

176 (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag
177 of the lifetime licensee's choice for one of the following general season deer hunts:

178 (i) archery;

179 (ii) rifle; or

180 (iii) muzzleloader.

181 (c) A lifetime licensee is subject to each requirement for special hunting and fishing
182 permits and tags, except as provided in Subsections (3)(a) and (b).

183 (4) The Wildlife Board may adopt rules necessary to carry out the provisions of this
184 section.