

1 **WILDLIFE DOCUMENTATION AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Joel Ferry**

5 Senate Sponsor: Allen M. Christensen

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to registrations, license, permits, and tags related
10 to wildlife.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows certain documents and signatures to be in paper-form or electronic;
- 14 ▶ addresses the Wildlife Board making rules; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **23-13-2**, as last amended by Laws of Utah 2017, Chapter 412

23 **23-19-2**, as last amended by Laws of Utah 1999, Chapter 128

24 **23-19-8**, as last amended by Laws of Utah 2000, Chapter 195

25 **23-20-10**, as enacted by Laws of Utah 1971, Chapter 46

26 **23-20-30**, as last amended by Laws of Utah 2011, Chapter 297

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

29 Section 1. Section **23-13-2** is amended to read:

30 **23-13-2. Definitions.**

31 As used in this title:

32 (1) "Activity regulated under this title" means [~~any~~] an act, attempted act, or activity
33 prohibited or regulated under [~~any provision of Title 23, Wildlife Resources Code of Utah,~~]
34 this title or the rules, and proclamations promulgated [~~thereunder~~] under this title pertaining to
35 protected wildlife including:

- 36 (a) fishing;
- 37 (b) hunting;
- 38 (c) trapping;
- 39 (d) taking;
- 40 (e) permitting any dog, falcon, or other domesticated animal to take;
- 41 (f) transporting;
- 42 (g) possessing;
- 43 (h) selling;
- 44 (i) wasting;
- 45 (j) importing;
- 46 (k) exporting;
- 47 (l) rearing;
- 48 (m) keeping;
- 49 (n) [~~utilizing~~] using as a commercial venture; and
- 50 (o) releasing to the wild.

51 (2) "Aquaculture facility" means the same as that term is defined in Section [4-37-103](#).

52 (3) "Aquatic animal" means the same as that term is defined in Section [4-37-103](#).

53 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
54 amphibians.

55 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife
56 that one person may legally take during one day.

57 (6) "Big game" means species of hoofed protected wildlife.

- 58 (7) "Carcass" means the dead body of an animal or its parts.
- 59 (8) "Certificate of registration" means a paper-based or electronic document issued
60 under this title, or any rule or proclamation of the Wildlife Board granting authority to engage
61 in activities not covered by a license, permit, or tag.
- 62 (9) "Closed season" means the period of time during which the taking of protected
63 wildlife is prohibited.
- 64 (10) "Conservation officer" means a full-time, permanent employee of the Division of
65 Wildlife Resources who is POST certified as a peace or a special function officer.
- 66 (11) "Dedicated hunter program" means a program that provides:
- 67 (a) expanded hunting opportunities;
- 68 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 69 (c) education in hunter ethics and wildlife management principles.
- 70 (12) "Division" means the Division of Wildlife Resources.
- 71 (13) (a) "Domicile" means the place:
- 72 (i) where an individual has a fixed permanent home and principal establishment;
- 73 (ii) to which the individual if absent, intends to return; and
- 74 (iii) in which the individual, and the individual's family voluntarily reside, not for a
75 special or temporary purpose, but with the intention of making a permanent home.
- 76 (b) To create a new domicile an individual shall:
- 77 (i) abandon the old domicile; and
- 78 (ii) be able to prove that a new domicile has been established.
- 79 (14) "Endangered" means wildlife designated as endangered according to Section 3 of
80 the federal Endangered Species Act of 1973.
- 81 (15) "Fee fishing facility" means the same as that term is defined in Section [4-37-103](#).
- 82 (16) "Feral" means an animal that is normally domesticated but has reverted to the
83 wild.
- 84 (17) "Fishing" means to take fish or crayfish by any means.
- 85 (18) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and

86 Castoridae families, except coyote and cougar.

87 (19) "Game" means wildlife normally pursued, caught, or taken by sporting means for
88 human use.

89 (20) "Guide" means a person who receives compensation or advertises services for
90 assisting another person to take protected wildlife, including the provision of food, shelter, or
91 transportation, or any combination of these.

92 (21) "Guide's agent" means a person who is employed by a guide to assist another
93 person to take protected wildlife.

94 (22) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
95 means.

96 (23) "Intimidate or harass" means to physically interfere with or impede, hinder, or
97 diminish the efforts of an officer in the performance of the officer's duty.

98 (24) (a) "Natural flowing stream" means a topographic low where water collects and
99 perennially or intermittently flows with a perceptible current in a channel formed exclusively
100 by forces of nature.

101 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:

102 (i) realigned or modified channel that replaces the historic, natural flowing stream
103 channel; and

104 (ii) dredged natural flowing stream channel.

105 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
106 other water delivery system that diverts and conveys water to an approved place of use
107 pursuant to a certificated water right.

108 (25) (a) "Natural lake" means a perennial or intermittent body of water that collects on
109 the surface of the earth exclusively through the forces of nature and without human assistance.

110 (b) "Natural lake" does not mean a lake where all surface water sources supplying the
111 body of water originate from groundwater springs no more than 100 yards upstream.

112 (26) "Nonresident" means a person who does not qualify as a resident.

113 (27) "Open season" means the period of time during which protected wildlife may be

114 legally taken.

115 (28) "Pecuniary gain" means the acquisition of money or something of monetary value.

116 (29) "Permit" means a paper-based or electronic document, including a stamp, that
117 grants authority to engage in specified activities under this title or a rule or proclamation of the
118 Wildlife Board.

119 (30) "Person" means an individual, association, partnership, government agency,
120 corporation, or an agent of the foregoing.

121 (31) "Possession" means actual or constructive possession.

122 (32) "Possession limit" means the number of bag limits one individual may legally
123 possess.

124 (33) (a) "Private fish pond" means a pond, reservoir, or other body of water, including
125 a fish culture system, located on privately owned land where privately owned fish:

126 (i) are propagated or kept for a private noncommercial purpose; and

127 (ii) may be taken without a fishing license.

128 (b) "Private fish pond" does not include an aquaculture facility, fee fishing facility,
129 short-term fishing event, or private stocking.

130 (34) (a) "Private stocking" means an authorized release of privately owned, live fish in
131 the waters of the state not eligible as a private fish pond under Section [23-15-10](#) or aquaculture
132 facility or fee fishing facility under Title 4, Chapter 37, Aquaculture Act.

133 (b) Fish released under private stocking become the property of the state and subject to
134 the fishing regulations set forth in this title and the rules and proclamations of the Wildlife
135 Board.

136 (35) "Private wildlife farm" means an enclosed place where privately owned birds or
137 furbearers are propagated or kept and that restricts the birds or furbearers from:

138 (a) commingling with wild birds or furbearers; and

139 (b) escaping into the wild.

140 (36) "Proclamation" means the publication used to convey a statute, rule, policy, or
141 pertinent information as it relates to wildlife.

142 (37) (a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection
143 (3), except as provided in Subsection (37)(b).

144 (b) "Protected aquatic wildlife" does not include aquatic insects.

145 (38) (a) "Protected wildlife" means wildlife as defined in Subsection (54), except as
146 provided in Subsection (38)(b).

147 (b) "Protected wildlife" does not include coyote, field mouse, gopher, ground squirrel,
148 jack rabbit, muskrat, and raccoon.

149 (39) "Released to the wild" means to be turned loose from confinement.

150 (40) (a) "Reservoir constructed on a natural stream channel" means a body of water
151 collected and stored on the course of a natural flowing stream by impounding the stream
152 through excavation or diking.

153 (b) "Reservoir constructed on a natural stream channel" does not mean an
154 impoundment on a natural flowing stream where all surface water sources supplying the
155 impoundment originate from groundwater springs no more than 100 yards upstream.

156 (41) (a) "Resident" means a person who:

157 (i) has been domiciled in the state for six consecutive months immediately preceding
158 the purchase of a license; and

159 (ii) does not claim residency for hunting, fishing, or trapping in any other state or
160 country.

161 (b) A Utah resident retains Utah residency if that person leaves this state:

162 (i) to serve in the armed forces of the United States or for religious or educational
163 purposes; and

164 (ii) the person complies with Subsection (41)(a)(ii).

165 (c) (i) A member of the armed forces of the United States and dependents are residents
166 for the purposes of this chapter as of the date the member reports for duty under assigned
167 orders in the state if the member:

168 (A) is not on temporary duty in this state; and

169 (B) complies with Subsection (41)(a)(ii).

170 (ii) A copy of the assignment orders shall be presented to a wildlife division office to
171 verify the member's qualification as a resident.

172 (d) A nonresident attending an institution of higher learning in this state as a full-time
173 student may qualify as a resident for purposes of this chapter if the student:

174 (i) has been present in this state for 60 consecutive days immediately preceding the
175 purchase of the license; and

176 (ii) complies with Subsection (41)(a)(ii).

177 (e) A Utah resident license is invalid if a resident license for hunting, fishing, or
178 trapping is purchased in any other state or country.

179 (f) An absentee landowner paying property tax on land in Utah does not qualify as a
180 resident.

181 (42) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of
182 selling, bartering, exchanging, or trading.

183 (43) (a) "Short-term fishing event" means ~~[any]~~ an event ~~[where]~~ when privately
184 acquired fish are held or confined for a period not to exceed 10 days for the purpose of
185 providing fishing or recreational opportunity and where no fee is charged as a requirement to
186 fish.

187 (b) A fishing license is not required to take fish at a short-term fishing event.

188 (44) "Small game" means species of protected wildlife:

189 (a) commonly pursued for sporting purposes; ~~[and]~~

190 (b) not classified as big game, aquatic wildlife, or furbearers; and

191 (c) excluding turkey, cougar, and bear.

192 (45) "Spoiled" means impairment of the flesh of wildlife ~~[which]~~ that renders ~~[it]~~ the
193 flesh unfit for human consumption.

194 (46) "Spotlighting" means throwing or casting the rays of any spotlight, headlight, or
195 other artificial light on any highway or in any field, woodland, or forest while having in
196 possession a weapon by which protected wildlife may be killed.

197 (47) "Tag" means a card, label, or other paper-based or electronic means of

198 identification [~~device issued for attachment to the carcass~~] used to document harvest of
199 protected wildlife.

200 (48) "Take" means to:

201 (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill any protected
202 wildlife; or

203 (b) attempt any action referred to in Subsection (48)(a).

204 (49) "Threatened" means wildlife designated as such pursuant to Section 3 of the
205 federal Endangered Species Act of 1973.

206 (50) "Trapping" means taking protected wildlife with a trapping device.

207 (51) "Trophy animal" means an animal described as follows:

208 (a) deer - a buck with an outside antler measurement of 24 inches or greater;

209 (b) elk - a bull with six points on at least one side;

210 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;

211 (d) moose - a bull with at least one antler exceeding five inches in length;

212 (e) mountain goat - a male or female;

213 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or

214 (g) bison - a bull.

215 (52) "Waste" means to abandon protected wildlife or to allow protected wildlife to
216 spoil or to be used in a manner not normally associated with ~~[its]~~ the protected wildlife's
217 beneficial use.

218 (53) "Water pollution" means the introduction of matter or thermal energy to waters
219 within this state that:

220 (a) exceeds state water quality standards; or

221 (b) could be harmful to protected wildlife.

222 (54) "Wildlife" means:

223 (a) crustaceans, including brine shrimp and crayfish;

224 (b) mollusks; and

225 (c) vertebrate animals living in nature, except feral animals.

226 Section 2. Section 23-19-2 is amended to read:

227 **23-19-2. License, permit, and certificate forms prescribed by Wildlife Board.**

228 (1) The Wildlife Board shall prescribe the form of license, permit, or certificate of
229 registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

230 (2) A license, permit, or certificate of registration may be paper-based or in electronic
231 format pursuant to the rules established by the Wildlife Board in accordance with Title 63G,
232 Chapter 3, Utah Administrative Rulemaking Act.

233 [~~2~~] (3) [~~Any~~] A license issued pursuant to Section 23-19-36 shall be designated as
234 such by a code number and [~~shall contain no~~] may not contain a reference to the licensee's
235 disability.

236 Section 3. Section 23-19-8 is amended to read:

237 **23-19-8. Signature on documents -- Considered under oath -- Prohibition on use**
238 **of unsigned documents.**

239 (1) A person's signature on a license, permit, tag, or certificate of registration is
240 certification of that person's eligibility to use the license, permit, tag, or certificate of
241 registration for the purpose intended by this title.

242 (2) The signature need not be notarized but shall be considered to be made under oath.
243 A signature may be an electronic signature if allowed by rule made by the Wildlife Board in
244 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

245 (3) A person may not use an unsigned license, permit, tag, or certificate of registration.

246 Section 4. Section 23-20-10 is amended to read:

247 **23-20-10. Butcher, locker or storage plant to require proper tag or donation slip.**

248 It is unlawful for [~~any~~] a butcher or owner or employee of a locker plant or storage plant
249 to receive for processing or storage the carcass of any protected wildlife [~~which~~] that by law or
250 regulation is required to be tagged, unless the carcass [~~has attached to it the required tag or~~
251 ~~proper~~] is properly tagged or is accompanied with a valid donation slip.

252 Section 5. Section 23-20-30 is amended to read:

253 **23-20-30. Tagging requirements.**

254 (1) The Wildlife Board may make rules that require the carcass of certain species of
255 protected wildlife to be tagged.

256 (2) The carcass of any species of protected wildlife required to be tagged shall be
257 tagged before the carcass is moved from or the hunter leaves the site of kill.

258 (3) To tag a carcass, a person shall:

259 (a) (i) completely detach the tag from the license or permit;

260 [~~(b)~~] (ii) completely remove the appropriate notches to correspond with:

261 [~~(i)~~] (A) the date the animal was taken; and

262 [~~(ii)~~] (B) the sex of the animal; and

263 [~~(c)~~] (iii) attach the tag to the carcass so that the tag remains securely fastened and
264 visible~~[-];~~ or

265 (b) complete an electronic tagging certification according to standards approved by the
266 Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
267 Rulemaking Act.

268 (4) A person may not:

269 (a) remove more than one notch indicating date or sex; or

270 (b) tag more than one carcass using the same tag.