

**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

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; 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

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

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

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

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

69 (i) provides the office with information regarding the individual's new employer within
70 30 days from the day on which the missed payment was due;

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

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

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.