

Rex P. Shipp proposes the following substitute bill:

Hunting Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor: Evan J. Vickers

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LONG TITLE

General Description:

This bill addresses the taking of wildlife through the use of a guide, outfitter, or spotter.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Guide, Outfitter, and Spotter Fund;
- provides when the use of a guide, outfitter, or spotter is unlawful;
- requires registration with the Division of Wildlife Resources (division);
- provides for rulemaking;
- permits the division to take action related to an applicant or registrant;
- outlines prohibited activities and penalties for violations;
- addresses the operations of a guide, outfitter, or spotter;
- repeals regulation by the Division of Professional Licensing; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 23A-1-101**, as last amended by Laws of Utah 2024, Chapter 80
- 23A-5-309**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 23A-12-301**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 23A-12-302**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 23A-12-303**, as renumbered and amended by Laws of Utah 2023, Chapter 103

29 ENACTS:

- 30 **23A-3-216**, Utah Code Annotated 1953
 31 **23A-4-1201**, Utah Code Annotated 1953
 32 **23A-4-1202**, Utah Code Annotated 1953
 33 **23A-4-1203**, Utah Code Annotated 1953
 34 **23A-4-1204**, Utah Code Annotated 1953

35 REPEALS:

- 36 **23A-11-204**, as renumbered and amended by Laws of Utah 2023, Chapter 103
 37 **58-79-101**, as last amended by Laws of Utah 2020, Chapters 316, 376
 38 **58-79-102**, as last amended by Laws of Utah 2023, Chapter 34
 39 **58-79-103**, as enacted by Laws of Utah 2023, Chapter 345
 40 **58-79-301**, as last amended by Laws of Utah 2020, Chapters 316, 376
 41 **58-79-302**, as last amended by Laws of Utah 2020, Chapters 316, 339 and 376
 42 **58-79-303**, as last amended by Laws of Utah 2020, Chapters 316, 376
 43 **58-79-304**, as last amended by Laws of Utah 2020, Chapters 316, 376
 44 **58-79-401**, as last amended by Laws of Utah 2023, Chapter 345
 45 **58-79-501**, as last amended by Laws of Utah 2020, Chapters 316, 376
 46 **58-79-502**, as last amended by Laws of Utah 2020, Chapters 316, 376

47

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

49 Section 1. Section **23A-1-101** is amended to read:

50 **23A-1-101 . Definitions.**

51 As used in this title:

- 52 (1) "Activity regulated under this title" means an act, attempted act, or activity prohibited or
 53 regulated under this title or the rules and proclamations promulgated under this title
 54 pertaining to protected wildlife including:
 55 (a) fishing;
 56 (b) hunting;
 57 (c) trapping;
 58 (d) taking;
 59 (e) permitting a dog, falcon, or other domesticated animal to take;
 60 (f) transporting;
 61 (g) possessing;
 62 (h) selling;

- 63 (i) wasting;
- 64 (j) importing;
- 65 (k) exporting;
- 66 (l) rearing;
- 67 (m) keeping;
- 68 (n) using as a commercial venture; and
- 69 (o) releasing to the wild.
- 70 (2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.
- 71 (3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.
- 72 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
- 73 amphibians.
- 74 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that
- 75 one person may legally take during one day.
- 76 (6) "Big game" means species of hoofed protected wildlife.
- 77 (7) "Carcass" means the dead body of an animal or the animal's parts.
- 78 (8) "Certificate of registration" means a paper-based or electronic document issued under
- 79 this title, or a rule or proclamation of the Wildlife Board granting authority to engage in
- 80 activities not covered by a license, permit, or tag.
- 81 (9) "Closed season" means the period of time during which the taking of protected wildlife
- 82 is prohibited.
- 83 (10) "Dedicated hunter program" means a program that provides:
- 84 (a) expanded hunting opportunities;
- 85 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 86 (c) education in hunter ethics and wildlife management principles.
- 87 (11) "Department" means the Department of Natural Resources.
- 88 (12) "Director" means the director of the division appointed under Section 23A-2-202.
- 89 (13) "Division" means the Division of Wildlife Resources.
- 90 (14) "Division of Law Enforcement" means the division within the Department of Natural
- 91 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 92 (15) Subject to Section 23A-1-103, "domicile" means the place:
- 93 (a) where an individual has a fixed permanent home and principal establishment;
- 94 (b) to which the individual if absent, intends to return and has an actual plan, method,
- 95 and means to return to the individual's domicile within six months;
- 96 (c) in which the individual, and the individual's family voluntarily reside, not for a

97 special or temporary purpose, but with the intention of making a permanent home;
98 and

99 (d) is a place where the individual resides for the majority of the individual's time.

100 (16) "Endangered" means wildlife designated as endangered according to Section 3 of the
101 federal Endangered Species Act of 1973.

102 (17) "Executive director" means the executive director of the Department of Natural
103 Resources.

104 (18) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.

105 (19) "Feral" means an animal that is normally domesticated but has reverted to the wild.

106 (20) "Fishing" means to take fish or crayfish by any means.

107 (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and
108 Castoridae families, except coyote and cougar.

109 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for
110 human use.

111 (23) "Guide" means the same as that term is defined in Section 23A-4-1201.

112 [~~(23)~~] (24) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
113 means.

114 [~~(24) "Hunting guide" means the same as that term is defined in Section 58-79-102.]~~

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

117 (26)(a) "Natural flowing stream" means a topographic low where water collects and
118 perennially or intermittently flows with a perceptible current in a channel formed
119 exclusively by forces of nature.

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

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

123 (ii) dredged natural flowing stream channel.

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

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

130 (b) "Natural lake" does not mean a lake where the surface water sources supplying the

- 131 body of water originate from groundwater springs no more than 100 yards upstream.
- 132 (28) "Natural resources officer" means the same as that term is defined in Section 79-2-701.
- 133 (29) "Nominating committee" means the Wildlife Board Nominating Committee created in
134 Section 23A-2-302.
- 135 (30) "Nonresident" means a person who does not qualify as a resident.
- 136 (31) "Open season" means the period of time during which protected wildlife may be
137 legally taken.
- 138 (32) "Outfitter" means the same as that term is defined in Section ~~[58-79-102]~~ 23A-4-1201.
- 139 (33) "Pecuniary gain" means the acquisition of money or something of monetary value.
- 140 (34) "Permit" means a paper-based or electronic document that grants authority to engage
141 in specified activities under this title or a rule or proclamation of the Wildlife Board.
- 142 (35) "Person" means an individual, association, partnership, government agency,
143 corporation, or an agent of the individual, association, partnership, government agency,
144 or corporation.
- 145 (36) "Pollute water" means to introduce into waters within the state matter or thermal
146 energy that:
- 147 (a) exceeds state water quality standards; or
148 (b) could harm protected wildlife.
- 149 (37) "Possession" means actual or constructive possession.
- 150 (38) "Possession limit" means the number of bag limits one individual may legally possess.
- 151 (39)(a) "Private fish pond" means a pond, reservoir, or other body of water, including a
152 fish culture system, located on privately owned land where privately owned fish:
- 153 (i) are propagated or kept for a private noncommercial purpose; and
154 (ii) may be taken without a fishing license.
- 155 (b) "Private fish pond" does not include:
- 156 (i) an aquaculture facility;
157 (ii) a fee fishing facility;
158 (iii) a short-term fishing event; or
159 (iv) private stocking.
- 160 (40) "Private stocking" means an authorized release of privately owned, live fish in the
161 waters of the state not eligible as:
- 162 (a) a private fish pond under Section 23A-9-203; or
163 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture
164 Act.

- 165 (41) "Private wildlife farm" means an enclosed place where privately owned birds or
166 furbearers are propagated or kept and that restricts the birds or furbearers from:
167 (a) commingling with wild birds or furbearers; and
168 (b) escaping into the wild.
- 169 (42) "Proclamation" means the publication that is:
170 (a) used to convey a statute, rule, policy, or pertinent information related to wildlife; and
171 (b) issued in accordance with a rule made by the Wildlife Board under this title.
- 172 (43)(a) "Protected aquatic wildlife" means aquatic wildlife except as provided in
173 Subsection (43)(b).
174 (b) "Protected aquatic wildlife" does not include aquatic insects.
- 175 (44)(a) "Protected wildlife" means wildlife, except as provided in Subsection (44)(b).
176 (b) "Protected wildlife" does not include:
177 (i) coyote;
178 (ii) field mouse;
179 (iii) gopher;
180 (iv) ground squirrel;
181 (v) jack rabbit;
182 (vi) muskrat; or
183 (vii) raccoon.
- 184 (45) "Regional advisory council" means a council created under Section 23A-2-303.
- 185 (46) "Released to the wild" means to be turned loose from confinement.
- 186 (47)(a) "Reservoir constructed on a natural stream channel" means a body of water
187 collected and stored on the course of a natural flowing stream by impounding the
188 stream through excavation or diking.
189 (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment
190 on a natural flowing stream where all surface water sources supplying the
191 impoundment originate from groundwater springs no more than 100 yards upstream.
- 192 (48) Subject to Section 23A-1-103, "resident" means a person who:
193 (a) has been domiciled in the state for six consecutive months immediately preceding the
194 purchase of a license; and
195 (b) does not claim residency for hunting, fishing, or trapping in another state or country.
- 196 (49) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of
197 selling, bartering, exchanging, or trading.
- 198 (50) "Short-term fishing event" means an event when:

- 199 (a) privately acquired fish are held or confined for a period not to exceed 10 days for the
200 purpose of providing fishing or recreational opportunity; and
- 201 (b) no fee is charged as a requirement to fish.
- 202 (51) "Small game" means species of protected wildlife:
- 203 (a) commonly pursued for sporting purposes;
- 204 (b) not classified as big game, aquatic wildlife, or furbearers; and
- 205 (c) excluding turkey, cougar, and bear.
- 206 (52) "Spoiled" means impairment of the flesh of wildlife that renders the flesh unfit for
207 human consumption.
- 208 (53) "Spotlighting" means throwing or casting the rays of a spotlight, headlight, or other
209 artificial light on a highway or in a field, woodland, or forest while having in possession
210 a weapon by which protected wildlife may be killed.
- 211 (54) "Tag" means a card, label, or other paper-based or electronic means of identification
212 used to document harvest of protected wildlife.
- 213 (55) "Take" means to:
- 214 (a) hunt, pursue, harass, catch, capture, possess, gather, angle, seine, trap, or kill
215 protected wildlife; or
- 216 (b) attempt an action referred to in Subsection (55)(a).
- 217 (56) "Threatened" means wildlife designated as threatened pursuant to Section 3 of the
218 federal Endangered Species Act of 1973.
- 219 (57) "Trapping" means taking protected wildlife with a trapping device.
- 220 (58) "Trophy animal" means an animal described as follows:
- 221 (a) deer - a buck with an outside antler measurement of 24 inches or greater;
- 222 (b) elk - a bull with six points on at least one side;
- 223 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
- 224 (d) moose - a bull with at least one antler exceeding five inches in length;
- 225 (e) mountain goat - a male or female;
- 226 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
- 227 (g) bison - a bull.
- 228 (59) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning dove,
229 band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.
- 230 (60) "Waste" means to:
- 231 (a) abandon protected wildlife; or
- 232 (b) allow protected wildlife to spoil or to be used in a manner not normally associated

233 with the protected wildlife's beneficial use.

234 (61) "Wild" means the natural environment, including a private pond or private property.

235 (62) "Wildlife" means:

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

237 (b) mollusks; and

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

239 (63) "Wildlife Board" means the board created in Section 23A-2-301.

240 (64) "Wildlife parts" means biological material derived from the body or anatomy of
241 wildlife, including:

242 (a) an antler or horn;

243 (b) a hide;

244 (c) a bone; or

245 (d) meat.

246 Section 2. Section **23A-3-216** is enacted to read:

247 **23A-3-216 . Guide, Outfitter, and Spotter Fund.**

248 (1) There is created an expendable special revenue fund known as the "Guide, Outfitter, and
249 Spotter Fund."

250 (2) The Guide, Outfitter, and Spotter Fund shall consist of:

251 (a) revenue from fees collected under Section 23A-4-1202;

252 (b) money appropriated by the Legislature; and

253 (c) interest, dividends, or other income earned on fund money.

254 (3) The division shall use the money in the Guide, Outfitter, and Spotter Fund to administer
255 Chapter 4, Part 12, Guide, Outfitter, and Spotter.

256 Section 3. Section **23A-4-1201** is enacted to read:

257 **Part 12. Guide, Outfitter, and Spotter**

258 **23A-4-1201 . Definitions.**

259 As used in this part:

260 (1) "Compensation" means anything of economic value in excess of \$100 that is paid,
261 loaned, granted, given, donated, or transferred to a guide, outfitter, or spotter for or in
262 consideration of personal services, materials, or property.

263 (2) "Guide" means an individual who offers or provides guide services on public lands for
264 compensation.

265 (3) "Guide services" means to guide, lead, or assist an individual in hunting protected
266 wildlife.

267 (4) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill protected wildlife
268 and includes fishing.

269 (5) "Outfitter" means an individual who offers or provides outfitting or guide services for
270 compensation to another individual for hunting protected wildlife on public lands.

271 (6)(a) "Outfitting services" means providing, for hunting protected wildlife on public
272 lands:

273 (i) transportation of people, equipment, supplies, protected wildlife to or from a
274 location;

275 (ii) cooking for the participants hunting, including fishing;

276 (iii) packing, protecting, or supervising services; or

277 (iv) guide services.

278 (b) "Outfitting services" do not include activities undertaken by the division or the
279 division's employees, associates, volunteers, contractors, or agents under authority
280 granted in this title.

281 (7)(a) "Public lands" means any lands owned by the United States, the state, or a
282 political subdivision or independent entity of the state that are open to the public for
283 purposes of engaging in a wildlife related activity.

284 (b) "Public lands" does not include lands owned by the United States, the state, or a
285 political subdivision or independent entity of the state that are included in a
286 cooperative wildlife management unit under Subsection 23A-7-204(5) so long as the
287 guiding and outfitting services furnished by the cooperative wildlife management
288 unit are limited to hunting species of wildlife specifically authorized by the division
289 in the unit's management plan.

290 (8) "Retain" or "retained" means a written or oral agreement for the delivery of guide
291 services or outfitter services between a guide or outfitter and the recipient of those
292 services.

293 (9) "Spotter" means an individual compensated by a guide or outfitter to locate or monitor
294 the location of protected wildlife on public land.

295 Section 4. Section **23A-4-1202** is enacted to read:

296 **23A-4-1202 . Registration as guide, outfitter, or spotter -- Rulemaking.**

297 (1) Beginning July 1, 2025, to provide the services of a guide, outfitter, or spotter an
298 individual is required to annually obtain a certificate of registration with the division
299 under this part.

300 (2) The division shall issue to an individual who qualifies under this part a certificate of

301 registration in the classification of:

302 (a) guide;

303 (b) outfitter; or

304 (c) spotter.

305 (3) The division shall maintain a record of each individual who is registered with the
306 division under this part.

307 (4)(a) To register as a guide, a resident shall:

308 (i) submit an application in a form prescribed by the division, subject to rules of the
309 Wildlife Board;

310 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in
311 the activity for which the guide provides guide services; and

312 (iii) pay an annual registration fee of:

313 (A) \$350 if the resident provides guide services related to the hunting of big game
314 or bear; or

315 (B) \$175 if the resident only provides guide services related to the hunting,
316 including fishing, of protected wildlife other than big game or bear.

317 (b) To register as a guide, a nonresident shall:

318 (i) submit an application in a form prescribed by the division, subject to rules of the
319 Wildlife Board;

320 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in
321 the activity for which the guide provides guide services; and

322 (iii) pay an annual registration fee of:

323 (A) \$1,000 if the nonresident provides guide services related to the hunting of big
324 game or bear; or

325 (B) \$500 if the nonresident only provides guide services related to the hunting,
326 including fishing, of protected wildlife other than big game or bear.

327 (5)(a) To register as an outfitter, a resident shall:

328 (i) submit an application in a form prescribed by the division, subject to rules of the
329 Wildlife Board;

330 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in
331 the activity for which the outfitter provides outfitter services; and

332 (iii) pay an annual registration fee of:

333 (A) \$700 if the resident provides services related to the hunting of big game or
334 bear; or

- 335 (B) \$350 if the resident only provides services related to the hunting, including
336 fishing, of protected wildlife other than big game or bear.
- 337 **(b) To register as an outfitter, a nonresident shall:**
- 338 (i) submit an application in a form prescribed by the division, subject to rules of the
339 Wildlife Board;
- 340 (ii) have the appropriate hunting or fishing licenses under this chapter to engage in
341 the activity for which the outfitter provides outfitter services; and
- 342 (iii) pay an annual registration fee of:
- 343 (A) \$2,000 if the nonresident provides services related to the hunting of big game
344 or bear; or
- 345 (B) \$1,000 if the nonresident only provides services related to the hunting,
346 including fishing, of protected wildlife other than big game or bear.
- 347 **(6)(a) To register as a spotter, a resident shall:**
- 348 (i) submit an application in a form prescribed by the division, subject to rules of the
349 Wildlife Board;
- 350 (ii) have the appropriate hunting license under this chapter to engage in the activity
351 for which the spotter provides services; and
- 352 (iii) pay an annual registration fee of \$175.
- 353 **(b) To register as a spotter, a nonresident shall:**
- 354 (i) submit an application in a form prescribed by the division, subject to rules of the
355 Wildlife Board;
- 356 (ii) have the appropriate hunting license under this chapter to engage in the activity
357 for which the spotter provides services; and
- 358 (iii) pay an annual registration fee of \$500.
- 359 **(7)(a) Notwithstanding a fee amount described in Subsections (4), (5), and (6), the**
360 Wildlife Board may increase or decrease the fee amount under this section.
- 361 **(b) An adjustment made by the Wildlife Board under Subsection (7)(a) takes effect**
362 when confirmed in the legislative fee schedule adopted in the general session of the
363 Legislature immediately following the adjustment.
- 364 **(8) The division shall deposit fees collected under this section into the Guide, Outfitter, and**
365 Spotter Fund created in Section 23A-3-216.
- 366 **(9) A registration automatically expires on the expiration date shown on the registration**
367 unless the registrant renews the registration.
- 368 **(10) The Wildlife Board may make rules, in accordance with Title 63G, Chapter 3, Utah**

- 369 Administrative Rulemaking Act, to address:
370 (a) the form of applications submitted under this section;
371 (b) prohibited activities under Section 23A-4-1203; or
372 (c) operations of a guide, outfitter, or spotter regulated under Section 23A-4-1204.

373 Section 5. Section **23A-4-1203** is enacted to read:

374 **23A-4-1203 . Grounds for denial or revoking of registration -- Prohibited**
375 **activities.**

- 376 (1) The division shall refuse to register an applicant and shall refuse to renew or shall
377 revoke the certificate of registration of a registrant during the time period that the
378 division suspends the applicant's or registrant's privilege to:
379 (a) hunt, if the applicant or registrant provides services requiring registration under this
380 part related to hunting; or
381 (b) fish, if the applicant or registrant provides services requiring registration under this
382 part related to fishing.
383 (2) If the division suspends the privilege to hunt or fish under this title of the chief
384 executive officer of an outfitter under which an applicant or registrant provides guide
385 services, outfitting services, or spotting services:
386 (a) during the time period that the chief executive officer's privilege to hunt is
387 suspended, the division shall:
388 (i) refuse to issue a registration to the applicant for services requiring registration
389 under this part related to hunting; and
390 (ii) refuse to renew or shall revoke the registration of the registrant for services
391 requiring registration under this part related to hunting; and
392 (b) during the time period that the chief executive officer's privilege to fish is suspended,
393 the division shall:
394 (i) refuse to issue a registration to the applicant for services requiring registration
395 under this part related to fishing; and
396 (ii) refuse to renew or shall revoke the registration of the registrant for services
397 requiring registration under this part related to fishing.
398 (3) An individual may not use the title "guide," "outfitter," or "spotter" or any other title or
399 designation to indicate that the individual is a guide, outfitter, or spotter or acting as a
400 guide, outfitter, or spotter unless the individual is registered as a guide, outfitter, or
401 spotter under this part.
402 (4) An individual may not:

- 403 (a) engage in an activity that would place a registrant's client's, prospective client's, or
 404 third party's safety at risk, recognizing the inherent risks associated with hunting
 405 wildlife and the activity engaged in being above and beyond those inherent risks;
 406 (b) use false, deceptive, or misleading advertising related to providing services as a
 407 guide, outfitter, or spotter;
 408 (c) misrepresent services, outcomes, facilities, equipment, or fees to a client or
 409 prospective client; or
 410 (d) fail to provide the division with active and current contact information within 30
 411 days of any changes to the registrant's contact information that was provided to the
 412 division during registration or the renewal of registration as a guide, outfitter, or
 413 spotter.

414 (5)(a) If an individual violates this part, the division may:

- 415 (i) revoke the certificate of registration of the individual; and
 416 (ii) suspend the individual's privilege to hunt or fish under this title.
 417 (b) An individual who violates Subsection (3) or (4) is guilty of a class B misdemeanor
 418 in accordance with Section 23A-5-301.

419 Section 6. Section **23A-4-1204** is enacted to read:

420 **23A-4-1204 . Operations of a guide, outfitter, and spotter -- Limits on retaining**
 421 **guide or outfitter -- Spotter.**

- 422 (1) Except as provided in Subsections (2) and (3), a person may not compensate an
 423 individual to provide guide services, outfitting services, or spotting services in
 424 connection with or in furtherance of taking protected wildlife on public land.
 425 (2) A person may compensate a guide or outfitter to help the person locate and take
 426 protected wildlife on public land if:
 427 (a) the guide or outfitter is registered and in good standing under this part;
 428 (b) the person has retained the guide or outfitter and is the recipient of the guide services
 429 or outfitting services;
 430 (c) the person possesses the licenses and permits required to take protected wildlife;
 431 (d) in total the number of individuals providing services requiring registration under this
 432 part does not exceed four;
 433 (e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than three
 434 spotters; and
 435 (f) the person who retains the guide or outfitter is not simultaneously using another
 436 guide or outfitter to assist in taking the same species and sex of protected wildlife.

- 437 (3) A registered guide or registered outfitter in good standing may use a spotter if:
 438 (a) the guide or outfitter is retained by the recipient of the guide services or outfitting
 439 services to assist the recipient to take protected wildlife on public land; and
 440 (b) the guide or outfitter does not use more than the number of spotters allowed under
 441 Subsections (2)(d) and (e).

442 (4)(a) A person who knowingly retains an individual that is not registered under this part
 443 as a guide or outfitter or who knowingly retains a spotter in violation of this section is
 444 guilty of a class B misdemeanor ~~Ĥ~~ → [in accordance with Section 23A-5-301] ,
 444a except that, notwithstanding Section 76-3-204, a court may not sentence the person to
 444b imprisonment or probation ← ~~Ĥ~~ .

- 445 (b) The division may suspend a person's privilege to hunt or fish under this title if the
 446 person knowingly retains an individual that is not registered under this part as a guide
 447 or outfitter or knowingly retains a spotter in violation of this section.

448 Section 7. Section 23A-5-309 is amended to read:

449 **23A-5-309 . Taking, transporting, selling, or purchasing protected wildlife illegal**
 450 **except as authorized -- Criminal penalty.**

- 451 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a
 452 person may not:
- 453 (a) take protected wildlife or wildlife parts;
- 454 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export
 455 protected wildlife or wildlife parts;
- 456 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife
 457 parts without having previously procured the necessary licenses, permits, tags,
 458 federal stamps, certificates of registration, authorizations, and receipts required in this
 459 title or a rule, proclamation, or order of the Wildlife Board;
- 460 (d) take protected wildlife with a weapon, ammunition, implement, tool, device, or any
 461 part of any of these not specifically authorized in this title or a rule, proclamation, or
 462 order of the Wildlife Board;
- 463 (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement,
 464 tool, device, or any part of any of these not specifically authorized in this title or a
 465 rule, proclamation, or order of the Wildlife Board;
- 466 (f) take protected wildlife using a method, means, process, or practice not specifically
 467 authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 468 (g) take protected wildlife outside the season dates, location boundaries, and daily time

- 469 frames established in rule, proclamation, or order of the Wildlife Board;
- 470 (h) take protected wildlife in excess of the bag and possession limits established in rule,
471 proclamation, or order of the Wildlife Board;
- 472 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule,
473 proclamation, or order of the Wildlife Board, or by executive order of the director
474 pursuant to Subsection 23A-2-203(4);
- 475 (j) practice falconry or capture, possess, or use birds in falconry;
- 476 (k) take wildlife from an airplane or any other airborne vehicle or device or a motorized
477 terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;
- 478 (l) hold in captivity at any time any live protected wildlife;
- 479 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 480 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 481 (o) release captured or captive wildlife into the wild;
- 482 (p) use spotlighting to take protected wildlife;
- 483 (q) employ or use a means of concealment or camouflage while taking protected wildlife
484 which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 485 (r) possess or use bait or other attractant to take protected wildlife which is prohibited in
486 this title or a rule, proclamation, or order of the Wildlife Board;
- 487 (s) use a decoy or recorded or electronically amplified call which is prohibited in this
488 title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 489 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp
490 eggs;
- 491 (u) use protected wildlife for commercial purposes or financial gain as prohibited by
492 Section 23A-5-304;
- 493 (v) enter, establish, or hold a contest or tournament involving the taking of protected
494 wildlife;
- 495 (w) operate or participate in a commercial hunting area as described in Section
496 23A-12-202; [øf]
- 497 (x) operate or participate in a cooperative wildlife management unit as defined in
498 Section 23A-7-101[-] ; or
- 499 (y)(i) operate or participate in guide, outfitter, or spotter services or activities in
500 violation of Chapter 4, Part 12, Guide, Outfitter, and Spotter; or
501 (ii) knowingly retain a guide, outfitter, or spotter in violation of Chapter 4, Part 12,
502 Guide, Outfitter, and Spotter.

503 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of
504 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife
505 was illegally taken and is illegally held in possession.

506 (3) A person is subject to the penalty under Section 23A-5-301 if the person:

507 (a) violates Subsection (1); and

508 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

509 Section 8. Section **23A-12-301** is amended to read:

510 **23A-12-301 . Definitions.**

511 (1) The definitions in Section [~~58-79-102~~] 23A-4-1201 apply to this part.

512 (2)(a) As used in this part, "waterfowl management area" means real property owned or
513 managed by the division that is:

514 (i) primarily used for the conservation, production, or recreational harvest of ducks,
515 mergansers, geese, brant, swans, and other waterfowl; and

516 (ii) designated as a waterfowl management area by the Wildlife Board in accordance
517 with Section 23A-12-303.

518 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management
519 Area and the Harold Crane Waterfowl Management Area described in Section
520 23A-6-403.

521 Section 9. Section **23A-12-302** is amended to read:

522 **23A-12-302 . Prohibited activities.**

523 (1) A commercial [~~hunting~~] guide or outfitter may not use a waterfowl management area
524 for any of the following, unless the commercial[~~hunting~~] guide or outfitter has an
525 annual permit, issued by the Wildlife Board pursuant to this part, for the use:

526 (a) [~~hunting~~]guide services or outfitter services; or

527 (b) transportation of an individual to another area for the purpose of providing [~~hunting~~]
528 guide services or outfitter services.

529 (2) An individual may not construct a permanent blind or other permanent structure that is
530 used for hunting within the boundaries of a waterfowl management area.

531 Section 10. Section **23A-12-303** is amended to read:

532 **23A-12-303 . Rulemaking -- Notice.**

533 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
534 Wildlife Board shall make rules:

535 (a) designating and establishing the boundaries of a waterfowl management area;

536 (b) governing the management and use of a waterfowl management area in accordance

- 537 with this part; and
- 538 (c) to create an annual permit process by which commercial [hunting] guides and
- 539 outfitters may use waterfowl management areas in accordance with this part.
- 540 (2) The annual permit process described in Subsection (1)(c) shall:
- 541 (a) preserve the opportunity for non-guided hunters to use waterfowl management areas;
- 542 and
- 543 (b) require a permit holder to comply with safety standards established by the Wildlife
- 544 Board.
- 545 (3) The division shall provide an annual report to the Natural Resources, Agriculture, and
- 546 Environment Interim Committee regarding any rules made or changed in accordance
- 547 with this part.
- 548 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl
- 549 management area.
- 550 (5) Nothing in this part modifies or limits:
- 551 (a) Section 23A-6-403, or the discretion of the division to manage waterfowl
- 552 management areas for other beneficial purposes, including for the benefit of the
- 553 public, shorebirds, waterfowl, and other protected wildlife; or
- 554 (b) the authority of the division, the director, or the Wildlife Board under Chapter 6,
- 555 Lands and Waters for Wildlife Purposes.

556 Section 11. **Repealer.**

557 This bill repeals:

558 Section **23A-11-204, Limitation on compensating people to locate big game animals.**

559 Section **58-79-101, Title.**

560 Section **58-79-102, Definitions.**

561 Section **58-79-103, Hunting guide and outfitter rules.**

562 Section **58-79-301, Registration required.**

563 Section **58-79-302, Qualifications for registration.**

564 Section **58-79-303, Term of registration -- Expiration -- Renewal.**

565 Section **58-79-304, Exemptions from registration.**

566 Section **58-79-401, Grounds for denial of registration -- Disciplinary proceedings.**

567 Section **58-79-501, Unlawful conduct.**

568 Section **58-79-502, Unprofessional conduct.**

569 Section 12. **Effective Date.**

570 This bill takes effect on July 1, 2025.