

INVASIVE SPECIES AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Melvin R. Brown

LONG TITLE

General Description:

This bill modifies the Division of Wildlife Resources' ability to eradicate and prevent the infestation of the Dreissena mussel.

Highlighted Provisions:

This bill:

- ▶ authorizes the Division of Wildlife Resources to establish inspection stations to temporarily stop, detain, and inspect a conveyance or equipment that may be contaminated with Dreissena mussel;

- ▶ provides that a person who proceeds through an inspection station or administrative checkpoint during normal hours of operation without presenting a conveyance for inspection is guilty of a class B misdemeanor; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-27-201, as enacted by Laws of Utah 2008, Chapter 284

23-27-301, as enacted by Laws of Utah 2008, Chapter 284



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

Section 1. Section **23-27-201** is amended to read:

23-27-201. Invasive species prohibited -- Administrative inspection authorized.

(1) Except as authorized in this title or a board rule or order, a person may not:

(a) possess, import, export, ship, or transport a *Dreissena* mussel;

(b) release, place, plant, or cause to be released, placed, or planted a *Dreissena* mussel in a water body, facility, or water supply system; or

(c) transport a conveyance or equipment that has been in an infested water within the previous 30 days without decontaminating the conveyance or equipment.

(2) A person who violates Subsection (1):

(a) is strictly liable;

(b) is guilty of an infraction; and

(c) shall reimburse the state for all costs associated with detaining, quarantining, and decontaminating the conveyance or equipment.

(3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class A misdemeanor.

(4) A person may not proceed past or travel through an inspection station or administrative checkpoint, as described in Section 23-27-301, while transporting a conveyance during an inspection station's or administrative checkpoint's hours of operations without presenting the conveyance for inspection.

(5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

Section 2. Section **23-27-301** is amended to read:

23-27-301. Division's power to prevent invasive species infestation.

To eradicate and prevent the infestation of a *Dreissena* mussel, the division may:

(1) (a) establish inspection stations located at or along:

(i) highways, as defined in Section 72-1-102;

(ii) ports of entry, if the Department of Transportation authorizes the division to use the port of entry; and

(iii) publicly accessible:

(A) boat ramps; and

59 (B) conveyance launch sites; and
60 [~~(+)~~] (b) temporarily stop, detain, and inspect a conveyance or equipment that:
61 [~~(a)~~] (i) the division reasonably believes is in violation of Section 23-27-201; [or]
62 [~~(b)~~] (ii) is stopped at [a port-of-entry;] an inspection station; or
63 (iii) is stopped at an administrative checkpoint;
64 [~~(2)~~] require a motor vehicle transporting a conveyance or equipment to stop for an
65 inspection at a port-of-entry if the Department of Transportation authorizes the division to use
66 the port-of-entry;]
67 [~~(3)~~] (2) conduct an administrative checkpoint in accordance with Section 77-23-104;
68 [~~(4)~~] (3) detain and quarantine a conveyance or equipment as provided in Section
69 23-27-302;
70 [~~(5)~~] (4) order a person to decontaminate a conveyance or equipment; and
71 [~~(6)~~] (5) inspect the following that may contain a Dreissena mussel:
72 (a) a water body;
73 (b) a facility; and
74 (c) a water supply system.

Legislative Review Note
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Office of Legislative Research and General Counsel