

**SOVEREIGN LANDS AROUND BEAR LAKE**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Curt Webb**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill modifies provisions relating to activities on state lands surrounding Bear Lake.

**Highlighted Provisions:**

This bill:

▶ modifies the requirements of the Division of Forestry, Fire, and State Lands to issue a permit to a person to launch and retrieve a vessel on state lands surrounding Bear

Lake;

▶ modifies criminal provisions relating to the use of state lands surrounding Bear Lake; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**65A-2-6**, as enacted by Laws of Utah 2013, Chapter 370

**65A-3-1**, as last amended by Laws of Utah 2013, Chapter 370

---

---

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



28 Section 1. Section 65A-2-6 is amended to read:

29 **65A-2-6. Permitted areas at Bear Lake for launching and retrieving watercraft --**  
30 **Rulemaking authority.**

31 ~~[(1) If a person owns property adjacent to state lands surrounding Bear Lake, the~~  
32 ~~division shall issue a permit that allows the person to launch or retrieve a vessel in an area~~  
33 ~~adjacent to the person's property.]~~

34 (1) The division shall issue a permit to an applicant that allows the applicant to launch  
35 or retrieve a vessel on state lands surrounding Bear Lake.

36 (2) A permit is required to launch or retrieve a vessel on state lands surrounding Bear  
37 Lake, unless the vessel:

38 (a) has no engine; or

39 (b) has an engine of 10 horsepower or less.

40 (3) A permit authorizes a person to launch or retrieve a vessel if:

41 (a) the person owns private property adjacent to state lands surrounding Bear Lake, or  
42 has legal right to occupy or use private property adjacent to state lands surrounding Bear Lake,  
43 and the person accesses the water from that private property; or

44 (b) the person accesses the water from a point of public access.

45 ~~[(2)]~~ (4) The division shall, in accordance with Title 63G, Chapter 3, Utah  
46 Administrative Rulemaking Act, make rules to administer [Subsection (1)] this section.

47 Section 2. Section 65A-3-1 is amended to read:

48 **65A-3-1. Trespassing on state lands -- Penalties.**

49 (1) As used in this section:

50 (a) "Anchored" is as defined in Section 73-18-2.

51 (b) "Beached" is as defined in Section 73-18-2.

52 (c) "Vessel" is as defined in Section 73-18-2.

53 (2) A person is guilty of a class B misdemeanor and liable for the civil damages  
54 prescribed in Subsection (4) if, without written authorization from the division, the person:

55 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,  
56 soil, vegetation, or improvement on state lands;

57 (b) grazes livestock on state lands;

58 (c) uses, occupies, or constructs improvements or structures on state lands;

- 59 (d) uses or occupies state lands for more than 30 days after the cancellation or  
60 expiration of written authorization;
- 61 (e) knowingly and willfully uses state lands for commercial gain;
- 62 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,  
63 or paleontological resource on state lands;
- 64 (g) camps on the beds of navigable lakes or rivers, or on sovereign land, except in  
65 posted and designated areas;
- 66 ~~[(h) camps on sovereign land for longer than 15 consecutive days at the same location~~  
67 ~~or within one mile of the same location;]~~
- 68 ~~[(i) camps on sovereign land for 15 consecutive days, and then returns to camp at the~~  
69 ~~same location before 15 consecutive days have elapsed after the day on which the person left~~  
70 ~~that location;]~~
- 71 ~~[(j)]~~ (h) leaves an anchored or beached vessel unattended for longer than 48 hours on  
72 sovereign land or navigable lakes or rivers;
- 73 ~~[(k)]~~ (i) anchors or beaches a vessel for longer than ~~[72 hours]~~ seven days at the same  
74 location, on sovereign land or navigable lakes or rivers, and then fails to move the vessel at  
75 least two miles from that location; or
- 76 ~~[(l)]~~ (j) parks or operates motor vehicles on the beds of navigable lakes and rivers  
77 ~~[except]~~ in those areas;
- 78 (i) supervised by the Division of Parks and Recreation or other state or local  
79 enforcement entity; and
- 80 (ii) which are posted as ~~[open]~~ closed to vehicle use.
- 81 (3) A person is guilty of a class C misdemeanor and liable for civil damages described  
82 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of  
83 the division, the person:
- 84 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is ~~[not]~~  
85 specifically posted by the division as ~~[open]~~ closed for usage;
- 86 ~~[(b) launches or retrieves a vessel in an area not specifically designated by the division~~  
87 ~~as open for launching or retrieving a vessel;]~~
- 88 (b) from May 1 through October 31:
- 89 ~~[(c)]~~ (i) exceeds a speed limit of 15 miles per hour while operating a motor vehicle; or

90           ~~[(d) except as necessary while launching or retrieving a vessel in an area where the~~  
91 ~~person is permitted to launch or retrieve a vessel;]~~  
92           (ii) drives recklessly while operating a motor vehicle;  
93           (c) parks or operates a motor vehicle within an area between the water's edge and [~~a~~  
94 ~~line posted by the division;]~~ 100 feet of the water's edge except as necessary to:  
95           ~~[(e) except as allowed and posted by the division;]~~  
96           (i) launch or retrieve a vessel, if the person is permitted to launch or retrieve a vessel;  
97           (ii) transport an individual with limited mobility; or  
98           (iii) deposit or retrieve equipment to a beach site;  
99           (d) travels in a motor vehicle parallel to the water's edge in areas designated by the  
100 division as closed;  
101           ~~[(f)]~~ (e) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or  
102           ~~[(g)]~~ (f) starts a campfire or uses fireworks.  
103           (4) A person who commits any act described in Subsection (2) or (3) is liable for  
104 damages in the amount of:  
105           (a) three times the value of the mineral or other resource removed, destroyed, or  
106 extracted;  
107           (b) three times the value of damage committed; or  
108           (c) three times the consideration which would have been charged by the division for  
109 use of the land during the period of trespass.  
110           (5) In addition to the damages described in Subsection (4), a person found guilty of a  
111 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section  
112 [76-3-204](#).  
113           (6) Money collected under this section shall be deposited in the fund in which similar  
114 revenues from that land would be deposited.

**Legislative Review Note**  
as of 1-16-15 3:36 PM

**Office of Legislative Research and General Counsel**