

# HB0147S01 compared with HB0147

{Omitted text} shows text that was in HB0147 but was omitted in HB0147S01

inserted text shows text that was not in HB0147 but was inserted into HB0147S01

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## Aquatic Invasive Species Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor:

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### LONG TITLE

#### General Description:

This bill addresses requirements to operate or launch a vessel.

#### Highlighted Provisions:

This bill:

- defines terms;
- exempts an owner or operator of certain vessels from requirements related to invasive species and launching or operating the vessel on waters of the state; {and}

- addresses vessels owned by government agencies;

- modifies provisions related to collection of annual aquatic invasive species fees, including repealing outdated language; and

- makes technical changes.

#### Money Appropriated in this Bill:

None

None

AMENDS:

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21 **23A-10-101** , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as renumbered and  
amended by Laws of Utah 2023, Chapter 103

22 **23A-10-201** , as last amended by Laws of Utah 2023, Chapter 244 and renumbered and amended  
by Laws of Utah 2023, Chapter 103 , as last amended by Laws of Utah 2023, Chapter 244 and  
renumbered and amended by Laws of Utah 2023, Chapter 103

24 **23A-10-202 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as  
renumbered and amended by Laws of Utah 2023, Chapter 103**

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25 **23A-10-301 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as  
renumbered and amended by Laws of Utah 2023, Chapter 103**

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26 **23A-10-302 , as last amended by Laws of Utah 2024, Chapter 80 , as last amended by Laws  
of Utah 2024, Chapter 80**

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27 **23A-10-303 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as  
renumbered and amended by Laws of Utah 2023, Chapter 103**

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28 **23A-10-304** , as last amended by Laws of Utah 2023, Chapter 244 and renumbered and amended  
by Laws of Utah 2023, Chapter 103 , as last amended by Laws of Utah 2023, Chapter 244 and  
renumbered and amended by Laws of Utah 2023, Chapter 103

30 **23A-10-401 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as  
renumbered and amended by Laws of Utah 2023, Chapter 103**

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31 **23A-10-501 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as  
renumbered and amended by Laws of Utah 2023, Chapter 103**

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23 **73-18-25.3 , as enacted by Laws of Utah 2023, Chapter 244 , as enacted by Laws of Utah  
2023, Chapter 244**

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32 REPEALS:

33 **73-18-25.3** , as enacted by Laws of Utah 2023, Chapter 244 , as enacted by Laws of Utah 2023,  
Chapter 244

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

36 Section 1. Section **23A-10-101** is amended to read:

37 **23A-10-101. Definitions.**

As used in this chapter:

29 (1)

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- . (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may carry or contain [a Dreissena] an invasive mussel.
- 31 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, a live well, or a bilge area.
- 33 (2) "Decontaminate" means to:
- 34 (a) drain and dry non-treated water; and
- 35 (b) chemically or thermally treat in accordance with rule.
- 36 (3) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage or at death, including a zebra mussel, a quagga mussel, and Conrad's false mussel.
- 38 (4) "Equipment" means an article, tool, implement, or device capable of carrying or containing:
- 40 (a) water; or
- 41 (b) [a Dreissena] an invasive mussel.
- 42 (5) "Facility" means a structure that is located within or adjacent to a water body.
- 43 (6) "Infested water" means a geographic region, water body, facility, or water supply system within or outside the state that the Wildlife Board identifies in rule as carrying or containing [a Dreissena] an invasive mussel.
- 46 (7) "Inflatable motorboat" means a motorboat that is inflated before the motorboat is used or capable of being used as a means of transportation on water.
- 48 (8) { "~~Motorboat~~" "Invasive mussel" means { the same as that term is defined in Section 73-18-2 } a Dreissena mussel or Limnoperna mussel.
- 49 (9) { "~~Nonmotorized vessel~~" "Limnoperna mussel" means a { vessel that is propelled on water solely by human power } mussel of the genus Limnoperna at any life stage or at death, including a golden mussel.
- 61 (10) "Motorboat" means the same as that term is defined in Section 73-18-2.
- 62 (11) "Nonmotorized vessel" means a vessel that is propelled on water solely by human power.
- 51 [(7)] {(40)} (12) "Vessel" means the same as that term is defined in Section 73-18-2.
- 52 [(8)] {(11)} (13) "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.
- 54 [(9)] {(12)} (14)
- . (a) "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, waste water treatment, or culinary use.

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56 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.

57 (c) "Water supply system" does not include a water body.

71 Section 2. Section **23A-10-201** is amended to read:

72 **23A-10-201. Invasive species prohibited -- Administrative inspection authorized.**

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

61 (a) possess, import, export, ship, or transport ~~[a Dreissena]~~ an invasive mussel;

62 (b) release, place, plant, or cause to be released, placed, or planted ~~[a Dreissena]~~ an invasive mussel in a  
water body, facility, or water supply system;

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

66 (d) unless exempt under Subsection 23A-10-304(3), launch or operate a vessel on the waters of the state  
without first:

68 (i) paying an aquatic invasive species fee required by Subsection 23A-10-304(1) or (2); and

70 (ii) displaying an aquatic invasive species decal in accordance with Subsection (6).

71 (2) Except as provided in Subsection (3), a person who violates Subsection (1):

72 (a) is strictly liable;

73 (b) is guilty of an infraction; and

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

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

78 (4) A person may not proceed past or travel through an inspection station or administrative checkpoint,  
as described in Section 23A-10-301, while transporting a conveyance during an inspection station's  
or administrative checkpoint's hours of operations without presenting the conveyance for inspection.

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

83 (6)

. (a)

. (i) The division shall provide a resident person who pays the aquatic invasive species fee required  
by Subsection 23A-10-304(1)(a) an aquatic invasive species decal to be displayed on the vessel  
for which the aquatic invasive species fee is paid.

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(ii) The division shall provide a nonresident person who pays the aquatic invasive species fee required by Subsection 23A-10-304(2)(a) an aquatic invasive species decal to be displayed on the vessel for which the aquatic invasive species fee is paid.

91 (b) A person shall display the aquatic invasive species decal obtained under this Subsection (6) on the  
bow of the vessel's port side six inches aft of the vessel's registration decal.

107 Section 3. Section 23A-10-202 is amended to read:

108 **23A-10-202. Reporting of invasive species required.**

109 (1) A person who discovers [~~a Dreissena~~] an invasive mussel within this state or has reason to believe [~~a~~  
~~Dreissena~~] an invasive mussel may exist at a specific location shall immediately report the discovery  
to the division.

112 (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

113 Section 4. Section 23A-10-301 is amended to read:

114 **23A-10-301. Division's power to prevent invasive species infestation.**

To eradicate and prevent the infestation of [~~a Dreissena~~] an invasive mussel, the division  
may:

117 (1)

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

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

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

121 (iii) publicly accessible:

122 (A) boat ramps; and

123 (B) conveyance launch sites; and

124 (b) temporarily stop, detain, and inspect a conveyance or equipment that:

125 (i) the division reasonably believes is in violation of Section 23A-10-201;

126 (ii) the division reasonably believes is in violation of Section 23A-10-305;

127 (iii) is stopped at an inspection station; or

128 (iv) is stopped at an administrative checkpoint;

129 (2) conduct an administrative checkpoint in accordance with Section 77-23-104;

130 (3) detain and quarantine a conveyance or equipment as provided in Section 23A-10-302;

131 (4) order a person to decontaminate a conveyance or equipment; and

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- 132 (5) inspect the following that may contain [~~a Dreissena~~] an invasive mussel:  
133 (a) a water body;  
134 (b) a facility; and  
135 (c) a water supply system.

136 Section 5. Section 23A-10-302 is amended to read:

137 **23A-10-302. Conveyance or equipment detainment or quarantine.**

- 138 (1) The division, a port-of-entry agent, a natural resources officer, or a peace officer may detain or  
quarantine a conveyance or equipment if:  
140 (a) the division, agent, natural resources officer, or peace officer:  
141 (i) finds the conveyance or equipment contains [~~a Dreissena~~] an invasive mussel; or  
142 (ii) reasonably believes that the person transporting the conveyance or equipment is in violation of  
Section 23A-10-201; or  
144 (b) the person transporting the conveyance or equipment refuses to submit to an inspection authorized  
by Section 23A-10-301.  
146 (2) The detainment or quarantine authorized by Subsection (1) may continue for:  
147 (a) up to five days; or  
148 (b) the period of time necessary to:  
149 (i) decontaminate the conveyance or equipment; and  
150 (ii) ensure that [~~a Dreissena~~] an invasive mussel is not living on or in the conveyance or equipment.

152 Section 6. Section 23A-10-303 is amended to read:

153 **23A-10-303. Closing a water body, facility, or water supply system.**

- 154 (1) Except as provided by Subsection (6), if the division detects or suspects [~~a Dreissena~~] an invasive  
mussel is present in a water body, a facility, or a water supply system, the director or the director's  
designee may, with the concurrence of the executive director, order:  
158 (a) the water body, facility, or water supply system closed to a conveyance or equipment;  
159 (b) restricted access by a conveyance or equipment to a water body, facility, or water supply system; or  
161 (c) a conveyance or equipment that is removed from or introduced to the water body, facility, or water  
supply system to be inspected, quarantined, or decontaminated in a manner and for a duration  
necessary to detect and prevent the infestation of [~~a Dreissena~~] an invasive mussel.  
165 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the division shall:  
166

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- (a) provide a written update to the operator of the water body, facility, or water supply system every 10 days on the division's effort to address the [~~Dreissena~~] invasive mussel infestation; and
- 169 (b) post the update on the division's website.
- 170 (3)
- . (a) The Wildlife Board shall develop procedures to ensure proper notification of a state, federal, or local agency that is affected by [~~a-Dreissena~~] an invasive mussel infestation.
- 173 (b) The notification shall include:
- 174 (i) the reasons for the closure, quarantine, or restriction; and
- 175 (ii) methods for providing updated information to the agency.
- 176 (4) When deciding the scope, duration, level, and type of restriction or a quarantine or closure location, the director shall consult with the person with the jurisdiction, control, or management responsibility over the water body, facility, or water supply system to avoid or minimize disruption of economic and recreational activity.
- 180 (5)
- . (a) A person that operates a water supply system shall cooperate with the division to implement a measure to:
- 182 (i) avoid infestation by [~~a-Dreissena~~] an invasive mussel; and
- 183 (ii) control or eradicate [~~a-Dreissena~~] an invasive mussel infestation that may occur in a water supply system.
- 185 (b)
- . (i) If [~~a-Dreissena~~] an invasive mussel is detected, the water supply system's operator, in cooperation with the division, shall prepare and implement a plan to control or eradicate [~~a-Dreissena~~] an invasive mussel within the water supply system.
- 189 (ii) A plan required by Subsection (5)(b)(i) shall include a:
- 190 (A) method for determining the scope and extent of the infestation;
- 191 (B) method to control or eradicate the [~~Dreissena~~] invasive mussel;
- 192 (C) method to decontaminate the water supply system containing the [~~Dreissena~~] invasive mussel;
- 194 (D) systematic monitoring program to determine a change in the infestation; and
- 195 (E) requirement to update or revise the plan in conformity with a scientific advance in the method of controlling or eradicating [~~a-Dreissena~~] an invasive mussel.
- 198 (6)

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- . (a) The division may not close or quarantine a water supply system if the operator has prepared and implemented a plan to control or eradicate [~~a Dreissena~~] an invasive mussel in accordance with Subsection (5).
- 201 (b)
- . (i) The division may require the operator to update a plan.
- 202 (ii) If the operator fails to update or revise a plan, the division may close or quarantine the water supply system in accordance with this section.
- 204 Section 7. Section **23A-10-304** is amended to read:
- 205 **23A-10-304. Aquatic invasive species fee -- Launching or operating a vessel -- Rulemaking.**
- 97 (1)
- . (a) Except as described in Subsection (3), there is imposed an annual resident aquatic invasive species fee of \$20 on a vessel required to be registered under Section 73-18-7.
- 99 (b) The division shall:
- 100 (i) collect the aquatic invasive species fee imposed under Subsection (1)(a) ~~;~~ ;
- 101 ~~[(A) in cooperation with the Division of Outdoor Recreation and in conjunction with the registration process described in Section 73-18-7; or]~~
- 103 ~~[(B) through a division process if the vessel owner elects to not pay the aquatic invasive species fee in conjunction with the registration process;]~~
- 105 (ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species Interdiction Account created in Section [~~23A-3-211~~] 79-2-706; and
- 107 (iii) administer the aquatic invasive species fee in accordance with this section.
- 108 (c) The aquatic invasive species fee imposed under this Subsection (1) is in addition to and is separate from a registration fee described in Section 73-18-7.
- 110 (2)
- . (a) Except as provided in Subsection (3), there is imposed an annual nonresident aquatic invasive species fee of \$25 on a vessel to launch or operate a vessel in waters of this state if:
- 113 (i) the vessel is owned by a nonresident; and
- 114 (ii) the vessel would otherwise be subject to registration requirements under Section 73-18-7 if the vessel were owned by a resident of this state.
- 116 (b) The division shall:
- 117



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- (i) collect and administer an aquatic invasive species fee described in Subsection (2)(a) in accordance with this section; and
- 119 (ii) deposit the aquatic invasive species fee collected under this Subsection (2) into the Aquatic Invasive Species Interdiction Account created in Section [23A-3-211] 79-2-706.
- 122 (3)
- . (a) Subsections (1) and (2) do not apply if the vessel is:
- 233 (i) owned and operated by a ~~state or~~ federal, state, or political subdivision government agency; and ~~the vessel is~~
- 235 (ii) used within the course and scope of the duties of the government agency.
- 125 (b) A resident or nonresident owner of a nonmotorized vessel or inflatable motorboat is exempt from the requirements of this section before launching or operating a nonmotorized vessel or inflatable motorboat on the waters of this state only if the nonmotorized vessel or inflatable motorboat is being launched or operated in a geographic region, water body, facility, or water supply system that is not infested water.
- 131 (4) Before launching or operating a vessel on the waters of this state:
- 132 (a)
- . (i) a resident shall pay the aquatic invasive species fee as described in Subsection (1); and
- 134 (ii) a nonresident shall pay the aquatic invasive species fee as described in Subsection (2); and
- 136 (b) the resident or nonresident vessel owner shall successfully complete an aquatic invasive species education course offered by the division.
- 138 (5) Notwithstanding the fee amount described in Subsections (1) and (2), the Wildlife Board may increase resident and nonresident aquatic invasive species fees assessed under this section, so long as:
- 141 (a) the aquatic invasive species fee for nonresidents described in Subsection (2) is no less than the resident aquatic invasive species fee described in Subsection (1); and
- 143 (b) the aquatic invasive species fee is confirmed in the legislative fee schedule.
- 144 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing procedures for:
- 146 (a) proof of payment and other methods of verifying compliance with this section;
- 147 (b) special requirements applicable on interstate water bodies in this state; and
- 148 (c) other provisions necessary for the administration of the program.

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260 Section 8. Section 23A-10-401 is amended to read:

261 **23A-10-401. Rulemaking authority.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules that:

- 264 (1) establish the procedures and requirements for decontaminating a conveyance or equipment to  
prevent the introduction and infestation of [~~a Dreissena~~] an invasive mussel;
- 266 (2) establish the requirements necessary to provide proof that a conveyance or equipment is  
decontaminated;
- 268 (3) establish the notification procedures required in Section 23A-10-303;
- 269 (4) identify the geographic area, water body, facility, or water supply system that is infested by  
[~~Dreissena~~] invasive mussels;
- 271 (5) establish a procedure and protocol in cooperation with the Department of Transportation for  
stopping, inspecting, detaining, and decontaminating a conveyance or equipment at a port-of-entry  
in accordance with Section 23A-10-301; and
- 274 (6) are necessary to administer and enforce this chapter.

275 Section 9. Section 23A-10-501 is amended to read:

276 **23A-10-501. Aquatic invasive species emergency response plan.**

- 277 (1) As used in this section:
- 278 (a) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee.
- 280 (b) "Emergency response plan" means the statewide aquatic invasive species emergency response plan  
developed by the division in accordance with this part.
- 282 (2) The division shall develop a statewide aquatic invasive species emergency response plan to address  
the potential spread of aquatic invasive species throughout the state.
- 284 (3) In developing the emergency response plan, the division shall coordinate with public and private  
entities that may be necessary or helpful to remediating the potential spread of aquatic invasive  
species throughout the state.
- 287 (4) The emergency response plan shall:
- 288 (a) designate the division as the entity that coordinates the implementation of the emergency response  
plan;
- 290 (b) provide for annual review of the emergency response plan by the division;
- 291

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(c) provide that the emergency response plan may only be implemented if the division detects aquatic invasive species, including [~~Dreissena~~] invasive mussels, at a water body, facility, or water supply system within the state; and

294 (d) define what constitutes a detection of aquatic invasive species at a water body, facility, or water supply system.

296 (5) If an event requires the implementation of the emergency response plan, the division shall report on that event and the implementation of the emergency response plan to the committee.

299 Section 10. **Repealer.**

This Bill Repeals:

300 This bill repeals:

301 Section **73-18-25.3, Collection of the aquatic invasive species fee.**

149 ~~{Section 4. Section 73-18-25.3 is amended to read: }~~

150 **73-18-25.3. Collection of the aquatic invasive species fee.**

151 (1) A person who applies for a vessel registration or registration renewal under Section 73-18-7 may pay the aquatic invasive species fee required under Section 23A-10-304 at the time of registration or registration renewal. If the Division of Motor Vehicles collects the registration fee and a person elects to pay the aquatic invasive species fee at the same time, the payment of the aquatic invasive species fee under this section shall be:

157 (a) collected by the Division of Motor Vehicles;

158 (b) treated as a separate fee and not part of the registration fee; and

159 (c) deposited into the Aquatic Invasive Species Interdiction Account created in Section [23A-3-211] 79-2-706, less actual administrative costs associated with collecting and transferring the aquatic invasive species fee by the Division of Motor Vehicles.

162 (2) Notwithstanding Section 41-1a-116, the Division of Motor Vehicles shall report to the Division of Wildlife Resources identifying information regarding a person who pays the aquatic invasive species fee so that the Division of Wildlife Resources may provide a decal to that person in accordance with Subsection 23A-10-201(6).

302 Section 11. **Effective date.**

This bill takes effect on May 7, 2025.

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