

Aquatic Invasive Species Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

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
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

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

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

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

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

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

23A-10-101 . Definitions.

As used in this chapter:

(1)(a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may carry or contain a Dreissena mussel.

(b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal

- 32 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, including a
- 37 zebra mussel, a quagga mussel, and Conrad's false mussel.
- 38 (4) "Equipment" means an article, tool, implement, or device capable of carrying or
- 39 containing:
- 40 (a) water; or
- 41 (b) a *Dreissena* 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
- 44 system within or outside the state that the Wildlife Board identifies in rule as carrying or
- 45 containing a *Dreissena* mussel.
- 46 (7) "Inflatable motorboat" means a motorboat that is inflated before the motorboat is used
- 47 or capable of being used as a means of transportation on water.
- 48 (8) "Motorboat" means the same as that term is defined in Section 73-18-2.
- 49 (9) "Nonmotorized vessel" means a vessel that is propelled on water solely by human
- 50 power.
- 51 [~~7~~] (10) "Vessel" means the same as that term is defined in Section 73-18-2.
- 52 [~~8~~] (11) "Water body" means natural or impounded surface water, including a stream,
- 53 river, spring, lake, reservoir, pond, wetland, tank, and fountain.
- 54 [~~9~~] (12)(a) "Water supply system" means a system that treats, conveys, or distributes
- 55 water for irrigation, industrial, waste water treatment, or culinary use.
- 56 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.
- 57 (c) "Water supply system" does not include a water body.
- 58 Section 2. Section **23A-10-201** is amended to read:
- 59 **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* mussel;
- 62 (b) release, place, plant, or cause to be released, placed, or planted a *Dreissena* mussel in
- 63 a water body, facility, or water supply system;
- 64 (c) transport a conveyance or equipment that has been in an infested water within the
- 65 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
 67 waters of the state without first:
- 68 (i) paying an aquatic invasive species fee required by Subsection 23A-10-304(1) or
 69 (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
 75 decontaminating the conveyance or equipment.
- 76 (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class A
 77 misdemeanor.
- 78 (4) A person may not proceed past or travel through an inspection station or administrative
 79 checkpoint, as described in Section 23A-10-301, while transporting a conveyance during
 80 an inspection station's or administrative checkpoint's hours of operations without
 81 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
 84 species fee required by Subsection 23A-10-304(1)(a) an aquatic invasive species
 85 decal to be displayed on the vessel for which the aquatic invasive species fee is
 86 paid.
- 87 (ii) The division shall provide a nonresident person who pays the aquatic invasive
 88 species fee required by Subsection 23A-10-304(2)(a) an aquatic invasive species
 89 decal to be displayed on the vessel for which the aquatic invasive species fee is
 90 paid.
- 91 (b) A person shall display the aquatic invasive species decal obtained under this
 92 Subsection (6) on the bow of the vessel's port side six inches aft of the vessel's
 93 registration decal.

94 Section 3. Section **23A-10-304** is amended to read:

95 **23A-10-304 . Aquatic invasive species fee -- Launching or operating a vessel --**

96 **Rulemaking.**

- 97 (1)(a) Except as described in Subsection (3), there is imposed an annual resident aquatic
 98 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
102 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
104 invasive species fee in conjunction with the registration process;
- 105 (ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species
106 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
109 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
111 aquatic invasive species fee of \$25 on a vessel to launch or operate a vessel in waters
112 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
115 73-18-7 if the vessel were owned by a resident of this state.
- 116 (b) The division shall:
- 117 (i) collect and administer an aquatic invasive species fee described in Subsection
118 (2)(a) in accordance with this section; and
119 (ii) deposit the aquatic invasive species fee collected under this Subsection (2) into
120 the Aquatic Invasive Species Interdiction Account created in Section [~~23A-3-211~~]
121 79-2-706.
- 122 (3)(a) Subsections (1) and (2) do not apply if the vessel is owned and operated by a state
123 or federal government agency and the vessel is used within the course and scope of
124 the duties of the agency.
- 125 (b) A resident or nonresident owner of a nonmotorized vessel or inflatable motorboat is
126 exempt from the requirements of this section before launching or operating a
127 nonmotorized vessel or inflatable motorboat on the waters of this state only if the
128 nonmotorized vessel or inflatable motorboat is being launched or operated in a
129 geographic region, water body, facility, or water supply system that is not infested
130 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
133 (1); and

134 (ii) a nonresident shall pay the aquatic invasive species fee as described in Subsection
135 (2); and

136 (b) the resident or nonresident vessel owner shall successfully complete an aquatic
137 invasive species education course offered by the division.

138 (5) Notwithstanding the fee amount described in Subsections (1) and (2), the Wildlife
139 Board may increase resident and nonresident aquatic invasive species fees assessed
140 under this section, so long as:

141 (a) the aquatic invasive species fee for nonresidents described in Subsection (2) is no
142 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
145 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.

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
152 73-18-7 may pay the aquatic invasive species fee required under Section 23A-10-304 at
153 the time of registration or registration renewal. If the Division of Motor Vehicles
154 collects the registration fee and a person elects to pay the aquatic invasive species fee at
155 the same time, the payment of the aquatic invasive species fee under this section shall be:

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

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

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

161 (2) Notwithstanding Section 41-1a-116, the Division of Motor Vehicles shall report to the
162 Division of Wildlife Resources identifying information regarding a person who pays the
163 aquatic invasive species fee so that the Division of Wildlife Resources may provide a
164 decal to that person in accordance with Subsection 23A-10-201(6).
165

166 Section 5. **Effective date.**

167 This bill takes effect on May 7, 2025.