

Rex P. Shipp proposes the following substitute bill:

Aquatic Invasive Species Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor:

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- modifies provisions related to collection of annual aquatic invasive species fees, including repealing outdated language; and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

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-10-202**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 23A-10-301**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 23A-10-302**, as last amended by Laws of Utah 2024, Chapter 80
- 23A-10-303**, as 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

29 amended by Laws of Utah 2023, Chapter 103
 30 **23A-10-401**, as renumbered and amended by Laws of Utah 2023, Chapter 103
 31 **23A-10-501**, as renumbered and amended by Laws of Utah 2023, Chapter 103

32 REPEALS:

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

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.**

38 As used in this chapter:

- 39 (1)(a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may
 40 carry or contain [~~a Dreissena~~] an invasive mussel.
 41 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal
 42 watercraft, a container, a trailer, a live well, or a bilge area.
- 43 (2) "Decontaminate" means to:
 44 (a) drain and dry non-treated water; and
 45 (b) chemically or thermally treat in accordance with rule.
- 46 (3) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage or at death,
 47 including a zebra mussel, a quagga mussel, and Conrad's false mussel.
- 48 (4) "Equipment" means an article, tool, implement, or device capable of carrying or
 49 containing:
 50 (a) water; or
 51 (b) [~~a Dreissena~~] an invasive mussel.
- 52 (5) "Facility" means a structure that is located within or adjacent to a water body.
- 53 (6) "Infested water" means a geographic region, water body, facility, or water supply
 54 system within or outside the state that the Wildlife Board identifies in rule as carrying or
 55 containing [~~a Dreissena~~] an invasive mussel.
- 56 (7) "Inflatable motorboat" means a motorboat that is inflated before the motorboat is used
 57 or capable of being used as a means of transportation on water.
- 58 (8) "Invasive mussel" means a Dreissena mussel or Limnoperna mussel.
- 59 (9) "Limnoperna mussel" means a mussel of the genus Limnoperna at any life stage or at
 60 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

63 power.

64 [(7)] (12) "Vessel" means the same as that term is defined in Section 73-18-2.

65 [(8)] (13) "Water body" means natural or impounded surface water, including a stream,
66 river, spring, lake, reservoir, pond, wetland, tank, and fountain.

67 [(9)] (14)(a) "Water supply system" means a system that treats, conveys, or distributes
68 water for irrigation, industrial, waste water treatment, or culinary use.

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

70 (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.**

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

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

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

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

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

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

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

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

85 (a) is strictly liable;

86 (b) is guilty of an infraction; and

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

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

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

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

96 (6)(a)(i) The division shall provide a resident person who pays the aquatic invasive

97 species fee required by Subsection 23A-10-304(1)(a) an aquatic invasive species
 98 decal to be displayed on the vessel for which the aquatic invasive species fee is
 99 paid.

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

104 (b) A person shall display the aquatic invasive species decal obtained under this
 105 Subsection (6) on the bow of the vessel's port side six inches aft of the vessel's
 106 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
 110 to believe [~~a Dreissena~~] an invasive mussel may exist at a specific location shall
 111 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.**

115 To eradicate and prevent the infestation of [~~a Dreissena~~] an invasive mussel, the division
 116 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
 120 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
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
139 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
143 in violation of Section 23A-10-201; or
144 (b) the person transporting the conveyance or equipment refuses to submit to an
145 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
151 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
155 invasive mussel is present in a water body, a facility, or a water supply system, the
156 director or the director's designee may, with the concurrence of the executive director,
157 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
160 supply system; or
161 (c) a conveyance or equipment that is removed from or introduced to the water body,
162 facility, or water supply system to be inspected, quarantined, or decontaminated in a
163 manner and for a duration necessary to detect and prevent the infestation of [~~a~~
164 ~~Dreissena~~] an invasive mussel.

- 165 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the division shall:
166 (a) provide a written update to the operator of the water body, facility, or water supply
167 system every 10 days on the division's effort to address the [~~Dreissena~~] invasive
168 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
171 state, federal, or local agency that is affected by [~~a Dreissena~~] an invasive mussel
172 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
177 closure location, the director shall consult with the person with the jurisdiction, control,
178 or management responsibility over the water body, facility, or water supply system to
179 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
181 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
184 a water supply system.
185 (b)(i) If [~~a Dreissena~~] an invasive mussel is detected, the water supply system's
186 operator, in cooperation with the division, shall prepare and implement a plan to
187 control or eradicate [~~a Dreissena~~] an invasive mussel within the water supply
188 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~~]
193 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
196 advance in the method of controlling or eradicating [~~a Dreissena~~] an invasive
197 mussel.
- 198 (6)(a) The division may not close or quarantine a water supply system if the operator has

199 prepared and implemented a plan to control or eradicate [~~a Dreissena~~] an invasive
200 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
203 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 --**
206 **Rulemaking.**

207 (1)(a) Except as described in Subsection (3), there is imposed an annual resident aquatic
208 invasive species fee of \$20 on a vessel required to be registered under Section 73-18-7.

209 (b) The division shall:

210 (i) collect the aquatic invasive species fee imposed under Subsection (1)(a)[~~±~~] ;
211 [~~(A) in cooperation with the Division of Outdoor Recreation and in conjunction~~
212 ~~with the registration process described in Section 73-18-7; or]~~
213 [~~(B) through a division process if the vessel owner elects to not pay the aquatic~~
214 ~~invasive species fee in conjunction with the registration process;]~~

215 (ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species
216 Interdiction Account created in Section [~~23A-3-211~~] 79-2-706; and

217 (iii) administer the aquatic invasive species fee in accordance with this section.

218 (c) The aquatic invasive species fee imposed under this Subsection (1) is in addition to
219 and is separate from a registration fee described in Section 73-18-7.

220 (2)(a) Except as provided in Subsection (3), there is imposed an annual nonresident
221 aquatic invasive species fee of \$25 on a vessel to launch or operate a vessel in waters
222 of this state if:

223 (i) the vessel is owned by a nonresident; and

224 (ii) the vessel would otherwise be subject to registration requirements under Section
225 73-18-7 if the vessel were owned by a resident of this state.

226 (b) The division shall:

227 (i) collect and administer an aquatic invasive species fee described in Subsection
228 (2)(a) in accordance with this section; and

229 (ii) deposit the aquatic invasive species fee collected under this Subsection (2) into
230 the Aquatic Invasive Species Interdiction Account created in Section [~~23A-3-211~~]
231 79-2-706.

232 (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
 234 government agency; and ~~[the vessel is]~~
- 235 (ii) used within the course and scope of the duties of the government agency.
- 236 (b) A resident or nonresident owner of a nonmotorized vessel or inflatable motorboat is
 237 exempt from the requirements of this section before launching or operating a
 238 nonmotorized vessel or inflatable motorboat on the waters of this state only if the
 239 nonmotorized vessel or inflatable motorboat is being launched or operated in a
 240 geographic region, water body, facility, or water supply system that is not infested
 241 water.
- 242 (4) Before launching or operating a vessel on the waters of this state:
- 243 (a)(i) a resident shall pay the aquatic invasive species fee as described in Subsection
 244 (1); and
- 245 (ii) a nonresident shall pay the aquatic invasive species fee as described in Subsection
 246 (2); and
- 247 (b) the resident or nonresident vessel owner shall successfully complete an aquatic
 248 invasive species education course offered by the division.
- 249 (5) Notwithstanding the fee amount described in Subsections (1) and (2), the Wildlife
 250 Board may increase resident and nonresident aquatic invasive species fees assessed
 251 under this section, so long as:
- 252 (a) the aquatic invasive species fee for nonresidents described in Subsection (2) is no
 253 less than the resident aquatic invasive species fee described in Subsection (1); and
- 254 (b) the aquatic invasive species fee is confirmed in the legislative fee schedule.
- 255 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 256 Wildlife Board may make rules establishing procedures for:
- 257 (a) proof of payment and other methods of verifying compliance with this section;
- 258 (b) special requirements applicable on interstate water bodies in this state; and
- 259 (c) other provisions necessary for the administration of the program.
- 260 Section 8. Section **23A-10-401** is amended to read:
- 261 **23A-10-401 . Rulemaking authority.**
- 262 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 263 Wildlife Board may make rules that:
- 264 (1) establish the procedures and requirements for decontaminating a conveyance or
 265 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

- 267 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
- 270 by [~~Dreissena~~] invasive mussels;
- 271 (5) establish a procedure and protocol in cooperation with the Department of Transportation
- 272 for stopping, inspecting, detaining, and decontaminating a conveyance or equipment at a
- 273 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
- 279 Committee.
- 280 (b) "Emergency response plan" means the statewide aquatic invasive species emergency
- 281 response plan developed by the division in accordance with this part.
- 282 (2) The division shall develop a statewide aquatic invasive species emergency response
- 283 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
- 285 and private entities that may be necessary or helpful to remediating the potential spread
- 286 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
- 289 emergency response plan;
- 290 (b) provide for annual review of the emergency response plan by the division;
- 291 (c) provide that the emergency response plan may only be implemented if the division
- 292 detects aquatic invasive species, including [~~Dreissena~~] invasive mussels, at a water
- 293 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,
- 295 facility, or water supply system.
- 296 (5) If an event requires the implementation of the emergency response plan, the division
- 297 shall report on that event and the implementation of the emergency response plan to the
- 298 committee.

299 Section 10. **Repealer.**

300 This bill repeals:

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

302 Section 11. **Effective Date.**

303 This bill takes effect on May 7, 2025.