

Aquatic Invasive Species Amendments

2026 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 related to aquatic invasive species.

Highlighted Provisions:

This bill:

- defines terms, including defining "invasive mussel";
- 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;
- amends provisions related to a required aquatic invasive species education course;
- addresses vessels rented or leased from a boat livery, including modifying recordkeeping requirements for a boat livery;
- modifies provisions related to collection of annual aquatic invasive species fees, including repealing outdated language;
- addresses responsibilities of the Division of Law Enforcement and the Division of Wildlife Resources; and
- makes technical and conforming amendments.

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
amended by Laws of Utah 2023, Chapter 103
23A-10-401, as renumbered and amended by Laws of Utah 2023, Chapter 103
23A-10-501, as renumbered and amended by Laws of Utah 2023, Chapter 103
73-18-10, as last amended by Laws of Utah 2025, Chapter 302

ENACTS:

23A-10-306, Utah Code Annotated 1953

REPEALS:

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) "Boat livery" means the same as that term is defined in Section 73-18-2.

(2)(a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may
carry or contain ~~[a Dreissena]~~ an invasive mussel.

(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.

~~[(2)]~~ (3) "Decontaminate" means to:

(a) drain and dry non-treated water; ~~[and]~~ or

(b) chemically or thermally treat in accordance with rule.

(4) "Division," notwithstanding Section 23A-1-101, means the Division of Law
Enforcement within the department.

~~[(3)]~~ (5) "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.

~~[(4)]~~ (6) "Equipment" means an article, tool, implement, or device capable of carrying or
containing:

(a) water; or

(b) ~~[a Dreissena]~~ an invasive mussel.

~~[(5)]~~ (7) "Facility" means a structure that is located within or adjacent to a water body.

[(6)] (8) "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.

(9) "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.

(10) "Invasive mussel" means a Dreissena mussel or Limnoperna mussel.

(11) "Limnoperna mussel" means a mussel of the genus Limnoperna at any life stage or at death, including a golden mussel.

(12) "Motorboat" means the same as that term is defined in Section 73-18-2.

(13) "Nonmotorized vessel" means a vessel that is propelled on water solely by human power.

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

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

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

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

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

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

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

(1) Except as authorized in this title or a Wildlife Board rule or order or unless exempt under Subsection (7), a person may not:

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

(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;

(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

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

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

(2); and

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

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

(a) is strictly liable;

(b) is guilty of an infraction; and

(c) shall reimburse the state for the 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 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.

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

(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.

(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.

(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.

(7) A person renting or leasing a conveyance from a boat livery is subject to the requirements of this section except that the person is exempt from:

- (a) paying an aquatic invasive species fee required under Subsection 23A-10-304(1) or (2);
- (b) displaying an aquatic invasive species decal in accordance with Subsection (6); or
- (c) decontaminating a conveyance if the owner of the boat livery is required to decontaminate the conveyance under this section or Section 23A-10-306.

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

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

(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.

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

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

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:

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

(i) [~~highways~~] a highway, as defined in Section 72-1-102;

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

(iii) a publicly accessible:

(A) boat [~~ramps; and~~] ramp; or

(B) conveyance launch [~~sites~~] site; and

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

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

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

(iii) is stopped at an inspection station; or

(iv) is stopped at an administrative checkpoint;

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

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

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

(5) in coordination with the Division of Wildlife Resources that conducts biological sampling, inspect the following that may contain [~~a Dreissena~~] an invasive mussel:

(a) a water body;

(b) a facility; and

(c) a water supply system.

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

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

(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:

(a) the division, agent, natural resources officer, or peace officer:

(i) finds the conveyance or equipment contains [~~a Dreissena~~] an invasive mussel; or

(ii) reasonably believes that the person transporting the conveyance or equipment is in violation of Section 23A-10-201; or

(b) the person transporting the conveyance or equipment refuses to submit to an inspection authorized by Section 23A-10-301.

- (2) The detainment or quarantine authorized by Subsection (1) may continue for:
- (a) up to five days; or
 - (b) the period of time necessary to:
 - (i) decontaminate the conveyance or equipment; and
 - (ii) ensure that [~~a Dreissena~~] an invasive mussel is not living on or in the conveyance or equipment.

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

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

- (1) Except as provided by Subsection (6), if the [~~division~~] Division of Wildlife Resources 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:
- (a) the water body, facility, or water supply system closed to a conveyance or equipment;
 - (b) restricted access by a conveyance or equipment to a water body, facility, or water supply system; or
 - (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.
- (2) If a closure authorized by Subsection (1) lasts longer than seven days, the [~~division~~] Division of Wildlife Resources shall:
- (a) provide a written update to the operator of the water body, facility, or water supply system every 10 days on the [~~division's~~] Division of Wildlife Resources' effort to address the [~~Dreissena~~] invasive mussel infestation; and
 - (b) post the update on the [~~division's~~] Division of Wildlife Resources' website.
- (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.
- (b) The notification shall include:
 - (i) the reasons for the closure, quarantine, or restriction; and
 - (ii) methods for providing updated information to the agency.
- (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.

(5)(a) A person that operates a water supply system shall cooperate with the [division]

Division of Wildlife Resources to implement a measure to:

(i) avoid infestation by [~~a Dreissena~~] an invasive mussel; and

(ii) control or eradicate [~~a Dreissena~~] an invasive mussel infestation that may occur in a water supply system.

(b)(i) If [~~a Dreissena~~] an invasive mussel is detected, the water supply system's operator, in cooperation with the [division] Division of Wildlife Resources, shall prepare and implement a plan to control or eradicate [~~a Dreissena~~] an invasive mussel within the water supply system.

(ii) A plan required by Subsection (5)(b)(i) shall include a:

(A) method for determining the scope and extent of the infestation;

(B) method to control or eradicate the [~~Dreissena~~] invasive mussel;

(C) method to decontaminate the water supply system containing the [~~Dreissena~~] invasive mussel;

(D) systematic monitoring program to determine a change in the infestation; and

(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.

(6)(a) The [division] Division of Wildlife Resources 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).

(b)(i) The [division] Division of Wildlife Resources may require the operator to update a plan.

(ii) If the operator fails to update or revise a plan, the [division] Division of Wildlife Resources may close or quarantine the water supply system in accordance with this section.

Section 7. Section **23A-10-304** is amended to read:

23A-10-304 . Aquatic invasive species fee -- Exceptions -- Launching or operating a vessel -- Rulemaking.

(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.

(b) The division shall:

(i) collect the aquatic invasive species fee imposed under Subsection (1)(a)[~~;~~] ;

- 235 ~~[(A) in cooperation with the Division of Outdoor Recreation and in conjunction~~
236 ~~with the registration process described in Section 73-18-7; or]~~
237 ~~[(B) through a division process if the vessel owner elects to not pay the aquatic~~
238 ~~invasive species fee in conjunction with the registration process;]~~
239 (ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species
240 Interdiction Account created in Section ~~[23A-3-211]~~ 79-2-706; and
241 (iii) administer the aquatic invasive species fee in accordance with this section.
242 (c) The aquatic invasive species fee imposed under this Subsection (1) is in addition to
243 and is separate from a registration fee described in Section 73-18-7.
- 244 (2)(a) Except as provided in Subsection (3), there is imposed an annual nonresident
245 aquatic invasive species fee of \$25 on a vessel to launch or operate a vessel in waters
246 of this state if:
247 (i) the vessel is owned by a nonresident; and
248 (ii) the vessel would otherwise be subject to registration requirements under Section
249 73-18-7 if the vessel were owned by a resident of this state.
- 250 (b) The division shall:
251 (i) collect and administer an aquatic invasive species fee described in Subsection
252 (2)(a) in accordance with this section; and
253 (ii) deposit the aquatic invasive species fee collected under this Subsection (2) into
254 the Aquatic Invasive Species Interdiction Account created in Section ~~[23A-3-211]~~
255 79-2-706.
- 256 (3)(a) Subsections (1) and (2) do not apply if the vessel is:
257 (i) owned and operated by a [state or] federal, state, or political subdivision
258 government agency; and [the vessel is]
259 (ii) used within the course and scope of the duties of the government agency.
- 260 (b) A resident or nonresident owner or operator of a nonmotorized vessel or inflatable
261 motorboat is exempt from this section before launching or operating a nonmotorized
262 vessel or inflatable motorboat on the waters of this state only if the nonmotorized
263 vessel or inflatable motorboat is being launched or operated in a geographic region,
264 water body, facility, or water supply system that is not infested water.
- 265 (c) A person renting or leasing a vessel from a boat livery:
266 (i) is not required to pay the aquatic invasive species fee described in Subsection (1)
267 or (2); and
268 (ii) is required to complete an aquatic invasive species education course described in

- Subsection (4)(a)(ii) through the boat livery under Subsection 23A-10-306(2) unless exempt under Subsection (3)(b).
- (4)(a) Before launching or operating a vessel on the waters of this state:
- [(a)] (i)[(i)] (A) a resident owner shall pay the aquatic invasive species fee as described in Subsection (1); and
- [(ii)] (B) a nonresident owner shall pay the aquatic invasive species fee as described in Subsection (2); and
- [(b)] (ii) [~~the resident or nonresident vessel owner~~] an individual who is 12 years old or older who operates a vessel shall successfully complete once every calendar year an aquatic invasive species education course [offered] approved by the division.
- (b) The division shall approve proof of completion of the aquatic invasive species education course described in Subsection (4)(a)(ii) upon an individual successfully completing the aquatic invasive species education course. The proof of completion expires the day after December 31 in the calendar year in which the operator completes the aquatic invasive species education course.
- (c) An individual operating a vessel who is required to complete the aquatic invasive species education course described in Subsection (4)(a)(ii) shall provide the proof described in Subsection (4)(b) to a natural resources officer or other peace officer upon request.
- (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:
- (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
- (b) the aquatic invasive species fee is confirmed in the legislative fee schedule.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing procedures for:
- (a) proof of payment and other methods of verifying compliance with this section;
- (b) special requirements applicable on interstate water bodies in this state; and
- (c) other provisions necessary for the administration of the program.
- Section 8. Section **23A-10-306** is enacted to read:
- 23A-10-306 . Boat livery requirements.**
- (1) The owner of a boat livery or an employee, agent, or independent contractor of the

owner may not:

(a) knowingly, intentionally, or recklessly alter or misrepresent decontamination records, timelines, or devices;

(b) fail to decontaminate a conveyance or equipment when required to under Section 23A-10-201;

(c) fail to pay the annual aquatic invasive species fee as required in Section 23A-10-304;

(d) fail to display the aquatic invasive species decal as required in Section 23A-10-201;
or

(e) violate Subsection 73-18-10(1)(a)(iii).

(2) Before renting or leasing a conveyance, the owner of a boat livery shall:

(a) require the person renting or leasing the conveyance to complete the aquatic invasive species education course required in Subsection 23A-10-304(4), unless the person is exempt from the requirement under Subsection 23A-10-304(3); and

(b) provide the person renting or leasing the conveyance proof of completion of the aquatic invasive education course.

(3) A person who violates this section is guilty of a class B misdemeanor in accordance with Section 23A-5-301.

Section 9. Section **23A-10-401** is amended to read:

23A-10-401 . Rulemaking authority.

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

(1) establish the procedures and requirements for decontaminating a conveyance or equipment to prevent the introduction and infestation of [~~a-Dreissena~~] an invasive mussel;

(2) establish the requirements necessary to provide proof that a conveyance or equipment is decontaminated;

(3) establish the notification procedures required in Section 23A-10-303;

(4) identify the geographic area, water body, facility, or water supply system that is infested by [~~Dreissena~~] invasive mussels;

(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

(6) are necessary to administer and enforce this chapter.

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

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

- (1) As used in this section:
- (a) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee.
- (b) "Emergency response plan" means the statewide aquatic invasive species emergency response plan developed by the division in accordance with this part.
- (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.
- (3) In developing the emergency response plan, the division shall coordinate with the Division of Wildlife Resources and other public and private entities that may be necessary or helpful to remediating the potential spread of aquatic invasive species throughout the state.
- (4) The emergency response plan shall:
- (a) designate the division as the entity that coordinates the implementation of the emergency response plan;
- (b) provide for annual review of the emergency response plan by the division;
- (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
- (d) define what constitutes a detection of aquatic invasive species at a water body, facility, or water supply system.
- (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.

Section 11. Section **73-18-10** is amended to read:

73-18-10 . Owner of boat livery -- Duties.

- (1)(a) The owner of a boat livery shall keep a record of the following:
- (i) the name and address of the person hiring [~~any~~] a vessel;
- (ii) the identification number of the vessel;
- (iii) the date on which and the bodies of water on which the vessel is launched;
- (iv) the vessel's departure date and time; and
- (v) the vessel's expected time of return.
- (b) [~~The record shall be preserved-~~] The owner of a boat livery shall keep a record described in Subsection (1)(a) for at least one year.
- (2) Neither the owner of a boat livery nor the owner's agent, independent contractor, or

employee may permit ~~[any]~~ a vessel to depart from the premises of the boat livery unless the owner ~~[has equipped it]~~ :

(a) equips the vessel as required under this chapter ~~[and unless the owner has advised]~~ :
and

(b) advises the lessee or renter of the vessel of ~~[all rules promulgated under this chapter which]~~ the rules made under this chapter that the lessee or renter ~~[must]~~ shall obey.

(3) The owner of a boat livery and the owner's agent, independent contractor, or employee shall comply with Section 23A-10-306.

Section 12. **Repealer.**

This bill repeals:

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

Section 13. **Effective Date.**

This bill takes effect on May 6, 2026.