

1 **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- ▶ modifies provisions related to collection of annual aquatic invasive species fees, including repealing outdated language;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:**

27 **23A-10-101**, as renumbered and amended by Laws of Utah 2023, Chapter 103

28 **23A-10-201**, as last amended by Laws of Utah 2023, Chapter 244 and renumbered and
29 amended by Laws of Utah 2023, Chapter 103

30 **23A-10-202**, as renumbered and amended by Laws of Utah 2023, Chapter 103

31 **23A-10-301**, as renumbered and amended by Laws of Utah 2023, Chapter 103
32 **23A-10-302**, as last amended by Laws of Utah 2024, Chapter 80
33 **23A-10-303**, as renumbered and amended by Laws of Utah 2023, Chapter 103
34 **23A-10-304**, as last amended by Laws of Utah 2023, Chapter 244 and renumbered and
35 amended by Laws of Utah 2023, Chapter 103
36 **23A-10-401**, as renumbered and amended by Laws of Utah 2023, Chapter 103
37 **23A-10-501**, as renumbered and amended by Laws of Utah 2023, Chapter 103
38 **73-18-10**, as last amended by Laws of Utah 2025, Chapter 302

39 ENACTS:

40 **23A-10-306**, Utah Code Annotated 1953

41 REPEALS:

42 **73-18-25.3**, as enacted by Laws of Utah 2023, Chapter 244

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

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

46 **23A-10-101 . Definitions.**

47 As used in this chapter:

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

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

51 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal
52 watercraft, a container, a trailer, a live well, or a bilge area.

53 [(2)] (3) "Decontaminate" means to:

54 (a) drain and dry non-treated water; [and] or
55 (b) chemically or thermally treat in accordance with rule.

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

58 [(3)] (5) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage or at
59 death, including a zebra mussel, a quagga mussel, and Conrad's false mussel.

60 [(4)] (6) "Equipment" means an article, tool, implement, or device capable of carrying or
61 containing:

62 (a) water; or
63 (b) [a ~~Dreissena~~] an invasive mussel.

64 [(5)] (7) "Facility" means a structure that is located within or adjacent to a water body.

65 [({6})] (8) "Infested water" means a geographic region, water body, facility, or water supply
66 system within or outside the state that the Wildlife Board identifies in rule as carrying or
67 containing [a Dreissena] an invasive mussel.

68 (9) "Inflatable motorboat" means a motorboat that is inflated before the motorboat is used
69 or capable of being used as a means of transportation on water.

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

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

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

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

76 [({7})] (14) "Vessel" means the same as that term is defined in Section 73-18-2.

77 [({8})] (15) "Water body" means natural or impounded surface water, including a stream,
78 river, spring, lake, reservoir, pond, wetland, tank, [and] or fountain.

79 [({9})] (16)(a) "Water supply system" means a system that treats, conveys, or distributes
80 water for irrigation, industrial, waste water treatment, or culinary use.

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

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

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

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

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

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

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

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

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

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

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

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

98 (a) is strictly liable;

99 (b) is guilty of an infraction; and
100 (c) shall reimburse the state for the costs associated with detaining, quarantining, and
101 decontaminating the conveyance or equipment.

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

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

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

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

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

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

120 (7) A person renting or leasing a conveyance from a boat livery is subject to the
121 requirements of this section except that the person is exempt from:
122 (a) paying an aquatic invasive species fee required under Subsection 23A-10-304(1) or
123 (2);
124 (b) displaying an aquatic invasive species decal in accordance with Subsection (6); or
125 (c) decontaminating a conveyance if the owner of the boat livery is required to
126 decontaminate the conveyance under this section or Section 23A-10-306.

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

128 **23A-10-202 . Reporting of invasive species required.**

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

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

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

134 **23A-10-301 . Division's power to prevent invasive species infestation.**

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

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

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

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

141 (iii) a publicly accessible:

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

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

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

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

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

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

148 (iv) is stopped at an administrative checkpoint;

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

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

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

152 (5) in coordination with the Division of Wildlife Resources that conducts biological

153 sampling, inspect the following that may contain ~~[a Dreissena]~~ an invasive mussel:

154 (a) a water body;

155 (b) a facility; and

156 (c) a water supply system.

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

158 **23A-10-302 . Conveyance or equipment detainment or quarantine.**

159 (1) The division, a port-of-entry agent, a natural resources officer, or a peace officer may
160 detain or quarantine a conveyance or equipment if:

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

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

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

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

167 (2) The detainment or quarantine authorized by Subsection (1) may continue for:

168 (a) up to five days; or

169 (b) the period of time necessary to:

170 (i) decontaminate the conveyance or equipment; and

171 (ii) ensure that ~~[a Dreissena]~~ an invasive mussel is not living on or in the conveyance

172 or equipment.

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

174 **23A-10-303 . Closing a water body, facility, or water supply system.**

175 (1) Except as provided by Subsection (6), if the ~~[division]~~ Division of Wildlife Resources
176 detects or suspects ~~[a Dreissena]~~ an invasive mussel is present in a water body, a facility,
177 or a water supply system, the director or the director's designee may, with the
178 concurrence of the executive director, order:

179 (a) the water body, facility, or water supply system closed to a conveyance or equipment;

180 (b) restricted access by a conveyance or equipment to a water body, facility, or water
181 supply system; or

182 (c) a conveyance or equipment that is removed from or introduced to the water body,
183 facility, or water supply system to be inspected, quarantined, or decontaminated in a
184 manner and for a duration necessary to detect and prevent the infestation of ~~[a~~
185 ~~Dreissena]~~ an invasive mussel.

186 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the ~~[division]~~
187 Division of Wildlife Resources shall:

188 (a) provide a written update to the operator of the water body, facility, or water supply
189 system every 10 days on the ~~[division's]~~ Division of Wildlife Resources' effort to
190 address the ~~[Dreissena]~~ invasive mussel infestation; and

191 (b) post the update on the ~~[division's]~~ Division of Wildlife Resources' website.

192 (3)(a) The Wildlife Board shall develop procedures to ensure proper notification of a
193 state, federal, or local agency that is affected by ~~[a Dreissena]~~ an invasive mussel
194 infestation.

195 (b) The notification shall include:

196 (i) the reasons for the closure, quarantine, or restriction; and

197 (ii) methods for providing updated information to the agency.

198 (4) When deciding the scope, duration, level, and type of restriction or a quarantine or
199 closure location, the director shall consult with the person with the jurisdiction, control,
200 or management responsibility over the water body, facility, or water supply system to

201 avoid or minimize disruption of economic and recreational activity.

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

203 Division of Wildlife Resources to implement a measure to:

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

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

207 (b)(i) If [a ~~Dreissena~~] an invasive mussel is detected, the water supply system's

208 operator, in cooperation with the [division] Division of Wildlife Resources, shall
209 prepare and implement a plan to control or eradicate [a ~~Dreissena~~] an invasive
210 mussel within the water supply system.

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

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

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

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

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

217 (E) requirement to update or revise the plan in conformity with a scientific
218 advance in the method of controlling or eradicating [a ~~Dreissena~~] an invasive
219 mussel.

220 (6)(a) The [division] Division of Wildlife Resources may not close or quarantine a water

221 supply system if the operator has prepared and implemented a plan to control or
222 eradicate [a ~~Dreissena~~] an invasive mussel in accordance with Subsection (5).

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

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

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

229 **23A-10-304 . Aquatic invasive species fee -- Exceptions -- Launching or operating**
230 **a vessel -- Rulemaking.**

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

233 (b) The division shall:

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

[A] in cooperation with the Division of Outdoor Recreation and in conjunction with the registration process described in Section 73-18-7; or]

[B) through a division process if the vessel owner elects to not pay the aquatic invasive species fee in conjunction with the registration process;]

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

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

(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.

(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:

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

(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.

(b) The division shall:

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

(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.

(3)(a) Subsections (1) and (2) do not apply if the vessel is:

(i) owned and operated by a [state or] federal, state, or political subdivision government agency; and [the vessel is]

(ii) used within the course and scope of the duties of the government agency.

(b) A resident or nonresident owner or operator of a nonmotorized vessel or inflatable motorboat is exempt from 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.

(c) A person renting or leasing a vessel from a boat livery:

(i) is not required to pay the aquatic invasive species fee described in Subsection (1) or (2); and

(ii) is required to complete an aquatic invasive species education course described in

269 Subsection (4)(a)(ii) through the boat livery under Subsection 23A-10-306(2)
270 unless exempt under Subsection (3)(b).

271 (4)(a) Before launching or operating a vessel on the waters of this state:

272 [(a)] (i)[(i)] (A) a resident owner shall pay the aquatic invasive species fee as
273 described in Subsection (1); and

274 [(ii)] (B) a nonresident owner shall pay the aquatic invasive species fee as
275 described in Subsection (2); and

276 [(b)] (ii) ~~[the resident or nonresident vessel owner]~~ an individual who is 12 years old
277 or older who operates a vessel shall successfully complete once every calendar
278 year an aquatic invasive species education course [offered] approved by the
279 division.

280 (b) The division shall approve proof of completion of the aquatic invasive species
281 education course described in Subsection (4)(a)(ii) upon an individual successfully
282 completing the aquatic invasive species education course. The proof of completion
283 expires the day after December 31 in the calendar year in which the operator
284 completes the aquatic invasive species education course.

285 (c) An individual operating a vessel who is required to complete the aquatic invasive
286 species education course described in Subsection (4)(a)(ii) shall provide the proof
287 described in Subsection (4)(b) to a natural resources officer or other peace officer
288 upon request.

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

292 (a) the aquatic invasive species fee for nonresidents described in Subsection (2) is no
293 less than the resident aquatic invasive species fee described in Subsection (1); and
294 (b) the aquatic invasive species fee is confirmed in the legislative fee schedule.

295 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
296 Wildlife Board may make rules establishing procedures for:

297 (a) proof of payment and other methods of verifying compliance with this section;
298 (b) special requirements applicable on interstate water bodies in this state; and
299 (c) other provisions necessary for the administration of the program.

300 Section 8. Section **23A-10-306** is enacted to read:

301 **23A-10-306 . Boat livery requirements.**

302 (1) The owner of a boat livery or an employee, agent, or independent contractor of the

303 owner may not:

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

306 (b) fail to decontaminate a conveyance or equipment when required to under Section
307 23A-10-201;

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

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

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

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

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

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

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

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

321 **23A-10-401 . Rulemaking authority.**

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

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

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

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

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

331 (5) establish a procedure and protocol in cooperation with the Department of Transportation
332 for stopping, inspecting, detaining, and decontaminating a conveyance or equipment at a
333 port-of-entry in accordance with Section 23A-10-301; and

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

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

336 **23A-10-501 . Aquatic invasive species emergency response plan.**

337 (1) As used in this section:

338 (a) "Committee" means the Natural Resources, Agriculture, and Environment Interim
339 Committee.

340 (b) "Emergency response plan" means the statewide aquatic invasive species emergency
341 response plan developed by the division in accordance with this part.

342 (2) The division shall develop a statewide aquatic invasive species emergency response
343 plan to address the potential spread of aquatic invasive species throughout the state.

344 (3) In developing the emergency response plan, the division shall coordinate with the
345 Division of Wildlife Resources and other public and private entities that may be
346 necessary or helpful to remediating the potential spread of aquatic invasive species
347 throughout the state.

348 (4) The emergency response plan shall:

349 (a) designate the division as the entity that coordinates the implementation of the
350 emergency response plan;

351 (b) provide for annual review of the emergency response plan by the division;

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

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

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

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

361 **73-18-10 . Owner of boat livery -- Duties.**

362 (1)(a) The owner of a boat livery shall keep a record of the following:

363 (i) the name and address of the person hiring [any] a vessel;

364 (ii) the identification number of the vessel;

365 (iii) the date on which and the bodies of water on which the vessel is launched;

366 (iv) the vessel's departure date and time; and

367 (v) the vessel's expected time of return.

368 (b) [The record shall be preserved] The owner of a boat livery shall keep a record
369 described in Subsection (1)(a) for at least one year.

370 (2) Neither the owner of a boat livery nor the owner's agent, independent contractor, or

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

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

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

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

379 Section 12. **Repealer.**

380 This bill repeals:

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

382 Section 13. **Effective Date.**

383 This bill takes effect on May 6, 2026.