

Effective 7/1/2023

Chapter 10

Aquatic Invasive Species Interdiction

Part 1

General Provisions

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 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.
- (3) "Decontaminate" means to:
 - (a) drain and dry non-treated water; 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.
- (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.
- (6) "Equipment" means an article, tool, implement, or device capable of carrying or containing:
 - (a) water; or
 - (b) an invasive mussel.
- (7) "Facility" means a structure that is located within or adjacent to a water body.
- (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 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.
- (14) "Vessel" means the same as that term is defined in Section 73-18-2.
- (15) "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, or fountain.
- (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.

Amended by Chapter 403, 2026 General Session

Part 2

Invasive Species Prohibited

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 an invasive mussel;
 - (b) release, place, plant, or cause to be released, placed, or planted 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 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.

Amended by Chapter 403, 2026 General Session

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

- (1) A person who discovers an invasive mussel within this state or has reason to believe 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.

Amended by Chapter 403, 2026 General Session

**Part 3
Enforcement**

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

To eradicate and prevent the infestation of an invasive mussel, the division may:

- (1)
 - (a) establish inspection stations located at or along:
 - (i) a highway, as defined in Section 72-1-102;
 - (ii) 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 ramp; or
 - (B) conveyance launch 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 an invasive mussel:
 - (a) a water body;
 - (b) a facility; and
 - (c) a water supply system.

Amended by Chapter 403, 2026 General Session

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 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 an invasive mussel is not living on or in the conveyance or equipment.

Amended by Chapter 403, 2026 General Session

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

- (1) Except as provided by Subsection (6), if the Division of Wildlife Resources detects or suspects 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 an invasive mussel.
- (2) If a closure authorized by Subsection (1) lasts longer than seven days, the 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 of Wildlife Resources' effort to address the invasive mussel infestation; and
 - (b) post the update on the 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 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 of Wildlife Resources to implement a measure to:
 - (i) avoid infestation by an invasive mussel; and
 - (ii) control or eradicate an invasive mussel infestation that may occur in a water supply system.
 - (b)
 - (i) If an invasive mussel is detected, the water supply system's operator, in cooperation with the Division of Wildlife Resources, shall prepare and implement a plan to control or eradicate 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 invasive mussel;
 - (C) method to decontaminate the water supply system containing the 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 an invasive mussel.

- (6)
- (a) The 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 an invasive mussel in accordance with Subsection (5).
 - (b)
 - (i) The 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 of Wildlife Resources may close or quarantine the water supply system in accordance with this section.

Amended by Chapter 403, 2026 General Session

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);
 - (ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species Interdiction Account created in Section 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 79-2-706.
- (3)
- (a) Subsections (1) and (2) do not apply if the vessel is:
 - (i) owned and operated by a federal, state, or political subdivision government agency; and
 - (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.
 - (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 Subsection (4)(a)(ii) through the boat livery under Subsection 23A-10-306(2) unless exempt under Subsection (3)(b) or Subsection 23A-10-306(3).

- (4)
- (a) Before launching or operating a vessel on the waters of this state:
 - (i)
 - (A) a resident owner shall pay the aquatic invasive species fee as described in Subsection (1); and
 - (B) a nonresident owner shall pay the aquatic invasive species fee as described in Subsection (2); and
 - (ii) 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 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.
 - (d) An individual operating a vessel is not required to complete the aquatic invasive species education course described in Subsection (4)(a)(ii) if:
 - (i) the individual is operating the vessel on the Great Salt Lake; and
 - (ii) while operating the vessel the individual is engaged in an activity authorized by a certificate of registration to harvest brine shrimp and brine shrimp eggs issued by the Division of Wildlife Resources.
- (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.

Amended by Chapter 403, 2026 General Session

23A-10-305 Removal of drain plug or similar device during transport.

- (1) Before transporting a conveyance on a highway, as defined in Section 72-1-102, in the state, a person shall:
- (a) remove the plugs and similar devices that prevent drainage of raw water systems on the conveyance; and
 - (b) to the extent feasible, drain the water from live wells, bilges, ballast tanks, or similar compartments on the conveyance.
- (2) A person who fails to comply with Subsection (1) is guilty of a class C misdemeanor.

Renumbered and Amended by Chapter 103, 2023 General Session

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 (3) or 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) An owner of a boat livery is exempt from Subsection (2) if the owner of the boat livery or person renting or leasing a conveyance does not transport on a highway the conveyance after being rented or leased and before the conveyance is used by the person renting or leasing the conveyance.
 - (b) An owner of a boat livery is exempt from Subsection (2) if:
 - (i) the conveyance being rented or leased is transported by the owner of the boat livery to a water body;
 - (ii) the person renting or leasing the conveyance does not operate the conveyance;
 - (iii) the owner of the boat livery rents or leases the conveyance under the condition that the livery owner, the livery owner's agent, an independent contractor, or employee of the livery owner operates the conveyance; and
 - (iv) the person operating the conveyance under this Subsection (3)(b) has taken the aquatic invasive species education course as required in Subsection 23A-10-303(4).
- (4) A person who violates this section is guilty of a class B misdemeanor in accordance with Section 23A-5-301.

Enacted by Chapter 403, 2026 General Session

**Part 4
Administration**

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 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 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.

Amended by Chapter 403, 2026 General Session

Part 5

Statewide Aquatic Invasive Species Emergency Response Plan

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 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.

Amended by Chapter 403, 2026 General Session