

STATE LANDS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies provisions relating to activities on state lands surrounding Bear Lake.

Highlighted Provisions:

This bill:

- ▶ modifies criminal provisions relating to the use of a motor vehicle on state lands surrounding Bear Lake; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

65A-3-1, as last amended by Laws of Utah 2012, Chapter 339

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

Section 1. Section **65A-3-1** is amended to read:

65A-3-1. Trespassing on state lands -- Penalties.

(1) As used in this section:

(a) "Anchored" is as defined in Section 73-18-2.



- 28 (b) "Beached" is as defined in Section 73-18-2.
- 29 (c) "Vessel" is as defined in Section 73-18-2.
- 30 (2) A person is guilty of a class B misdemeanor and liable for the civil damages
- 31 prescribed in Subsection (4) if, without written authorization from the division, the person:
- 32 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
- 33 soil, vegetation, or improvement on state lands;
- 34 (b) grazes livestock on state lands;
- 35 (c) uses, occupies, or constructs improvements or structures on state lands;
- 36 (d) uses or occupies state lands for more than 30 days after the cancellation or
- 37 expiration of written authorization;
- 38 (e) knowingly and willfully uses state lands for commercial gain;
- 39 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
- 40 or paleontological resource on state lands;
- 41 (g) camps on the beds of navigable lakes or rivers except in posted and designated
- 42 areas;
- 43 (h) camps on sovereign land for longer than 15 consecutive days at the same location
- 44 or within one mile of the same location;
- 45 (i) camps on sovereign land for 15 consecutive days, and then returns to camp at the
- 46 same location before 15 consecutive days have elapsed after the day on which the person left
- 47 that location;
- 48 (j) leaves an anchored or beached vessel unattended for longer than 48 hours on
- 49 sovereign land or navigable lakes or rivers;
- 50 (k) anchors or beaches a vessel for longer than 72 hours at the same location, on
- 51 sovereign land or navigable lakes or rivers, and then fails to move the vessel at least two miles
- 52 from that location; or
- 53 (l) parks or operates motor vehicles on the beds of navigable lakes and rivers except in
- 54 those areas supervised by the Division of Parks and Recreation or other state or local
- 55 enforcement entity and which are posted as open to vehicle use.
- 56 (3) A person is guilty of a class C misdemeanor and liable for civil damages
- 57 ~~prescribed~~ described in Subsection (4) if, on state lands surrounding Bear Lake and without
- 58 written authorization of the division, the person ~~[is in violation of any of the following~~

59 regarding Bear Lake]:

60 (a) ~~[From October 1 through April 30, motor vehicle use and camping or picnicking~~
 61 ~~are allowed]~~ parks or operates a motor vehicle in an area on the exposed lake bed~~;~~~~except~~
 62 ~~that:]~~ that is not specifically posted by the division as open for usage;

63 ~~[(i) motor vehicles are not allowed on lands administered by the Division of Parks and~~
 64 ~~Recreation;]~~

65 ~~[(ii) the speed limit is 20 miles per hour;]~~

66 ~~[(iii) except as necessary to launch or retrieve watercraft, motor vehicles are not~~
 67 ~~allowed within 100 feet of the water's edge; and]~~

68 (b) launches or retrieves a watercraft in an area not specifically designated by the
 69 division as open for launching or retrieving watercraft;

69a **H→ (c) except as permitted by the division, launches or retrieves a watercraft in an area**
 69b **adjacent to a person's private property;**

70 ~~[(c)] (d) ←H~~ exceeds a speed limit of 15 miles per hour while operating a motor vehicle;

71 **H→ [(d)] (e) ←H** except as necessary while launching or retrieving watercraft, parks or
 71a operates a

72 motor vehicle within an area between the water's edge and a line posted by the division;

73 ~~[(iv)] H→ [(c)] (f) ←H~~ except as permitted and posted by the division, travels in a
 73a motor vehicle

74 ~~[travel] parallel to the water's edge [is allowed, except within 100 feet of the water's edge.];~~

75 ~~[(b) From May 1 through September 30, motor vehicle use and camping or picnicking~~
 76 ~~are allowed on the exposed lake bed, except that:]~~

77 ~~[(i) motorized vehicle usage is not allowed in areas specifically posted prohibiting~~
 78 ~~usage;]~~

79 ~~[(ii) the established speed limit is 15 miles per hour;]~~

80 ~~[(iii) except as necessary to launch or retrieve watercraft, motor vehicles are not~~
 81 ~~allowed within 100 feet of the water's edge;]~~

82 ~~[(iv) unless posted, no motor vehicles may travel parallel to the water's edge;]~~

83 ~~[(v) camping and use of motorized vehicles are prohibited]~~

84 **H→ [(f)] (g) ←H** parks or operates a motor vehicle between the hours of 10 p.m.
 84a and 7 a.m.; [and] or

85 ~~[(vi) no campfires or fireworks are allowed.]~~

86 **H→ [(g)] (h) ←H** starts a campfire or uses fireworks.

87 (4) A person who commits any act described in Subsection (2) or (3) is liable for
 88 damages in the amount of:

89 (a) three times the value of the mineral or other resource removed, destroyed, or

90 extracted;

91 (b) three times the value of damage committed; or

92 (c) three times the consideration which would have been charged by the division for
93 use of the land during the period of trespass.

94 (5) In addition to the damages described in Subsection (4), a person found guilty of a
95 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section
96 76-3-204.

97 (6) Money collected under this section shall be deposited in the fund in which similar
98 revenues from that land would be deposited.

Legislative Review Note
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Office of Legislative Research and General Counsel