

STATE SOVEREIGN LANDS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies provisions regarding state lands and the Division of Forestry, Fire, and State Lands.

Highlighted Provisions:

This bill:

- ▶ modifies trespassing provisions on state lands;
- ▶ repeals the "Leaf It To Us Children's Crusade for Trees" program; 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 2015, Chapters 95 and 390

REPEALS:

65A-8-104, as renumbered and amended by Laws of Utah 2007, Chapter 136

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

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



28 **65A-3-1. Trespassing on state lands -- Penalties.**

29 (1) As used in this section:

30 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

31 (b) "Beached" means the same as that term is defined in Section 73-18-2.

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

33 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

34 (2) A person is guilty of a class B misdemeanor and liable for the civil damages
35 prescribed in Subsection (4) if, without written authorization from the division, the person:36 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
37 soil, vegetation, or improvement on state lands;

38 (b) grazes livestock on state lands;

39 (c) uses, occupies, or constructs improvements or structures on state lands;

40 (d) uses or occupies state lands for more than 30 days after the cancellation or
41 expiration of written authorization;

42 (e) knowingly and willfully uses state lands for commercial gain;

43 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
44 or paleontological resource on state lands;45 (g) starts ~~[a campfire or camps on the bed of a navigable lake or river]~~ or maintains a
46 fire on state lands except in a posted and designated area;

47 (h) camps on state lands, except in posted or designated areas;

48 (i) camps on state lands for longer than 15 consecutive days at the same location or
49 within one mile of the same location;50 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same
51 location before 15 consecutive days have elapsed after the day on which the person left that
52 location;53 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on
54 ~~[sovereign land or navigable lakes or rivers]~~ state lands;55 (l) anchors or beaches a vessel on state lands at the same location for longer than 72
56 hours or within two miles of the same location for longer than 72 hours;57 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and
58 then returns to anchor or beach the vessel at the same location or within two miles of the same

59 location before 72 hours have elapsed after the day on which the person left that location;

60 ~~[(†)]~~ (n) posts a sign claiming state land as private property; ~~[or]~~

61 ~~[(m)]~~ (o) prohibits, prevents, or obstructs public entry to state land where public entry
62 is authorized by the division~~[-]; or~~

63 ~~[(n)]~~ anchors or beaches a vessel for longer than 72 hours at the same location, on
64 sovereign land or navigable lakes or rivers, and then fails to move the vessel at least two miles
65 from that location; or]

66 ~~[(o)]~~ (p) parks or operates a motor ~~[vehicles]~~ vehicle on the ~~[beds]~~ bed of a navigable
67 ~~[lakes and rivers]~~ lake or river except in those areas:

68 (i) supervised by the Division of Parks and Recreation or another state or local
69 enforcement entity; and

70 (ii) which are posted as open to vehicle use.

71 (3) A person is guilty of a class C misdemeanor and liable for civil damages described
72 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of
73 the division, the person:

74 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is
75 specifically posted by the division as closed for usage;

76 (b) camps, except in an area that is posted and designated as open to camping;

77 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;

78 (d) drives recklessly while operating a motor vehicle;

79 (e) parks or operates a motor vehicle within an area between the water's edge and 100
80 feet of the water's edge except as necessary to:

81 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a
82 motorboat;

83 (ii) transport an individual with limited mobility; or

84 (iii) deposit or retrieve equipment to a beach site;

85 (f) travels in a motor vehicle parallel to the water's edge:

86 (i) in areas designated by the division as closed;

87 (ii) a distance greater than 500 yards; or

88 (iii) for purposes other than travel to or from a beach site;

89 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

90 (h) starts a campfire or uses fireworks.

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

93 (a) three times the value of the mineral or other resource removed, destroyed, or
94 extracted;

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

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

98 (5) In addition to the damages described in Subsection (4), a person found guilty of a
99 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section
100 [76-3-204](#).

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

103 **Section 2. Repealer.**

104 This bill repeals:

105 Section [65A-8-104](#), **Leaf-It-To-Us Children's Crusade for Trees program created --**

106 **Purpose -- Matching funds.**

Legislative Review Note
Office of Legislative Research and General Counsel