

BOAT FEES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires resident and nonresident boaters to pay an aquatic invasive species mitigation fee before operating a boat on waters in Utah.

Highlighted Provisions:

This bill:

- ▶ creates the aquatic invasive species mitigation fee, requiring resident and nonresident boaters to pay a fee in order to operate a boat on waters in Utah;
- ▶ requires boaters to complete an education course;
- ▶ moves the statutory language requiring resident boaters to pay a fee for aquatic invasive species mitigation;
- ▶ creates the Aquatic Invasive Species Interdiction Account;
- ▶ grants rulemaking authority to the Wildlife Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

73-18-22, as last amended by Laws of Utah 2015, Chapter 36



28 ENACTS:

29 [23-27-304](#), Utah Code Annotated 1953

30 [23-27-305](#), Utah Code Annotated 1953

31 REPEALS:

32 [73-18-26](#), as enacted by Laws of Utah 2015, Chapter 36



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

35 Section 1. Section [23-27-304](#) is enacted to read:

36 **[23-27-304. Aquatic invasive species fee.](#)**

37 (1) (a) In addition to the registration fee imposed under Section [73-18-7](#), there is
38 imposed a resident aquatic invasive species mitigation fee of \$10 on each conveyance required
39 to be registered under Section [73-18-7](#).

40 (b) The fee imposed under Subsection (1)(a) shall be deposited in the Aquatic Invasive
41 Species Account created in Section [23-27-305](#).

42 (2) (a) Except as provided in Subsection (2)(b), there is imposed a nonresident aquatic
43 invasive species fee of \$20 on each conveyance in order to launch or operate a conveyance in
44 waters of this state if:

45 (i) the conveyance is owned by a nonresident; and

46 (ii) the conveyance would otherwise be subject to boater registration requirements
47 under Section [73-18-7](#) if the conveyance were owned by a resident of this state.

48 (b) The provisions of Subsection (2)(a) do not apply if the conveyance is owned and
49 operated by a state or federal government agency and the conveyance is used within the course
50 and scope of the duties of the agency.

51 (c) The fee imposed under Subsection (2)(a) shall be deposited into the Aquatic
52 Invasive Species Interdiction Account created in Section [23-27-305](#).

53 (3) Before paying a resident or nonresident aquatic invasive species fee as described in
54 Subsection (1) or (2), a conveyance operator shall first successfully complete an aquatic
55 invasive species education course offered by the division.

56 (4) The board may increase fees assessed under Subsections (1) and (2), so long as:

57 (a) the fee for nonresidents described in Subsection (2) is no less than the resident fee
58 described in Subsection (1); and

59 (b) the fee is confirmed in the legislative fee schedule.

60 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
61 board may make rules establishing procedures for:

62 (a) proof of payment and other methods of verifying compliance with this section;

63 (b) special requirements applicable on interstate water bodies in this state; and

64 (c) other provisions necessary for the administration of the program.

65 Section 2. Section **23-27-305** is enacted to read:

66 **23-27-305. Aquatic Invasive Species Interdiction Account.**

67 (1) There is created within the General Fund a restricted account known as the Aquatic
68 Invasive Species Interdiction Account.

69 (2) The restricted account shall consist of:

70 (a) resident and nonresident aquatic invasive species fees collected under Section
71 23-27-304; and

72 (b) any other amount deposited in the restricted account from donations,
73 appropriations, contractual agreements, and accrued interest.

74 (3) The division shall use the fees collected under Section 23-27-305 and deposited in
75 the Aquatic Invasive Species Account to fund aquatic invasive species prevention and
76 containment efforts.

77 (4) Revenues deposited into the restricted account are considered nonlapsing.

78 (5) The Division of Finance shall transfer all aquatic invasive species fees remaining in
79 the Boating Account as of June 30, 2020 to the Aquatic Invasive Species Interdiction Account
80 effective July 1, 2020.

81 Section 3. Section **73-18-22** is amended to read:

82 **73-18-22. Boating Account created -- Contents -- Use of money.**

83 (1) There is created within the General Fund a restricted account known as the Boating
84 Account.

85 (2) The restricted account shall consist of[:(a)], except as provided under Sections
86 73-18-24 and 73-18-25, all registration fees and related money collected by the division or an
87 authorized agent, less the costs of collecting motorboat and sailboat registration fees by an
88 authorized agent[; and].

89 [~~(b) aquatic invasive species mitigation fees collected under Section 73-18-26.~~]

90 (3) The amount retained by an authorized agent under Subsection (2)~~[(a)]~~ may not
91 exceed 20% of the fees charged in Section 73-18-7.

92 (4) ~~[Except as provided in Subsection (5), money]~~ Money in the Boating Account may
93 be used for:

94 (a) the construction, improvement, operation, and maintenance of publicly owned
95 boating facilities;

96 (b) boater education; and

97 (c) the payment of the costs and expenses of the division in administering and
98 enforcing this chapter.

99 ~~[(5) Fees collected under Section 73-18-26 and deposited into the Boating Account
100 shall be used for aquatic invasive species interdiction.]~~

101 Section 4. **Repealer.**

102 This bill repeals:

103 Section 73-18-26, **Aquatic invasive species fee -- Amount -- Deposit.**

104 Section 5. **Effective date.**

105 This bill takes effect on July 1, 2020.