

**Senator David P. Hinkins** proposes the following substitute bill:

**BOAT FEES AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Waldrip**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ creates the aquatic invasive species mitigation fee, requiring resident and nonresident owners of certain vessels to pay a fee in order to operate a boat on waters in Utah;
- ▶ requires owners of certain vessels to complete an education course;
- ▶ requires the Division of Wildlife Resources to study the feasibility of a program for automated monitoring and record keeping of the decontamination or entry of vessels into the waters of this state;
- ▶ requires the Division of Wildlife Resources to report on the study and implement a pilot program;
- ▶ moves the statutory language requiring resident vessel owners to pay a fee for aquatic invasive species mitigation;
- ▶ creates the Aquatic Invasive Species Interdiction Account;
- ▶ grants rulemaking authority to the Wildlife Board;



26           ▶ requires a person to remove all plugs and similar devices and to drain water systems  
27 on a conveyance before transporting the conveyance on a highway in the state;

28           ▶ permits the division to temporarily stop, detain, and inspect a conveyance that the  
29 division reasonably believes has not complied with the draining requirements; and

30           ▶ makes technical changes.

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37           **23-27-102**, as enacted by Laws of Utah 2008, Chapter 284

38           **23-27-301**, as last amended by Laws of Utah 2014, Chapter 274

39           **73-18-22**, as last amended by Laws of Utah 2015, Chapter 36

40 ENACTS:

41           **23-27-304**, Utah Code Annotated 1953

42           **23-27-305**, Utah Code Annotated 1953

43           **23-27-306**, Utah Code Annotated 1953

44 REPEALS:

45           **73-18-26**, as enacted by Laws of Utah 2015, Chapter 36



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

48           Section 1. Section **23-27-102** is amended to read:

49           **23-27-102. Definitions.**

50           As used in this chapter:

51           (1) "Board" means the Wildlife Board.

52           (2) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may  
53 carry or contain a Dreissena mussel.

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

56           (3) "Decontaminate" means to:

- 57 (a) drain and dry all non-treated water; and
- 58 (b) chemically or thermally treat in accordance with rule.
- 59 (4) "Director" means the director of the division.
- 60 (5) "Division" means the Division of Wildlife Resources.
- 61 (6) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage,
- 62 including a zebra mussel, a quagga mussel, and Conrad's false mussel.
- 63 (7) "Equipment" means an article, tool, implement, or device capable of carrying or
- 64 containing:
- 65 (a) water; or
- 66 (b) a Dreissena mussel.
- 67 (8) "Executive director" means the executive director of the Department of Natural
- 68 Resources.
- 69 (9) "Facility" means a structure that is located within or adjacent to a water body.
- 70 (10) "Infested water" means a geographic region, water body, facility, or water supply
- 71 system within or outside the state that the board identifies in rule as carrying or containing a
- 72 Dreissena mussel.
- 73 (11) "Vessel" means the same as that term is defined in Section 73-18-2.
- 74 ~~[(H)]~~ (12) "Water body" means natural or impounded surface water, including a
- 75 stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.
- 76 ~~[(I2)]~~ (13) (a) "Water supply system" means a system that treats, conveys, or
- 77 distributes water for irrigation, industrial, waste water treatment, or culinary use.
- 78 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.
- 79 (c) "Water supply system" does not include a water body.
- 80 Section 2. Section **23-27-301** is amended to read:
- 81 **23-27-301. Division's power to prevent invasive species infestation.**
- 82 To eradicate and prevent the infestation of a Dreissena mussel, the division may:
- 83 (1) (a) establish inspection stations located at or along:
- 84 (i) highways, as defined in Section [72-1-102](#);
- 85 (ii) ports of entry, if the Department of Transportation authorizes the division to use the
- 86 port of entry; and
- 87 (iii) publicly accessible:

- 88 (A) boat ramps; and
- 89 (B) conveyance launch sites; and
- 90 (b) temporarily stop, detain, and inspect a conveyance or equipment that:
- 91 (i) the division reasonably believes is in violation of Section [23-27-201](#);
- 92 (ii) the division reasonably believes is in violation of Section [23-27-306](#);
- 93 ~~[(ii)]~~ (iii) is stopped at an inspection station; or
- 94 ~~[(iii)]~~ (iv) is stopped at an administrative checkpoint;
- 95 (2) conduct an administrative checkpoint in accordance with Section [77-23-104](#);
- 96 (3) detain and quarantine a conveyance or equipment as provided in Section
- 97 [23-27-302](#);
- 98 (4) order a person to decontaminate a conveyance or equipment; and
- 99 (5) inspect the following that may contain a Dreissena mussel:
- 100 (a) a water body;
- 101 (b) a facility; and
- 102 (c) a water supply system.

103 Section 3. Section **23-27-304** is enacted to read:

104 **23-27-304. Aquatic invasive species fee.**

105 (1) (a) There is imposed a resident aquatic invasive species fee of \$10 on each vessel

106 required to be registered under Section [73-18-7](#).

107 (b) The division shall administer and collect the fee described in Subsection (1)(a), and

108 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in

109 Section [23-27-305](#).

110 (2) (a) Except as provided in Subsection (2)(b), there is imposed a nonresident aquatic

111 invasive species fee of \$20 on each vessel in order to launch or operate a vessel in waters of

112 this state if:

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

114 (ii) the vessel would otherwise be subject to registration requirements under Section

115 [73-18-7](#) if the vessel were owned by a resident of this state.

116 (b) The provisions of Subsection (2)(a) do not apply if the vessel is owned and

117 operated by a state or federal government agency and the vessel is used within the course and

118 scope of the duties of the agency.

119 (c) The division shall administer and collect the fee described in Subsection (2)(a), and  
120 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in  
121 Section 23-27-305.

122 (3) Before launching a vessel on the waters of this state, a resident or nonresident shall  
123 pay the aquatic invasive species fee as described in Subsection (1) or (2), and the vessel owner  
124 shall successfully complete an aquatic invasive species education course offered by the  
125 division.

126 (4) (a) The division shall study options and feasibility of implementing an automated  
127 system capable of scanning, photographing, and providing real-time information regarding a  
128 conveyance's or equipment's:

129 (i) last entry into a body of water; and

130 (ii) last decontamination.

131 (b) The study described in Subsection (4)(a) shall evaluate the system's capability of:

132 (i) operation with or without the use or supervision of personnel;

133 (ii) operation 24 hours per day;

134 (iii) capturing a state assigned number on a vessel or conveyance as described in  
135 Section 73-18-6;

136 (iv) preserving photographic evidence of:

137 (A) a conveyance's state assigned bow number;

138 (B) a conveyance's or equipment's entry into a body of water, including the global  
139 positioning system location of where the conveyance is photographed; and

140 (C) decontamination of the conveyance or equipment;

141 (v) identifying a conveyance or equipment not owned by a resident that is entering a  
142 body of water in this state; and

143 (vi) collecting the fee described in Subsection (1) or (2).

144 (c) The division shall present a report of the study and findings described in  
145 Subsections (4)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim  
146 Committee before November 30, 2020.

147 (d) Based on the findings of the study described in this Subsection (4), the division  
148 shall implement a pilot program to provide the services described in this Subsection (4) on or  
149 before May 1, 2021.

- 150 (5) The board may increase fees assessed under Subsections (1) and (2), so long as:  
151 (a) the fee for nonresidents described in Subsection (2) is no less than the resident fee  
152 described in Subsection (1); and  
153 (b) the fee is confirmed in the legislative fee schedule.  
154 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
155 board may make rules establishing procedures for:  
156 (a) proof of payment and other methods of verifying compliance with this section;  
157 (b) special requirements applicable on interstate water bodies in this state; and  
158 (c) other provisions necessary for the administration of the program.

159 Section 4. Section **23-27-305** is enacted to read:

160 **23-27-305. Aquatic Invasive Species Interdiction Account.**

- 161 (1) There is created within the General Fund a restricted account known as the Aquatic  
162 Invasive Species Interdiction Account.  
163 (2) The restricted account shall consist of:  
164 (a) resident and nonresident aquatic invasive species fees collected under Section  
165 23-27-304; and  
166 (b) any other amount deposited in the restricted account from donations,  
167 appropriations, contractual agreements, and accrued interest.  
168 (3) Upon appropriation, the division shall use the fees collected under Section  
169 23-27-305 and deposited in the Aquatic Invasive Species Account to fund aquatic invasive  
170 species prevention and containment efforts.

171 Section 5. Section **23-27-306** is enacted to read:

172 **23-27-306. Removal of drain plug or similar device during transport.**

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

181 Section 6. Section 73-18-22 is amended to read:

182 **73-18-22. Boating Account created -- Contents -- Use of money.**

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

185 (2) The restricted account shall consist of~~[-(a)]~~, except as provided under Sections  
186 73-18-24 and 73-18-25, all registration fees and related money collected by the division or an  
187 authorized agent, less the costs of collecting motorboat and sailboat registration fees by an  
188 authorized agent~~[-and]~~.

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

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

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

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

196 (b) boater education; and

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

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

201 Section 7. **Repealer.**

202 This bill repeals:

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

204 Section 8. **Effective date.**

205 This bill takes effect on July 1, 2020.