

# HB0317S01 compared with HB0317

~~{deleted text}~~ shows text that was in HB0317 but was deleted in HB0317S01.

inserted text shows text that was not in HB0317 but was inserted into HB0317S01.

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~~{OFF-HIGHWAY VEHICLE}~~ Senator DUGHER. Owens proposes the following substitute bill:

## SOVEREIGN LANDS TRESPASSING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill adds a definition for "motor vehicle" to the statute prohibiting trespassing on ~~{state lands}~~ the bed of a navigable lake or river.

#### Highlighted Provisions:

This bill:

- ▶ clarifies that "motor vehicle" includes an off-highway vehicle in the context of prohibiting operation of a motor vehicle on the bed of a navigable lake or river; and
- ▶ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

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### Utah Code Sections Affected:

AMENDS:

**65A-3-1**, as last amended by Laws of Utah 2021, Chapter 280

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*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" means the same as that term is defined in Section 73-18-2.
- (b) "Beached" means the same as that term is defined in Section 73-18-2.
- (c) "Motorboat" means the same as that term is defined in Section 73-18-2.
- (d) "Motor vehicle" means the same as that term is defined in Section 41-22-2.
- ~~[(d)]~~ (e) "Vessel" means the same as that term is defined in Section 73-18-2.

(2) A person is guilty of a class B misdemeanor and liable for the civil damages prescribed in Subsection (4) if, without written authorization from the division, the person:

- (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand, soil, vegetation, or improvement on state lands;
- (b) grazes livestock on state lands;
- (c) uses, occupies, or constructs improvements or structures on state lands;
- (d) uses or occupies state lands for more than 30 days after the cancellation or expiration of written authorization;
- (e) knowingly and willfully uses state lands for commercial gain;
- (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological, or paleontological resource on state lands;
- (g) starts or maintains a fire on state lands except in a posted and designated area;
- (h) camps on state lands, except in posted or designated areas;
- (i) camps on state lands for longer than 15 consecutive days at the same location or within one mile of the same location;
- (j) camps on state lands for 15 consecutive days, and then returns to camp at the same location before 15 consecutive days have elapsed after the day on which the person left that location;

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(k) leaves an anchored or beached vessel unattended for longer than 48 hours on state lands;

(l) anchors or beaches a vessel on state lands at the same location for longer than 72 hours or within two miles of the same location for longer than 72 hours;

(m) anchors or beaches a vessel on state lands at the same location for 72 hours, and then returns to anchor or beach the vessel at the same location or within two miles of the same location before 72 hours have elapsed after the day on which the person left that location;

(n) posts a sign claiming state land as private property;

(o) prohibits, prevents, or obstructs public entry to state land where public entry is authorized by the division; or

(p) parks or operates a motor vehicle on the bed of a navigable lake or river except in those areas:

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

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

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

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

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

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

(d) drives recklessly while operating a motor vehicle;

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

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

(ii) transport an individual with limited mobility; or

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

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

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

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- (ii) a distance greater than 500 yards; or
- (iii) for purposes other than travel to or from a beach site;
- (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or
- (h) starts a campfire or uses fireworks.

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

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

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

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

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

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