

**AQUATIC INVASIVE SPECIES AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill addresses aquatic invasive species issues.

**Highlighted Provisions:**

This bill:

- requires the payment of a fee and display of an aquatic invasive species decal before launching or operating a vessel;

- addresses the display of an aquatic invasive species decal obtained by payment of a fee;

- addresses the imposition of resident and nonresident fees, including clarifying that a resident aquatic invasive species fee is separate from a registration fee;

- requires certain vessel owners to complete an education course;

- repeals outdated language and certain language related to the resident aquatic invasive species fee; and

- makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28            **23-27-201**, as last amended by Laws of Utah 2014, Chapter 274

29            **23-27-304**, as enacted by Laws of Utah 2020, Chapter 195

30            **23-27-305**, as enacted by Laws of Utah 2020, Chapter 195

31 REPEALS:

32            **73-18-26**, as last amended by Laws of Utah 2020, Chapter 195

33

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

35            Section 1. Section **23-27-201** is amended to read:

36            **23-27-201. Invasive species prohibited -- Administrative inspection authorized --**

37 **Decal.**

38            (1) Except as authorized in this title or a board rule or order, a person may not:

39            (a) possess, import, export, ship, or transport a Dreissena mussel;

40            (b) release, place, plant, or cause to be released, placed, or planted a Dreissena mussel

41 in a water body, facility, or water supply system; [~~or~~]

42            (c) transport a conveyance or equipment that has been in an infested water within the

43 previous 30 days without decontaminating the conveyance or equipment[:]; or

44            (d) launch or operate a vessel on the waters of the state without first:

45            (i) paying an aquatic invasive species fee required by Subsection **23-27-304**(1) or (2);

46 and

47            (ii) displaying an aquatic invasive species decal in accordance with Subsection (6).

48            (2) A person who violates Subsection (1):

49            (a) is strictly liable;

50            (b) is guilty of an infraction; and

51            (c) shall reimburse the state for all costs associated with detaining, quarantining, and

52 decontaminating the conveyance or equipment.

53            (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class

54 A misdemeanor.

55            (4) A person may not proceed past or travel through an inspection station or

56 administrative checkpoint, as described in Section **23-27-301**, while transporting a conveyance

57 during an inspection station's or administrative checkpoint's hours of operations without

58 presenting the conveyance for inspection.

(5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

(6) (a) (i) The division shall provide a resident person who pays the aquatic invasive species fee required by Subsection 23-27-304(1)(a) an aquatic invasive species decal to be displayed on the vessel for which the aquatic invasive species fee is paid.

(ii) The division shall provide a nonresident person who pays the aquatic invasive species fee required by Subsection 23-27-304(2)(a) an aquatic invasive species decal to be displayed on the vessel for which the aquatic invasive species fee is paid.

(b) A person shall display the aquatic invasive species decal obtained under this Subsection (6) on the bow of the vessel's port side six inches aft of the vessel's registration decal.

Section 2. Section 23-27-304 is amended to read:

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

(1) (a) Except as described in Subsection (3), there is imposed an annual resident aquatic invasive species fee of \$20 on a vessel required to be registered under Section 73-18-7.

(b) The division shall:

(i) collect the aquatic invasive species fee imposed under Subsection (1)(a):

(A) in cooperation with the Division of Outdoor Recreation and in conjunction with the registration process described in Section 73-18-7; or

(B) through a division process if the vessel owner elects to not pay the aquatic invasive species fee in conjunction with the registration process;

(ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305; and

(iii) administer the aquatic invasive species fee in accordance with this section.

(c) The aquatic invasive species fee imposed under this Subsection (1) is in addition to and is separate from a registration fee described in Section 73-18-7.

(2) (a) Except as provided in Subsection ~~(1)(b)~~ (3), there is imposed an annual nonresident aquatic invasive species fee of ~~[\$20]~~ \$25 on each vessel ~~[in order]~~ to launch or operate a vessel in waters of this state if:

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

(ii) the vessel would otherwise be subject to registration requirements under Section 73-18-7 if the vessel were owned by a resident of this state.

(b) The division shall:

(i) collect and administer an aquatic invasive species fee described in Subsection (2)(a) in accordance with this section; and

(ii) deposit the aquatic invasive species fee collected under this Subsection (2) into the Aquatic Invasive Species Interdiction Account created in Section [23-27-305](#).

~~[(b) The provisions of Subsection (1)(a) do not apply if the vessel is owned and operated by a state or federal government agency and the vessel is used within the course and scope of the duties of the agency.]~~

~~[(c) The division shall administer and collect the fee described in Subsection (1)(a); and the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in Section [23-27-305](#).]~~

~~[(2)] (3) Subsections (1) and (2) do not apply if the vessel is owned and operated by a state or federal government agency and the vessel is used within the course and scope of the duties of the agency.~~

(4) Before launching or operating a vessel on the waters of this state[;]:

(a) (i) a resident shall pay the aquatic invasive species fee as described in Subsection (1); and

(ii) a nonresident shall pay the aquatic invasive species fee as described in Subsection ~~[(1);]~~ (2); and

(b) the ~~resident or nonresident~~ vessel owner shall successfully complete an aquatic invasive species education course offered by the division.

~~[(3) (a) The division shall study options and feasibility of implementing an automated system capable of scanning, photographing, and providing real-time information regarding a conveyance's or equipment's:]~~

~~[(i) last entry into a body of water; and]~~

~~[(ii) last decontamination.]~~

~~[(b) The study described in Subsection (3)(a) shall evaluate the system's capability of:]~~

~~[(i) operation with or without the use or supervision of personnel;]~~

~~[(ii) operation 24 hours per day;]~~

~~[(iii) capturing a state assigned number on a vessel or conveyance as described in Section [73-18-6](#).]~~

121 ~~[(iv) preserving photographic evidence of:]~~  
122 ~~[(A) a conveyance's state assigned bow number;]~~  
123 ~~[(B) a conveyance's or equipment's entry into a body of water, including the global~~  
124 ~~positioning system location of where the conveyance is photographed; and]~~  
125 ~~[(C) decontamination of the conveyance or equipment;]~~  
126 ~~[(v) identifying a conveyance or equipment not owned by a resident that is entering a~~  
127 ~~body of water in this state; and]~~  
128 ~~[(vi) collecting the fee described in Subsection (1).]~~  
129 ~~[(c) The division shall present a report of the study and findings described in~~  
130 ~~Subsections (3)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim~~  
131 ~~Committee before November 30, 2020.]~~  
132 ~~[(d) Based on the findings of the study described in this Subsection (3), the division~~  
133 ~~shall implement a pilot program to provide the services described in this Subsection (3) on or~~  
134 ~~before May 1, 2021.]~~  
135 ~~[(4)] (5) [The] Notwithstanding the fee amount described in Subsections (1) and (2),~~  
136 ~~the board may increase resident and nonresident aquatic invasive species fees assessed under~~  
137 ~~[Subsection (1)] this section, so long as:~~  
138 (a) the aquatic invasive species fee for nonresidents described in Subsection ~~[(1)]~~ (2)  
139 is no less than the resident aquatic invasive species fee described in ~~[Section 73-18-26]~~  
140 Subsection (1); and  
141 (b) the aquatic invasive species fee is confirmed in the legislative fee schedule.  
142 ~~[(5)]~~ (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
143 Act, the board may make rules establishing procedures for:  
144 (a) proof of payment and other methods of verifying compliance with this section;  
145 (b) special requirements applicable on interstate water bodies in this state; and  
146 (c) other provisions necessary for the administration of the program.  
147 Section 3. Section **23-27-305** is amended to read:  
148 **23-27-305. Aquatic Invasive Species Interdiction Account.**  
149 (1) There is created within the General Fund a restricted account known as the  
150 "Aquatic Invasive Species Interdiction Account."  
151 (2) The ~~[restricted account]~~ Aquatic Invasive Species Interdiction Account shall consist

152 of:

153 (a) nonresident aquatic invasive species fees collected under [~~Section 23-27-304~~]

154 Subsection 23-27-304(2);

155 (b) resident aquatic invasive species fees collected under [~~Section 73-18-26~~]

156 Subsection 23-27-304(1); and

157 (c) any other amount deposited in the restricted account from donations,

158 appropriations, contractual agreements, and accrued interest.

159 (3) Upon appropriation, the division shall use the aquatic invasive species fees  
160 collected under [~~Sections 23-27-305 and 73-18-26~~] Subsections 23-27-304(1) and (2) and  
161 deposited in the Aquatic Invasive Species Account to fund aquatic invasive species prevention  
162 and containment efforts.

163 Section 4. **Repealer.**

164 This bill repeals:

165 Section ~~73-18-26~~, **Resident aquatic invasive species fee -- Amount -- Deposit.**