

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0816.01 Thomas Morris x4218

HOUSE BILL 21-1226

HOUSE SPONSORSHIP

Esgar and Will,

SENATE SPONSORSHIP

Coram and Donovan,

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ADDITIONAL MEASURES TO CONTROL AQUATIC NUISANCE**
102 **SPECIES, AND, IN CONNECTION THEREWITH, PROHIBITING A**
103 **PERSON FROM REFUSING TO STOP AT A CHECK STATION AND**
104 **DIRECTING THE DIVISION OF PARKS AND WILDLIFE TO REPORT**
105 **TO THE GENERAL ASSEMBLY REGARDING IMPLEMENTATION OF**
106 **THE ACT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law allows qualified peace officers to stop a conveyance,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 15, 2021

including a boat trailer and a boat, and inspect the conveyance for the presence of aquatic nuisance species before the boat is launched onto waters of the state and before departing from the waters of the state or a vessel staging area, and to impound and quarantine a conveyance that is contaminated until it is decontaminated. Authorized agents can detain and inspect conveyances but cannot impound or quarantine conveyances.

Section 1 of the bill directs the division of parks and wildlife in the department of natural resources to investigate the methods that other states are using with respect to the location and operation of check stations and report regarding its investigation and the operation of check stations pursuant to the bill to the general assembly's committees with jurisdiction over wildlife.

Section 2 authorizes a qualified peace officer to stop and inspect for the presence of aquatic nuisance species a conveyance that has encountered an aquatic nuisance species check station.

Section 3 prohibits a person who encounters a check station from failing or refusing to stop at the check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 33-10.5-103, **amend**
3 (1) as follows:

4 **33-10.5-103. Powers and duties of the division - annual report**
5 **- repeal.** (1) (a) In order to prevent, control, contain, monitor, and,
6 whenever possible, eradicate aquatic nuisance species from the waters of
7 the state, the division is authorized to establish, operate, and maintain
8 aquatic nuisance species check stations in order to inspect conveyances
9 pursuant to section 33-10.5-104.

10 (b) (I) THE DIVISION SHALL INVESTIGATE THE METHODS THAT
11 OTHER STATES ARE USING WITH RESPECT TO THE LOCATION AND
12 OPERATION OF CHECK STATIONS AND REPORT PURSUANT TO SUBSECTION
13 (5) OF THIS SECTION ON ITS INVESTIGATION AND THE IMPLEMENTATION OF
14 SECTIONS 33-10.5-104 (1)(b)(II) AND 33-10.5-105 (1)(e).

1 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE SEPTEMBER
2 1, 2025.

3 **SECTION 2.** In Colorado Revised Statutes, 33-10.5-104, **amend**
4 (1)(b) as follows:

5 **33-10.5-104. Inspection of conveyances - impoundment and**
6 **quarantine - reimbursement - rules.** (1) (b) Every qualified peace
7 officer is authorized to stop and inspect for the presence of aquatic
8 nuisance species a conveyance:

9 (I) (A) Prior to a vessel being launched onto waters of the state;

10 ~~(H)~~ (B) Prior to departing from the waters of the state or a vessel
11 staging area;

12 ~~(H)~~ (C) That is visibly transporting any aquatic plant material;
13 and

14 ~~(V)~~ (D) Upon a reasonable belief that an aquatic nuisance species
15 may be present; OR

16 (II) THAT HAS ENCOUNTERED AN AQUATIC NUISANCE SPECIES
17 CHECK STATION.

18 **SECTION 3.** In Colorado Revised Statutes, 33-10.5-105, **amend**
19 (1)(c), (1)(d), and (2)(a) introductory portion; and **add** (1)(e) and (2)(a.5)
20 as follows:

21 **33-10.5-105. Prohibition of aquatic nuisance species - rules -**
22 **penalties.** (1) A person shall not:

23 (c) Refuse to comply with a proper order issued under this article
24 10.5; ~~or~~

25 (d) Fail or refuse to reimburse the division in accordance with
26 section 33-10.5-104 (6)(a); OR

27 (e) IF THE PERSON ENCOUNTERS AN AQUATIC NUISANCE SPECIES

1 CHECK STATION, FAIL OR REFUSE TO STOP AT THE AQUATIC NUISANCE
2 SPECIES CHECK STATION WHILE TRANSPORTING A CONVEYANCE DURING
3 THE CHECK STATION'S HOURS OF OPERATION WITHOUT PRESENTING THE
4 CONVEYANCE FOR INSPECTION.

5 (2) (a) A person who knowingly or willfully violates subsection
6 ~~(1)~~ ANY OF THE PROVISIONS IN SUBSECTIONS (1)(a) TO (1)(d) of this
7 section:

8 (a.5) A PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES
9 SUBSECTION (1)(e) OF THIS SECTION COMMITS A CIVIL INFRACTION AND,
10 UPON ENTRY OF JUDGMENT, SHALL BE FINED ONE HUNDRED DOLLARS.
11 WHEN A PERSON IS CHARGED WITH KNOWINGLY OR WILLFULLY VIOLATING
12 SUBSECTION (1)(e) OF THIS SECTION, THE OFFICER SHALL GIVE A PENALTY
13 ASSESSMENT NOTICE TO THE DEFENDANT AND FOLLOW THE PROCEDURES
14 IN SECTION 33-15-102 (2). IF THE FINE AND SURCHARGE ARE NOT TIMELY
15 PAID, THE CASE SHALL BE HEARD IN THE COURT OF COMPETENT
16 JURISDICTION PRESCRIBED ON THE PENALTY ASSESSMENT NOTICE IN THE
17 MANNER PROVIDED FOR IN ARTICLE 4 OF TITLE 42 FOR THE PROSECUTION
18 OF TRAFFIC INFRACTIONS.

19 **SECTION 4. Act subject to petition - effective date -**
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly; except that, if a referendum petition is filed pursuant
23 to section 1 (3) of article V of the state constitution against this act or an
24 item, section, or part of this act within such period, then the act, item,
25 section, or part will not take effect unless approved by the people at the
26 general election to be held in November 2022 and, in such case, will take
27 effect on the date of the official declaration of the vote thereon by the

- 1 governor.
- 2 (2) This act applies to conduct occurring on or after the applicable
- 3 effective date of this act.