

**Senator Scott D. Sandall** proposes the following substitute bill:

**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; and

• addressing collections by the Division of Motor Vehicles;

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▶ repeals outdated language and certain language related to the resident aquatic invasive species fee; and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



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **23-27-201**, as last amended by Laws of Utah 2014, Chapter 274

31 **23-27-304**, as enacted by Laws of Utah 2020, Chapter 195

32 **23-27-305**, as enacted by Laws of Utah 2020, Chapter 195

33 ENACTS:

34 **73-18-25.3**, Utah Code Annotated 1953

35 REPEALS:

36 **73-18-26**, as last amended by Laws of Utah 2020, Chapter 195



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

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

40 **23-27-201. Invasive species prohibited -- Administrative inspection authorized --**

41 **Decal.**

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

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

44 (b) release, place, plant, or cause to be released, placed, or planted a Dreissena mussel  
45 in a water body, facility, or water supply system; [~~or~~]

46 (c) transport a conveyance or equipment that has been in an infested water within the  
47 previous 30 days without decontaminating the conveyance or equipment[~~;~~]; or

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

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

50 and

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

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

53 (a) is strictly liable;

54 (b) is guilty of an infraction; and

55 (c) shall reimburse the state for all costs associated with detaining, quarantining, and  
56 decontaminating the conveyance or equipment.

57 (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class  
58 A misdemeanor.

59 (4) A person may not proceed past or travel through an inspection station or  
60 administrative checkpoint, as described in Section [23-27-301](#), while transporting a conveyance  
61 during an inspection station's or administrative checkpoint's hours of operations without  
62 presenting the conveyance for inspection.

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

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

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

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

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

74 **23-27-304. Aquatic invasive species fee.**

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

77 (b) The division shall:

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

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

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

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

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

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

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

- 91           (i) the vessel is owned by a nonresident; and
- 92           (ii) the vessel would otherwise be subject to registration requirements under Section  
93 73-18-7 if the vessel were owned by a resident of this state.

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

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

100           (b) The division shall:

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

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

105           ~~[(2)]~~ (3) Subsections (1) and (2) do not apply if the vessel is owned and operated by a  
106 state or federal government agency and the vessel is used within the course and scope of the  
107 duties of the agency.

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

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

111           (ii) a nonresident shall pay the aquatic invasive species fee as described in Subsection  
112 ~~[(1);]~~ (2); and

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

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

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

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

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

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

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

123           ~~[(iii) capturing a state assigned number on a vessel or conveyance as described in~~

124 ~~Section [73-18-6](#);~~

125           ~~[(iv) preserving photographic evidence of:]~~

126           ~~[(A) a conveyance's state assigned bow number;]~~

127           ~~[(B) a conveyance's or equipment's entry into a body of water, including the global~~

128 ~~positioning system location of where the conveyance is photographed; and]~~

129           ~~[(C) decontamination of the conveyance or equipment;]~~

130           ~~[(v) identifying a conveyance or equipment not owned by a resident that is entering a~~

131 ~~body of water in this state; and]~~

132           ~~[(vi) collecting the fee described in Subsection (1).]~~

133           ~~[(c) The division shall present a report of the study and findings described in~~

134 ~~Subsections (3)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim~~

135 ~~Committee before November 30, 2020.]~~

136           ~~[(d) Based on the findings of the study described in this Subsection (3), the division~~

137 ~~shall implement a pilot program to provide the services described in this Subsection (3) on or~~

138 ~~before May 1, 2021.]~~

139           ~~[(4)] (5) [The] Notwithstanding the fee amount described in Subsections (1) and (2),~~

140 ~~the board may increase resident and nonresident aquatic invasive species fees assessed under~~

141 ~~[Subsection (1)] this section, so long as:~~

142           (a) the aquatic invasive species fee for nonresidents described in Subsection ~~[(1)]~~ (2)

143 is no less than the resident aquatic invasive species fee described in ~~[Section [73-18-26](#)]~~

144 Subsection (1); and

145           (b) the aquatic invasive species fee is confirmed in the legislative fee schedule.

146           ~~[(5)] (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~

147 ~~Act, the board may make rules establishing procedures for:~~

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

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

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

151 Section 3. Section **23-27-305** is amended to read:

152 **23-27-305. Aquatic Invasive Species Interdiction Account.**

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

155 (2) The [~~restricted account~~] Aquatic Invasive Species Interdiction Account shall consist  
156 of:

157 (a) nonresident aquatic invasive species fees collected under [~~Section 23-27-304~~]  
158 Subsection 23-27-304(2);

159 (b) resident aquatic invasive species fees collected under [~~Section 73-18-26~~]  
160 Subsection 23-27-304(1); and

161 (c) any other amount deposited in the restricted account from donations,  
162 appropriations, contractual agreements, and accrued interest.

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

167 Section 4. Section **73-18-25.3** is enacted to read:

168 **73-18-25.3. Collection of the aquatic invasive species fee.**

169 (1) A person who applies for a vessel registration or registration renewal under Section  
170 73-18-7 may pay the aquatic invasive species fee required under Section 23-27-304 at the time  
171 of registration or registration renewal. If the Division of Motor Vehicles collects the  
172 registration fee and a person elects to pay the aquatic invasive species fee at the same time, the  
173 payment of the aquatic invasive species fee under this section shall be:

174 (a) collected by the Division of Motor Vehicles;

175 (b) treated as a separate fee and not part of the registration fee; and

176 (c) deposited into the Aquatic Invasive Species Interdiction Account created in Section  
177 23-27-305, less actual administrative costs associated with collecting and transferring the  
178 aquatic invasive species fee by the Division of Motor Vehicles.

179 (2) Notwithstanding Section 41-1a-116, the Division of Motor Vehicles shall report to  
180 the Division of Wildlife Resources identifying information regarding a person who pays the

181 aquatic invasive species fee so that the Division of Water Resources may provide a decal to  
182 that person in accordance with Subsection [23-27-201\(6\)](#).

183 Section 5. **Repealer.**

184 This bill repeals:

185 Section [73-18-26](#), **Resident aquatic invasive species fee -- Amount -- Deposit.**