

AQUATIC INVASIVE SPECIES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Calvin R. Musselman

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- ▶ repeals outdated language and certain language related to the resident aquatic invasive species fee; and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

Other Special Clauses:

This bill provides a special effective date.

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

37

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 Wildlife 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.**

186 Section 6. **Effective date.**

187 This bill takes effect on July 1, 2023.