

HOUSE BILL NO. 829

INTRODUCED BY N. DURAM, M. CUFFE, C. SPRUNGER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES MANAGEMENT; REQUIRING AQUATIC INVASIVE SPECIES AWARENESS TRAINING; REQUIRING ALL VESSEL OPERATORS OBTAIN AN AQUATIC INVASIVE SPECIES PREVENTION PASS; REVISING PENALTIES RELATED TO TRANSPORTING AQUATIC INVASIVE SPECIES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 23-2-541 AND 80-7-1014, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Aquatic invasive species awareness training -- requirements. (1) A person may not be issued an aquatic invasive species prevention pass, as required pursuant to 23-2-541 or 87-2-130, unless the person authorized to issue the pass determines proof of completion of a Montana aquatic invasive species awareness and education course established in subsection (2).

(2) The department shall provide for an aquatic invasive species awareness and education course that includes instruction on how to prevent the transfer of aquatic invasive species, Montana aquatic invasive species regulations, and Montana inspection before launch requirements. The course may not take longer than an average of 30 minutes to complete and must consist of:

(a) an educational video produced by the department; and

(b) a test on the contents of the video.

(3) The department may adopt rules regarding how a person authorized to issue a pass determines proof of completion of a required course.

(4) The department shall adopt rules to implement the provisions of this section.

Section 2. Section 23-2-541, MCA, is amended to read:

"23-2-541. Aquatic invasive species prevention pass for nonresident vessels -- rulemaking. (1)

1 In order for a motorized vessel exempt from registration in Montana pursuant to 61-3-324 or a nonmotorized
2 vessel owned by a nonresident to launch on the waters of this state, the operator must possess an aquatic
3 invasive species prevention pass purchased for the vessel, available for inspection either in physical form or as
4 an electronic copy at the request of a warden, another officer, or an employee of the department. The pass
5 must include a description of the vessel for which it was purchased.

6 (2) (a) The annual fee for an aquatic invasive species prevention pass purchased pursuant to this
7 section is:

8 (i) \$10 for a nonmotorized vessel; and

9 (ii) \$30 for a motorized vessel.

10 (b) The pass expires at the end of each calendar year and is not transferable between vessels.

11 (3) Fees collected pursuant to this section must be deposited in the invasive species account
12 established in 80-7-1004.

13 (4) The department may adopt rules to implement the provisions of this section.

14 (5) The provisions of this section do not apply to a motorized vessel owned or controlled by the
15 United States or any state, county, city, special district as defined in 18-8-202, or tribal government or to a
16 motorized vessel that meets the description of property exempt from taxation under 15-6-201(1)(d), (1)(n), or
17 (1)(o) or 15-6-215.

18 (6) For the purposes of this section, the term "nonmotorized vessel" includes catamarans, drift
19 boats, kayaks, rafts, and sailboats."
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21 **Section 3.** Section 80-7-1014, MCA, is amended to read:

22 **"80-7-1014. Penalty.** (1) Except as provided in subsection (2), the following penalties apply:

23 (a) The offense of negligently violating the provisions of 23-2-541, 80-7-1010 through 80-7-1012,
24 and 80-7-1015, and [section 1] or rules adopted under 23-2-541, 80-7-1010 through 80-7-1012, and 80-7-1015,
25 and [section 1] pertaining to an invasive species management area or the statewide invasive species
26 management area is a misdemeanor punishable by a fine not to exceed \$500 for the first offense and \$750 for
27 subsequent offenses.

28 (b) The offense of purposely or knowingly violating the provisions of 80-7-1010 through 80-7-1012

1 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 pertaining to an invasive
2 species management area or the statewide invasive species management area is a misdemeanor punishable
3 by a fine not to exceed \$975. In addition, the person shall forfeit the following as issued by this state:

4 (i) any current fishing license and the privilege to fish in this state for a period of time set by the
5 court; and

6 (ii) any current sticker or decal required under this part to operate a vessel on the waters of this
7 state.

8 (c) Purposely or knowingly attempting to introduce an invasive species in Montana is a felony. Any
9 person found guilty under this subsection (1)(c) is subject to a criminal penalty of up to 2 years in prison, a fine
10 not to exceed \$10,000, or both. A person convicted of violating this subsection (1)(c) may also be required to
11 surrender an involved vessel and pay restitution for any cost incurred to mitigate the effect of the violation.

12 (d) A civil penalty not to exceed ~~\$2,500~~ \$25,000 may be imposed on any person who violates any
13 other provision of ~~80-7-1010 through 80-7-1011 or 80-7-1012 and 80-7-1015~~ or rules adopted under ~~80-7-1010~~
14 ~~through 80-7-1011 or 80-7-1012 and 80-7-1015~~ not enumerated in subsections (1)(a) through (1)(c).

15 (2) A warning without penalty may be issued to any person violating the provisions of 80-7-1010
16 through 80-7-1012 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 if it is
17 determined that a warning best serves the public interest.

18 (3) Civil penalties collected under this section must be deposited in the ~~general fund~~ invasive
19 species account established in 80-7-1004."

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21 NEW SECTION. Section 4. Effective date. [This act] is effective January 1, 2026.

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