

HOUSE BILL NO. 829

INTRODUCED BY N. DURAM, M. CUFFE, C. SPRUNGER, M. DUNWELL, D. LENZ, A. OLSEN, C. POPE, M. YAKAWICH, D. ZOLNIKOV, D. BAUM, M. BERTOGLIO, B. CLOSE, C. COCHRAN, J. DARLING, S. DEMAROIS, L. DEMING, C. FITZPATRICK, R. GREGG, C. KEOGH, S. KLAKKEN, J. LYNCH, M. MARLER, V. MOORE, A. REGIER, M. ROMANO, T. RUNNING WOLF, J. SECKINGER, K. SEEKINS-CROWE, F. SMITH, J. SOOKTIS, K. ZOLNIKOV

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 THE NONRESIDENT AQUATIC INVASIVE SPECIES PREVENTION PASS FEE; REVISING PENALTIES RELATED TO TRANSPORTING AQUATIC INVASIVE SPECIES; PROVIDING RULEMAKING AUTHORITY; REVISING THE DEFINITION OF "NONMOTORIZED VESSEL"; 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) A-Except as prescribed in subsection (1)(b), 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).

(b) A person who has purchased either a Class B-4, pursuant to 87-2-304, or a Class B-5, pursuant to 87-2-307, fishing license and has contracted or is part of a group that has contracted a fishing outfitter or guide, licensed through the board of outfitters established in 2-15-1773, to accompany them while they fish is exempt from the requirement established in subsection (1)(a) for the purchase of an aquatic invasive species pass pursuant to 87-2-130.

(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, boat check station locations, vessel inspection locations, 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. A person shall watch the video before each test attempt, except that the person may watch the video before the person's first test attempt.~~

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

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

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

(ii) ~~\$30-\$50~~ for a nonresident motorized vessel; and

(iii) no cost for a resident vessel.

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

(3) A person who purchases or acquires an aquatic invasive species prevention pass for a vessel may donate \$1 or more in addition to the price of each pass for aquatic invasive species prevention and management.

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

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

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

(6)(7) For the purposes of this section, the term "nonmotorized vessel" includes canoes, catamarans, drift boats, kayaks, paddleboards, pedal boats, rafts, rowboats, and sailboats."

Section 3. Section 80-7-1014, MCA, is amended to read:

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

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

(b) The offense of purposely or knowingly violating the provisions of 80-7-1010 through 80-7-1012 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 pertaining to an invasive species management area or the statewide invasive species management area is a misdemeanor punishable by a fine not to exceed \$975. In addition, the person shall forfeit the following as issued by this state:

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

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

(c) Purposely or knowingly attempting to introduce an invasive species in Montana is a felony. Any person found guilty under this subsection (1)(c) is subject to a criminal penalty of up to 2 years in prison, a fine not to exceed \$10,000, or both. A person convicted of violating this subsection (1)(c) may also be required to

surrender an involved vessel and pay restitution for any cost incurred to mitigate the effect of the violation.

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

(2) A warning without penalty may be issued to any person violating the provisions of 80-7-1010 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 determined that a warning best serves the public interest.

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

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

NEW SECTION. Section 5. Effective date. [This act] is effective ~~January~~ March 1, 2026.

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