

1 H.554

2 Introduced by Representatives Dolan of Waitsfield, Anthony of Barre City,
3 Bock of Chester, Masland of Thetford, Ode of Burlington, and
4 Squirrell of Underhill

5 Referred to Committee on

6 Date:

7 Subject: Motorboats; conservation; aquatic nuisance control; aquatic invasive
8 species decal; signage

9 Statement of purpose of bill as introduced: This bill proposes to require
10 motorboats to display an aquatic invasive species decal, which shall be issued
11 after payment of an annual fee, and the State to erect signage about aquatic
12 nuisances.

13 An act relating to an aquatic invasive species decal

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 * * * Aquatic Invasive Species Decal; Education * * *

16 Sec. 1. 23 V.S.A. § 3328 is added to read:

17 § 3328. AQUATIC INVASIVE SPECIES; DECAL; EDUCATION

18 (a) Fee; reciprocity.

19 (1) Motorboats registered in Vermont. The owner of the following shall
20 pay an annual aquatic invasive species decal fee of \$20.00:

1 (A) a motorboat required to be registered by this State under section
2 3305 of this title;

3 (B) a motorboat of less than 10 horsepower used as a tender to a
4 motorboat required to be registered by this State under section 3305 of this
5 title; or

6 (C) a motorboat that is exempt from Vermont numbering provisions
7 under section 3307 of this title that the owner expects will only be operated in
8 the waters of this State during the applicable calendar year.

9 (2) Motorboats registered in another state or country. The owner of the
10 following shall pay an annual aquatic invasive species decal fee of \$40.00 if
11 the motorboat is used in the waters of this State for any amount of time:

12 (A) a motorboat that has been registered in another state under a
13 federally approved numbering system, or that has a valid document issued by
14 the U.S. Coast Guard, U.S. Customs and Border Protection, or any other
15 federal agency; or

16 (B) a motorboat that is exempt from Vermont numbering provisions
17 under section 3307 of this title that the owner expects will be operated in the
18 waters of another state at least once during the applicable calendar year.

19 (3) Reciprocity. Notwithstanding subdivision (2) of this subsection,
20 motorboats operating in interstate waters shared with another state or province
21 shall be exempt from the requirements in subdivision (2) of this subsection if

1 they display the equivalent aquatic invasive species decal issued by the other
2 state or province. The provisions of this subdivision shall not be valid unless
3 the other state or province enacts legislation that is substantially the same as
4 the decal requirements in this section and gives reciprocal exemptions to
5 motorboats displaying the Vermont aquatic invasive species decal.

6 (b) Issuance and expiration. Upon receipt of the aquatic invasive species
7 decal fee, the Commissioner shall issue an aquatic invasive species decal,
8 which shall be issued in a new color each year and prominently display the
9 year of applicability and that it expires on December 31 in the year of
10 applicability.

11 (c) Display. The aquatic invasive species decal shall be displayed three
12 inches ahead of the validation sticker or registration number on the port side of
13 the motorboat.

14 (d) Expiration. The aquatic invasive species decal shall, without regard to
15 transfer of ownership of the motorboat, expire on December 31 in the year for
16 which it is issued.

17 (e) Education. The Commissioner shall enclose with every permanent and
18 temporary motorboat registration, registration renewal certificate, validation
19 sticker, registration reminder, and aquatic invasive species decal issued
20 pursuant to this chapter a pamphlet, based on current aquatic nuisance threats
21 and spread prevention methods, regarding the danger of aquatic nuisances,

1 how aquatic nuisance species are spread, how spread of aquatic nuisance
2 species may be controlled, safeguards required under 10 V.S.A. § 1454, and
3 requirements pertaining to the aquatic invasive species decal.

4 * * * Signage Required by 2024 * * *

5 Sec. 2. 23 V.S.A. § 3328(e) is amended to read:

6 (e) Education.

7 (1) The Commissioner shall enclose with every permanent and
8 temporary motorboat registration, registration renewal certificate, validation
9 sticker, registration reminder, and aquatic invasive species decal issued
10 pursuant to this chapter a pamphlet, based on current aquatic nuisance threats
11 and spread prevention methods, regarding the danger of aquatic nuisances,
12 how aquatic nuisance species are spread, how spread of aquatic nuisance
13 species may be controlled, safeguards required under 10 V.S.A. § 1454, and
14 requirements pertaining to the aquatic invasive species decal.

15 (2) The Secretary of Transportation and Commissioner of Fish and
16 Wildlife shall ensure that signage regarding aquatic nuisances is prominently
17 posted at public access points to public waters of the State and entrances and
18 exits to limited access highways, as defined in 19 V.S.A. § 1(25).

19 * * * Repeal of Prior Aquatic Invasive Species Education * * *

1 Sec. 3. 23 V.S.A. § 3305(k) is amended to read:

2 (k) ~~The Commissioner shall enclose with every permanent and temporary~~
3 ~~motorboat registration and registration renewal certificate issued pursuant to~~
4 ~~this chapter a statement, based on current aquatic nuisance threats and spread~~
5 ~~prevention methods, regarding the danger of aquatic nuisances, how aquatic~~
6 ~~nuisance species are spread, and how spread of aquatic nuisance species may~~
7 ~~be controlled. [Repealed.]~~

8 * * * Warnings in 2023 * * *

9 Sec. 4. WARNINGS IN 2023

10 In 2023, law enforcement officers shall not issue civil violations for failure
11 to display an aquatic invasive species decal as required under 23 V.S.A. § 3328
12 as added by Sec. 1 of this act. Instead, law enforcement officers shall issue
13 warnings for failure to display an aquatic invasive species decal and provide
14 copies of the aquatic invasive species pamphlet required under 23 V.S.A.
15 § 3328(e) as added by Sec. 1 of this act to the operator of any motorboat that is
16 observed in the waters of this State without displaying an aquatic invasive
17 species decal.

18 * * * Civil Penalties Effective in 2024 * * *

1 Sec. 5. 23 V.S.A. § 3317(a) and (b) are amended to read:

2 (a) ~~Penalty~~ Civil Penalty; \$50.00 maximum. A person who violates any of
3 the following sections of this title shall be subject to a civil penalty of not more
4 than \$50.00 for each violation:

5 § 3303 unnumbered boat

6 § 3305(a) unregistered boat

7 § 3305(d) old registered certificate to be returned

8 § 3305(e) compliance with federal motorboat ID system

9 § 3305(h) change of address

10 § 3305(i) incorrect number displayed on boat

11 § 3305(j) temporary registration

12 § 3305a(a) qualified person may operate

13 § 3305a(c) underage operation

14 § 3305(b) operating without boat certificate

15 § 3306(a)–(d) and (g) lights and equipment

16 § 3307a documented boat validation sticker

17 § 3308 boat rental records

18 § 3309 muffling device

19 § 3311(c) distance requirements

20 § 3311(d) underwater historic preserve area

21 § 3311(e) overloaded vessel

1 § 3311(h)–(i) authority of law enforcement officer

2 § 3312 rules between vessels

3 § 3313(b) failing to file report

4 § 3315(a) water ski observer

5 § 3315(c) improper ski towing

6 § 3316 boat races

7 § 3328 display of aquatic invasive species decal

8 (b) ~~Penalty~~ Civil penalty or fine; \$100.00, \$300.00, or \$1,000.00

9 maximum.

10 (1) A person who violates section 3328 of this title, failure to display an
11 aquatic invasive species decal, for a second or subsequent time shall be
12 assessed a civil penalty of not more than \$100.00.

13 (2) A person who violates a requirement under 10 V.S.A. § 1454 shall
14 be subject to enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this
15 chapter, provided that the person shall be assessed a penalty or fine of not more
16 than \$1,000.00 for each violation. A person who violates a rule adopted under
17 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201,
18 provided that the person shall be assessed a penalty of not more than \$300.00
19 for each violation.

20 (3) A person who violates any of the following sections of this title shall
21 be subject to a civil penalty of not more than \$300.00 for each violation:

1 § 3306(e) marine toilet

2 § 3312a operation of personal watercraft

3 * * * Civil Penalties Effective Starting in 2025 * * *

4 Sec. 6. 23 V.S.A. § 3317(a) and (b) are amended to read:

5 (a) Civil penalty; \$50.00 maximum. A person who violates any of the
6 following sections of this title shall be subject to a civil penalty of not more
7 than \$50.00 for each violation:

8 § 3303 unnumbered boat

9 § 3305(a) unregistered boat

10 § 3305(d) old registered certificate to be returned

11 § 3305(e) compliance with federal motorboat ID system

12 § 3305(h) change of address

13 § 3305(i) incorrect number displayed on boat

14 § 3305(j) temporary registration

15 § 3305a(a) qualified person may operate

16 § 3305a(c) underage operation

17 § 3305(b) operating without boat certificate

18 § 3306(a)–(d) and (g) lights and equipment

19 § 3307a documented boat validation sticker

20 § 3308 boat rental records

21 § 3309 muffling device

- 1 § 3311(c) distance requirements
- 2 § 3311(d) underwater historic preserve area
- 3 § 3311(e) overloaded vessel
- 4 § 3311(h)–(i) authority of law enforcement officer
- 5 § 3312 rules between vessels
- 6 § 3313(b) failing to file report
- 7 § 3315(a) water ski observer
- 8 § 3315(c) improper ski towing
- 9 § 3316 boat races
- 10 ~~§ 3328 display of aquatic invasive species decal~~

11 (b) Civil penalty or fine; \$100.00, ~~\$250.00~~, \$300.00, or \$1,000.00

12 maximum.

13 (1) A person who violates section 3328 of this title, failure to display an
 14 aquatic invasive species decal, for a ~~second or subsequent~~ first time shall be
 15 assessed a civil penalty of not more than \$100.00 and for a second or
 16 subsequent time shall be assessed a civil penalty of not more than \$250.00.

17 * * *

18 * * * Source of Funding for Signage * * *

19 **Sec. 7. SOURCE OF FUNDING FOR SIGNAGE**

20 Notwithstanding 23 V.S.A. § 3319, all revenue from the aquatic invasive
 21 species decal fee collected in fiscal year 2024 may be used to erect signage

1 required under 23 V.S.A. § 3328(e)(2) as added by Sec. 2 of this act. Any
2 revenue from the aquatic invasive species decal fee that is collected in fiscal
3 year 2024 and not used to erect signage shall be deposited in the Motorboat
4 Registration Fund and allocated pursuant to 23 V.S.A. § 3319(b).

5 * * * Effective Dates * * *

6 Sec. 8. EFFECTIVE DATES

7 (a) Secs. 2 (signage required in 2024) and 4 (civil penalty in 2024) shall
8 take effect on January 1, 2024.

9 (b) Sec. 5 (civil penalty starting in 2025) shall take effect on January 1,
10 2025.

11 (c) All other sections shall take effect on January 1, 2023.