

CHAPTER 163

NATURAL RESOURCES

HOUSE BILL 21-1226

BY REPRESENTATIVE(S) Esgar and Will, Bennett, Bird, Catlin, Cutter, Duran, Exum, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, Lynch, McCluskie, McCormick, McKean, McLachlan, Mullica, Ortiz, Pico, Ricks, Roberts, Titone, Valdez D., Garnett; also SENATOR(S) Coram and Donovan, Bridges, Cooke, Danielson, Fenberg, Gardner, Hansen, Jaquez Lewis, Liston, Moreno, Priola, Rankin, Scott, Simpson, Woodward, Garcia.

AN ACT

CONCERNING ADDITIONAL MEASURES TO CONTROL AQUATIC NUISANCE SPECIES, AND, IN CONNECTION THEREWITH, PROHIBITING A PERSON FROM REFUSING TO STOP AT A CHECK STATION AND DIRECTING THE DIVISION OF PARKS AND WILDLIFE TO REPORT TO THE GENERAL ASSEMBLY REGARDING IMPLEMENTATION OF THE ACT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 33-10.5-103, **amend** (1) as follows:

33-10.5-103. Powers and duties of the division - annual report - repeal.

(1) (a) In order to prevent, control, contain, monitor, and, whenever possible, eradicate aquatic nuisance species from the waters of the state, the division is authorized to establish, operate, and maintain aquatic nuisance species check stations in order to inspect conveyances pursuant to section 33-10.5-104.

(b) (I) THE DIVISION SHALL INVESTIGATE THE METHODS THAT OTHER STATES ARE USING WITH RESPECT TO THE LOCATION AND OPERATION OF CHECK STATIONS AND REPORT PURSUANT TO SUBSECTION (5) OF THIS SECTION ON ITS INVESTIGATION AND THE IMPLEMENTATION OF SECTIONS 33-10.5-104 (1)(b)(II) AND 33-10.5-105 (1)(e).

(II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 2. In Colorado Revised Statutes, 33-10.5-104, **amend** (1)(b) as follows:

33-10.5-104. Inspection of conveyances - impoundment and quarantine - reimbursement - rules. (1) (b) Every qualified peace officer is authorized to stop

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

and inspect for the presence of aquatic nuisance species a conveyance:

(I) (A) Prior to a vessel being launched onto waters of the state;

~~(H)~~ (B) Prior to departing from the waters of the state or a vessel staging area;

~~(H)~~ (C) That is visibly transporting any aquatic plant material; and

~~(IV)~~ (D) Upon a reasonable belief that an aquatic nuisance species may be present; OR

(II) THAT HAS ENCOUNTERED AN AQUATIC NUISANCE SPECIES CHECK STATION.

SECTION 3. In Colorado Revised Statutes, 33-10.5-105, **amend** (1)(c), (1)(d), and (2)(a) introductory portion; and **add** (1)(e) and (2)(a.5) as follows:

33-10.5-105. Prohibition of aquatic nuisance species - rules - penalties. (1) A person shall not:

(c) Refuse to comply with a proper order issued under this article 10.5; ~~or~~

(d) Fail or refuse to reimburse the division in accordance with section 33-10.5-104 (6)(a); OR

(e) IF THE PERSON ENCOUNTERS AN AQUATIC NUISANCE SPECIES CHECK STATION, FAIL OR REFUSE TO STOP AT THE AQUATIC NUISANCE SPECIES CHECK STATION WHILE TRANSPORTING A CONVEYANCE DURING THE CHECK STATION'S HOURS OF OPERATION WITHOUT PRESENTING THE CONVEYANCE FOR INSPECTION.

(2) (a) A person who knowingly or willfully violates ~~subsection (1)~~ ANY OF THE PROVISIONS IN SUBSECTIONS (1)(a) TO (1)(d) of this section:

(a.5) A PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES SUBSECTION (1)(e) OF THIS SECTION COMMITS A CIVIL INFRACTION AND, UPON ENTRY OF JUDGMENT, SHALL BE FINED ONE HUNDRED DOLLARS. WHEN A PERSON IS CHARGED WITH KNOWINGLY OR WILLFULLY VIOLATING SUBSECTION (1)(e) OF THIS SECTION, THE OFFICER SHALL GIVE A PENALTY ASSESSMENT NOTICE TO THE DEFENDANT AND FOLLOW THE PROCEDURES IN SECTION 33-15-102 (2). IF THE FINE AND SURCHARGE ARE NOT TIMELY PAID, THE CASE SHALL BE HEARD IN THE COURT OF COMPETENT JURISDICTION PRESCRIBED ON THE PENALTY ASSESSMENT NOTICE IN THE MANNER PROVIDED FOR IN ARTICLE 4 OF TITLE 42 FOR THE PROSECUTION OF TRAFFIC INFRACTIONS.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: May 20, 2021