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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1442

03/11/2013 Authored by Hansen; Ward, J.E.; Persell and Marquart
The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to natural resources; establishing aquatic invasive species decal
1.3 requirements and fees; establishing civil penalties; eliminating aquatic invasive
1.4 species trailer decal requirements; amending Minnesota Statutes 2012, section
1.5 84D.15, subdivision 2; proposing coding for new law in Minnesota Statutes,
1.6 chapter 86B; repealing Minnesota Statutes 2012, section 86B.13.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2012, section 84D.15, subdivision 2, is amended to read:

1.9 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under
1.10 section 86B.415, subdivision 7, civil penalties under section 84D.13, ~~and~~ service provider
1.11 permits under section 84D.108, and aquatic invasive species decals under section
1.12 86B.135, shall be deposited in the invasive species account. Each year, the commissioner
1.13 of management and budget shall transfer from the game and fish fund to the invasive
1.14 species account, the annual surcharge collected on nonresident fishing licenses under
1.15 section 97A.475, subdivision 7, paragraph (b). Each fiscal year, the commissioner of
1.16 management and budget shall transfer \$750,000 from the water recreation account under
1.17 section 86B.706 to the invasive species account.

1.18 Sec. 2. **[86B.135] AQUATIC INVASIVE SPECIES DECAL.**

1.19 Subdivision 1. **Decal required; fees.** (a) A person may not place or attempt to place
1.20 into waters of the state a watercraft unless a valid annual aquatic invasive species decal
1.21 issued by the commissioner under this section is displayed on the watercraft. The decal
1.22 must be viewable by a peace officer or a conservation officer. Owners or operators of
1.23 registered watercraft shall adhere the decal on the starboard side of the bow directly in
1.24 line with the watercraft registration number. Only the aquatic invasive species decal that

2.1 is currently valid shall be displayed. The commissioner, in prescribing the placement of
2.2 decals, shall ensure consistent placement of decals to aid in enforcement.

2.3 (b) The fee for an annual decal is:

2.4 (1) \$5 for a nonmotorized watercraft less than 25 feet in length licensed by the state;

2.5 (2) \$10 for a motorized watercraft less than 25 feet in length licensed by the state;

2.6 (3) \$20 for a watercraft measured 25 feet or greater bow to stern licensed by the state;

2.7 (4) \$15 for a nonmotorized watercraft licensed or registered by another state or
2.8 country; and

2.9 (5) \$30 for a motorized watercraft licensed or registered by another state or country.

2.10 (c) The decal is valid from January 1 through December 31 of the year issued. The
2.11 commissioner shall issue a decal upon application, acknowledgement of educational
2.12 information, and payment of the fee.

2.13 (d) Fees and penalties collected under this section, except for the issuing fee, shall
2.14 be deposited in the state treasury and credited to the invasive species account in the
2.15 natural resources fund and may be spent only to control and prevent the spread of aquatic
2.16 invasive species.

2.17 Subd. 2. **Penalties.** (a) A person found in violation of the requirements of
2.18 subdivision 1 during the 2014 calendar year shall purchase an aquatic invasive species
2.19 decal at a fee twice the applicable fee amount under subdivision 1, paragraph (b). This
2.20 paragraph expires January 1, 2015.

2.21 (b) Beginning January 1, 2015, a person found in violation of the requirements under
2.22 subdivision 1 shall purchase and display the required decal and pay a civil penalty equal to
2.23 \$50 for the first violation and \$100 for the second and subsequent violations.

2.24 Subd. 3. **Education materials.** The commissioner shall develop aquatic invasive
2.25 species educational information to be provided to applicants with an annual aquatic
2.26 invasive species decal. The educational information must include a list of applicable
2.27 aquatic invasive species laws, information to help identify aquatic invasive species, and
2.28 a link to a list of waters that have been designated as infested and their locations. The
2.29 commissioner shall ensure all applicants for a decal under this section acknowledge
2.30 receipt of the educational information. Purchase of the decal and receipt of the educational
2.31 information constitute express acknowledgement.

2.32 Subd. 4. **License agents.** The commissioner may appoint agents to issue and
2.33 sell aquatic invasive species decals. The decal and educational information shall be
2.34 available through electronic licensing system agents. The commissioner may revoke the
2.35 appointment of an agent at any time. The commissioner may adopt additional rules as
2.36 provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted

3.1 by the commissioner for accounting and handling of decals pursuant to section 97A.485,
3.2 subdivision 11. An agent shall promptly deposit and remit all money received from the
3.3 sale of the decals, exclusive of the issuing fee, to the commissioner.

3.4 Subd. 5. **Issuing fees.** In addition to the fee for a decal, an issuing fee of \$1 per
3.5 decal shall be charged. The issuing fee may be retained by the seller of the decal. Issuing
3.6 fees for decals issued by the commissioner shall be deposited in the natural resources fund
3.7 and retained for the operation of the electronic licensing system.

3.8 Subd. 6. **Duplicate decals.** The commissioner and agents shall issue a duplicate
3.9 decal to persons whose decal is lost or destroyed using the process established under
3.10 section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate
3.11 aquatic invasive species decal is \$4, with an issuing fee of 50 cents.

3.12 **EFFECTIVE DATE.** This section is effective January 1, 2014.

3.13 Sec. 3. **REPEALER.**

3.14 Minnesota Statutes 2012, section 86B.13, is repealed.

86B.13 AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.

Subdivision 1. **Establishment.** The commissioner shall establish a statewide course in preventing the spread of aquatic invasive species. The commissioner must develop an educational course and testing program that address identification of aquatic invasive species and best practices to prevent the spread of aquatic invasive species when moving water-related equipment, as defined under section 84D.01, subdivision 18a.

Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an aquatic invasive species trailer decal for each trailer owned by a person that satisfactorily completes the required course of instruction.

Subd. 3. **Contracting for services.** The commissioner may contract for services to provide training and testing services under this section.

Subd. 4. **Aquatic invasive species trailer decal display required.** (a) A person may not transport watercraft or water-related equipment, as defined under section 84D.01, subdivision 18a, with a trailer unless the person has an aquatic invasive species trailer decal issued under this section. Temporary authorizations valid for seven days can be requested by persons that have not completed the required course of instruction.

(b) Aquatic invasive species trailer decals are valid for three years.

(c) The aquatic invasive species trailer decal must be adhered to the side of the trailer frame tongue near the hitch in a manner that it is readily visible and does not interfere with the display of any registration requirements under section 169.79.

(d) Aquatic invasive species trailer decals are not transferable.

(e) Violation of this section shall not result in a penalty, but is punishable only by a warning.