

HOUSE BILL NO. 242

INTRODUCED BY T. MILLETT, B. MITCHELL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FINES FOR ILLEGALLY TRANSPORTING AQUATIC
INVASIVE SPECIES; REMOVING THE OPTION TO ISSUE A WARNING WITHOUT PENALTY; AND
AMENDING SECTION 80-7-1014, MCA."

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

Section 1. Section 80-7-1014, MCA, is amended to read:

"80-7-1014. Penalty. (1) ~~Except as provided in subsection (2), the~~ EXCEPT AS PROVIDED IN
SUBSECTION (2), THE following penalties apply:

(a) The offense of negligently 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 ~~\$500-\$1,000~~ \$700 for the first offense and ~~\$750-\$1,500~~ \$1,400 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~~ \$1,950. 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~~ \$25,000, 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

1 violation.

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

5 ~~(2) A warning without penalty may be issued to any person violating the provisions of 80-7-1010~~
6 ~~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~~
7 ~~determined that a warning best serves the public interest.~~

8 (2) A WARNING WITHOUT PENALTY MAY BE ISSUED TO ANY PERSON VIOLATING THE PROVISIONS OF 80-7-
9 1010 THROUGH 80-7-1012 AND 80-7-1015 OR RULES ADOPTED UNDER 80-7-1010 THROUGH 80-7-1012 AND 80-7-
10 1015 IF IT IS DETERMINED THAT A WARNING BEST SERVES THE PUBLIC INTEREST.

11 (3) NO PENALTY MAY BE ISSUED TO ANY PERSON VIOLATING THE PROVISIONS OF 80-7-1011 IF CLEAR AND
12 ADEQUATE SIGNAGE IS NOT POSTED A REASONABLE DISTANCE FROM THE CHECK STATION.

13 ~~(3)(2)(4)~~ Civil penalties collected under this section must be deposited in the general fund."

14 - END -