

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

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

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

11 **"80-7-1014. Penalty.** (1) Except as provided in subsection (2), the The EXCEPT AS PROVIDED IN
12 SUBSECTION (2), THE following penalties apply:

13 (a) The offense of negligently violating the provisions of 80-7-1010 through 80-7-
14 1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 pertaining to an invasive species
15 management area or the statewide invasive species management area is a misdemeanor punishable by a fine
16 not to exceed \$500-\$1,000 \$700 for the first offense and \$750-\$1,500 \$1,400 for subsequent offenses.

17 (b) The offense of purposely or knowingly violating the provisions of 80-7-1010 through 80-7-1012
18 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 pertaining to an invasive
19 species management area or the statewide invasive species management area is a misdemeanor punishable
20 by a fine not to exceed \$975 \$1,950. In addition, the person shall forfeit the following as issued by this state:

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

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

25 (c) Purposely or knowingly attempting to introduce an invasive species in Montana is a felony. Any
26 person found guilty under this subsection (1)(c) is subject to a criminal penalty of up to 2 years in prison, a fine
27 not to exceed \$10,000 \$25,000, or both. A person convicted of violating this subsection (1)(c) may also be
28 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 -