

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN ASSEMBLY MAY 3, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2443**

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**Introduced by Assembly Member Williams**

February 24, 2012

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An act to add Article 1.3 (commencing with Section 675) to Chapter 5 of Division 3 of the Harbors and Navigation Code, *and to amend Sections 9853 and 9860 of the Vehicle Code*, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 2443, as amended, Williams. Vessels: registration fee: Quagga and Zebra Mussel Infestation Prevention Program.

Existing law establishes various programs administered by, among other agencies, the Department of Fish and Game and the State Lands Commission, to prevent aquatic invasive species introduction and manage the spread and impacts of aquatic invasive species in state waters. Existing law prohibits, except as authorized by the Department of Fish and Game, a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, which are regulated by the department as an invasive species.

Existing law requires the owner of a vessel, as described, to register the vessel with the Department of Boating and Waterways (department), in accordance with prescribed requirements. Existing law establishes

a registration fee for vessels and applies certain fee increases to that registration fee.

This bill would impose an additional fee in ~~an amount not to exceed \$10~~ *specified amounts*, as determined by the department, on a vessel required to pay that registration fee. The bill would require the department, in determining the fee, to consult with a technical advisory group, which would be established by the department. The bill would require funds from the fee to be used to, *among other things*, implement and administer ~~a dreissenid mussel monitoring, inspection, and eradication program~~ *infestation prevention programs*, as prescribed. The bill would require the department to adopt an emergency regulation to prescribe procedures for the collection and use of the fee.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Quagga and zebra mussels, nonnative dreissenid mussels
- 4 introduced in the United States from Europe in 1988, pose an
- 5 immediate and significant threat to California’s water supply, flood
- 6 control, power generation, and aquatic recreation infrastructure.
- 7 Once established in a body of freshwater, quagga and zebra mussels
- 8 latch onto pipes, valves, screens, irrigation canals, and gates, often
- 9 in quantities that severely impede the movement of water and the
- 10 necessary operation of other critical water management
- 11 infrastructure.
- 12 (b) Quagga and zebra mussel infestation poses tremendous
- 13 financial burdens on local governments and local economies.
- 14 Between 2000 and 2010, widespread zebra mussel infestation of
- 15 the Great Lakes region resulted in over \$5 billion in economic
- 16 impacts. Were it to become infested, California’s Lake Tahoe alone
- 17 would likely incur economic impacts of over \$20 million annually.
- 18 (c) Quagga and zebra mussel infestations have been identified
- 19 in 25 bodies of freshwater in California, most within the southern
- 20 California region. These infestations threaten additional water
- 21 management and recreational facilities throughout southern
- 22 California as well as facilities across the state. Facilities threatened
- 23 with infestation include, but are not limited to, agricultural water

1 management infrastructure in the central valley, drinking water  
2 facilities in the central coast and north coast regions, power  
3 generation infrastructure in the Sierra Nevada, and flood control  
4 facilities throughout California’s watersheds.

5 (d) Existing law prohibits the possession, importation, shipment,  
6 transportation, planting, or placement of quagga and zebra mussels  
7 in any water within the state.

8 (e) An urgency exists due to the tremendous water management  
9 impacts and state and local government costs associated with  
10 quagga and zebra mussel infestation.

11 (f) The fees required by Article 1.3 (commencing with Section  
12 675) of Chapter 5 of Division 3 of the Harbors and Navigation  
13 Code, as determined by the Department of Boating and Waterways,  
14 are solely for the reasonable regulatory costs incident to performing  
15 investigations and inspections necessary to prevent and control  
16 the infestation of California waters by quagga and zebra mussels.

17 (g) It is therefore the intent of the Legislature that fees required  
18 by Article 1.3 (commencing with Section 675) of Chapter 5 of  
19 Division 3 of the Harbors and Navigation Code as determined by  
20 the Department of Boating and Waterways, shall not exceed the  
21 cumulative reasonable regulatory costs incident to performing  
22 investigations and inspections necessary to prevent quagga and  
23 zebra mussel infestation.

24 SEC. 2. Article 1.3 (commencing with Section 675) is added  
25 to Chapter 5 of Division 3 of the Harbors and Navigation Code,  
26 to read:

27  
28 Article 1.3. Quagga and Zebra Mussel Infestation Prevention  
29 Fee  
30

31 675. (a) In addition to the fees imposed pursuant to paragraphs  
32 (1) and (2) of subdivision (b) of Section 9853 *or Section 9860* of  
33 the Vehicle Code, there shall also be imposed an additional quagga  
34 and zebra mussel infestation prevention fee in an amount ~~of not~~  
35 *to be determined by the department as follows:*

36 (1) *The additional prevention fee imposed with the registration*  
37 *fee collected pursuant to paragraph (1) of subdivision (b) of Section*  
38 *9853 of the Vehicle Code shall be not more than ten dollars (\$10);*  
39 ~~as determined by the department, which shall be imposed annually~~  
40 ~~on every vessel subject to the fees imposed by Section 9853.~~

1 (2) *The additional prevention fee imposed with the registration*  
 2 *fee collected pursuant to paragraph (2) of subdivision (b) of Section*  
 3 *9853 of the Vehicle Code shall be not more than twenty dollars*  
 4 *(\$20).*

5 (3) *The additional prevention fee imposed with the registration*  
 6 *fee collected pursuant to Section 9860 of the Vehicle Code shall*  
 7 *be not more than twenty dollars (\$20).*

8 ~~(1)~~

9 (b) In determining the amount of the fee imposed pursuant to  
 10 this subdivision, the department shall establish, and consult with,  
 11 a technical advisory group consisting of interested persons,  
 12 including, but not limited to, recreational boating and reservoir  
 13 operation representatives. The members of the advisory group  
 14 shall be appointed by the director.

15 ~~(2)~~

16 (c) The department shall adopt an emergency regulation to  
 17 prescribe procedures for the collection and use of the quagga and  
 18 zebra mussel infestation prevention fee for the purposes of this  
 19 article. *The emergency regulations shall include rules for*  
 20 *administering the grants awarded pursuant to Section 676.*

21 ~~(b)~~

22 (d) All revenues collected from the fee shall be deposited into  
 23 ~~the Quagga and Zebra Mussel Infestation Prevention Account~~  
 24 ~~established pursuant to Section 676 Harbors and Watercraft~~  
 25 ~~Revolving Fund, and shall be expended solely for the purposes set~~  
 26 ~~forth in that section Section 676.~~

27 ~~(e)~~

28 (e) The fee established by this section shall not apply to vessels  
 29 that are used exclusively in marine waters.

30 ~~676. (a) The Quagga and Zebra Mussel Infestation Prevention~~  
 31 ~~Account is hereby established in the General Fund. All moneys~~  
 32 ~~deposited in the account shall be used solely for the purposes of~~  
 33 ~~this section. Funds from the account Harbors and Watercraft~~  
 34 ~~Revolving Fund pursuant to Section 675 shall be available, upon~~  
 35 ~~appropriation by the Legislature, to the department for grants~~  
 36 ~~according to the following schedule for the following purposes:~~

37 (1) *For the reasonable costs, not to exceed 3 percent of total*  
 38 *revenues, incurred by the Department of Motor Vehicles associated*  
 39 *with the collection and administration of the fee pursuant to Section*  
 40 *675.*

1 (2) For reasonable costs, not to exceed 3 percent of total  
2 revenues, incurred by the department associated with determining  
3 the prevention fee and adoption of regulations pursuant to Section  
4 675, and with administering the grants pursuant to subdivision  
5 (b).

6 (3) (A) For reasonable costs, not to exceed 15 percent of the  
7 remaining revenues deposited into the fund, of the Department  
8 Fish and Games for implementation of subparagraph (A) or (C)  
9 of paragraph (2) of, or paragraph (1) of, subdivision (a) of Section  
10 2301 or Section 2302 of the Fish and Game Code in those areas  
11 of the state where a dreissenid mussel infestation prevention plan  
12 has not been implemented.

13 (B) The amount specified in subparagraph (A) is in addition to  
14 moneys available pursuant to subdivision (d) of Section 85.2.

15 ~~(1)~~

16 (4) An amount of ~~not less than 85 percent of the total remaining~~  
17 revenues deposited into the ~~account established pursuant to this~~  
18 ~~subdivision~~ fund shall be made available for grants to ~~special~~  
19 ~~districts, cities, counties, and joint powers authorities~~ entities  
20 subject to subdivision (a) of Section 2302 of the Fish and Game  
21 Code for the reasonable regulatory costs incident to the  
22 implementation of a dreissenid mussel infestation prevention plan  
23 ~~adopted~~ implemented either before or after January 1, 2013, that  
24 is consistent with the requirements of Section 2302 of the Fish and  
25 Game Code.

26 ~~(2) An amount of 15 percent of the total revenues established~~  
27 ~~pursuant to this subdivision deposited into the account shall be~~  
28 ~~made available to the Department of Fish and Game for reasonable~~  
29 ~~regulatory costs incident to the implementation of subdivision (a)~~  
30 ~~of Section 2301 of the Fish and Game Code in those areas of the~~  
31 ~~state where a dreissenid mussel infestation prevention plan has not~~  
32 ~~been adopted.~~

33 (b) For the purposes of awarding grants pursuant to paragraph  
34 ~~(1)~~ (4) of subdivision (a), the department shall ~~give~~ do all of the  
35 following:

36 (1) Give priority to ~~adopted~~ dreissenid mussel infestation  
37 prevention plans that are consistent with Section 2302 of the Fish  
38 and Game Code and that also include visual and manual inspection  
39 standards and other infestation prevention procedures consistent  
40 with either the Department of Fish and Game's Invasive Mussel

1 Guidebook for Recreational Water Managers and Users, dated  
2 September 2010, or the Natural Resource Agency's Aquatic  
3 Invasive Species Management Plan, dated January 2008, or  
4 subsequently adopted guidebooks and management plans.

5 *(2) Take into consideration the benefits of regional-scale*  
6 *dreissenid mussel infestation prevention plans.*

7 *(3) Take into consideration the unique economic, ecological,*  
8 *and recreational impacts to rural and urban reservoirs from*  
9 *dreissenid mussel infestation.*

10 (c) For purposes of this article, reasonable regulatory costs  
11 include costs associated with the investigation and inspection of  
12 a conveyance for the presence of dreissenid mussels prior to contact  
13 with a reservoir, as defined in Section 6004.5 of the Water Code.  
14 None of the revenues ~~deposited in the account established by~~  
15 *collected pursuant to subdivision (a) of Section 675* shall be used  
16 for any purpose other than those explicitly authorized by this  
17 section.

18 (d) For the purposes of this section, conveyances include boats  
19 and other watercraft, and associated vehicles, containers, and  
20 trailers that may carry or contain adult or larval dreissenid mussels.

21 *(e) As a condition of receiving grant funding pursuant to this*  
22 *section, an entity shall report to the department data, as deemed*  
23 *appropriate by the department, regarding dreissenid mussel*  
24 *prevention and inspection programs implemented with the funding.*

25 677. This article does not preempt a special district, city,  
26 county, or joint powers authority from adopting local regulations  
27 or ordinances related to the prevention and eradication of invasive  
28 aquatic species.

29 *SEC. 3. Section 9853 of the Vehicle Code is amended to read:*

30 9853. (a) The owner of each vessel requiring numbering by  
31 this state shall file an initial application for a number with the  
32 department or with an agent authorized by the department on forms  
33 approved by the department. The forms shall be prepared in  
34 cooperation with the Department of Boating and Waterways. The  
35 application shall contain the true name and address of the owner  
36 and of the legal owner, if any, and the hull identification number  
37 of the vessel as may be required by the department. The application  
38 shall be signed by the owner of the vessel and shall be accompanied  
39 by a fee of nine dollars (\$9), in addition to the fees required under  
40 subdivision (b), except that an owner of a vessel registered outside

1 this state who is submitting an application for registration in this  
2 state shall pay a fee of thirty-seven dollars (\$37), in addition to  
3 the fees required under subdivision (b).

4 (b) (1) Whenever the fee for original registration of a vessel  
5 becomes due between January 1 and December 31 of any  
6 even-numbered year, the application shall be accompanied by a  
7 fee of ten dollars (\$10), in addition to any other fees that are then  
8 due and payable.

9 (2) Whenever the fee for original registration of a vessel  
10 becomes due, or is filed with the department, between January 1  
11 and December 31 of any odd-numbered year, the application shall  
12 be accompanied by a fee of twenty dollars (\$20) in addition to any  
13 other fees that are then due and payable.

14 (c) (1) *The department shall additionally collect a quagga and*  
15 *zebra mussel infestation prevention fee in an amount established*  
16 *by the Department of Boating and Waterways pursuant to Section*  
17 *675 of the Harbors and Navigation Code.*

18 (2) *Notwithstanding Section 9863, fees collected pursuant to*  
19 *this subdivision shall be deposited into the Harbors and Watercraft*  
20 *Revolving Fund as required by Section 675 of the Harbors and*  
21 *Navigation Code for expenditure as provided in Section 676 of*  
22 *that code.*

23 *SEC. 4. Section 9860 of the Vehicle Code is amended to read:*

24 9860. (a) Certificates of number shall be renewed before  
25 midnight of the expiration date by presentation of the certificate  
26 of number last issued for the vessel or by presentation of a potential  
27 registration card issued by the department.

28 (b) The fee for renewal shall be twenty dollars (\$20) for each  
29 two-year period, and shall accompany the request for renewal.

30 (c) If the certificate of number and potential registration card  
31 are unavailable, the fee specified in Section 9867 shall not be paid.

32 (d) (1) *The department shall additionally collect a quagga and*  
33 *zebra mussel infestation prevention fee in an amount established*  
34 *by the Department of Boating and Waterways pursuant to Section*  
35 *675 of the Harbors and Navigation Code.*

36 (2) *Notwithstanding Section 9863, fees collected pursuant to*  
37 *this subdivision shall be deposited into the Harbors and Watercraft*  
38 *Revolving Fund as required by Section 675 of the Harbors and*

- 1 *Navigation Code for expenditure as provided in Section 676 of*
- 2 *that code.*

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