

IN THE SENATE

SENATE BILL NO. 1355

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO INVASIVE SPECIES; AMENDING SECTION 22-1910A, IDAHO CODE, TO
3 CLARIFY THAT PEACE OFFICERS MAY ISSUE A CITATION FOR CERTAIN PERSONS AND
4 TO PROVIDE THAT PEACE OFFICERS SHALL ACCOMPANY A VEHICLE TO AN INSPEC-
5 TION STATION IN CERTAIN INSTANCES; AND AMENDING SECTION 22-1913, IDAHO
6 CODE, TO REVISE PENALTIES.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 22-1910A, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 22-1910A. LAW ENFORCEMENT. (1) It shall be the duty of all peace offi-
11 cers within the state of Idaho, as defined by section 19-5101(d), Idaho Code,
12 to enforce the provisions of this chapter ~~by making a complaint or.~~

13 (2) Whenever a person is halted by a peace officer for a violation of the
14 provisions of this chapter, the officer may issue a citation as described in
15 provided by section 19-3901, Idaho Code, and by rule of the supreme court.

16 (23) Peace officers within the state of Idaho, upon reasonable suspi-
17 cion that a conveyance is infested with quagga mussels or zebra mussels, may
18 shall require a driver of a vehicle to stop and submit to an inspection of the
19 exterior of any conveyance(s) in plain view.

20 (34) If the peace officer has probable cause to believe that the con-
21 veyance(s) are contaminated with quagga mussels or zebra mussels, or when
22 a conveyance is found to be contaminated or otherwise carrying quagga mus-
23 sels or zebra mussels, the peace officer shall detain the vehicle and con-
24 veyance(s) and immediately summon a tow truck to transport the conveyance(s)
25 to the nearest available impound yard or accompany the vehicle to an inspec-
26 tion station for inspection, cleaning and disinfecting.

27 (45) Upon impoundment, the director shall issue a hold order as pro-
28 vided in this chapter specifying the conditions for release.

29 SECTION 2. That Section 22-1913, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 22-1913. PENALTIES FOR VIOLATIONS. (1) ~~Any person who knowingly vio-~~
32 ~~lates any provision of this chapter, or of the rules promulgated hereunder~~
33 ~~for carrying out the provisions of this chapter, or who fails or refuses to~~
34 ~~comply with any requirements herein specified, or who interferes with the~~
35 ~~department, its agents, designees or employees, in the execution, or on ac-~~
36 ~~count of the execution of its or their duties under this chapter or rules~~
37 ~~promulgated hereunder, shall be guilty of a misdemeanor and upon conviction~~
38 ~~thereof, shall be fined not more than three thousand dollars (\$3,000) or be~~
39 ~~imprisoned in a county jail for not more than twelve (12) months or be subject~~
40 ~~to both such fine and imprisonment.~~

1 ~~(2) Any person who violates or fails to comply with any of the provi-~~
2 ~~sions of this chapter or any rules promulgated hereunder may be assessed a~~
3 ~~civil penalty by the department or its duly authorized agent of not more than~~
4 ~~ten thousand dollars (\$10,000) for each offense and shall be liable for rea-~~
5 ~~sonable attorney's fees guilty of an infraction. A conviction under this~~
6 ~~section shall not result in violation point counts as prescribed in section~~
7 ~~49-326, Idaho Code. In addition, a conviction under this section shall not~~
8 ~~be deemed to be a moving traffic violation for the purpose of establishing~~
9 ~~rates of motor vehicle insurance charged by a casualty insurer.~~

10 ~~(a) Assessment of a civil penalty may be made in conjunction with any~~
11 ~~other department administrative action.~~

12 ~~(b) No civil penalty may be assessed unless the person charged was given~~
13 ~~notice and opportunity for a hearing pursuant to the Idaho administra-~~
14 ~~tive procedure act.~~

15 ~~(c) If the department is unable to collect such penalty or if any person~~
16 ~~fails to pay all or a set portion of the civil penalty as determined by~~
17 ~~the department, it may recover such amount by action in the appropriate~~
18 ~~district court.~~

19 ~~(d) Any person against whom the department has assessed a civil penalty~~
20 ~~under the provisions of this section may, within twenty-eight (28) days~~
21 ~~of the final action by the agency making the assessment, appeal the as-~~
22 ~~essment to the district court of the county in which the violation is~~
23 ~~alleged by the department to have occurred.~~

24 ~~(e) All civil penalties collected pursuant to this section shall be~~
25 ~~remitted to the invasive species fund as authorized under section~~
26 ~~22-1911, Idaho Code.~~

27 (32) Nothing in this chapter shall be construed as requiring the direc-
28 tor to report minor violations for prosecution when he believes that the pub-
29 lic interest will be best served by suitable warnings or other administra-
30 tive action.