



SENATE BILL No. 564

May 25, 1995, Introduced by Senator VAN REGENMORTER and referred to the Committee on Transportation and Tourism.

A bill to amend section 114 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

as amended by Act No. 270 of the Public Acts of 1993, being section 281.1114 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 114 of Act No. 303 of the Public Acts of
2 1967, as amended by Act No. 270 of the Public Acts of 1993, being
3 section 281.1114 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 114. (1) Subject to subsection (2), a person ~~shall~~
6 ~~not operate a motorboat on the waters of this state unless the~~
7 ~~motorboat is equipped and maintained with an effective muffler or~~
8 ~~underwater exhaust system that does not produce sound levels in~~
9 ~~excess of 90 dB(A) when subjected to a stationary sound level~~

~~1 test as prescribed by SAE J2005 or a sound level in excess of 75~~
~~2 dB(A) when subjected to a shoreline sound level measurement pro-~~
~~3 cedure as described by SAE J1970. The operator of a motorboat~~
~~4 shall present the motorboat for a sound level test as prescribed~~
~~5 by SAE J2005 upon the request of a peace officer. If a motorboat~~
~~6 is equipped with more than 1 motor or engine, the test shall be~~
~~7 performed with all motors or engines operating. To determine~~
~~8 whether a person is violating this subsection, a peace officer~~
~~9 may measure sound levels pursuant to procedures prescribed in SAE~~
10 J1970, issued 1991-92- MAY OPERATE ON THE WATERS OF THIS STATE A
11 MOTORBOAT THAT IS EQUIPPED WITH A CUT-OUT, BYPASS, AMPLIFIER, OR
12 OTHER SIMILAR DEVICE ONLY IF THE MOTORBOAT IS NOT OPERATED WITH
13 THE SWITCH IN THE OPEN POSITION WHERE THE NOISE PRODUCED BY THE
14 MOTORBOAT EXCEEDS THE MAXIMUM ALLOWABLE LIMIT OF 90 dB(A), OR IN
15 EXCESS OF 75 dB(A) WHEN SUBJECTED TO THE SHORELINE TEST. THE
16 DETERMINATION OF A VIOLATION MAY BE MADE BY A PEACE OFFICER AT
17 THE SITE OF THE MOTORBOAT OR IN THE GENERAL VICINITY OF THE
18 MOTORBOAT WITH MEASUREMENT DEVICES THAT WILL DETERMINE WHETHER A
19 MOTORBOAT IS OPERATING IN VIOLATION OF THE MAXIMUM LEVEL ESTAB-
20 LISHED BY LAW.

21 (2) The department may by rule establish a motorboat sound
22 level test and set a maximum decibel level or levels permitted
23 for motorboat operation that replace the tests and maximum deci-
24 bel levels permitted under subsection (1). If a test and maximum
25 decibel level or levels are established pursuant to this subsec-
26 tion, all of the following apply:

1 (a) A person shall not operate a motorboat on the waters of
2 this state if the motorboat produces sound levels that exceed the
3 maximum decibel level or levels established under this
4 subsection.

5 (b) The operator of a motorboat shall present the motorboat
6 for the sound level test established pursuant to this subsection
7 upon the request of a peace officer.

8 (c) A motorboat equipped with more than 1 motor or engine
9 shall be tested with all motors or engines operating.

10 (3) A person shall not manufacture, or sell, or offer for
11 sale, a new motorboat for use on the waters of this state if that
12 motorboat cannot be operated in a manner that complies with the
13 applicable sound levels permitted under subsection (1) or (2).

14 (4) Subsections (1) and (2) do not apply to any of the
15 following:

16 (a) A motorboat tuning up, testing for, or participating in
17 official trials for speed records or a sanctioned race conducted
18 pursuant to a permit issued by an appropriate unit of
19 government.

20 (b) A motorboat being operated by a boat or marine engine
21 manufacturer for the purpose of testing or development.

22 (c) A motorboat that qualifies as an historic vessel.

23 (5) A person shall not operate on the waters of this state a
24 motorboat that is equipped with a cut-out, bypass, amplifier, or
25 other similar device.

26 (6) As used in this section, "dB(A)" means decibels on the
27 "A" scale on a sound meter having characteristics of a general

1 purpose sound meter as defined by American national standards
2 institute S1.4-1983.

3 (7) A person who violates this section is guilty of a misde-
4 meanor, punishable by imprisonment for not more than 90 days and
5 a fine of not less than \$100.00 or more than \$500.00.
6 Additionally, before putting the motorboat back in use, a person
7 who violates this section ~~shall be~~ IS required to install an
8 effective muffler or underwater exhaust system that meets the
9 requirements of this section on the motorboat in violation at his
10 or her expense.