



**House
Legislative
Analysis
Section**

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RESTRICT WATERCRAFT NOISE LEVELS

House Bill 4806 (Substitute H-4)
First Analysis (3-1-90)

RECEIVED

MAR 21 1990

Sponsor: Rep. Alvin Hoekman
Committee: Marine Affairs and Port Development

Mich. State Law Library

THE APPARENT PROBLEM:

Since the Marine Safety Act was established in 1967, recreational use of inland lakes has increased considerably. With more people using these shared waters, the problem of noise has become increasingly acute. The problem became so bad on some lakes a few years ago that lakeshore owners asked to have public landings on their lakes closed because of the early morning noise levels. Public Act 189 of 1987 attempted to correct the problem by outlawing the operation of a motorboat equipped with a cut-out, bypass, amplifier, or other device that could be used to increase the power of a motor and which increased the motor's noise level by bypassing the boat's muffler. Public Act 189's prohibition against disturbing the peace also allowed citizens to bring complaints against anyone using such a device. While these prohibitions seem to have reduced the problem of noise in some areas, in other areas the problem has increased, especially on the Great Lakes. While part of the problem is undoubtedly caused by the growing popularity of watercraft such as jet skis, Department of Natural Resources (DNR) enforcement officers claim that the noise level limitation of 86 decibels at 50 feet is difficult to enforce. It has been suggested that the act be amended to require boats to be subjected to a stationary sound level test.

THE CONTENT OF THE BILL:

The bill would amend the Marine Safety Act to strengthen watercraft noise control provisions and to prohibit the operation of a motorboat unless the boat was equipped with an effective muffler or underwater exhaust system that did not produce sound levels in excess of 90 decibels when subjected to a stationary sound level test, as prescribed in SAE J2005 of the American National Standards Institute S1.4-1983. The provisions of the bill would also apply to the manufacture or sale of a new motorboat that was to be used in Michigan. If a motorboat were equipped with more than one motor or engine, the test would be performed with all motors or engines operating. The bill would also remove from the act a provision specifying that noise level limitation under the act do not apply to the Great Lakes.

Under the bill, the above noise control provisions would not apply to motorboats that were preparing for official trials for speed records or a sanctioned race conducted according to permits issued by the appropriate unit of government, nor would the provisions apply to a motorboat being tested by a boat or engine manufacturer, nor an historic or antique vessel manufactured prior to 1955. A person who violated the bill would be guilty of a misdemeanor, punishable by imprisonment for no more than 90 days and a fine of \$100 to \$500. In addition, the person could be required to install an effective muffler at his or her expense. The bill would take effect 90 days after enactment.

MCL 281.1114

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal implications. (2-28-90)

ARGUMENTS:

For:

Excessive noise from thoughtless motorboat operators has given boating a bad name, but current noise level standards are difficult to enforce and need to be redefined. For example, how can an enforcement officer driving on the shore estimate whether or not he or she is fifty feet from a boat or not? The bill would make the job of enforcing noise level limitations easier by establishing a standard whereby motorboats could be tested while stationary.

POSITIONS:

The National Marine Manufacturers Association supports the bill. (2-28-90)

The Michigan Recreation and Parks Association supports the bill. (2-28-90)

The Michigan Boating Industries Association supports the bill. (2-28-90)

The Michigan Lake and Stream Association has no position on the bill. (2-28-90)

The Department of State has no position on the bill. (2-28-90)

H.B. 4806 (3-1-90)