

Act No. 289  
Public Acts of 1990  
Approved by the Governor  
December 13, 1990  
Filed with the Secretary of State  
December 14, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Hoekman, Bartnik, Niederstadt, Muxlow, Law, Weeks, Perry Bullard, DeMars,  
Van Regenmorter, London, Stacey, Krause and Crandall

# **ENROLLED HOUSE BILL No. 4806**

AN ACT to amend section 114 of Act No. 303 of the Public Acts of 1967, entitled as amended "An act to promote the safe use of the waters of this state; to provide for the taxation and numbering of motorboats and vessels; to provide for rules relative to the operation of vessels and motorboats; the carrying of equipment on such waters and to the use of waters of this state for boating; to promote uniformity of laws relating thereto; to prescribe the duties and responsibilities of owners and operators of vessels and motorboats; to prescribe the powers and duties of certain state departments; to provide for the disposition of revenue; and to provide for penalties," as amended by Act No. 189 of the Public Acts of 1987, being section 281.1114 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 114 of Act No. 303 of the Public Acts of 1967, as amended by Act No. 189 of the Public Acts of 1987, being section 281.1114 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 114. (1) A person shall not operate a motorboat on the waters of this state unless the motorboat is equipped and maintained with an effective muffler or underwater exhaust system that does not produce sound levels in excess of 90 dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005. If a motorboat is equipped with more than 1 motor or engine, the test shall be performed with all motors or engines operating.

(2) A person shall not manufacture, or sell, or offer for sale, a new motorboat for use on the waters of this state if that motorboat cannot be operated in such a manner so as to comply with the sound levels prescribed in subsection (1).

(3) Subsection (1) does not apply to any of the following:

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

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

(c) A motorboat manufactured prior to 1955 that is an historic or antique vessel.

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

(5) As used in this section, "dB(A)" means decibels on the "A" scale on a sound meter having characteristics of a general purpose sound meter as defined by American national standards institute S1.4-1983.

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

Section 2. This amendatory act shall take effect April 1, 1991.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

