

HOUSE BILL No. 4806

May 10, 1989, Introduced by Reps. Hoekman, Bartnik, Niederstadt, Muxlow, Law, Weeks, Perry Bullard, DeMars, Van Regenmorter, London, Stacey, Krause and Crandall and referred to the Committee on Marine Affairs and Port Development.

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. 189 of the Public Acts of 1987, 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. 189 of the Public Acts of 1987, being
3 section 281.1114 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 114. (1) A person shall not operate a motorboat on the
6 waters of this state unless the motorboat is equipped AND
7 MAINTAINED with ~~a~~ AN EFFECTIVE muffler ~~—~~ OR underwater
8 exhaust ~~—, or other modern noise reduction device that is in good~~
9 ~~working order and in constant operation. Noise emission,~~

~~1 measured at not less than 50 feet from a motorboat, shall not~~
~~2 exceed 86 decibels on the "A" scale on a sound meter having char-~~
~~3 acteristics of a general purpose sound meter as defined by~~
~~4 American national standards institute S1.4 1983~~ SYSTEM.

5 (2) A PERSON SHALL NOT OPERATE A MOTORBOAT ON THE WATERS OF
6 THIS STATE IN SUCH A MANNER AS TO EXCEED A NOISE LEVEL OF 75dB(A)
7 MEASURED AS SPECIFIED IN SAE J1970 OF THE AMERICAN NATIONAL STAN-
8 DARDS INSTITUTE FROM ANY POINT ON THE SHORELINE OF THE BODY OF
9 WATER ON WHICH THE MOTORBOAT IS BEING OPERATED.

10 (3) A person shall not operate on the waters of this state a
11 motorboat that is equipped with a cut-out, bypass, amplifier, or
12 other similar device. ~~A person shall not operate a motorboat on~~
~~13 the waters of this state in a manner that disturbs the peace of~~
14 others. ~~Noise~~

15 (4) SOUND level limitations prescribed in ~~this section~~
16 SUBSECTIONS (1) AND (2) shall not apply to the Great Lakes.

17 (5) SUBSECTIONS (1) AND (2) DO NOT APPLY TO EITHER OF THE
18 FOLLOWING:

19 (A) A MOTORBOAT TUNING UP, TESTING FOR OR PARTICIPATING IN
20 OFFICIAL TRIALS FOR SPEED RECORDS OR A SANCTIONED RACE CONDUCTED
21 PURSUANT TO A PERMIT ISSUED BY AN APPROPRIATE UNIT OF
22 GOVERNMENT.

23 (B) A MOTORBOAT BEING OPERATED BY A BOAT OR MARINE ENGINE
24 MANUFACTURER FOR THE PURPOSE OF TESTING OR DEVELOPMENT.

25 (6) A PERSON SHALL NOT MANUFACTURE OR OFFER FOR SALE ANY
26 MOTORBOAT FOR USE ON THE WATERS OF THIS STATE IF THAT MOTORBOAT

1 CANNOT BE OPERATED IN SUCH A MANNER SO AS TO COMPLY WITH THE
2 SOUND LEVELS PRESCRIBED IN SUBSECTIONS (1) AND (2).

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, A PERSON WHO VIOLATES THIS SECTION MAY BE REQUIRED
7 TO INSTALL AN EFFECTIVE MUFFLER OR UNDERWATER EXHAUST SYSTEM ON
8 THE MOTORBOAT IN VIOLATION AT HIS OR HER EXPENSE, AND MAY BE
9 REQUIRED TO COMPLETE A BOATING SAFETY COURSE.

10 (8) AS USED IN THIS SECTION, AN "EFFECTIVE MUFFLER OR UNDER-
11 WATER EXHAUST SYSTEM" IS ONE WHICH DOES NOT PRODUCE SOUND LEVELS
12 IN EXCESS OF 90 dB(A) WHEN SUBJECTED TO A STATIONARY SOUND LEVEL
13 TEST AS PRESCRIBED BY SAE J2005 OF THE AMERICAN NATIONAL STAN-
14 DARDS INSTITUTE.

15 Section 2. This amendatory act shall take effect upon the
16 expiration of 90 days after the date of its enactment.