

HOUSE BILL No. 6315

July 1, 2010, Introduced by Rep. Lipton and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80156 (MCL 324.80156), as amended by 1996 PA
274.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80156. (1) Subject to subsection (2), a person shall not
2 operate a motorboat on the waters of this state unless the
3 motorboat is equipped and maintained with an effective **PERMANENTLY**
4 **AFFIXED** muffler or underwater exhaust system that does not produce
5 sound levels in excess of 90 dB(A) when subjected to a stationary
6 sound level test as prescribed by SAE J2005 or a sound level in
7 excess of 75 dB(A) when subjected to a shoreline sound level
8 measurement procedure as described by SAE J1970. The operator of a
9 motorboat shall present the motorboat for a sound level test as

1 prescribed by SAE J2005 upon the request of a peace officer. If a
2 motorboat is equipped with more than 1 motor or engine, the test
3 shall be performed with all motors or engines operating. To
4 determine whether a person is violating this subsection, a peace
5 officer may measure sound levels ~~pursuant to~~ **USING** procedures
6 prescribed in SAE J1970, issued 1991-92.

7 (2) The department may by rule establish a motorboat sound
8 level test and set a maximum decibel level or levels permitted for
9 motorboat operation that replace the tests and maximum decibel
10 levels permitted under subsection (1). If a test and maximum
11 decibel level or levels are established ~~pursuant to~~ **UNDER** this
12 subsection, all of the following apply:

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

16 (b) The operator of a motorboat shall present the motorboat
17 for the sound level test established ~~pursuant to~~ **UNDER** this
18 subsection upon the request of a peace officer.

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

21 (3) A person shall not manufacture, sell, or offer for sale a
22 motorboat for use on the waters of this state unless that motorboat
23 is equipped and maintained with an effective **PERMANENTLY AFFIXED**
24 muffler or underwater exhaust system that complies with the
25 applicable sound levels permitted under subsection (1) or (2).

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

1 (a) A motorboat tuning up or testing for or participating in
2 official trials for speed records or a sanctioned race conducted
3 ~~pursuant to~~ **UNDER** a permit issued by an appropriate unit of
4 government.

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

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

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

12 (6) A person who violates this section is ~~guilty of~~
13 **RESPONSIBLE FOR** a misdemeanor, ~~punishable by imprisonment for not~~
14 ~~more than 90 days and a fine of~~ **STATE CIVIL INFRACTION AND SHALL BE**
15 **FINED** not less than \$100.00 or more than \$500.00. ~~Additionally,~~

16 (7) **IF A PERSON HAS RECEIVED A STATE CIVIL INFRACTION CITATION**
17 **FOR VIOLATING THIS SECTION, THE COURT SHALL WAIVE THE CIVIL FINE,**
18 **COSTS, AND ASSESSMENTS UPON RECEIPT OF CERTIFICATION BY A LAW**
19 **ENFORCEMENT AGENCY THAT THE MOTORBOAT WAS BROUGHT INTO COMPLIANCE**
20 **WITH THIS SECTION BEFORE THE APPEARANCE DATE ON THE CITATION.**

21 (8) **IF A PERSON IS FOUND RESPONSIBLE FOR VIOLATING THIS**
22 **SECTION, THE COURT SHALL ORDER THAT,** before putting the motorboat
23 back in use, ~~a-**THE** person who violates this section is required to~~
24 **SHALL** install an effective **PERMANENTLY AFFIXED** muffler or
25 underwater exhaust system that meets the requirements of this
26 section on the motorboat in violation at his or her expense.