



**Senate Fiscal Agency**  
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**BILL ANALYSIS**



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Senate Bill 564 (as enrolled)  
 Sponsor: Senator William Van Regenmorter  
 Committee: Transportation and Tourism

Date Completed: 5-2-96

**RATIONALE**

In response to complaints about excessive noise levels of motorboats operating on the waters of the State, Public Act 289 of 1991 was enacted to revise the maximum allowable noise levels; prohibit a person from manufacturing or selling a new motorboat if it cannot be operated in a manner that complies with permitted sound levels; and prohibit a person from operating a motorboat that is equipped with a cut-out, bypass, amplifier, or other similar device. At that time, many motorboats apparently were equipped with a cut-out switch that when operating caused a boat to emit noise at levels exceeding the established limits. Now, newer models of boats are equipped with an option called "silent choice or captains call" in which a switch, when used in conjunction with a vessel's muffler system, reduces an engine's noise level and does not allow a boat to operate at noise levels higher than those permitted under the law. Some marine enforcement officers apparently are ticketing boat owners for merely having a switching device on the boat, regardless of whether it causes the vessel to produce a prohibited noise level. Some people believe that boat owners or operators should not be cited for merely having a boat equipped with these devices, but should be ticketed for operating a vessel in a manner that exceeds noise limits.

**CONTENT**

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to delete the current provision that prohibits a person from operating a motorboat that is equipped with a cut-out, bypass, amplifier, or other similar device. The bill also would prohibit a person from manufacturing, selling, or offering for sale a motorboat for use on the waters of this State unless the motorboat were equipped and

maintained with an effective muffler or underwater exhaust system that complied with applicable sound levels permitted under the NREPA. The bill would delete the current prohibition against manufacturing, selling, or offering for sale a motorboat if it cannot be operated in a manner that complies with applicable sound levels.

Under the Act, a person may not operate a motorboat unless it is equipped and maintained with an effective muffler or underwater exhaust system that does not produce sound levels greater than 90dB(A) when subjected to a stationary sound level test as prescribed by guidelines of the Society of Automotive Engineers SAE J2005 or a sound level in excess of 75 dB(A) when subjected to a shoreline sound level measurement procedure as described by SAE J1970. In addition, a motorboat operator must present the boat for a sound level test, as prescribed by SAE J2005, upon a peace officer's request. If a motorboat is equipped with more than one motor or engine, the test must be performed with all motors or engines operating. To determine whether a person is violating these provisions, a peace officer may measure sound levels pursuant to procedures prescribed in SAE J1970, issued in 1991-92. The Act also permits the Department of Natural Resources, by rule, to establish a sound level test and set a maximum decibel level that replace those described above. The bill would retain these provisions.

MCL 324.80156

**ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Excessive boat noise has been and will continue to be a problem on the waters of this State if the operation of motorboats is not regulated in a manner that is consistently enforceable. Under the NREPA, a person is prohibited from operating a boat equipped with a cut-out switch. Consequently, boat owners evidently are being ticketed for merely having a boat equipped with a cut-out switch, regardless of whether the boat is exceeding, or is capable of exceeding, the decibel limit established by law. By deleting this provision, the bill would ensure that a boat operator was ticketed for the noise that his or her craft made, and not for the existence of a boat switch. In addition, the bill would omit the word "new" when prohibiting the manufacture or sale of a motorboat that did not meet applicable sound levels. Under the bill, any motorboat sold or manufactured in the State would have to meet the shoreline sound level test of 75 decibels or the stationary sound level test of 90 decibels, or an alternative test set by the Department. Thus, a purchaser could not acquire a boat that could not be legally operated on Michigan's waters.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.