

1 H.139

2 Introduced by Representatives Krebs of South Hero, Johnson of South Hero,

3 McCullough of Williston and Webb of Shelburne

4 Referred to Committee on

5 Date:

6 Subject: Motorboats; noise levels

7 Statement of purpose: This bill proposes to revise existing standards  
8 governing maximum operating noise levels of motorboats and to authorize  
9 enforcement officers to direct that motorboats be moored until a noise level  
10 violation is corrected.

11 An act relating to noise levels of motorboats

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 23 V.S.A. § 3309 is amended to read:

14 § 3309. MUFFLING DEVICES; MAXIMUM NOISE LEVELS

15 (a) The exhaust of every internal combustion engine used on any motorboat  
16 shall be effectively muffled by equipment so constructed and used as to muffle  
17 the noise of the exhaust in a manner which reduces the maximum machine  
18 operating noise level to not more than ~~82 decibels on the A scale at 50 feet, in~~  
19 ~~a normal operating environment~~ 75 decibels on the A scale (“dBA”) when  
20 subjected to a shoreline sound level measurement test as prescribed by Society

1 of Automotive Engineers (SAE) standard J1970, as amended, or 90 dBA when  
2 subjected to a stationary sound level measurement test as prescribed by SAE  
3 standard J2005, as amended.

4 (b) No person shall manufacture or offer for sale in this state, or permit to  
5 be operated or operate on the public waters of this state, any motorboat that  
6 exceeds the noise levels established in subsection (a) of this section.

7 (c) The use of muffler cutouts is prohibited except for motorboats  
8 competing in a regatta or boat race approved as provided in section 3316 of  
9 this title, and for such motorboats while on trial runs, during a period not to  
10 exceed 48 hours immediately preceding such regatta or race and for such  
11 motorboats while competing in official trials for speed records during a period  
12 not to exceed 48 hours immediately following such regatta or race.

13 (d) Any officer authorized to enforce the provisions of this section who has  
14 reason to believe that a motorboat is not in compliance with the noise levels  
15 established in this section may direct the operator of the motorboat to submit it  
16 to an on-site test to measure the noise level, with the officer on board if he or  
17 she so chooses. If the motorboat exceeds the noise levels established in this  
18 section, the officer may direct the operator to take immediate and reasonable  
19 measures to correct the violation, including returning the motorboat to a  
20 mooring and keeping the motorboat at such mooring until the violation is  
21 corrected.

1       Sec. 2. 23 V.S.A. § 3317 is amended to read:

2       § 3317. PENALTIES

3           (a) A person who violates any of the following sections of this title shall be  
4       subject to a fine of not more than \$50.00 for each violation:

- 5       § 3303               unnumbered boat
- 6       § 3305(a)           unregistered boat
- 7       § 3305(d)           old registered certificate to be returned
- 8       § 3305(e)           compliance with federal motorboat ID system
- 9       § 3305(h)           change of address
- 10      § 3305(i)           incorrect number displayed on boat
- 11      § 3305(j)           temporary registration
- 12      § 3305a(a)          qualified person may operate
- 13      § 3305a(c)          underage operation
- 14      § 3305(b)           operating without boat certificate
- 15      § 3306(a)-(d)       lights and equipment
- 16      § 3307a              documented boat validation sticker
- 17      § 3308               boat rental records
- 18      § 3309               muffling ~~device~~ devices; maximum noise levels
- 19      § 3311(c)           distance requirements
- 20      § 3311(d)           under water historic preserve area
- 21      § 3311(e)           overloaded vessel

