

## NASBLA MODEL ACT FOR MOTORBOAT NOISE

*This act originally was adopted by the membership of the National Association of State Boating Law Administrators on Dec. 11, 1989\*; subsequently amended Sept. 26, 1991; and approved in revised form on Sept. 21, 2005, as part of the 2005 NASBLA Model Acts Review and Standardization Project. Intended to be used in conjunction with SAE Standards J1970 and J2005, the act requires all motorboats with above-water exhaust to install mufflers to reduce exhaust noise and limits the shoreline sound level to 75 decibels.*

*In September 2002, the NASBLA membership approved a related resolution No. 2002-1, requesting the United States Coast Guard to initiate rule-making to require manufacturers of inboard motorboats to install effective muffler systems in constant operation on the motorboat. While 32 states had adopted legislation noise regulations equivalent to the requirements described in the Model Act for Motorboat Noise, manufacturers had continued to build non-compliant inboard motorboats, putting the purchasers and operators of these boats at odds with law enforcement. Moreover, according to the resolution, excessive noise from these non-compliant vessels continued to put the operators in danger of not hearing emergency sound signals, and to create an additional stressor with the potential to degrade operator performance.*

*In May 2003, the National Marine Manufacturers (NMMA) Board of Directors voted to formally endorse the NASBLA Model Act for Motorboat Noise, and published NMMA Guidelines for Boat Noise.*

*In April 2005, the NASBLA Boats & Associated Equipment and Law Enforcement Committees reviewed proposed revisions to this model act as part of the aforementioned Model Acts Review Project; made additional changes; and subsequently recommended this version to the NASBLA membership.*

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*\* A similar version actually had been adopted by NASBLA membership in November 1975, as Chapter 14 of the “Uniform Boating Code”; the Code was designed as a guide or standard for state boating laws and regulations.*

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1 Section 1. [*Short Title.*] This act may be cited as the Motorboat Noise Act.

1 Section 2. [*Legislative Intent.*] Every motorboat operated upon the waters of this state  
2 shall at all times be equipped with a muffler or a muffler system in good working order  
3 and in constant operation and effectively installed to prevent any excessive or unusual  
4 noise.

1 Section 3. [*Definitions.*] As used in this act:

2 (1) “Department” means [insert name of agency/department designated by the  
3 legislative body to administer the act].

4 (2) “Operate” or “Operating” means to navigate or otherwise control the movement of a  
5 vessel, including control of a vessel’s propulsion system.

6 (3) “Person” means any natural person or individual, partnership, firm, association,  
7 corporation or other entity.

8 (4) “Motorboat” means a recreational vessel propelled in whole or in part by  
9 machinery, including a vessel temporarily equipped with a detachable engine.

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**COMMENT:** The intent of this model act is to address motorboat noise and  
doesn’t address noise generated from other means such as the propeller on an  
airboat or hovercraft.

10 (5) “Muffler” means a sound suppression device or system designed and installed to  
11 abate the sound of exhaust gases emitted from an internal combustion engine and which  
12 prevents excessive or unusual noise.

13 (6) “Waters of this state” means any waters within the jurisdiction of the state.

1 Section 4. [*Noise Level Restrictions.*]

2 (a) No person shall operate or give permission for the operation of any motorboat in or  
3 upon the waters of this state in such a manner as to exceed the following noise levels:

4 (1) For engines manufactured before January 1, 1993, a noise level of 90dB(A) when  
5 subjected to a stationary sound level test as prescribed by SAE J2005;

6 (2) For engines manufactured on or after January 1, 1993, a noise level of 88dB(A)  
7 when subjected to a stationary sound level test as prescribed by SAE J2005.

8 (b) Effective January 1, 1992, no person shall operate a motorboat on the waters of this  
9 state in such a manner as to exceed a noise level of 75dB(A) measured as specified in  
10 SAE J1970. Provided, that such measurement shall not preclude a stationary sound level  
11 test as prescribed by SAE J2005.

1 Section 5. [*Muffler Required; Modifications Prohibited.*]

2 (a) Every motorboat operated upon the waters of this state shall at all times be equipped  
3 with a muffler or a muffler system in good working order and in constant operation and  
4 effectively installed to prevent any excessive or unusual noise.

5 (b) No person shall operate or give permission for the operation of any motorboat in or  
6 upon the waters of this state that is equipped with an altered muffler or a muffler cutout  
7 or bypass or that otherwise reduces or eliminates the effectiveness of any muffler or  
8 muffler system installed in accordance with this act.

9 (c) No person shall remove, alter or otherwise modify in any way a muffler or muffler  
10 system in a manner that will prevent it from being operated in accordance with this act.

1 Section 6. [*Manufacturer, Seller Requirements; Exemption and Documentation for*

2 *Racing Vessels.*] No person shall manufacture, sell or offer for sale any motorboat  
3 equipped with a muffler or muffler system which does not comply with Section 4(a) of  
4 this act. This section shall not apply to power vessels designed, manufactured and sold  
5 for the sole purpose of competing in racing events. Any such exemption or exception  
6 shall be so documented in any and every sale agreement and shall be formally  
7 acknowledged by signature on the part of both the buyer and the seller and copies of said

8 agreement shall be maintained by both parties. A copy shall be kept on board whenever  
9 the motorboat is operated. Any motorboat sold under this exemption may only be  
10 operated on the waters of this state in accordance with Section 7 of this act.

1 Section 7. [*Exemptions.*] The provisions of this act shall not apply to motorboats  
2 registered and actually participating in a racing event or tuneup periods for such racing  
3 events authorized in accordance with this act, or to a motorboat being operated by a boat  
4 or engine manufacturer for the purpose of testing or development, provided the operator  
5 shall at all times have in possession and produce on demand by a law enforcement officer  
6 a test permit issued by this state. For the purpose of races or racing events, such race shall  
7 only be sanctioned when conducted in accordance with and permitted by the United  
8 States Coast Guard or this state.

1 Section 8. [*On-Site Noise Level Tests; Qualifications for Conducting Noise Testing.*]

2 (a) Any law enforcement officer authorized to enforce the provisions of this act who  
3 has reason to believe that a motorboat is not in compliance with the noise levels  
4 established in this act may direct the person operating such motorboat to submit the  
5 motorboat to an on-site test to measure noise level, with the officer on board if such  
6 officer chooses, and the operator shall comply with such request. If such motorboat  
7 exceeds the decibel levels established in this act, the officer may direct the operator to  
8 take immediate and reasonable measures to correct the violation, including returning the  
9 motorboat to a mooring and keeping the motorboat at such mooring until the violation is  
10 corrected or ceases.

11 (b) Any law enforcement officer who conducts motorboat sound level tests as provided  
12 in this act shall be qualified in motorboat noise testing by the department. Such  
13 qualifications shall include but are not limited to the selection of the measurement site,  
14 and the calibration and use of noise testing equipment.

1 Section 9. [*Penalty for Violation.*] Any person who violates the provisions of this act or  
2 who fails to comply with a request or direction of a law enforcement officer made  
3 pursuant to Section 8 of this act shall be fined not less than [insert dollar amount] nor  
4 more than [insert dollar amount] for a first offense and for a second offense be fined not  
5 less than [insert dollar amount] nor more than [insert dollar amount] and be [imprisoned  
6 not more than [insert number of days]].

1 Section 10. [*Effective Date.*] [Insert effective date.]