

IN THE SENATE

SENATE BILL NO. 1360

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO THE SAFE BOATING ACT; AMENDING SECTION 67-7038, IDAHO CODE, TO
2 PROVIDE THAT IT SHALL NOT BE A VIOLATION TO OPERATE A MOTORBOAT EQUIPPED
3 WITH DEVICES PROVIDED BY THE MANUFACTURER AS STOCK EQUIPMENT THAT ARE
4 NOT USED TO EXCEED CERTAIN NOISE LEVELS AND TO PROVIDE AN EXCEPTION
5 FROM RESPONSIBILITY FOR MOTORBOAT DEALERS RELATING TO CERTAIN NOISE
6 RESTRICTIONS.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 67-7038, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-7038. MUFFLERS AND NOISE RESTRICTIONS. (1) It shall be unlawful
12 for any person to operate, or permit the operation of, any motorboat on
13 the waters of the state of Idaho unless the motorboat shall at all times be
14 equipped with a muffler or a muffler system in good working order and in
15 constant operation and effectively installed to prevent any excessive or
16 unusual noise.

17 (2) For the purposes of this section, "muffler" shall mean a sound
18 suppression device or system designed and installed to abate the sound of
19 exhaust gases emitted from an internal combustion engine and which prevents
20 excessive or unusual noise.

21 (3) It shall be unlawful for any person to operate, or permit the
22 operation of, any motorboat on the waters of the state of Idaho in such a
23 manner as to exceed the following noise levels:

24 (a) For motorboats manufactured before January 1, 1995, a noise level
25 of 90dB(A) when subjected to a stationary sound level test as prescribed
26 by SAE J2005;

27 (b) For motorboats manufactured on or after January 1, 1995, a noise
28 level of 88dB(A) when subjected to a stationary sound level test as
29 prescribed by SAE J2005.

30 (4) It shall be unlawful for any person to operate, or permit the
31 operation of, any motorboat on any lake or reservoir of the state of Idaho,
32 which is more than five hundred (500) feet in width, in such a manner as
33 to exceed a noise level of 75dB(A) measured as specified in SAE J1970.
34 Provided, that such measurement shall not preclude a stationary sound level
35 test as prescribed by SAE J2005.

36 (5) No person shall operate, or give permission for the operation of,
37 any motorboat on the waters of the state of Idaho that is equipped with an
38 altered muffler or a muffler cutout, bypass or other device designed or so
39 installed so that it can be used to continually or intermittently bypass or
40 otherwise reduce or eliminate the effectiveness of any muffler or muffler
41 system installed in accordance with the provisions of this section.

1 (6) No person shall remove, alter or otherwise modify in any way a
2 muffler or muffler system in a manner which will prevent it from being
3 operated in accordance with the provisions of this section.

4 (7) Effective January 1, 1995, a person shall not manufacture, sell
5 or offer for sale any motorboat unless it is equipped with a muffler or
6 muffler system which does comply with subsection (3) of this section. This
7 subsection shall not apply to motorboats designed, manufactured and sold for
8 the sole purpose of competing in racing events and for no other purpose.

9 (8) The provisions of this section shall not apply to motorboats
10 registered and actually participating in an authorized marine event, or to
11 a motorboat being operated by a boat or engine manufacturer for the sole
12 purpose of testing and/or development.

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

22 (10) Notwithstanding any other provision of this section, it shall not
23 be a violation to operate a motorboat equipped with devices provided by
24 the manufacturer as stock equipment that are not used to exceed the noise
25 levels described in this section. The dealer from whom the motorboat was
26 purchased assumes no responsibility to ensure the operator does not use
27 devices provided by the manufacturer as original equipment to exceed the
28 noise levels described in this section.