



Substitute House Bill No. 5615

Public Act No. 05-203

AN ACT CONCERNING MOTORBOAT NOISE AND MOTORBOAT SOUND LEVEL TESTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 15-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The provisions of this section shall apply to vessels operated on state and federal waters. (1) Every vessel shall carry for each person on board, so placed as to be readily accessible, at least one buoyant personal flotation device. The operator or owner of any vessel being used for recreational purposes, other than a vessel required to have a certificate of inspection issued by the Coast Guard, shall require any child under twelve years of age who is aboard such vessel to wear a personal flotation device while such vessel is underway unless the child is below deck or in an enclosed cabin. Sailboards shall be exempt from carrying a personal flotation device if the mast of the sailboard is secured to the hull by a leash or safety line. (2) Every motorboat with enclosed fuel storage space or an enclosed engine compartment shall be equipped with devices for ventilating flammable or explosive gases. (3) Every motorboat with a carbureted inboard engine shall have the carburetor of such engine equipped with a flame arrestor or backfire trap unless such engine is mounted in the aftermost part of the vessel

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with no provisions for carrying passengers behind the forward edge of the engine and the carburetor of such engine has its intake opening above the gunwale line of the vessel in the open atmosphere and mounted so backfire flames are directed to the rear or vertically away from the vessel and its occupants. (4) Every motorboat shall have its engine equipped with an effective muffling device. (5) All inboard motorboats, all outboard motorboats twenty-six feet or over in length, and all outboard motorboats less than twenty-six feet in length which have a compartment in which gases may accumulate, shall be equipped with a fire extinguisher. (6) Every motorboat sixteen feet or more in length shall be equipped with a whistle or horn-type sound-producing device capable of producing a blast of two seconds or more in duration. On motorboats sixteen feet or more but less than twenty-six feet in length such device shall be mouth, hand or power-operated and audible for at least one-half mile. On motorboats twenty-six feet or more but less than forty feet in length such device shall be hand or power-operated and audible for at least one mile. On motorboats forty feet or more but less than sixty-five feet in length such device shall be power-operated and audible for at least one mile. Every motorboat twenty-six feet or more in length shall be equipped with a bell capable of producing a clear bell-like tone of full round characteristics. (7) Every vessel operated on the waters of Long Island Sound or Fishers Island Sound between sunset and sunrise shall carry visual distress signals suitable for night use. Every vessel sixteen feet or more in length, except manually propelled vessels and open sailboats that are less than twenty-six feet in length, and are not equipped with propulsion machinery, operated on the waters of Long Island Sound or Fishers Island Sound at any time shall carry visual distress signals suitable for day and night use. No person, operator or owner in a vessel shall display or allow the display of a visual distress signal except when assistance is needed because of immediate or potential danger to persons aboard.

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(b) No person shall operate or give permission for the operation of any motorboat on the waters of this state unless such motorboat is at all times equipped with a muffler which enables such motorboat to be operated in compliance with subsections (c) and (d) of this section and such muffler is in use. For purposes of this section "muffler" means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine.

(c) No person shall operate or give permission for the operation of any motorboat on the waters of this state in such a manner as to exceed the following noise levels: (1) For engines manufactured before January 1, 1993, a noise level of 90 dB(A) when subjected to a stationary sound level test as prescribed by Society of Automotive Engineers Specification Number J2005; (2) for engines manufactured on or after January 1, 1993, a noise level of 88 dB(A) when subjected to a stationary sound level test as prescribed by Society of Automotive Engineers Specification Number J2005. If a motorboat is equipped with more than one engine, the said noise levels shall apply when all such engines are simultaneously in operation.

(d) No person shall operate or give permission for the operation of any motorboat on the waters of this state in such a manner as to exceed a noise level of 75 dB(A) measured as specified by Society of Automotive Engineers Specification Number J1970.

(e) Any officer authorized to enforce the provisions of this chapter who has reason to believe that a motorboat is being operated in excess of the noise levels established in subsection (c) or (d) of this section may request the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board such motorboat if such officer chooses, and the operator shall comply with such request. If such motorboat exceeds the noise levels established in subsection (c) or (d) of this section, the officer may direct

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the operator to take immediate and reasonable measures to correct the violation, including returning the motorboat to a mooring and keeping the motorboat at such mooring until the violation is corrected or ceases.

(f) Any officer who conducts a motorboat sound level test as provided in this section shall be qualified in motorboat noise testing by the Department of Environmental Protection. Such qualification shall include, without limitation, instruction in selection of the measurement site and in the calibration and use of noise testing equipment.

(g) No person shall operate or give permission for the operation of any motorboat on the waters of this state that is equipped with a muffler cutout, bypass or similar device which prevents the proper operation of or diminishes the operating capacity of the muffler.

(h) No person shall remove a muffler from a motorboat or alter a muffler on a motorboat so as to prevent the operation of such motorboat in compliance with subsections (c) and (d) of this section.

(i) No person shall sell or offer for sale any motorboat which is not equipped with a muffler which enables such motorboat to be operated in compliance with subsections (c) and (d) of this section. This subsection shall not apply to the sale or offer for sale of a motorboat which will be operated solely for the purpose of competing in marine races or regattas, provided upon the sale of a motorboat which is not equipped with such a muffler, the seller shall provide to the purchaser, and the purchaser shall date and sign, the following statement: "I understand that this motorboat may not be operated for any purposes other than competing in a marine race or regatta authorized under section 15-140b of the Connecticut general statutes". Such statement shall include the hull identification number of the motorboat being purchased. Not later than five days after the sale, the seller shall submit to the commissioner a copy of such signed and dated

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statement. The seller and purchaser shall each retain a copy of the statement.

(j) The provisions of subsections (c) and (d) of this section shall not apply to the operation of a motorboat participating in a marine race or regatta authorized by the commissioner under section 15-140b.

(k) All devices and equipment required by this section shall be of a type and carried in the quantity and location approved by the commissioner or by the United States Coast Guard.

(l) Sirens shall not be used on any vessel except that law enforcement vessels of the United States, this state or a political subdivision of this state may use sirens when engaged in law enforcement activities or when identification is necessary for safety reasons. Any vessel may be equipped with a theft alarm signal device if such device is so designed that it cannot be used as an ordinary warning signal.

(m) Any person who violates any provision of subsection (a) of this section shall have committed an infraction. Any person who fails to comply with a request or direction of an officer made pursuant to subsection (e) of this section shall be fined not less than three hundred fifty dollars nor more than five hundred fifty dollars and shall be fined not less than four hundred fifty dollars nor more than six hundred fifty dollars for each subsequent offense. Any person who violates the provisions of any other subsection of this section [or who fails to comply with a request or direction of an officer made pursuant to subsection (e) of this section] shall be fined not less than one hundred dollars nor more than five hundred dollars.

Approved July 6, 2005