

1
 2 INTRODUCED BY *House* BILL NO. *454*
 3 *Barbara Mercer Harding*
 4 *C. Smith*

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOISE
 6 SUPPRESSION DEVICES ON MOTORBOATS; ALLOWING SIRENS ONLY ON
 7 EMERGENCY VESSELS; AND AMENDING SECTION 23-2-521, MCA."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 23-2-521, MCA, is amended to read:
 10 "23-2-521. Equipment. (1) Every motorboat or vessel
 11 shall have aboard:

12 (a) one United States coast guard approved personal
 13 flotation device in good and serviceable condition for each
 14 person on board, provided that any person who has not
 15 reached his 12th birthday shall have a United States coast
 16 guard approved life preserver properly fastened to his
 17 person when occupying a motorboat or vessel under 26 feet in
 18 length while such motorboat or vessel is in motion;

19 (b) if carrying or using any inflammable or toxic
 20 fluid in any enclosure for any purpose and if the motorboat
 21 or vessel is not an entirely open one, an efficient natural
 22 or mechanical ventilation system prescribed by the
 23 department which shall be used and be capable of removing
 24 resulting gases prior to and during the time the motorboat
 25 or vessel is occupied by a person;

1 (c) hand portable fire extinguishers approved by the
 2 United States coast guard, the number of which is to be
 3 determined by the department, or a United States coast guard
 4 approved fixed fire extinguishing system, except that
 5 motorboats less than 26 feet in length of entirely open
 6 construction, propelled by outboard motors, and not carrying
 7 passengers for hire need not carry such portable fire
 8 extinguishers or fire extinguishing systems.

9 (2) Every motorboat or vessel shall have the
 10 carburetor or carburetors of every engine therein (except
 11 outboard motors) using gasoline as fuel equipped with an
 12 efficient flame arrester, backfire trap, or other similar
 13 device.

14 (3) (a) Except as provided in subsection (3)(b), the
 15 exhaust of every internal combustion engine used on a
 16 motorboat or vessel must be effectively muffled by equipment
 17 so constructed and used as to muffle the noise of the
 18 exhaust to prevent excessive and unusual noise at all
 19 speeds, and a muffler may not be modified or altered, such
 20 as by a cutout.

21 (b) The provisions of subsection (3)(a) do not apply
 22 to a motorboat:

23 (i) competing in a state-sanctioned regatta or boat
 24 race while on trial runs between 9 a.m. and 5 p.m. and
 25 during a period not more than 48 hours immediately preceding



1 the regatta or boat race; or

2 (ii) operating under a separate permit issued by the
3 department for the purpose of tuning engines, making test or
4 trial runs, or competing in official trials for speed
5 records other than in connection with regattas or boat
6 races.

7 (4) (a) Except as provided in subsection (4)(b), no
8 vessel may be equipped with a siren, and no person may use
9 or install a siren on a vessel.

10 (b) An authorized emergency vessel may be equipped
11 with a siren capable of sound audible under normal
12 conditions from a distance of not less than 500 feet, but
13 the siren may be used only when the vessel is operated in
14 response to an emergency call or in the immediate pursuit of
15 an actual or suspected violator of the law, and the operator
16 of the vessel shall sound the siren when necessary to warn
17 persons of the vessel's approach.

18 {3}(5) When in operation or at anchor or moored away
19 from a docking facility between sunset and sunrise, all
20 vessels shall display lights as prescribed by the
21 department.

22 {4}(6) The department may designate waters where and
23 the time of year on these waters when all persons aboard a
24 motorboat or vessel must wear approved life preservers at
25 all times.

1 {5}(7) Vessels, including houseboats and floating
2 cabins, equipped with a galley or toilet shall have a
3 wastewater holding system sealed to prevent the discharge of
4 water carried waste products, whether treated or untreated,
5 into the surrounding waters.

6 {6}(8) The department may adopt rules modifying the
7 equipment requirements contained in this section to the
8 extent necessary to keep these requirements in conformity
9 with the provisions of the federal navigation and safety
10 laws or with the navigation and safety rules promulgated by
11 the United States coast guard.

12 {7}(9) A person may not operate or give permission for
13 the operation of a vessel which is not equipped as required
14 by this section."

15 NEW SECTION. Section 2. Extension of authority. Any
16 existing authority of the department of fish, wildlife, and
17 parks to make rules on the subject of the provisions of this
18 act is extended to the provisions of this act.

-End-

APPROVED BY COMM.
ON FISH AND GAME

HOUSE BILL NO. 454

INTRODUCED BY BRANDEWIE, MERCER, HARDING, JONES, C. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOISE SUPPRESSION DEVICES ON MOTORBOATS; ALLOWING SIRENS ONLY ON EMERGENCY VESSELS; AND AMENDING SECTION 23-2-521, MCA."

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(a) one United States coast guard approved personal flotation device in good and serviceable condition for each person on board, provided that any person who has not reached his 12th birthday shall have a United States coast guard approved life preserver properly fastened to his person when occupying a motorboat or vessel under 26 feet in length while such motorboat or vessel is in motion;

(b) if carrying or using any inflammable or toxic fluid in any enclosure for any purpose and if the motorboat or vessel is not an entirely open one, an efficient natural or mechanical ventilation system prescribed by the department, which shall be used and be capable of removing resulting gases prior to and during the time the motorboat or vessel is occupied by a person;

(c) hand portable fire extinguishers approved by the United States coast guard, the number of which is to be determined by the department, or a United States coast guard approved fixed fire extinguishing system, except that motorboats less than 26 feet in length of entirely open construction, propelled by outboard motors, and not carrying passengers for hire need not carry such portable fire extinguishers or fire extinguishing systems.

(2) Every motorboat or vessel shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel equipped with an efficient flame arrester, backfire trap, or other similar device.

(3) (a) Except as provided in subsection (3)(b), the exhaust of every internal combustion engine used on a motorboat or vessel must be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust to prevent excessive and unusual noise at all speeds, and a MUFFLED EITHER BY DISCHARGE UNDERWATER OR BY A FUNCTIONING MUFFLER CAPABLE OF MUFFLING EXHAUST NOISE AT FULL THROTTLE TO 86 DBA OR LESS WHEN MEASURED AT A DISTANCE OF 50 FEET. THE muffler may not be modified or altered, such as by a cutout. THE DEPARTMENT MAY REQUIRE A TEST AT DOCKSIDE TO DETERMINE EXHAUST NOISE LEVEL.

(b) The provisions of subsection (3)(a) do not apply

1 to a motorboat:

2 (i) competing in a state-sanctioned regatta or boat
3 race while on trial runs between 9 a.m. and 5 p.m. and
4 during a period not more than 48 hours immediately preceding
5 the regatta or boat race; or

6 (ii) operating under a separate permit issued by the
7 department for the purpose of tuning engines, making test or
8 trial runs, or competing in official trials for speed
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11 (4) (a) Except as provided in subsection (4)(b), no
12 vessel may be equipped with a siren, and no person may use
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14 (b) An authorized emergency vessel may be equipped
15 with a siren capable of sound audible under normal
16 conditions from a distance of not less than 500 feet, but
17 the siren may be used only when the vessel is operated in
18 response to an emergency call or in the immediate pursuit of
19 an actual or suspected violator of the law, and the operator
20 of the vessel shall sound the siren when necessary to warn
21 persons of the vessel's approach.

22 (3)(5) When in operation or at anchor or moored away
23 from a docking facility between sunset and sunrise, all
24 vessels shall display lights as prescribed by the
25 department.

1 ~~(4)~~(6) The department may designate waters where and
2 the time of year on these waters when all persons aboard a
3 motorboat or vessel must wear approved life preservers at
4 all times.

5 ~~(5)~~(7) Vessels, including houseboats and floating
6 cabins, equipped with a galley or toilet shall have a
7 wastewater holding system sealed to prevent the discharge of
8 water carried waste products, whether treated or untreated,
9 into the surrounding waters.

10 ~~(6)~~(8) The department may adopt rules modifying the
11 equipment requirements contained in this section to the
12 extent necessary to keep these requirements in conformity
13 with the provisions of the federal navigation and safety
14 laws or with the navigation and safety rules promulgated by
15 the United States coast guard.

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17 the operation of a vessel which is not equipped as required
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10 carburetor or carburetors of every engine therein (except
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15 exhaust of every internal combustion engine used on a
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23 as by a cutout. THE DEPARTMENT MAY REQUIRE A TEST AT
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