HOUSE BILL NO. 454

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

IN THE HOUSE

- JANUARY 26, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
- FEBRUARY 19, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 20, 1987 PRINTING REPORT.
- FEBRUARY 21, 1987 SECOND READING, DO PASS.

ENGROSSING REPORT.

ON FISH & GAME.

FEBRUARY 23, 1987 THIRD READING, PASSED. AYES, 91; NOES, 8.

TRANSMITTED TO SENATE.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE SENATE

- MARCH 2, 1987
- MARCH 20, 1987
- MARCH 24, 1987
- MARCH 26, 1987

THIRD READING, CONCURRED IN. AYES, 46; NOES, 4.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH	27,	1987	RECEIVED	FROM	SENATE.
1.11.11(011	217	1907	112011120	1 11011	000001200

SENT TO ENROLLING.

LC 1475/01

INTRODUCED BY Brancie Marca & Jarding from 1 2 C. Smith 3

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

7

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;

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

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.

(3) (a) Except as provided in subsection (3)(b), the 14 15 exhaust of every internal combustion engine used on a motorboat or vessel must be effectively muffled by equipment 16 17 so constructed and used as to muffle the noise of the exhaust to prevent excessive and unusual noise at all 18 speeds, and a muffler may not be modified or altered, such 19 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 race while on trial runs between 9 a.m. and 5 p.m. and 24 during a period not more than 48 hours immediately preceding 25



-2- INTRODUCED BILL HB-454

1 the regatta or boat race; or 2 (ii) operating under a separate permit issued by the department for the purpose of tuning engines, making test or 3 trial runs, or competing in official trials for speed 4 5 records other than in connection with regattas or boat 6 races. 7 (4) (a) Except as provided in subsection (4)(b), no vessel may be equipped with a siren, and no person may use 8 9 or install a siren on a vessel. (b) An authorized emergency vessel may be equipped 10 11 with a siren capable of sound audible under normal conditions from a distance of not less than 500 feet, but 12 13 the siren may be used only when the vessel is operated in response to an emergency call or in the immediate pursuit of 14 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. (3)(5) When in operation or at anchor or moored away 18 19 from a docking facility between sunset and sunrise, all vessels shall display lights as prescribed by the 20 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. (5)(7) Vessels, including houseboats and floating
 cabins, equipped with a galley or toilet shall have a
 wastewater holding system sealed to prevent the discharge of
 water carried waste products, whether treated or untreated,
 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 <u>NEW SECTION.</u> 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-

-3-

-4-

50th Legislature

HB 0454/02

APPROVED BY COMM. ON FISH AND GAME

HOUSE BILL NO. 454 1 INTRODUCED BY BRANDEWIE, MERCER, HARDING, JONES, C. SMITH 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REOUIRING NOISE 4 SUPPRESSION DEVICES ON MOTORBOATS; ALLOWING SIRENS ONLY ON 5 EMERGENCY VESSELS; AND AMENDING SECTION 23-2-521, MCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section 23-2-521, MCA, is amended to read: 9 "23-2-521. Equipment. (1) Every motorboat or vessel 10 shall have aboard: 11 (a) one United States coast guard approved personal 12 flotation device in good and serviceable condition for each 13 person on board, provided that any person who has not 14 reached his 12th birthday shall have a United States coast 15 guard approved life preserver properly fastened to his 16 person when occupying a motorboat or vessel under 26 feet in 17 length while such motorboat or vessel is in motion; 18 (b) if carrying or using any inflammable or toxic 19 fluid in any enclosure for any purpose and if the motorboat 20 or vessel is not an entirely open one, an efficient natural 21 or mechanical ventilation system prescribed by the 22 department, which shall be used and be capable of removing 23 resulting gases prior to and during the time the motorboat 24 or vessel is occupied by a person; 25

HB 0454/02

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

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 exhaust of every internal combustion engine used on a 15 16 motorboat or vessel must be effectively-muffled-by-equipment so-constructed-and-used--as--to--muffle--the--noise--of--the 17 18 exhaust--to--prevent--excessive--and--unusual--noise--at-all speeds7-and-a MUFFLED EITHER BY DISCHARGE UNDERWATER OR BY A 19 20 FUNCTIONING MUFFLER CAPABLE OF MUFFLING EXHAUST NOISE AT FULL THROTTLE TO 86 DBA OR LESS WHEN MEASURED AT A DISTANCE 21 22 OF 50 FEET. THE muffler may not be modified or altered, such 23 as by a cutout. THE DEPARTMENT MAY REQUIRE A TEST AT DOCKSIDE TO DETERMINE EXHAUST NOISE LEVEL. 24 (b) The provisions of subsection (3)(a) do not apply 25

-2-

HB 454 SECOND READING



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
9	records other than in connection with regattas or boat
10	races.
11	(4) (a) Except as provided in subsection (4)(b), no
12	vessel may be equipped with a siren, and no person may use
13	or install a siren on a vessel.
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

23 24 vessels shall display lights as prescribed by the 25 department.

-3-

HB 454

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

16 (7) (9) A person may not operate or give permission for 17 the operation of a vessel which is not equipped as required 18 by this section."

19 NEW SECTION. Section 2. Extension of authority. Any 20 existing authority of the department of fish, wildlife, and 21 parks to make rules on the subject of the provisions of this 22 act is extended to the provisions of this act.

-End-

-4-

HB 454

HB 0454/02

1	HOUSE BILL NO. 454	1	(c) han
2	INTRODUCED BY BRANDEWIE, MERCER, HARDING, JONES, C. SMITH	2	United States
3		3	determined by
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOISE	4	approved fi
5	SUPPRESSION DEVICES ON MOTORBOATS; ALLOWING SIRENS ONLY ON	5	motorboats les
6	EMERGENCY VESSELS; AND AMENDING SECTION 23-2-521, MCA."	6	construction,
7		7	passengers fo
ł	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	extinguishers
9	Section 1. Section 23-2-521, MCA, is amended to read:	9	(2) Eve
10	"23-2-521. Equipment. (1) Every motorboat or vessel	10	carburetor of
11	shall have aboard:	11	outboard motor
12	(a) one United States coast guard approved personal	12	efficient fla
13	flotation device in good and serviceable condition for each	13	device.
14	person on board, provided that any person who has not	14	<u>(3) (a)</u>
15	reached his 12th birthday shall have a United States coast	15	exhaust of e
16	guard approved life preserver properly fastened to his	16	motorboat or y
17	person when occupying a motorboat or vessel under 26 feet in	17	so-constructed
18	length while such motorboat or vessel is in motion;	18	exhaustto
19	(b) if carrying or using any inflammable or toxic	19	speeds; and-a
20	fluid in any enclosure for any purpose and if the motorboat	20	FUNCTIONING MU
21	or vessel is not an entirely open one, an efficient natural	21	FULL THROTTLE
22	or mechanical ventilation system prescribed by the	22	OF 50 FEET, TH
23	department, which shall be used and be capable of removing	23	as by a cutou
24	resulting gases prior to and during the time the motorboat	24	DOCKSIDE TO DE
25	or vessel is occupied by a person;	25	(b) The

tana Legislative Council

(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.

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), the15exhaust of every internal combustion engine used on a16motorboat or vessel must be effectively-muffled-by-equipment17so-constructed-and-used--as--to--muffle--the--noise--of--the18exhaust--to--prevent--excessive--and--unusual--noise--at-all19speeds7-and-a MUFFLED EITHER BY DISCHARGE UNDERWATER OR BY A20FUNCTIONING MUFFLER CAPABLE OF MUFFLING EXHAUST NOISE AT21FULL THROTTLE TO B6 DBA OR LESS WHEN MEASURED AT A DISTANCE22OF 50 FEET. THE muffler may not be modified or altered, such23as by a cutout. THE DEPARTMENT MAY REQUIRE A TEST AT24DOCKSIDE 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
9	records other than in connection with regattas or boat
10	races.
11	(4) (a) Except as provided in subsection (4)(b), no
12	vessel may be equipped with a siren, and no person may use
13	<u>or install a siren on a vessel.</u>
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
17 1 8	the siren may be used only when the vessel is operated in response to an emergency call or in the immediate pursuit of
18	response to an emergency call or in the immediate pursuit of
18 19	response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the operator
18 19 20	response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the operator of the vessel shall sound the siren when necessary to warn
18 19 20 21	response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the operator of the vessel shall sound the siren when necessary to warn persons of the vessel's approach.
18 19 20 21 22	response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the operator of the vessel shall sound the siren when necessary to warn persons of the vessel's approach. {3}(5) When in operation or at anchor or moored away

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

16 (77)(9) A person may not operate or give permission for
17 the operation of a vessel which is not equipped as required
18 by this section."

19 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 20 existing authority of the department of fish, wildlife, and 21 parks to make rules on the subject of the provisions of this 22 act is extended to the provisions of this act.

-End-

-4-

1	HOUSE BILL NO. 454
2	INTRODUCED BY BRANDEWIE, MERCER, HARDING, JONES, C. SMITH
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOISE
5	SUPPRESSION DEVICES ON MOTORBOATS; ALLOWING SIRENS ONLY ON
6	EMERGENCY VESSELS; AND AMENDING SECTION 23-2-521, MCA."
7	
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;

Logislative Council

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 quard 4 approved fixed fire extinguishing system, except that motorboats less than 26 feet in length of entirely open 5 construction, propelled by outboard motors, and not carrying 6 7 passengers for hire need not carry such portable fire extinguishers or fire extinguishing systems. 8

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-astomufflethenoiseofthe
18	exhausttopreventexcessiveandunusualnoiseat-all
19	speedsy-and-a MUFFLED EITHER BY DISCHARGE UNDERWATER OR BY A
20	FUNCTIONING MUFFLER CAPABLE OF MUFFLING EXHAUST NOISE AT
21	FULL THROTTLE TO 66 DBA OR LESS WHEN MEASURED AT A DISTANCE
22	OF 50 FEET. THE muffler may not be modified or altered, such
23	as by a cutout. THE DEPARTMENT MAY REQUIRE A TEST AT
24	DOCKSIDE TO DETERMINE EXHAUST NOISE LEVEL.
25	(b) The provisions of subsection (3)(a) do not apply

-2-

HB 0454/02

HB 454 REFERENCE BILL

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
9	records other than in connection with regattas or boat
10	races.
11	(4) (a) Except as provided in subsection (4)(b), no
12	vessel may be equipped with a siren, and no person may use
13	or install a siren on a vessel.
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	<pre>+3+(5) When in operation or at anchor or moored away</pre>
23	from a docking facility between sunset and sunrise, all
24	vessels shall display lights as prescribed by the
25	department.

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

16 (77)(9) A person may not operate or give permission for
17 the operation of a vessel which is not equipped as required
18 by this section."

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

-End-

-3--

.

HB 454

-4-

HB 454