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**By: Delegates Clagett, Busch, and Perry**

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Operation of Boats - Noise Levels - All State Waters**

3 FOR the purpose of establishing noise level requirements for the operation of vessels on  
4 all waters of the State by eliminating the provisions limiting statutory noise levels  
5 only to the nontidal waters of the State; eliminating a certain noise level as  
6 measured in a certain manner; making the maximum noise level limit the same  
7 regardless of the date certain engines are manufactured; requiring that noise levels  
8 on all waters of the State be measured in a certain manner; and generally relating to  
9 statutory noise levels on the waters of the State.

10 BY repealing and reenacting, with amendments,  
11 Article - Natural Resources  
12 Section 8-725.4  
13 Annotated Code of Maryland  
14 (1990 Replacement Volume and 1995 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Natural Resources**

18 8-725.4.

19 (a) The provisions of this section do not apply to persons who regularly catch or  
20 harvest seafood for sale while actually engaged in the catching or harvesting of the  
21 seafood.

22 (b) (1) [Except as provided in subsection (d) of this section, a person may not  
23 operate a vessel on the tidal waters of the State so as to exceed a noise level of 75dB(a),  
24 measured from a point on shore using generally accepted testing procedures imposed by

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1 regulations adopted by the Department based on the Marine Environment Sound Level  
2 Measurement Procedure, SAE J 1970.

3 (2) (i) Except as provided in subsection (d) of this section, a person may  
4 not operate a vessel on the [nontidal] waters of the State so as to exceed ~~the following~~  
5 ~~noise levels:~~

6 ~~[1.] (I) For engines manufactured before January 1, 1993, a noise~~  
7 ~~level of 90dB(a); or,~~

8 ~~[2.] (II) For engines manufactured on or after January 1, 1993, a~~  
9 ~~noise level of 88dB(a).~~

10 [(ii)] (2) Noise level limits for [nontidal] waters OF THE STATE shall be  
11 measured using generally accepted testing procedures imposed by regulations adopted by  
12 the Department based on the Marine Environment Sound Level Measurement  
13 Procedure, SAE J 2005.

14 (3) An owner or lessee of a vessel may not allow the vessel to be operated on  
15 waters of the State in violation of [paragraphs (1) and (2)] PARAGRAPH (1) of this  
16 subsection.

17 (c) A person may not own or operate on any waters of the State any vessel  
18 manufactured after January 1, 1990 that is not equipped with a muffler or device or  
19 system which muffles or suppresses engine noise in accordance with regulations adopted  
20 by the Department.

21 (d) The Department may adopt regulations to permit exceptions to this section,  
22 including exceptions for:

23 (1) Economic hardship;

24 (2) Vessels participating or preparing to participate in a U.S. Coast Guard  
25 or Department approved race or event;

26 (3) The testing, repair, or development of vessel engines conducted by a  
27 bona fide engine or boat manufacturer or service person; and

28 (4) Vessels belonging to a volunteer fire department, ambulance company,  
29 rescue squad company, or advance life support company or a political subdivision.

30 (e) In addition to the provisions of subsection (b) of this section, the Department  
31 may adopt regulations to enforce this section, including regulations establishing noise  
32 limitations.

33 (f) (1) A person who violates any provision of this section is guilty of a  
34 misdemeanor and on conviction is subject to a fine not exceeding:

35 (i) For the first offense, \$500; and

36 (ii) For the second offense, \$1,000 or imprisonment of 30 days or both.

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1                   (2) Paragraph (1) of this subsection does not limit or supersede any other  
2 penalty that may be imposed under this subtitle for a violation of any other law or  
3 regulation adopted under this subtitle.

4                   (g) All regulations adopted by the Department under this section shall be in  
5 accordance with the Administrative Procedure Act under Title 10 of the State  
6 Government Article.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, 1996.