

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 70

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Natural
Resources)

Education, Health, and Environmental Affairs

Environmental Matters

Department of Natural Resources - Vessel Noise - Limitation

This departmental bill reduces the maximum allowable noise level for vessel engines manufactured on or after January 1, 1993, from 90dB(a) to 88dB(a). The bill also clarifies that required engine noise suppression devices must be constantly operated and functioning, and that specified vessels may not be equipped with equipment that reduces the effectiveness of engine noise suppression devices. The bill modifies existing penalty provisions so that: (1) for a first violation, a warning must be issued; and (2) for a repeat violation, a person is guilty of a misdemeanor and is subject to a fine of up to \$500 for a second offense and for a third offense, a fine of up to \$1,000 or imprisonment of 30 days or both.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: The bill does not materially impact State operations or finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: The Department of Natural Resources (DNR) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Individuals may not operate a vessel on the waters of the State so as to exceed a noise level of 90 dB(a) (generally, decibels). Also, all vessels manufactured after January 1, 1990, must be equipped with a muffler. DNR is authorized to adopt regulations to provide for exceptions under specified conditions. A violator is guilty of a misdemeanor and is subject to a maximum fine of \$500 for the first offense and for a second offense \$1,000, or imprisonment of 30 days, or both.

Among other things, current regulations clarify several exceptions to vessel noise limits and set forth procedures enforcement officers must follow to test vessel noise.

Background: Property owners who live near the water and recreational boaters are often negatively impacted when exposed to vessel noise levels as high as currently allowed. Also, some boaters are circumventing statutory intent by using a “cut-out” device which bypasses the muffler and exhausts directly overboard with no noise controls. In 2008, DNR solicited public comments regarding vessel noise levels and in response, received a high number of requests to reduce the State’s vessel noise limit. As a result, the State Boat Act Advisory Committee recommended that DNR pursue statutory changes.

DNR advises that, when the Natural Resources Police stop a vessel for a noise problem, they normally issue a warning for a first violation unless a significant problem exists.

The bill is based on model legislation developed by the National Association of State Boating Law Administrators with support from the U.S. Coast Guard and the National Marine Manufacturers Association.

Small Business Effect: DNR advises that a small number of specialty high performance boat dealers/service centers may lose a few customers if muffler system bypass devices are prohibited.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2010
ncs/lgc Revised - Senate Third Reader - March 18, 2010

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Natural Resources – Vessel Noise – Limitation

BILL NUMBER: SB 70

PREPARED BY: Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.