

1983 Senate Bill 176

Date of enactment: April 23, 1984
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1983 Wisconsin Act 316

AN ACT *to repeal 30.62 (7); to renumber 30.62 (2) and 30.62 (4); and to create 30.62 (2) (title) and (b) to (i) and 30.62 (4) (b) of the statutes, relating to motorboat noise levels and granting rule-making authority.*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 30.62 (2) of the statutes is renumbered 30.62 (2) (a).

SECTION 2. 30.62 (2) (title) and (b) to (i) of the statutes are created to read:

30.62 (2) (title) MUFFLER REQUIREMENT AND NOISE LEVEL STANDARDS.

(b) *Maximum noise levels for operation.* 1. No person may operate a motorboat powered by an engine manufactured on or after January 1, 1975, and before January 1, 1978, on the waters of the state in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat.

2. No person may operate a motorboat powered by an engine manufactured on or after January 1, 1978, and before January 1, 1982, on the waters of the state in such a manner as to exceed a noise level of 84 measured on an "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat.

3. No person may operate a motorboat powered by an engine manufactured on or after January 1, 1982, on the waters of this state in such a manner as to exceed a noise level of 82 measured on a "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat.

(c) *Maximum noise levels for sale.* 1. No person may sell, resell, or offer for sale or resale any motorboat with an engine manufactured on or after January 1, 1975, and before January 1, 1978, for use on the waters of the state if the motorboat can be operated in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat.

2. No person may sell, resell, or offer for sale or resale any motorboat with an engine manufactured on or after January 1, 1978, and before January 1, 1982, for use on the waters of the state if the motorboat can be operated in such a manner as to exceed a noise level of 84 measured on an "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat.

3. No person may sell, resell, or offer for sale or resale any motorboat with an engine manufactured on or after January 1, 1982, for use on the waters of the state if the motorboat can be operated in such a manner as to exceed a noise level of 82 measured on an "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat.

(d) *Certification and test procedure.* 1. No person may sell or offer for sale any motorboat with an engine manufactured on or after January 1, 1982, unless the manufacturer of the motor certifies to the department that the motor was tested and found not to exceed the noise levels prescribed under par. (c).

2. Testing procedures to determine noise levels shall comply with the exterior sound level measurement procedure for pleasure motorboats published by the society of automotive engineers.

3. The department shall promulgate rules concerning the manner of certification and test procedures and may revise these rules as necessary to adjust to advances in technology.

(e) *Tampering.* No person may remove or alter any part of a marine engine, its propulsion unit or its enclosure or modify the mounting of a marine engine on a boat in such a manner as to exceed the noise levels prescribed under par. (b).

(f) *Local regulation.* No political subdivision of this state may establish, continue in effect or enforce any ordinance or regulation which prescribes noise levels for motorboats or which imposes any requirement for the sale or use of marine engines at prescribed noise levels unless the ordinance or regulation is identical to the provisions of this subsection or rules promulgated by the department under this subsection.

(g) *Exemption for regattas.* This subsection does not apply to a motorboat while competing in a race conducted under a permit from a town, village or city or from an authorized agency of the U.S. government, nor does it apply to a boat designed and intended solely for racing, while the boat is operated incidentally to the tuning up of the boat and engine for the race.

(h) *Exemption by rule.* The department may promulgate by rule exemptions from compliance with this subsection for certain types of boats such as air boats, for specific uses and for specific areas of operation.

(i) *Exemption for certain agents.* This subsection does not apply to an authorized agent of the federal, state or municipal government when operating a motor boat necessary to carry out his or her official duty of enforcement, search and rescue, fire fighting or research programs.

SECTION 3. 30.62 (4) of the statutes is renumbered 30.62 (4) (a).

SECTION 4. 30.62 (4) (b) of the statutes is created to read:

30.62 (4) (b) This subsection does not apply to a motorboat while competing in a race conducted pursuant to a permit from a town, village or city or from an authorized agency of the U.S. government, nor does it apply to a boat designed and intended solely for racing, while the boat is operated incidentally to the tuning up of the boat and engine for the race at the race location on the day of the race.

SECTION 5. 30.62 (7) of the statutes is repealed.

SECTION 6. **Effective date.** This act takes effect on January 1, 1984, except that the department of natural resources may promulgate rules prior to that date if those rules do not take effect until January 1, 1984.
