

## HOUSE BILL No. 2679

By Representatives Mah, Hawk, Kuether, McLeland, Palmer  
and Treaster

1-25

10 AN ACT concerning motorboats; relating to exhaust noise requirements;  
11 amending K.S.A. 2007 Supp. 32-1120 and 32-1180 and repealing the  
12 existing sections.

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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2007 Supp. 32-1120 is hereby amended to read as  
16 follows: 32-1120. (a) ~~The exhaust of every internal combustion engine~~  
17 ~~used on any motorboat on the waters of the state shall be effectively~~  
18 ~~muffled by equipment so constructed and used as to muffle the noise of~~  
19 ~~the exhaust.~~

20 ~~—The muffler system shall be in good working order and in constant~~  
21 ~~operation and effectively installed to prevent any excessive or unusual~~  
22 ~~noise.~~

23 ~~—(b) Muffler means a sound suppression device or system designed~~  
24 ~~and installed to abate the sound of exhaust gases emitted from an internal~~  
25 ~~combustion engine and which prevents excessive or unusual noise.~~

26 ~~—(c) A motorboat operating on the waters of the state shall have an~~  
27 ~~exhaust water manifold or a factory type muffler installed on the engine.~~

28 ~~—(d) A person shall not operate or give permission for the operation~~  
29 ~~of any motorboat in or upon the waters of this state if the motorboat is~~  
30 ~~equipped with an altered muffler, muffler cutout, muffler bypass or any~~  
31 ~~other device designed or installed so that it can be used continually or~~  
32 ~~intermittently to bypass any muffler or muffler system installed on the~~  
33 ~~motorboat, or to reduce or eliminate the effectiveness of such a muffler~~  
34 ~~or muffler system.~~

35 ~~—(e) A motorboat shall not be operated on the waters of this state~~  
36 ~~under any condition or in any manner whereby the motorboat exhaust~~  
37 ~~noise emits a sound level in excess of 86 90 decibels on the “A” weighted~~  
38 ~~scale, when measured from a distance of 50 feet or more from the mo-~~  
39 ~~torboat, as prescribed in society of automotive engineers standards, SAE~~  
40 ~~J34 and SAE J2005: (1) Within 50 feet of any dock located at a marina~~  
41 ~~facility at any time; or (2) at any location between the hours of 9 p.m.~~  
42 ~~and 9 a.m.~~

43 ~~(f) No person shall remove, alter or otherwise modify in any manner~~

1 ~~a muffler or muffler system installed on a motorboat to prevent the muffler or muffler system from being operated in accordance with this statute.~~

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3 ~~(g) (b)~~ The provisions of ~~subsections (c) through (e)~~ subsection (a) shall not apply to motorboats officially registered and competing in or while on trial runs 48 hours immediately preceding a regatta, race, marine parade, tournament or exhibition which has been authorized or permitted by the department.

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8 ~~(h) (c)~~ A law enforcement officer who has reason to believe a motorboat is being operated in violation of the noise levels established in this section may direct the operator of the motorboat to submit to an on-site test to measure noise level. An operator of a motorboat who receives a request from a law enforcement officer pursuant to this section shall allow the motorboat to be tested. *All sound testing instruments shall comply with the specifications for sound level meters of the American national standards institute, inc., or its successor bodies.* If, based on a test to determine the noise level of a motorboat, the noise level of the motorboat exceeds the decibel levels established in this section, the law enforcement officer shall direct the operator of the motorboat to ~~take immediate and reasonable measures to correct the violation, including, but not limited to, terminating the voyage of the motorboat until the motorboat no longer operates in violation of this section.~~

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22 *(d) Violation of this section is a class C misdemeanor, and in addition to any other criminal penalty provided by law, punishable:*

23 *(1) Upon conviction of a first offense, by a fine of not more than \$100;*

24 *(2) upon conviction of a second offense, by a fine of not more than \$200; and*

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26 *(3) upon conviction of a third or subsequent offense, by a fine of not more than \$300.*

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29 Sec. 2. K.S.A. 2007 Supp. 32-1180 is hereby amended to read as follows: 32-1180. Unless otherwise provided by statute or rules and regulations of the secretary, violation of K.S.A. 32-1101 through 32-1104, 32-1110 through 32-1113, 32-1119, 32-1125 through 32-1128, 32-1130 through 32-1137, 32-1148 through 32-1155, 32-1166, 32-1172, 32-1173, 32-1177 through 32-1180 and K.S.A. 2007 Supp. ~~32-1120 and~~ 32-1156, and amendments thereto, or rules and regulations adopted thereunder is a class C misdemeanor.

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37 Sec. 3. K.S.A. 2007 Supp. 32-1120 and 32-1180 are hereby repealed.

38 Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.