

CHAPTER 88  
HOUSE BILL No. 2657

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

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

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

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

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

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

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

~~(e) A motorboat shall not be operated on the waters of this state under any condition or in any manner whereby the motorboat *exhaust noise* emits a sound level in excess of ~~86~~ 92 decibels on the "A" weighted scale, when measured from a distance of 50 feet or more from the motorboat, as prescribed in society of automotive engineers standards, SAE J34 and when subjected to a stationary sound level test as prescribed by SAE J2005.~~

~~(f) No person shall remove, alter or otherwise modify in any manner a muffler or muffler system installed on a motorboat to prevent the muffler or muffler system from being operated in accordance with this statute.~~

~~(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.~~

~~(h) 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. 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.~~

~~(c) Any officer authorized to enforce the provisions of this section who has reasonable suspicion to believe that a motorboat is not in compliance with the noise levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer chooses, and the operator shall comply with such request. The owner of any motorboat which violates any provision of this section shall have sixty days from the date of the violation to bring the motorboat into compliance with the provisions of this section. Thereafter, it shall be the owner's responsibility to have the motorboat tested by the department. If the motorboat fails such test, the motorboat shall not be operated on the waters of this state until the department certifies that the motorboat is in compliance with the provisions of this section. Failure to comply with a request or direction of an officer made pursuant to this subsection is a class C misdemeanor.~~

*Nothing in this section shall be construed to limit the officer's ability to enforce this section and to issue citations to the owner or operator of any motorboat during the sixty-day compliance period.*

Sec. 2. K.S.A. 2007 Supp. 32-1120 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 14, 2008.

Published in the *Kansas Register* April 24, 2008.

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