**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 21, TITLE 50 SO AS TO ENACT THE “MOTORBOAT NOISE ACT” WHICH ESTABLISHES MAXIMUM NOISE LEVELS THAT ARE ALLOWED WHEN A MOTORBOAT IS OPERATED ALONG THE STATE’S WATERWAYS AND PROVIDES PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ARTICLE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 21, Title 50 of the 1976 Code is amended by adding:

“Article 10

Motorboat Noise Act

Section 50‑21‑910. As used in this article:

(1) ‘Motorboat’ means a recreational vessel propelled in whole or in part by machinery, including a vessel temporarily equipped with a detachable engine.

(2) ‘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.

Section 50‑21‑920. (A) No person shall operate or give permission for the operation of a motorboat in or upon the waters of this State in a manner that exceeds the following noise levels:

(1) for engines manufactured before January 1, 2015, a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005;

(2) for engines manufactured on or after January 1, 2015, a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005.

(B) Effective January 1, 2015, no person shall operate a motorboat on the waters of this State in such a manner as to exceed a noise level of 75dB(A) measured as specified in SAE J1970. Provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.

Section 50‑21‑930. (A) Every motorboat operated upon the waters of this State shall at all times be equipped with a muffler or a muffler system in good working order, in constant operation, and effectively installed to prevent any excessive or unusual noise.

(B) No person shall operate or give permission for the operation of any motorboat in or upon the waters of this State that is equipped with an altered muffler, a muffler cutout, bypass, or that otherwise reduces or eliminates the effectiveness of any muffler or muffler system installed in accordance with this article.

(C) No person shall remove, alter or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this article.

Section 50‑21‑940. No person shall manufacture, sell or offer for sale any motorboat equipped with a muffler or muffler system which does not comply with this section. This section shall not apply to power vessels designed, manufactured and sold for the sole purpose of competing in racing events. Any exemption or exception to this section must be documented in any and every sale agreement and must be formally acknowledged by signature on the part of both the buyer and the seller. Copies of this agreement must be maintained by both parties. A copy of this agreement must be kept on board the motorboat when it is operated. Any motorboat sold under this exemption only may be operated on the waters of this State in accordance with this section.

Section 50‑21‑950. The provisions of this article shall not apply to motorboats registered and participating in a racing event or tune‑up periods for racing events authorized in accordance with this article, or to a motorboat being operated by a boat or engine manufacturer for the purpose of testing or development. However, the operator of a motorboat covered by that section at all times shall have in his possession and produce upon demand by a law enforcement officer a test permit issued by this State. For the purpose of races or racing events, a racing event covered by this section only must be sanctioned, conducted, and permitted by the United States Coast Guard or this State.

Section 50‑21‑960. An 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 article may direct the operator of the motorboat to submit the motorboat to an on‑site test to measure noise levels, with the officer on board if the officer chooses. The operator must comply with this request. The owner of any motorboat that violates any provision of this article shall have thirty days from the date of the violation to bring the motorboat into compliance with the provisions of this article. Thereafter, it shall be the owner’s responsibility to have the motorboat tested by the department. If the motorboat fails this 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 article. A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days. Nothing in this article shall be construed to limit the officer’s ability to enforce this article and to issue citations to the owner or operator of a motorboat during the thirty‑day compliance period.”

SECTION 2. This act takes effect upon approval by the Governor.

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