

**CHAPTER 119. MOTORBOAT NOISE CONTROL**

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**Source**

The provisions of this Chapter 119 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795, unless otherwise noted.

**§ 119.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Efficient*—A muffler shall be considered efficient if it complies with the following conditions:

(i) The muffler has the effect of substantially reducing the noise from the motor over that which would be created if the muffler were removed, bypassed or otherwise rendered inoperable.

(ii) In comparison to motors of similar characteristics, under similar operating conditions, the noise created by the motor with the muffler in question is not substantially greater.

(iii) The muffler prevents excessive or unusual noise as defined in § 119.5 (relating to stationary test).

*Muffler*—A sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion motor and which prevents excessive or unusual noise.

**§ 119.2. Mufflers.**

Every motorboat operated upon the waters of this Commonwealth shall be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent excessive or unusual noise.

**§ 119.3. Prohibited acts.**

(a) A person may not operate and an owner may not give permission for the operation of a motorboat upon the waters of this Commonwealth that is equipped with an altered muffler or muffler cutout, bypass or other device designed or so

installed so that it can be used continually or intermittently to bypass or otherwise reduce or eliminate the effectiveness of a muffler or muffler system installed under this chapter.

(b) A person may not operate and an owner may not give permission to operate a boat that in the observation of two persons, one of whom shall be a waterways conservation officer, deputy waterways conservation officer or other law enforcement officer authorized to enforce the code, the sound or noise is so abnormally loud as to constitute a substantial and extraordinary annoyance or distraction to persons in the vicinity of the watercraft.

(c) A person may not remove, alter or otherwise modify a muffler or muffler system in a manner which will prevent it from being operated in accordance with this chapter.

**§ 119.4. Prohibition against sale of a vessel not equipped with a muffler in good working order.**

A person may not manufacture, sell or offer for sale a motorboat which is not equipped with a muffler or muffler system in good and constant working condition or which does not otherwise comply with this chapter. This chapter does not apply to power vessels designed, manufactured and sold for the sole purpose of competing in racing events and for no other purpose. An exemption or exception shall be so documented in every sales agreement and shall be formally acknowledged by signature on the part of both the buyer and seller. Copies of the agreement shall be kept by both parties. A copy shall also be kept onboard or be available when the boat is being operated. A motorboat sold under this exemption may only be operated on the waters of this Commonwealth in accordance with § 119.7 (relating to race boats).

**§ 119.5. Stationary test.**

(a) A person may not operate or give permission for the operation of a motorboat upon the waters of this Commonwealth that exceeds the following noise levels measured in accordance with SAE J2005:

(1) A noise level of 90 dB(a) when subjected to a stationary sound level test for engines manufactured before January 1, 1993.

(2) A noise level of 88 dB(a) when subjected to a stationary sound level test for engines manufactured on or after January 1, 1993.

(b) Measurements will be made by a sound level meter which satisfies ANSI-S 1.4-1983, Type 2, or equivalent.

(c) The noise emission test measurements shall be made with the sound level meter at a distance of at least 4 feet above the water at a point where the transom gunwale and port or starboard gunwale intersects. The vessel being tested shall operate its engine at low throttle setting in neutral gear. Personal watercraft and other boats which have no neutral gear shall operate at the lowest throttle setting with no or minimum headway motion.

**Cross References**

This section cited in 58 Pa. Code § 119.1 (relating to definitions); and 58 Pa. Code § 119.6 (relating to pass-by test).

**§ 119.6. Pass-by test.**

A person may not operate a motorboat on the waters of this Commonwealth that exceeds a noise level of 82dB(a) measured as specified in SAE J34. The measurement may not preclude a stationary sound level test as prescribed in § 119.5 (relating to stationary test) if an officer has reason to believe that the motorboat is being operated in excess of the noise levels established in § 119.5.

**§ 119.7. Race boats.**

(a) This chapter does not apply to motorboats registered and actually participating in a racing event or tune-up periods for racing events authorized in accordance with § 109.6 (relating to special marine events), or to a motorboat being operated by a boat or engine manufacturer for the purpose of testing or development.

(b) The operator of a motorboat operated upon the waters of this Commonwealth for the purpose of tune-up for a sanctioned race, or testing and development by a boat or engine manufacturer, shall at all times have in possession and produce on demand of a law enforcement officer a test permit issued by the Commonwealth.

(c) The test permit application shall contain the following information:

- (1) The name and address of the driver.
- (2) The type and description of the boat.
- (3) The area of the test.
- (4) The name and address of the boat owner.
- (5) The date and location of the next race in which the operator will compete.
- (6) Other information needed to fully assess the application.

(d) Race tests will not be permitted on weekends or holidays from May 15 through October 1.

(e) Race tests shall be conducted between the hours of 10 a.m. and 6 p.m. local time.

(f) Race tests shall be limited to 30 minutes on the water. No more than four race tests are permitted in 1 day.

(g) This section does not apply on a body of water in the 3-day period immediately preceding a race on that body of water. Subject to restrictions that may be imposed by the race permit, testing may begin 2 hours before the start of the sanctioned race.

**Cross References**

This section cited in 58 Pa. Code § 119.4 (relating to prohibition against sale of a vessel not equipped with a muffler in good working order).

**§ 119.8. Enforcement.**

An officer authorized to enforce this chapter who has reason to believe that a vessel is being operated in excess of the noise levels established in this chapter may direct the operator of the vessel to submit the vessel to an onsite test to measure noise levels. If the vessel exceeds the decibel levels established by this chapter, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the vessel to a mooring and keeping the vessel at the mooring until the violation is corrected or ceases.

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