

12:7-23.1 to 12:7-23.6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 12:7-23.1 to 12:7-23.6 "Power Vessel Noise Control Act"

LAWS OF: 1987 **CHAPTER:** 269

Bill No: S2573

Sponsor(s): Russo

Date Introduced: September 22, 1986

Committee: **Assembly:** -----

Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** June 25, 1987

Senate: June 8, 1987

Date of Approval: September 11, 1987

Following statements are attached if available:

Sponsor statement: Yes Attached Assembly amendments, adopted 6-22-87 (with Statement)

Committee statement: **Assembly** No
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Boat Regulation Commission Regulations:

N.J.A.C. 7:6-1.1 et seq.

269

87

9-11-87

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 2573

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 22, 1986

By Senator RUSSO

Referred to Committee on Energy and Environment

AN ACT concerning power vessels and supplementing chapter 7 of Title 12 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. This act shall be known and may be cited as the "Power Vessel
2 Noise Control Act."

1 2. Every power vessel ***[upon]*** **used on** the waters of this
2 State shall at all times be equipped with a muffler or muffler system
3 in good working order and in constant operation ***[to prevent**
4 **excessive or unusual noise]***. A person shall not use a muffler or
5 muffler system cutout, bypass or similar method or device designed
6 to prevent or diminish the operational capacity of ***[the]*** **a**
7 muffler or muffler system ***[upon]*** **installed on** a power vessel
8 **used** on the waters of this State. **Decibel levels exceeding the*
9 *limits established pursuant to rule and regulations as measured by*
10 *a noise meter operated by a trained Marine Police officer shall be*
11 ****[presumptive]**** *evidence of a violation of this act. For the*
12 *purposes of this act,**

13 ***["Muffler"]*** **muffler** means a sound dissipative device or sys-
14 tem ***[for abating]*** **which abates** the sound of ***[escaping]***
15 gases ***[of]*** **which are emitted from** an internal combustion
16 engine **and which prevents excessive or unusual noise*.*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted May 21, 1987.

**—Assembly amendments adopted June 22, 1987.

1 3. A person shall not **[have for sale,]** sell or offer for sale in
 2 this State any power vessel which is not equipped with a muffler
 3 or muffler system in good working order **[as to prevent excessive*
 4 *or unusual noise]**, or which does not comply with **[the]** specifica-
 5 tions for mufflers or muffler systems as may be required by the rules
 6 and regulations adopted by the Boat Regulation Commission **estab-*
 7 *lished pursuant to section 14 of P. L. 1962, c. 73 (C. 12:7-34.49)**.
 8 The Boat Regulation Commission may by rule or regulation exempt
 9 from the requirements of this section certain types of power vessels
 10 designed and constructed solely for participation in racing events.

1 4. The provisions of this act shall not apply to power vessels
 2 registered and actually participating in racing events, or tuneup
 3 periods for racing events, when authorized by the Division of State
 4 Police in the Department of Law and Public Safety or by any other
 5 public authority with the approval of the Division of State Police.

1 5. A person who violates any provisions of this act or any regu-
 2 lation adopted pursuant to this act is guilty of a disorderly persons
 3 offense. **If a court imposes a fine under this section, this fine shall*
 4 *be not less than \$100.00 for the first offense, \$300.00 for the second*
 5 *offense, and \$500.00 for the third and each subsequent offense.**

1 6. Notwithstanding the provisions of N. J. S. 2C:46-4 or any
 2 other provision of law, rule or regulation to the contrary, all fines
 3 imposed **[under]** **and collected pursuant to** this act **[and*
 4 *collected shall be paid to the court imposing the same and by it trans-*
 5 *ferred to the Department of Law and Public Safety and the depart-*
 6 *ment shall include the same with other moneys to be transferred to*
 7 *the Treasurer of the State of New Jersey within 30 days after*
 8 *receipt thereof]** **shall be remitted to the State Treasurer by the*
 9 *court imposing and collecting the fines** and shall become part of
 10 the General Fund of the State.

1 7. This act shall take effect on the ***[90th]*** ***30th*** day
 2 after enactment.

BOATS, VESSELS, WATERWAYS

Requires power vessels operating on the waters of this State to be
 equipped with muffler or muffler systems.

SENATE, No. 2573

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 22, 1986

By Senator RUSSO

Referred to Committee on Energy and Environment

AN ACT concerning power vessels and supplementing chapter 7 of
Title 12 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Power Vessel
2 Noise Control Act."

1 2. Every power vessel upon the waters of this State shall at all
2 times be equipped with a muffler or muffler system in good working
3 order and in constant operation to prevent excessive or unusual
4 noise. A person shall not use a muffler or muffler system cutout, by-
5 pass or similar method or device designed to prevent or diminish the
6 operational capacity of the muffler or muffler system upon a power
7 vessel on the waters of this State.

8 " Muffler " means a sound dissipative device or system for abating
9 the sound of escaping gases of an internal combustion engine.

1 3. A person shall not have for sale, sell or offer for sale in this
2 State any power vessel which is not equipped with a muffler or
3 muffler system in good working order as to prevent excessive or
4 unusual noise, or which does not comply with the specifications for
5 mufflers or muffler systems as may be required by the rules and
6 regulations adopted by the Boat Regulation Commission. The Boat
7 Regulation Commission may by rule or regulation exempt from the
8 requirements of this section certain types of power vessels designed
9 and constructed solely for participation in racing events.

1 4. The provisions of this act shall not apply to power vessels
2 registered and actually participating in racing events, or tuneup

3 periods for racing events, when authorized by the Division of State
4 Police in the Department of Law and Public Safety or by any other
5 public authority with the approval of the Division of State Police.

1 5. A person who violates any provisions of this act or any regu-
2 lation adopted pursuant to this act is guilty of a disorderly persons
3 offense.

1 6. Notwithstanding the provisions of N. J. S. 2C:46-4 or any
2 other provision of law, rule or regulation to the contrary, all fines
3 imposed under this act and collected shall be paid to the court im-
4 posing the same and by it transferred to the Department of Law
5 and Public Safety and the department shall include the same with
6 other moneys to be transferred to the Treasurer of the State of
7 New Jersey within 30 days after receipt thereof and shall become
8 part of the General Fund of the State.

1 7. This act shall take effect on the 90th day after enactment.

STATEMENT

Noise has been clearly identified as an important cause of physi-
cal and psychological stress; and stress has been linked directly to
many of our most common health problems—heart disease, high
blood pressure, headaches, and fatigue. Notwithstanding N. J. A. C.
7:6-6.3, there is currently no State power vessel law, rules or regu-
lation which is effective in prohibiting excessive noise. This act is
aimed at reducing high, offensive noise by requiring every power
vessel upon the waters of this State to be equipped with a muffler
or muffler system in good working order. The act prohibits muffler
or muffler system cutouts, bypasses or similar devices as well as
the sale of power vessels that fail to comply with the provisions of
the act. The act provides an exception for power vessels registered
and participating in authorized racing events and tuneup periods.

BOATS, VESSELS, WATERWAYS

Requires power vessels operating on the waters of this State to be
equipped with muffler or muffler systems.

CE 16 87 ego
CE 8 87 ego

U
S
S
E
C
Y

AUG
SR-AUGC

APPROVED

JUN 24 1987

Assembly Amendments
(Proposed by Assemblyman Doyle)

to

Senate Bill No. 2573 (OCR)
(Sponsored by Senator Russo)

Amend:

Page	Sec.	Line	
1	2	11	Omit "presumptive"
2	7	1	Omit "90th" insert "30th"

STATEMENT

These amendments would omit the term "presumptive" with reference to evidence of violations of Senate Bill No. 2573 (OCR) of 1986, and would enable the bill to take effect 30 days after enactment, instead of 90 days after enactment.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2573

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 1987

The Senate Energy and Environment Committee favorably reports Senate Bill No. 2573 with Senate committee amendments.

As amended by the committee, Senate Bill No. 2573 would require all power vessels used, or sold or offered for sale for use, on New Jersey waters to be equipped with a muffler system which abates excessive or unusual exhaust noise. This bill would not apply to power vessels participating in racing events or trials for racing events.

This bill provides that any person violating the provisions of this bill would be guilty of a disorderly persons offense, which makes the person subject to a fine of up to \$1,000.00 and a jail sentence of up to six months. This bill also provides that all fines imposed and collected pursuant to this bill would be remitted to the State Treasurer and would be deposited in the General Fund.