

SENATE BILL NO. 208  
INTRODUCED BY S. KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PERSON WHO FLOATS A DESIGNATED PORTION OF THE MISSOURI RIVER WITH A NONMOTORIZED VESSEL BEFORE JANUARY 1, 2007, TO WEAR A PROPERLY FASTENED, APPROVED LIFE PRESERVER WHEN OCCUPYING THE VESSEL; AMENDING SECTION 23-2-521, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, a large influx of people is anticipated to visit Montana in celebration of the bicentennial of the Lewis and Clark Expedition; and

WHEREAS, many of those visitors may choose to undertake river float trips on the Missouri River in nonmotorized vessels in order to experience portions of the journey of the Corps of Discovery and view some of Montana's most beautiful and remote scenery; and

WHEREAS, many floaters will be unfamiliar with the vagaries and dangers of river travel; and

WHEREAS, the Legislature desires that the bicentennial experience of our visitors be not only memorable, but safe; and

WHEREAS, a temporary requirement that river floaters on a designated stretch of the Missouri River wear life preservers will enhance the bicentennial experience of our visitors by helping to ensure their safety, while potentially mitigating some law enforcement and search and rescue costs during the bicentennial celebration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 23-2-521, MCA, is amended to read:

**"23-2-521. Equipment.** (1) Every motorboat or vessel must have aboard:

(a) ~~one United States coast guard approved~~ personal flotation device in good and serviceable condition ~~approved by the United States coast guard for each person on board, provided that a~~ A person who ~~has not reached his 12th birthday must have~~ is less than 12 years of age shall wear a properly fastened United States coast guard approved life preserver approved by the United States coast guard properly fastened to his person when occupying a motorboat or vessel under 26 feet in length while the motorboat or vessel is in motion; ~~;~~

(b) if carrying or using an inflammable or toxic fluid in an enclosure for any purpose and if the motorboat or vessel is not an entirely open one, an efficient natural or mechanical ventilation system prescribed by the

department that must be used and be capable of removing resulting gases prior to and during the time the motorboat or vessel is occupied by a person;

(c) hand portable fire extinguishers approved by the United States coast guard, the number of which is to be determined by the department, or a fixed fire extinguishing system approved by the United States coast guard ~~approved fixed fire extinguishing system~~, except that motorboats less than 26 feet in length of entirely open construction, propelled by outboard motors, and not carrying passengers for hire need not carry the portable fire extinguishers or fire extinguishing systems.

(2) Every motorboat or vessel must have the carburetor or carburetors of each of its engines, ~~(except outboard motors)~~, using that uses gasoline as fuel equipped with an efficient flame arrester, backfire trap, or other similar device.

(3) (a) Except as provided in subsection (3)(b), the exhaust of an internal combustion engine used on a motorboat or vessel must be muffled either by discharge underwater or by a functioning muffler capable of muffling exhaust noise to 90 dbA or less when measured at a distance of 1 meter from the muffler at idle speed in accordance with the stationary sound level measurement procedure for pleasure motorboats (SAE J2005). The muffler may not be modified or altered, such as by a cutout. The department may require a test at dockside to determine exhaust noise level.

(b) The provisions of subsection (3)(a) do not apply to a motorboat:

(i) competing in a state-sanctioned regatta or boat race while on trial runs between 9 a.m. and 5 p.m. and during a period not more than 48 hours immediately preceding the regatta or boat race;

(ii) operating under a separate permit issued by the department for the purpose of tuning engines, making test or trial runs, or competing in official trials for speed records other than in connection with regattas or boat races; or

(iii) operated by an authorized agent of federal, state, or local government to carry out ~~his~~ the agent's duty of enforcement, search and rescue, firefighting, or research.

(4) (a) Except as provided in subsection (4)(b), a vessel may not be equipped with a siren, and a person may not use or install a siren on a vessel.

(b) An authorized emergency vessel may be equipped with a siren capable of sound audible under normal conditions from a distance of not less than 500 feet, but the siren may be used only when the vessel is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the operator of the vessel must sound the siren when necessary to warn persons of the vessel's approach.

(5) When in operation or at anchor or moored away from a docking facility between sunset and sunrise, all vessels must display lights as prescribed by the department.

(6) (a) The department may designate waters where and the time of year on these waters when all persons aboard a motorboat or vessel shall wear approved life preservers at all times.

(b) A person who floats the Missouri River from Coal Banks landing downstream to Fort Peck dam in or on a nonmotorized vessel after [the effective date of this act] and before January 1, 2007, shall wear a properly fastened life preserver approved by the United States coast guard when occupying the vessel.

(7) Vessels, including houseboats and floating cabins, equipped with a galley or toilet must have a wastewater holding system sealed to prevent the discharge of water-carried waste products, whether treated or untreated, into the surrounding waters.

(8) The department may adopt rules modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation and safety laws or with the navigation and safety rules promulgated by the United States coast guard.

(9) A person may not operate or give permission for the operation of a vessel that is not equipped as required by this section."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. Termination. [This act] terminates January 1, 2007.

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