

[(ii)](2) Noise level limits for [nontidal] waters OF THE STATE shall be measured using generally accepted testing procedures imposed by regulations adopted by the Department based on the Marine Environment Sound Level Measurement Procedure, SAE J 2005.

(3) An owner or lessee of a vessel may not allow the vessel to be operated on waters of the State in violation of [paragraphs (1) and (2)] PARAGRAPH (1) of this subsection.

(c) A person may not own or operate on any waters of the State any vessel manufactured after January 1, 1990 that is not equipped with a muffler or device or system which muffles or suppresses engine noise in accordance with regulations adopted by the Department.

(d) The Department may adopt regulations to permit exceptions to this section, including exceptions for:

(1) Economic hardship;

(2) Vessels participating or preparing to participate in a U.S. Coast Guard or Department approved race or event;

(3) The testing, repair, or development of vessel engines conducted by a bona fide engine or boat manufacturer or service person; and

(4) Vessels belonging to a volunteer fire department, ambulance company, rescue squad company, or advance life support company or a political subdivision.

(e) In addition to the provisions of subsection (b) of this section, the Department may adopt regulations to enforce this section, including regulations establishing noise limitations.

(f) (1) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) For the first offense, \$500; and

(ii) For the second offense, \$1,000 or imprisonment of 30 days or both.

(2) Paragraph (1) of this subsection does not limit or supersede any other penalty that may be imposed under this subtitle for a violation of any other law or regulation adopted under this subtitle.

(g) All regulations adopted by the Department under this section shall be in accordance with the Administrative Procedure Act under Title 10 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1996.

Approved May 14, 1996.