

HOUSE BILL 948

R6

5lr1627

By: **Delegates Fair, Kerr, and Simpson**

Introduced and read first time: January 31, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **City of Frederick, Montgomery County, and Prince George's County – Noise**
3 **Abatement Monitoring Systems – Authorization and Extension**

4 FOR the purpose of authorizing the use of noise abatement monitoring systems in the City
5 of Frederick to enforce certain motor vehicle noise requirements; extending the
6 termination date for the use of noise abatement monitoring systems in Montgomery
7 County and Prince George's County; and generally relating to the use of noise
8 abatement monitoring systems.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 22–612
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Chapter 624 of the Acts of the General Assembly of 2024
16 Section 2 and 3

17 BY repealing and reenacting, with amendments,
18 Chapter 625 of the Acts of the General Assembly of 2024
19 Section 2 and 3

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Transportation**

23 22–612.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) This section applies only in Montgomery County [and], Prince George's County, **AND THE CITY OF FREDERICK.**

(b) (1) In this section the following words have the meanings indicated.

(2) "Agency" means a [county] law enforcement agency **OF A LOCAL JURISDICTION** that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

(3) **"LOCAL JURISDICTION" MEANS MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, OR THE CITY OF FREDERICK.**

(4) "Noise abatement monitoring system" means a mobile or fixed vehicle sensor that works in conjunction with a noise measuring device, such as a decibel reader, that automatically produces two or more photographs, two or more microphotographs, a videotape, or other recorded images of a motor vehicle at the time the motor vehicle is operated during the commission of a violation.

[(4)] (5) "Noise abatement monitoring system operator" means a representative of an agency or a contractor that operates a noise abatement monitoring system.

[(5)] (6) "Noise measuring device" means an electronic device that:

(i) Uses automated equipment that activates when the sound level exceeds the maximum sound level limits established under § 22–601 of this subtitle by at least 5 decibels;

(ii) Records audio when activated;

(iii) Records decibel levels when activated; and

(iv) Allows a noise abatement monitoring system operator to manually review recorded audio to ensure a violation has occurred.

[(6)] (7) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include:

1. A motor vehicle rental or leasing company; or

2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

1 [(7)] (8) “Recorded image” means an image recorded by a noise abatement
2 monitoring system:

3 (i) On:

- 4 1. A photograph;
- 5 2. A microphotograph;
- 6 3. An electronic image;
- 7 4. Videotape; or
- 8 5. Any other medium; and

9 (ii) Showing:

- 10 1. The rear of a motor vehicle;
- 11 2. The decibel level recorded for the motor vehicle at the time
12 of recordation; and
- 13 3. On at least one image or portion of tape, a clear and legible
14 identification of the entire registration plate number of the motor vehicle.

15 [(8)] (9) “Violation” means a violation of § 22–602 of this subtitle by at
16 least 5 decibels.

17 (c) (1) (i) A [county] **LOCAL JURISDICTION** may use not more than three
18 noise abatement monitoring systems under this section if the use is authorized by the
19 [county] governing body **OF THE LOCAL JURISDICTION** by local law enacted after
20 reasonable notice and a public hearing.

21 (ii) A [county] **LOCAL JURISDICTION** may deploy a noise
22 abatement monitoring system at multiple locations at different times.

23 (iii) Before activating a noise abatement monitoring system, the
24 [county] **LOCAL JURISDICTION** shall:

- 25 1. Publish notice of the location of the noise abatement
26 monitoring system on its website; and
- 27 2. Ensure that each noise abatement monitoring system is
28 proximate to a sign that:

1 A. Indicates that noise abatement monitoring systems are in
2 use in the area; and

3 B. Is in accordance with the manual and the specifications for
4 a uniform system of traffic control devices adopted by the State Highway Administration
5 under § 25–104 of this article.

6 (iv) 1. A [county] **LOCAL JURISDICTION** that authorizes a
7 program of noise abatement monitoring systems shall designate an official or employee to
8 investigate and respond to questions or concerns about the [county's] **LOCAL**
9 **JURISDICTION'S** noise abatement monitoring system program.

10 2. A. The local designee shall review a warning notice or
11 citation generated by a noise abatement monitoring system if the person who received the
12 warning notice or citation requests review before the deadline for contesting liability under
13 this section.

14 B. If the local designee determines that the warning notice or
15 citation is an erroneous violation, the local designee shall void the warning notice or
16 citation.

17 C. If the local designee determines that a person did not
18 receive notice of a warning notice or citation issued under this section due to an
19 administrative error, the local designee may resend the warning notice or citation in
20 accordance with subsection (e) of this section or void the warning notice or citation.

21 D. A local designee that takes any action described under
22 subsubsubparagraph C of this subsubparagraph shall notify the Administration of the
23 action for the purpose of rescinding any administrative penalties imposed under subsection
24 (h) of this section.

25 E. A local designee may not determine that a warning notice
26 or citation is an erroneous violation based solely on the dismissal of the warning notice or
27 citation by a court.

28 F. A local designee may waive a warning notice or citation if
29 the person alleged to be liable under this section provides sufficient evidence that the
30 person has made any alterations to the motor vehicle necessary to avoid future violations.

31 3. A local designee may not be employed by a noise
32 abatement monitoring system contractor or have been involved in any review of a noise
33 abatement monitoring system warning notice or citation, other than review of a warning
34 notice or citation under this subparagraph.

35 4. On receipt of a written question or concern from a person,
36 the local designee shall provide a written answer or response to the person within a
37 reasonable time.

1 5. A local jurisdiction shall make any written questions or
2 concerns received under this subparagraph and any subsequent written answers or
3 responses available for public inspection.

4 (v) If a [county] **LOCAL JURISDICTION** moves or places a noise
5 abatement monitoring system to or at a location where a noise abatement monitoring
6 system had not previously been moved or placed, the [county] **LOCAL JURISDICTION** may
7 not issue a citation for a violation recorded by that noise abatement monitoring system:

8 1. Until signage is installed in accordance with
9 subparagraph (iii)2 of this paragraph; and

10 2. For at least the first 15 calendar days after the signage is
11 installed.

12 (2) (i) A noise abatement monitoring system operator shall complete
13 training by the manufacturer of the noise abatement monitoring system in the procedures
14 for setting up and operating the noise abatement monitoring system.

15 (ii) The manufacturer shall issue a signed certificate to the noise
16 abatement monitoring system operator on completion of the training.

17 (iii) The certificate of training shall be admitted as evidence in any
18 court proceeding for a violation.

19 (3) A noise abatement monitoring system operator shall fill out and sign a
20 daily set-up log for a noise abatement monitoring system that:

21 (i) States that the noise abatement monitoring system operator
22 successfully performed or reviewed and evaluated the manufacturer-specified daily
23 self-test of the noise abatement monitoring system before producing a recorded image;

24 (ii) States the date and time when, and the location where, the noise
25 abatement monitoring system was set up each day;

26 (iii) Shall be kept on file; and

27 (iv) Shall be admitted as evidence in any court proceeding for a
28 violation.

29 (4) (i) A noise abatement monitoring system shall undergo an annual
30 calibration check performed by an independent calibration laboratory that is:

31 1. Selected by the [county] **LOCAL JURISDICTION**; and

2. Unaffiliated with the manufacturer of the noise abatement monitoring system.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that shall be:

1. Kept on file; and

2. Admitted as evidence in any court proceeding for a violation.

(5) A [county] **LOCAL JURISDICTION** that establishes a noise abatement monitoring system program shall bear the cost of implementing the program.

(d) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a noise abatement monitoring system while being operated during the commission of a violation.

(2) (i) A person liable for a violation enforced by a noise abatement monitoring system is subject to:

1. For a first offense, a warning notice; and

2. For a second or subsequent offense, a civil penalty not exceeding \$75.

(ii) A [county] **LOCAL JURISDICTION** may not issue a citation applicable to a motor vehicle during the first 30 days after a warning for a first offense applicable to the motor vehicle is mailed under subparagraph (i)1 of this paragraph.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (e)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(4) A person may not be issued more than one citation by a [county] **LOCAL JURISDICTION** per day for a violation enforced by a noise abatement monitoring system.

(e) (1) Subject to paragraphs (2) through (4) of this subsection, an agency shall mail to an owner liable under subsection (d) of this section a warning notice or citation that shall include:

- 1 (i) The name and address of the registered owner of the motor
2 vehicle;
- 3 (ii) The registration number of the motor vehicle involved in the
4 violation;
- 5 (iii) The violation charged;
- 6 (iv) The location where the violation occurred;
- 7 (v) The location of the noise abatement monitoring system;
- 8 (vi) The date and time of the violation;
- 9 (vii) The recorded decibel level;
- 10 (viii) A copy of the recorded image;
- 11 (ix) The amount of the civil penalty imposed and the date by which
12 the civil penalty should be paid, if applicable;
- 13 (x) A signed statement by a duly authorized law enforcement officer
14 employed by or under contract with an agency that, based on inspection of recorded images,
15 the motor vehicle was being operated during the commission of a violation;
- 16 (xi) A statement that recorded images are evidence of a violation;
- 17 (xii) Information advising the person alleged to be liable under this
18 section to make any necessary alterations to the motor vehicle to avoid future violations;
- 19 (xiii) Information advising the person alleged to be liable under this
20 section of the manner and time in which liability as alleged in the citation may be contested
21 in the District Court; and
- 22 (xiv) Information advising the person alleged to be liable under this
23 section that failure to pay the civil penalty or to contest liability in a timely manner, if
24 applicable:
- 25 1. Is an admission of liability;
- 26 2. May result in the refusal by the Administration to register
27 the motor vehicle; and
- 28 3. May result in the suspension of the motor vehicle
29 registration.

(2) An agency may mail a warning notice instead of a citation to the owner liable under subsection (d) of this section.

(3) An agency may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (c)(1)(iv)2C of this section, a citation issued under this section shall be mailed not later than 2 weeks after the alleged violation if the vehicle is registered in this State, and 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the [county] **LOCAL JURISDICTION**; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(f) (1) A certificate alleging that the violation occurred and the requirements under subsection (c) of this section have been satisfied, sworn to, or affirmed by a duly authorized law enforcement officer employed by or under contract with an agency, based on inspection of recorded images produced by a noise abatement monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation without the presence or testimony of the noise abatement monitoring system operator who performed the requirements under subsection (c) of this section.

(2) If a person who received a citation under subsection (e) of this section desires the noise abatement monitoring system operator to be present and testify at trial, the person shall notify the court and the agency in writing not later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) That the noise abatement monitoring system was malfunctioning at the time of the violation; or

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the

owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(h) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration may refuse to register or reregister the motor vehicle cited for the violation.

(i) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner of the vehicle;

(3) May be treated as a parking violation for the purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(j) In consultation with the appropriate [county] **LOCAL GOVERNMENT** agencies, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(k) (1) An agency or an agent or contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor in any manner operates a noise abatement monitoring system or administers or processes warning notices or citations generated by a noise abatement monitoring system on behalf of a [county] **LOCAL JURISDICTION**, the contractor's fee may not be contingent on a per-ticket basis on the number of warning notices or citations issued or paid.

Chapter 624 of the Acts of 2024

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, [2025] **2026**, a county that authorizes a program of noise abatement monitoring systems under this Act shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on:

(1) through October 1, [2025] **2026**:

(i) the time period during which noise abatement monitoring systems were in use in the county; and

(ii) the number of warnings and citations issued as a result of violations recorded by noise abatement monitoring systems in the county over the reported time period, by location and date;

(2) (i) the costs associated with implementing and operating noise abatement monitoring systems; and

(ii) the revenue collected on a monthly basis as a result of violations recorded by noise abatement monitoring systems;

(3) appropriate locations for the deployment of noise abatement monitoring systems;

(4) the performance and reliability of noise abatement monitoring systems used by the county; and

(5) the effectiveness of noise abatement monitoring systems in reducing noise produced by motor vehicles in the county and in areas where the systems were implemented and used.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. It shall remain effective for a period of **[2] 3** years and, at the end of June 30, **[2026] 2027**, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Chapter 625 of the Acts of 2024

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, **[2025] 2026**, a county that authorizes a program of noise abatement monitoring systems under this Act shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on:

(1) through October 1, **[2025] 2026**:

(i) the time period during which noise abatement monitoring systems were in use in the county; and

(ii) the number of warnings and citations issued as a result of violations recorded by noise abatement monitoring systems in the county over the reported time period, by location and date;

(2) (i) the costs associated with implementing and operating noise abatement monitoring systems; and

(ii) the revenue collected on a monthly basis as a result of violations recorded by noise abatement monitoring systems;

(3) appropriate locations for the deployment of noise abatement monitoring systems;

(4) the performance and reliability of noise abatement monitoring systems used by the county; and

(5) the effectiveness of noise abatement monitoring systems in reducing noise produced by motor vehicles in the county and in areas where the systems were implemented and used.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. It shall remain effective for a period of [2] 3 years and, at the end of June 30, [2026] 2027, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2026, the City of Frederick shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on:

(1) through October 1, 2026:

(i) the time period during which noise abatement monitoring systems authorized under this Act were in use in the City; and

(ii) the number of warnings and citations issued as a result of violations recorded by noise abatement monitoring systems in the City over the reported time period, by location and date;

(2) (i) the costs associated with implementing and operating noise abatement monitoring systems; and

(ii) the revenue collected on a monthly basis as a result of violations recorded by noise abatement monitoring systems;

(3) appropriate locations for the deployment of noise abatement monitoring systems;

(4) the performance and reliability of noise abatement monitoring systems used by the City; and

(5) the effectiveness of noise abatement monitoring systems in reducing noise produced by motor vehicles in the City and in areas where the systems were implemented and used.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. It shall remain effective until the taking effect of the termination provisions specified in Section 3 of Chapters 624 and 625 of the Acts of the General Assembly of 2024.

1 If those termination provisions take effect, this Act, with no further action required by the
2 General Assembly, shall be abrogated and of no further force and effect. If those
3 termination provisions are amended, this Act shall terminate on the amended termination
4 date. This Act may not be interpreted to have any effect on those termination provisions.