

HOUSE BILL 212

R6

(4lr1152)

ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by **Delegates Palakovich Carr, Lehman, Charkoudian, Healey, Kaufman, Pena-Melnyk, Solomon, Spiegel, ~~and Wims~~ Wims, Guyton, and Stewart**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Noise Abatement Monitoring Systems – ~~Authorization~~ Pilot**
3 **Program**

4 FOR the purpose of ~~authorizing~~ establishing a pilot program to authorize the use of noise
5 abatement monitoring systems in ~~Anne Arundel County~~, Montgomery County, and
6 Prince George's County to enforce certain motor vehicle noise requirements; and
7 generally relating to the use of noise abatement monitoring systems.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 4–401(13), 7–302(e)(1) through (3) and (4)(i), and 10–311
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



BY repealing and reenacting, without amendments,
Article – Transportation
Section 22–602
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to
Article – Transportation
Section 22–612
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

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

Article – Courts and Judicial Proceedings

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of
Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
21–706.1, § 21–809, § 21–810, § 21–1134, **§ 22–612**, or § 24–111.3 of the Transportation
Article or § 10–112 of the Criminal Law Article;

7–302.

(e) (1) (i) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §
21–810, § 21–1134, **§ 22–612**, or § 24–111.3 of the Transportation Article shall provide that
the person receiving the citation may elect to stand trial by notifying the issuing agency of
the person’s intention to stand trial at least 5 days prior to the date of payment as set forth
in the citation.

(ii) On receipt of the notice to stand trial, the agency shall forward
to the District Court having venue a copy of the citation and a copy of the notice from the
person who received the citation indicating the person’s intention to stand trial.

(iii) On receipt thereof, the District Court shall schedule the case for
trial and notify the defendant of the trial date under procedures adopted by the Chief Judge
of the District Court.

(2) (i) A citation issued as the result of a vehicle height monitoring
system, a traffic control signal monitoring system, or a speed monitoring system, including
a work zone speed control system, controlled by a political subdivision, a school bus

1 monitoring camera, [or] a bus lane monitoring system, **OR A NOISE ABATEMENT**
2 **MONITORING SYSTEM** shall provide that, in an uncontested case, the penalty shall be paid
3 directly to that political subdivision.

4 (ii) A citation issued as the result of a traffic control signal
5 monitoring system or a work zone speed control system controlled by a State agency, or as
6 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
7 speed monitoring system, a school bus monitoring camera, [or] a bus lane monitoring
8 system, **OR A NOISE ABATEMENT MONITORING SYSTEM** in a case contested in District
9 Court, shall provide that the penalty shall be paid directly to the District Court.

10 (3) Civil penalties resulting from citations issued using a vehicle height
11 monitoring system, traffic control signal monitoring system, speed monitoring system,
12 work zone speed control system, school bus monitoring camera, [or] bus lane monitoring
13 system, **OR A NOISE ABATEMENT MONITORING SYSTEM** that are collected by the District
14 Court shall be collected in accordance with subsection (a) of this section and distributed in
15 accordance with § 12–118 of the Transportation Article.

16 (4) (i) Except as provided in paragraph (5) of this subsection, from the
17 fines collected by a political subdivision as a result of violations enforced by speed
18 monitoring systems, school bus monitoring cameras, [or] bus lane monitoring systems, **OR**
19 **NOISE ABATEMENT MONITORING SYSTEMS**, a political subdivision:

20 1. May recover the costs of implementing and administering
21 the speed monitoring systems, school bus monitoring cameras, [or] bus lane monitoring
22 systems, **OR NOISE ABATEMENT MONITORING SYSTEMS**; and

23 2. Subject to subparagraphs (ii), (iii), and (iv) of this
24 paragraph, may spend any remaining balance solely for public safety purposes, including
25 pedestrian safety programs.

26 10–311.

27 (a) A recorded image of a motor vehicle produced by a traffic control signal
28 monitoring system in accordance with § 21–202.1 of the Transportation Article is
29 admissible in a proceeding concerning a civil citation issued under that section for a
30 violation of § 21–202(h) of the Transportation Article without authentication.

31 (b) A recorded image of a motor vehicle produced by a speed monitoring system
32 in accordance with § 21–809 or § 21–810 of the Transportation Article is admissible in a
33 proceeding concerning a civil citation issued under that section for a violation of Title 21,
34 Subtitle 8 of the Transportation Article without authentication.

35 (c) A recorded image of a motor vehicle produced by a school bus monitoring
36 camera in accordance with § 21–706.1 of the Transportation Article is admissible in a

proceeding concerning a civil citation issued under that section for a violation of § 21–706 of the Transportation Article without authentication.

(d) A recorded image of a motor vehicle produced by a vehicle height monitoring system in accordance with § 24–111.3 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of a State or local law restricting the presence of certain vehicles during certain times without authentication.

(e) A recorded image of a motor vehicle produced by a bus lane monitoring system in accordance with § 21–1134 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 21–1133 of the Transportation Article without authentication.

(f) A RECORDED IMAGE OF A MOTOR VEHICLE AND ANY RELEVANT RECORDED AUDIO PRODUCED BY A NOISE ABATEMENT MONITORING SYSTEM IN CONJUNCTION WITH A NOISE MEASURING DEVICE IN ACCORDANCE WITH § 22–612 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 22–602 OF THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

(G) In any other judicial proceeding, a recorded image produced by a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, school bus monitoring camera, or bus lane monitoring system **OR A RECORDED IMAGE AND ANY RELEVANT RECORDED AUDIO PRODUCED BY A NOISE ABATEMENT MONITORING SYSTEM IN CONJUNCTION WITH A NOISE MEASURING DEVICE** is admissible as otherwise provided by law.

Article – Transportation

22–602.

(a) A person may not drive on a highway in this State any motor vehicle or combination of vehicles of a type required to be registered under Title 13 of this article, in a manner that, at any time, at any speed, or under any condition of grade, load, acceleration, or deceleration, exceeds the maximum sound level limits established under § 22–601 of this subtitle for the operation of that type of motor vehicle or combination of vehicles.

(b) An owner or lessee of a motor vehicle may not permit to be driven on a highway in this State any motor vehicle or combination of vehicles of a type required to be registered under Title 13 of this article, in a manner that, at any time, at any speed, or under any condition of grade, load, acceleration, or deceleration, exceeds the maximum sound level limits established under § 22–601 of this subtitle for the operation of that type of motor vehicle or combination of vehicles.

1 22-612.

2 (A) THIS SECTION APPLIES ONLY IN ~~ANNE ARUNDEL COUNTY,~~
3 MONTGOMERY COUNTY, AND PRINCE GEORGE'S COUNTY.

4 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "AGENCY" MEANS:

7 ~~(I) A A COUNTY LAW ENFORCEMENT AGENCY OF A LOCAL~~
8 ~~POLITICAL SUBDIVISION~~ THAT IS AUTHORIZED TO ISSUE A CITATION FOR A
9 VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR
10 REGULATIONS; ~~OR~~

11 ~~(II) FOR A MUNICIPAL CORPORATION THAT DOES NOT~~
12 ~~MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE~~
13 ~~MUNICIPAL CORPORATION TO IMPLEMENT A PROGRAM OF NOISE ABATEMENT~~
14 ~~MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.~~

15 (3) "NOISE ABATEMENT MONITORING SYSTEM" MEANS A MOBILE OR
16 FIXED VEHICLE SENSOR THAT WORKS IN CONJUNCTION WITH A NOISE MEASURING
17 DEVICE, SUCH AS A DECIBEL READER, THAT AUTOMATICALLY PRODUCES TWO OR
18 MORE PHOTOGRAPHS, TWO OR MORE MICROPHOTOGRAPHS, A VIDEOTAPE, OR
19 OTHER RECORDED IMAGES OF A MOTOR VEHICLE AT THE TIME THE MOTOR VEHICLE
20 IS OPERATED DURING THE COMMISSION OF A VIOLATION.

21 (4) "NOISE ABATEMENT MONITORING SYSTEM OPERATOR" MEANS A
22 REPRESENTATIVE OF AN AGENCY OR A CONTRACTOR THAT OPERATES A NOISE
23 ABATEMENT MONITORING SYSTEM.

24 (5) "NOISE MEASURING DEVICE" MEANS AN ELECTRONIC DEVICE
25 THAT:

26 (I) USES AUTOMATED EQUIPMENT THAT ACTIVATES WHEN THE
27 SOUND LEVEL EXCEEDS THE MAXIMUM SOUND LEVEL LIMITS ESTABLISHED UNDER
28 § 22-601 OF THIS SUBTITLE BY AT LEAST 5 DECIBELS;

29 (II) RECORDS AUDIO WHEN ACTIVATED;

30 (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) (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.

(7) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A NOISE ABATEMENT MONITORING SYSTEM:

(I) ON:

1. A PHOTOGRAPH;
2. A MICROPHOTOGRAPH;
3. AN ELECTRONIC IMAGE;
4. VIDEOTAPE; OR
5. ANY OTHER MEDIUM; AND

(II) SHOWING:

1. THE REAR OF A MOTOR VEHICLE;
2. THE DECIBEL LEVEL RECORDED FOR THE MOTOR VEHICLE AT THE TIME OF RECORDATION; AND
3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

(8) "VIOLATION" MEANS A VIOLATION OF § 22-602 OF THIS SUBTITLE BY AT LEAST 5 DECIBELS.

1 (c) (1) (i) ~~A NOISE ABATEMENT MONITORING SYSTEM MAY BE USED IN~~
2 ~~A LOCAL JURISDICTION~~ COUNTY MAY USE NOT MORE THAN THREE NOISE
3 ABATEMENT MONITORING SYSTEMS UNDER THIS SECTION IF ~~ITS~~ THE USE IS
4 AUTHORIZED BY THE COUNTY GOVERNING BODY ~~OF THE LOCAL JURISDICTION~~ BY
5 LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

6 (ii) ~~BEFORE A COUNTY MAY USE A NOISE ABATEMENT~~
7 ~~MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL~~
8 ~~CORPORATION, THE COUNTY SHALL:~~

9 1. ~~OBTAIN THE APPROVAL OF THE STATE HIGHWAY~~
10 ~~ADMINISTRATION;~~

11 2. ~~NOTIFY THE MUNICIPAL CORPORATION OF THE~~
12 ~~STATE HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A NOISE~~
13 ~~ABATEMENT MONITORING SYSTEM AT THAT LOCATION; AND~~

14 3. ~~GRANT THE MUNICIPAL CORPORATION 60 DAYS~~
15 ~~FROM THE DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION TO~~
16 ~~ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF~~
17 ~~THE COUNTY TO USE A NOISE ABATEMENT MONITORING SYSTEM AT THAT LOCATION~~
18 A COUNTY MAY DEPLOY A NOISE ABATEMENT MONITORING SYSTEM AT MULTIPLE
19 LOCATIONS AT DIFFERENT TIMES.

20 (iii) BEFORE ACTIVATING A NOISE ABATEMENT MONITORING
21 SYSTEM, THE ~~LOCAL JURISDICTION~~ COUNTY SHALL:

22 1. PUBLISH NOTICE OF THE LOCATION OF THE NOISE
23 ABATEMENT MONITORING SYSTEM ON ITS WEBSITE; AND

24 2. ENSURE THAT EACH NOISE ABATEMENT MONITORING
25 SYSTEM IS PROXIMATE TO A SIGN THAT:

26 A. INDICATES THAT NOISE ABATEMENT MONITORING
27 SYSTEMS ARE IN USE IN THE AREA; AND

28 B. IS IN ACCORDANCE WITH THE MANUAL AND THE
29 SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED
30 BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS ARTICLE.

31 (iv) 1. ~~A LOCAL JURISDICTION~~ COUNTY THAT AUTHORIZES A
32 PROGRAM OF NOISE ABATEMENT MONITORING SYSTEMS SHALL DESIGNATE AN
33 OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR

1 CONCERNS ABOUT THE ~~LOCAL JURISDICTION'S~~ COUNTY'S NOISE ABATEMENT
2 MONITORING SYSTEM PROGRAM.

3 2. A. THE LOCAL DESIGNEE SHALL REVIEW A
4 WARNING NOTICE OR CITATION GENERATED BY A NOISE ABATEMENT MONITORING
5 SYSTEM IF THE PERSON WHO RECEIVED THE WARNING NOTICE OR CITATION
6 REQUESTS REVIEW BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER
7 THIS SECTION.

8 B. IF THE LOCAL DESIGNEE DETERMINES THAT THE
9 WARNING NOTICE OR CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL
10 DESIGNEE SHALL VOID THE WARNING NOTICE OR CITATION.

11 C. IF THE LOCAL DESIGNEE DETERMINES THAT A
12 PERSON DID NOT RECEIVE NOTICE OF A WARNING NOTICE OR CITATION ISSUED
13 UNDER THIS SECTION DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE
14 MAY RESEND THE WARNING NOTICE OR CITATION IN ACCORDANCE WITH
15 SUBSECTION (E) OF THIS SECTION OR VOID THE WARNING NOTICE OR CITATION.

16 D. A LOCAL DESIGNEE THAT TAKES ANY ACTION
17 DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH SHALL
18 NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF RESCINDING
19 ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION (H) OF THIS
20 SECTION.

21 E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A
22 WARNING NOTICE OR CITATION IS AN ERRONEOUS VIOLATION BASED SOLELY ON
23 THE DISMISSAL OF THE WARNING NOTICE OR CITATION BY A COURT.

24 F. A LOCAL DESIGNEE MAY WAIVE A WARNING NOTICE
25 OR CITATION IF THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION
26 PROVIDES SUFFICIENT EVIDENCE THAT THE PERSON HAS MADE ANY ALTERATIONS
27 TO THE MOTOR VEHICLE NECESSARY TO AVOID FUTURE VIOLATIONS.

28 3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A
29 NOISE ABATEMENT MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED
30 IN ANY REVIEW OF A NOISE ABATEMENT MONITORING SYSTEM WARNING NOTICE OR
31 CITATION, OTHER THAN REVIEW OF A WARNING NOTICE OR CITATION UNDER THIS
32 SUBPARAGRAPH.

33 4. ON RECEIPT OF A WRITTEN QUESTION OR CONCERN
34 FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN ANSWER OR
35 RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.

(v) IF A ~~LOCAL JURISDICTION~~ COUNTY MOVES OR PLACES A NOISE ABATEMENT MONITORING SYSTEM TO OR AT A LOCATION WHERE A NOISE ABATEMENT MONITORING SYSTEM HAD NOT PREVIOUSLY BEEN MOVED OR PLACED, THE ~~LOCAL JURISDICTION~~ COUNTY MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED BY THAT NOISE ABATEMENT MONITORING SYSTEM:

2. FOR AT LEAST THE FIRST 15 CALENDAR DAYS AFTER THE SIGNAGE IS INSTALLED.

(II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE NOISE ABATEMENT MONITORING SYSTEM OPERATOR ON COMPLETION OF THE TRAINING.

(3) A NOISE ABATEMENT MONITORING SYSTEM OPERATOR SHALL FILL OUT AND SIGN A DAILY SET-UP LOG FOR A NOISE ABATEMENT MONITORING SYSTEM THAT:

(II) STATES THE DATE AND TIME WHEN, AND THE LOCATION WHERE, THE NOISE ABATEMENT MONITORING SYSTEM WAS SET UP EACH DAY;

(III) SHALL BE KEPT ON FILE; AND

(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION.

(4) (I) A NOISE ABATEMENT MONITORING SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY THAT IS:

1. SELECTED BY THE ~~LOCAL JURISDICTION~~ COUNTY;
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 ~~LOCAL JURISDICTION~~ COUNTY 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:

~~(H)~~ 1. FOR A FIRST OFFENSE, A WARNING NOTICE; AND

~~(H)~~ 2. FOR A SECOND OR SUBSEQUENT OFFENSE, A CIVIL PENALTY NOT EXCEEDING ~~\$70~~ \$75.

(II) A COUNTY 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.

1 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
2 PRESCRIBE:

3 (I) A UNIFORM CITATION FORM CONSISTENT WITH
4 SUBSECTION (E)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

5 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
6 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
7 WITHOUT APPEARING IN DISTRICT COURT.

8 (4) A PERSON MAY NOT BE ISSUED MORE THAN ONE CITATION ~~PER~~
9 ~~LOCAL JURISDICTION BY A COUNTY~~ PER DAY FOR A VIOLATION ENFORCED BY A
10 NOISE ABATEMENT MONITORING SYSTEM.

11 (E) (1) ~~SUBJECT TO THE PROVISIONS OF~~ PARAGRAPHS (2) THROUGH (4)
12 OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO AN OWNER LIABLE UNDER
13 SUBSECTION (D) OF THIS SECTION A WARNING NOTICE OR CITATION THAT SHALL
14 INCLUDE:

15 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
16 THE MOTOR VEHICLE;

17 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
18 INVOLVED IN THE VIOLATION;

19 (III) THE VIOLATION CHARGED;

20 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

21 (V) THE LOCATION OF THE NOISE ABATEMENT MONITORING
22 SYSTEM;

23 (VI) THE DATE AND TIME OF THE VIOLATION;

24 (VII) THE RECORDED DECIBEL LEVEL;

25 (VIII) A COPY OF THE RECORDED IMAGE;

26 (IX) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
27 DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID, IF APPLICABLE;

28 (X) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW
29 ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY

1 THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS
2 BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

3 (XI) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF
4 A VIOLATION;

5 (XII) INFORMATION ADVISING THE PERSON ALLEGED TO BE
6 LIABLE UNDER THIS SECTION TO MAKE ANY NECESSARY ALTERATIONS TO THE
7 MOTOR VEHICLE TO AVOID FUTURE VIOLATIONS;

8 (XIII) INFORMATION ADVISING THE PERSON ALLEGED TO BE
9 LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS
10 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

11 (XIV) INFORMATION ADVISING THE PERSON ALLEGED TO BE
12 LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
13 CONTEST LIABILITY IN A TIMELY MANNER, IF APPLICABLE:

14 1. IS AN ADMISSION OF LIABILITY;

15 2. MAY RESULT IN THE REFUSAL BY THE
16 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND

17 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
18 VEHICLE REGISTRATION.

19 (2) AN AGENCY MAY MAIL A WARNING NOTICE INSTEAD OF A
20 CITATION TO THE OWNER LIABLE UNDER SUBSECTION (D) OF THIS SECTION.

21 (3) AN AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT
22 AN OWNER.

23 (4) EXCEPT AS PROVIDED IN SUBSECTION (C)(1)(IV)2C OF THIS
24 SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER
25 THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN
26 THIS STATE, AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS
27 REGISTERED IN ANOTHER STATE.

28 (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF
29 THIS SUBSECTION MAY:

30 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
31 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE ~~POLITICAL SUBDIVISION~~
32 COUNTY; 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 ~~LOCAL GOVERNMENT~~ COUNTY 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 ~~LOCAL JURISDICTION~~ COUNTY, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON A PER-TICKET BASIS ON THE NUMBER OF WARNING NOTICES OR CITATIONS ISSUED OR PAID.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before ~~September 30, 2027, a local jurisdiction~~ December 1, 2025, 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, ~~in accordance with § 2-1257 of the State Government Article, on the implementation of this Act on:~~

(1) through October 1, 2025:

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

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

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

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

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

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

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

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 ~~October~~ July 1, 2024. It shall remain effective for a period of ~~4~~ 2 years and, at the end of
19 ~~September~~ June 30, ~~2028~~ 2026, this Act, with no further action required by the General
20 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.