

HOUSE BILL 212

R6

(PRE-FILED)

4lr1152
CF SB 155

By: **Delegates Palakovich Carr, Lehman, Charkoudian, Healey, Kaufman, Pena-Melnyk, Solomon, Spiegel, and Wims**

Requested: October 25, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Noise Abatement Monitoring Systems – Authorization**

3 FOR the purpose of authorizing the use of noise abatement monitoring systems in Anne
4 Arundel County, Montgomery County, and Prince George’s County to enforce certain
5 motor vehicle noise requirements; and generally relating to the use of noise
6 abatement monitoring systems.

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

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 22–602
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

17 BY adding to
18 Article – Transportation
19 Section 22–612
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2023 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

(3) Civil penalties resulting from citations issued using 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 NOISE ABATEMENT MONITORING SYSTEM** that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

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

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

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

10–311.

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

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

(c) A recorded image of a motor vehicle produced by a school bus monitoring 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**

1 A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 22-602 OF
2 THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

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

9 Article – Transportation

10 22-602.

11 (a) A person may not drive on a highway in this State any motor vehicle or
12 combination of vehicles of a type required to be registered under Title 13 of this article, in
13 a manner that, at any time, at any speed, or under any condition of grade, load,
14 acceleration, or deceleration, exceeds the maximum sound level limits established under §
15 22-601 of this subtitle for the operation of that type of motor vehicle or combination of
16 vehicles.

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

23 22-612.

24 (A) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY,
25 MONTGOMERY COUNTY, AND PRINCE GEORGE'S COUNTY.

26 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (2) "AGENCY" MEANS:

29 (I) A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL
30 SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE
31 MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS; OR

32 (II) FOR A MUNICIPAL CORPORATION THAT DOES NOT
33 MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE
34 MUNICIPAL CORPORATION TO IMPLEMENT A PROGRAM OF NOISE ABATEMENT

1 MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.

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

8 (4) "NOISE ABATEMENT MONITORING SYSTEM OPERATOR" MEANS A
9 REPRESENTATIVE OF AN AGENCY OR A CONTRACTOR THAT OPERATES A NOISE
10 ABATEMENT MONITORING SYSTEM.

11 (5) "NOISE MEASURING DEVICE" MEANS AN ELECTRONIC DEVICE
12 THAT:

13 (I) USES AUTOMATED EQUIPMENT THAT ACTIVATES WHEN THE
14 SOUND LEVEL EXCEEDS THE MAXIMUM SOUND LEVEL LIMITS ESTABLISHED UNDER
15 § 22-601 OF THIS SUBTITLE;

16 (II) RECORDS AUDIO WHEN ACTIVATED;

17 (III) RECORDS DECIBEL LEVELS WHEN ACTIVATED; AND

18 (IV) ALLOWS A NOISE ABATEMENT MONITORING SYSTEM
19 OPERATOR TO MANUALLY REVIEW RECORDED AUDIO TO ENSURE A VIOLATION HAS
20 OCCURRED.

21 (6) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
22 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
23 MORE.

24 (II) "OWNER" DOES NOT INCLUDE:

25 1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY;
26 OR

27 2. A HOLDER OF A SPECIAL REGISTRATION PLATE
28 ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

29 (7) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A NOISE
30 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.

(C) (1) (I) A NOISE ABATEMENT MONITORING SYSTEM MAY BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION IF ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

(II) BEFORE A COUNTY MAY USE A NOISE ABATEMENT MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, THE COUNTY SHALL:

- 1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION;**
- 2. NOTIFY THE MUNICIPAL CORPORATION OF THE STATE HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A NOISE ABATEMENT MONITORING SYSTEM AT THAT LOCATION; AND**
- 3. GRANT THE MUNICIPAL CORPORATION 60 DAYS FROM THE DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION TO**

1 ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF
2 THE COUNTY TO USE A NOISE ABATEMENT MONITORING SYSTEM AT THAT LOCATION.

3 (III) BEFORE ACTIVATING A NOISE ABATEMENT MONITORING
4 SYSTEM, THE LOCAL JURISDICTION SHALL:

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

7 2. ENSURE THAT EACH NOISE ABATEMENT MONITORING
8 SYSTEM IS PROXIMATE TO A SIGN THAT:

9 A. INDICATES THAT NOISE ABATEMENT MONITORING
10 SYSTEMS ARE IN USE IN THE AREA; AND

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

14 (IV) 1. A LOCAL JURISDICTION THAT AUTHORIZES A
15 PROGRAM OF NOISE ABATEMENT MONITORING SYSTEMS SHALL DESIGNATE AN
16 OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR
17 CONCERNS ABOUT THE LOCAL JURISDICTION'S NOISE ABATEMENT MONITORING
18 SYSTEM PROGRAM.

19 2. A. THE LOCAL DESIGNEE SHALL REVIEW A
20 WARNING NOTICE OR CITATION GENERATED BY A NOISE ABATEMENT MONITORING
21 SYSTEM IF THE PERSON WHO RECEIVED THE WARNING NOTICE OR CITATION
22 REQUESTS REVIEW BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER
23 THIS SECTION.

24 B. IF THE LOCAL DESIGNEE DETERMINES THAT THE
25 WARNING NOTICE OR CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL
26 DESIGNEE SHALL VOID THE WARNING NOTICE OR CITATION.

27 C. IF THE LOCAL DESIGNEE DETERMINES THAT A
28 PERSON DID NOT RECEIVE NOTICE OF A WARNING NOTICE OR CITATION ISSUED
29 UNDER THIS SECTION DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE
30 MAY RESEND THE WARNING NOTICE OR CITATION IN ACCORDANCE WITH
31 SUBSECTION (E) OF THIS SECTION OR VOID THE WARNING NOTICE OR CITATION.

32 D. A LOCAL DESIGNEE THAT TAKES ANY ACTION
33 DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH SHALL

1 NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF RESCINDING
2 ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION (H) OF THIS
3 SECTION.

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

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

11 3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A
12 NOISE ABATEMENT MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED
13 IN ANY REVIEW OF A NOISE ABATEMENT MONITORING SYSTEM WARNING NOTICE OR
14 CITATION, OTHER THAN REVIEW OF A WARNING NOTICE OR CITATION UNDER THIS
15 SUBPARAGRAPH.

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

19 5. A LOCAL JURISDICTION SHALL MAKE ANY WRITTEN
20 QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH AND ANY
21 SUBSEQUENT WRITTEN ANSWERS OR RESPONSES AVAILABLE FOR PUBLIC
22 INSPECTION.

23 (V) IF A LOCAL JURISDICTION MOVES OR PLACES A NOISE
24 ABATEMENT MONITORING SYSTEM TO OR AT A LOCATION WHERE A NOISE
25 ABATEMENT MONITORING SYSTEM HAD NOT PREVIOUSLY BEEN MOVED OR PLACED,
26 THE LOCAL JURISDICTION MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED
27 BY THAT NOISE ABATEMENT MONITORING SYSTEM:

28 1. UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE WITH
29 SUBPARAGRAPH (III)2 OF THIS PARAGRAPH; AND

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

32 (2) (I) A NOISE ABATEMENT MONITORING SYSTEM OPERATOR
33 SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE NOISE ABATEMENT
34 MONITORING SYSTEM IN THE PROCEDURES FOR SETTING UP AND OPERATING THE

1 NOISE ABATEMENT MONITORING SYSTEM.

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

5 (III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS
6 EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION.

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

10 (I) STATES THAT THE NOISE ABATEMENT MONITORING SYSTEM
11 OPERATOR SUCCESSFULLY PERFORMED OR REVIEWED AND EVALUATED THE
12 MANUFACTURER-SPECIFIED DAILY SELF-TEST OF THE NOISE ABATEMENT
13 MONITORING SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

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

16 (III) SHALL BE KEPT ON FILE; AND

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

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

22 1. SELECTED BY THE LOCAL JURISDICTION; AND

23 2. UNAFFILIATED WITH THE MANUFACTURER OF THE
24 NOISE ABATEMENT MONITORING SYSTEM.

25 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL
26 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION
27 CHECK THAT SHALL BE:

28 1. KEPT ON FILE; AND

29 2. ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING
30 FOR A VIOLATION.

1 **(5) A LOCAL JURISDICTION THAT ESTABLISHES A NOISE ABATEMENT**
2 **MONITORING SYSTEM PROGRAM SHALL BEAR THE COST OF IMPLEMENTING THE**
3 **PROGRAM.**

4 **(D) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
5 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OF**
6 **A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS**
7 **RECORDED BY A NOISE ABATEMENT MONITORING SYSTEM WHILE BEING OPERATED**
8 **DURING THE COMMISSION OF A VIOLATION.**

9 **(2) A PERSON LIABLE FOR A VIOLATION ENFORCED BY A NOISE**
10 **ABATEMENT MONITORING SYSTEM IS SUBJECT TO:**

11 **(I) FOR A FIRST OFFENSE, A WARNING NOTICE; AND**

12 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A CIVIL PENALTY**
13 **NOT EXCEEDING \$70.**

14 **(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL**
15 **PRESCRIBE:**

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

18 **(II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE**
19 **CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY**
20 **WITHOUT APPEARING IN DISTRICT COURT.**

21 **(4) A PERSON MAY NOT BE ISSUED MORE THAN ONE CITATION PER**
22 **LOCAL JURISDICTION PER DAY FOR A VIOLATION ENFORCED BY A NOISE**
23 **ABATEMENT MONITORING SYSTEM.**

24 **(E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4)**
25 **OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO AN OWNER LIABLE UNDER**
26 **SUBSECTION (D) OF THIS SECTION A WARNING NOTICE OR CITATION THAT SHALL**
27 **INCLUDE:**

28 **(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF**
29 **THE MOTOR VEHICLE;**

30 **(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE**
31 **INVOLVED IN THE VIOLATION;**

1 (III) THE VIOLATION CHARGED;

2 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

3 (V) THE LOCATION OF THE NOISE ABATEMENT MONITORING
4 SYSTEM;

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

6 (VII) THE RECORDED DECIBEL LEVEL;

7 (VIII) A COPY OF THE RECORDED IMAGE;

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

10 (X) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW
11 ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY
12 THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS
13 BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

14 (XI) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF
15 A VIOLATION;

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

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

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

25 1. IS AN ADMISSION OF LIABILITY;

26 2. MAY RESULT IN THE REFUSAL BY THE
27 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND

28 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR

1 VEHICLE REGISTRATION.

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

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

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

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

13 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
14 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION; OR

15 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
16 ALLEGED VIOLATION.

17 (F) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OCCURRED AND
18 THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION HAVE BEEN
19 SATISFIED, SWORN TO, OR AFFIRMED BY A DULY AUTHORIZED LAW ENFORCEMENT
20 OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY, BASED ON
21 INSPECTION OF RECORDED IMAGES PRODUCED BY A NOISE ABATEMENT
22 MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE
23 CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION
24 WITHOUT THE PRESENCE OR TESTIMONY OF THE NOISE ABATEMENT MONITORING
25 SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (C)
26 OF THIS SECTION.

27 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (E)
28 OF THIS SECTION DESIRES THE NOISE ABATEMENT MONITORING SYSTEM OPERATOR
29 TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND
30 THE AGENCY IN WRITING NOT LATER THAN 20 DAYS BEFORE TRIAL.

31 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
32 PREPONDERANCE OF EVIDENCE.

33 (G) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A

1 VIOLATION:

2 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT
3 THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE
4 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL
5 OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

6 (II) THAT THE NOISE ABATEMENT MONITORING SYSTEM WAS
7 MALFUNCTIONING AT THE TIME OF THE VIOLATION; OR

8 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
9 COURT DEEMS PERTINENT.

10 (2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
11 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
12 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
13 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
14 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
15 A TIMELY MANNER.

16 (H) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL
17 PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY REFUSE TO
18 REGISTER OR REREGISTER THE MOTOR VEHICLE CITED FOR THE VIOLATION.

19 (I) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
20 SECTION:

21 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING
22 POINTS UNDER § 16-402 OF THIS ARTICLE;

23 (2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE
24 DRIVING RECORD OF THE OWNER OF THE VEHICLE;

25 (3) MAY BE TREATED AS A PARKING VIOLATION FOR THE PURPOSES
26 OF § 26-305 OF THIS ARTICLE; AND

27 (4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE
28 INSURANCE COVERAGE.

29 (J) IN CONSULTATION WITH THE APPROPRIATE LOCAL GOVERNMENT
30 AGENCIES, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT
31 PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS,
32 AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.

1 **(K) (1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE**
2 **AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS**
3 **SECTION IN COORDINATION WITH THE DISTRICT COURT.**

4 **(2) IF A CONTRACTOR IN ANY MANNER OPERATES A NOISE**
5 **ABATEMENT MONITORING SYSTEM OR ADMINISTERS OR PROCESSES WARNING**
6 **NOTICES OR CITATIONS GENERATED BY A NOISE ABATEMENT MONITORING SYSTEM**
7 **ON BEHALF OF A LOCAL JURISDICTION, THE CONTRACTOR'S FEE MAY NOT BE**
8 **CONTINGENT ON A PER-TICKET BASIS ON THE NUMBER OF WARNING NOTICES OR**
9 **CITATIONS ISSUED OR PAID.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 30,
11 2027, a local jurisdiction that authorizes a program of noise abatement monitoring systems
12 under this Act shall report to the General Assembly, in accordance with § 2-1257 of the
13 State Government Article, on the implementation of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2024. It shall remain effective for a period of 4 years and, at the end of September
16 30, 2028, this Act, with no further action required by the General Assembly, shall be
17 abrogated and of no further force and effect.