

SENATE BILL 967

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By: **Howard County Senators**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Noise Abatement Monitoring Systems – Authorization**

3 FOR the purpose of authorizing the use of noise abatement monitoring systems in Howard
4 County to enforce certain motor vehicle noise requirements; and generally relating
5 to the use of noise abatement monitoring systems.

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

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

13 **Article – Transportation**

14 22–612.

15 (a) This section applies only in **HOWARD COUNTY**, Montgomery County, and
16 Prince George’s County.

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

18 (2) “Agency” means a county law enforcement agency that is authorized to
19 issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or
20 regulations.

21 (3) “Noise abatement monitoring system” means a mobile or fixed vehicle
22 sensor that works in conjunction with a noise measuring device, such as a decibel reader,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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) “Noise abatement monitoring system operator” means a representative of an agency or a contractor that operates a noise abatement monitoring system.

(5) “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) (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 1. The rear of a motor vehicle;

2 2. The decibel level recorded for the motor vehicle at the time
3 of recordation; and

4 3. On at least one image or portion of tape, a clear and legible
5 identification of the entire registration plate number of the motor vehicle.

6 (8) “Violation” means a violation of § 22–602 of this subtitle by at least 5
7 decibels.

8 (c) (1) (i) A county may use not more than three noise abatement
9 monitoring systems under this section if the use is authorized by the county governing body
10 by local law enacted after reasonable notice and a public hearing.

11 (ii) A county may deploy a noise abatement monitoring system at
12 multiple locations at different times.

13 (iii) Before activating a noise abatement monitoring system, the
14 county shall:

15 1. Publish notice of the location of the noise abatement
16 monitoring system on its website; and

17 2. Ensure that each noise abatement monitoring system is
18 proximate to a sign that:

19 A. Indicates that noise abatement monitoring systems are in
20 use in the area; and

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

24 (iv) 1. A county that authorizes a program of noise abatement
25 monitoring systems shall designate an official or employee to investigate and respond to
26 questions or concerns about the county’s noise abatement monitoring system program.

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

31 B. If the local designee determines that the warning notice or
32 citation is an erroneous violation, the local designee shall void the warning notice or
33 citation.

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

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

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

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

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

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

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

(v) If a 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 county may not issue a citation for a violation recorded by that noise abatement monitoring system:

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

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

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

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

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

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

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

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

12 (iii) Shall be kept on file; and

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

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

17 1. Selected by the county; and

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

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

22 1. Kept on file; and

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

25 (5) A county that establishes a noise abatement monitoring system
26 program shall bear the cost of implementing the program.

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

31 (2) (i) A person liable for a violation enforced by a noise abatement
32 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 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 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:

(i) The name and address of the registered owner of the motor vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location where the violation occurred;

(v) The location of the noise abatement monitoring system;

(vi) The date and time of the violation;

(vii) The recorded decibel level;

(viii) A copy of the recorded image;

(ix) The amount of the civil penalty imposed and the date by which the civil penalty should be paid, if applicable;

(x) A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;

(xi) A statement that recorded images are evidence of a violation;

(xii) Information advising the person alleged to be liable under this section to make any necessary alterations to the motor vehicle to avoid future violations;

(xiii) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xiv) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner, if applicable:

1. Is an admission of liability;

2. May result in the refusal by the Administration to register the motor vehicle; and

3. May result in the suspension of the motor vehicle 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; 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 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, 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 March 1, 2026, Howard County shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on:

(1) through January 1, 2026:

(i) the time period during which noise abatement monitoring systems authorized under this Act 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, 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. If those termination provisions take effect, this Act, with no further action required by the

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