

SENATE BILL 229

R6

3lr1872
CF HB 1130

By: ~~Senator Beidle~~ **Senators Beidle, Kelly, Muse, Smith, Waldstreicher, and
A. Washington**

Introduced and read first time: January 23, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Noise Abatement Monitoring Systems – Authorization, Use, and**
3 **Penalties**

4 FOR the purpose of authorizing a local government in certain counties to use noise
5 abatement monitoring systems, if authorized by local law; providing that the owner
6 or driver of a motor vehicle recorded in violation of certain motor vehicle noise
7 requirements is subject to a ~~citation and a certain civil penalty under certain~~
8 ~~circumstances warning notice; establishing certain defenses to a charge of an alleged~~
9 ~~violation recorded by a noise abatement monitoring system;~~ prohibiting a contractor
10 that administers a noise abatement monitoring system from being compensated in a
11 certain manner; and generally relating to the use of noise abatement monitoring
12 systems.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section ~~4-401(13), 7-302(c)(1) through (3) and (4)(i), and~~ 10-311
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 22-602
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2022 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.



1 BY adding to
2 Article – Transportation
3 Section 22–612
4 Annotated Code of Maryland
5 (2020 Replacement Volume and 2022 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 ~~4–401.~~

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

12 ~~(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §~~
13 ~~21–706.1, § 21–800, § 21–810, § 21–1134, § 22–612, or § 24–111.3 of the Transportation~~
14 ~~Article or § 10–112 of the Criminal Law Article;~~

15 ~~7–302.~~

16 ~~(e) (1) (i) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–800, §~~
17 ~~21–810, § 21–1134, § 22–612, or § 24–111.3 of the Transportation Article shall provide that~~
18 ~~the person receiving the citation may elect to stand trial by notifying the issuing agency of~~
19 ~~the person's intention to stand trial at least 5 days prior to the date of payment as set forth~~
20 ~~in the citation.~~

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

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

27 ~~(2) (i) A citation issued as the result of a vehicle height monitoring~~
28 ~~system, a traffic control signal monitoring system, or a speed monitoring system, including~~
29 ~~a work zone speed control system, controlled by a political subdivision, a school bus~~
30 ~~monitoring camera, [or] a bus lane monitoring system, OR A NOISE ABATEMENT~~
31 ~~MONITORING SYSTEM shall provide that, in an uncontested case, the penalty shall be paid~~
32 ~~directly to that political subdivision.~~

33 ~~(ii) A citation issued as the result of a traffic control signal~~
34 ~~monitoring system or a work zone speed control system controlled by a State agency, or as~~
35 ~~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 PRODUCED BY A NOISE ABATEMENT MONITORING SYSTEM 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 NOISE ABATEMENT MONITORING SYSTEM** 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.

22-612.

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

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

(2) “AGENCY” MEANS:

1 **(I) A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL**
2 **SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE**
3 **MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS; OR**

4 **(II) FOR A MUNICIPAL CORPORATION THAT DOES NOT**
5 **MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE**
6 **MUNICIPAL CORPORATION TO IMPLEMENT A PROGRAM OF NOISE ABATEMENT**
7 **MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

8 **(3) “NOISE ABATEMENT MONITORING SYSTEM” MEANS A MOBILE OR**
9 **FIXED VEHICLE SENSOR THAT WORKS IN CONJUNCTION WITH A NOISE MEASURING**
10 **DEVICE, SUCH AS A DECIBEL READER, THAT AUTOMATICALLY PRODUCES TWO OR**
11 **MORE PHOTOGRAPHS, TWO OR MORE MICROPHOTOGRAPHS, A VIDEOTAPE, OR**
12 **OTHER RECORDED IMAGES OF A MOTOR VEHICLE AT THE TIME THE MOTOR VEHICLE**
13 **IS OPERATED DURING THE COMMISSION OF A VIOLATION.**

14 **(4) “NOISE ABATEMENT MONITORING SYSTEM OPERATOR” MEANS A**
15 **REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT OPERATES A NOISE**
16 **ABATEMENT MONITORING SYSTEM.**

17 **(5) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
18 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**
19 **MORE.**

20 **(II) “OWNER” DOES NOT INCLUDE:**

- 21 1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY;
22 **OR**
- 23 2. A HOLDER OF A SPECIAL REGISTRATION PLATE
24 **ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

25 **(6) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A NOISE**
26 **ABATEMENT MONITORING SYSTEM:**

27 **(I) ON:**

- 28 1. A PHOTOGRAPH;
29 2. A MICROPHOTOGRAPH;
30 3. AN ELECTRONIC IMAGE;
31 4. VIDEOTAPE; OR

1 5. ANY OTHER MEDIUM; AND

2 (II) SHOWING:

3 1. THE REAR OF A MOTOR VEHICLE;

4 2. THE DECIBEL LEVEL RECORDED FOR THE MOTOR
5 VEHICLE AT THE TIME OF RECORDATION; AND

6 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A
7 CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE
8 NUMBER OF THE MOTOR VEHICLE.

9 (7) “VIOLATION” MEANS A VIOLATION OF § 22-602 OF THIS SUBTITLE.

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

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

17 1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY
18 ADMINISTRATION;

19 2. NOTIFY THE MUNICIPAL CORPORATION OF THE
20 STATE HIGHWAY ADMINISTRATION’S APPROVAL OF THE USE OF A NOISE
21 ABATEMENT MONITORING SYSTEM AT THAT LOCATION; AND

22 3. GRANT THE MUNICIPAL CORPORATION 60 DAYS
23 FROM THE DATE OF THE COUNTY’S NOTICE TO THE MUNICIPAL CORPORATION TO
24 ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF
25 THE COUNTY TO USE A NOISE ABATEMENT MONITORING SYSTEM AT THAT LOCATION.

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

28 1. PUBLISH NOTICE OF THE LOCATION OF THE NOISE
29 ABATEMENT MONITORING SYSTEM ON ITS WEBSITE AND IN A NEWSPAPER OF
30 GENERAL CIRCULATION IN THE JURISDICTION; AND

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

3 A. INDICATES THAT NOISE ABATEMENT MONITORING
4 SYSTEMS ARE IN USE IN THE AREA; AND

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

8 (IV) 1. A LOCAL JURISDICTION THAT AUTHORIZES A
9 PROGRAM OF NOISE ABATEMENT MONITORING SYSTEMS SHALL DESIGNATE AN
10 OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR
11 CONCERNS ABOUT THE LOCAL JURISDICTION'S NOISE ABATEMENT MONITORING
12 SYSTEM PROGRAM.

13 2. A. THE LOCAL DESIGNEE SHALL REVIEW A
14 WARNING NOTICE ~~OR CITATION~~ GENERATED BY A NOISE ABATEMENT MONITORING
15 SYSTEM IF THE PERSON WHO RECEIVED THE WARNING NOTICE ~~OR CITATION~~
16 REQUESTS REVIEW BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER
17 THIS SECTION.

18 B. IF THE LOCAL DESIGNEE DETERMINES THAT THE
19 WARNING NOTICE ~~OR CITATION~~ IS AN ERRONEOUS VIOLATION, THE LOCAL
20 DESIGNEE SHALL VOID THE WARNING NOTICE ~~OR CITATION~~.

21 C. IF THE LOCAL DESIGNEE DETERMINES THAT A
22 PERSON DID NOT RECEIVE NOTICE OF A WARNING NOTICE ~~OR CITATION~~ ISSUED
23 UNDER THIS SECTION DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE
24 MAY RESEND THE WARNING NOTICE ~~OR CITATION~~ IN ACCORDANCE WITH
25 SUBSECTION ~~(D)~~ (E) OF THIS SECTION OR VOID THE WARNING NOTICE ~~OR CITATION~~.

26 D. ~~A LOCAL DESIGNEE THAT TAKES ANY ACTION~~
27 ~~DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH SHALL~~
28 ~~NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF RESCINDING~~
29 ~~ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION (G) OF THIS~~
30 ~~SECTION.~~

31 E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A
32 WARNING NOTICE ~~OR CITATION~~ IS AN ERRONEOUS VIOLATION BASED SOLELY ON
33 THE DISMISSAL OF THE WARNING NOTICE ~~OR CITATION~~ BY A COURT.

34 3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A
35 NOISE ABATEMENT MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED

1 IN ANY REVIEW OF A NOISE ABATEMENT MONITORING SYSTEM WARNING NOTICE ~~OR~~
2 ~~CITATION~~, OTHER THAN REVIEW OF A WARNING NOTICE ~~OR CITATION~~ UNDER THIS
3 SUBPARAGRAPH.

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

7 5. A LOCAL JURISDICTION SHALL MAKE ANY WRITTEN
8 QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH AND ANY
9 SUBSEQUENT WRITTEN ANSWERS OR RESPONSES AVAILABLE FOR PUBLIC
10 INSPECTION.

11 (2) (I) A NOISE ABATEMENT MONITORING SYSTEM OPERATOR
12 SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE NOISE ABATEMENT
13 MONITORING SYSTEM IN THE PROCEDURES FOR SETTING UP AND OPERATING THE
14 NOISE ABATEMENT MONITORING SYSTEM.

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

18 (III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS
19 EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

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

23 (I) STATES THAT THE NOISE ABATEMENT MONITORING SYSTEM
24 OPERATOR SUCCESSFULLY PERFORMED OR REVIEWED AND EVALUATED THE
25 MANUFACTURER-SPECIFIED DAILY SELF-TEST OF THE NOISE ABATEMENT
26 MONITORING SYSTEM PRIOR TO PRODUCING A RECORDED IMAGE; AND

27 (II) SHALL BE KEPT ON FILE; ~~AND~~

28 ~~(III) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT~~
29 ~~PROCEEDING FOR A VIOLATION.~~

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

33 1. SELECTED BY THE LOCAL JURISDICTION; AND

1 2. UNAFFILIATED WITH THE MANUFACTURER OF THE
2 NOISE ABATEMENT MONITORING SYSTEM.

3 (ii) THE INDEPENDENT CALIBRATION LABORATORY SHALL
4 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION
5 CHECK THAT SHALL BE:

6 1. KEPT ON FILE; AND

7 2. ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING
8 FOR A VIOLATION.

9 (5) IF A LOCAL JURISDICTION AUTHORIZES A PROGRAM OF NOISE
10 ABATEMENT MONITORING SYSTEMS UNDER THIS SECTION THE LOCAL
11 JURISDICTION SHALL DESIGNATE A PROGRAM ADMINISTRATOR WHO MAY NOT BE
12 AN EMPLOYEE OR REPRESENTATIVE OF THE NOISE ABATEMENT MONITORING
13 SYSTEM CONTRACTOR.

14 (6) (i) THE MARYLAND POLICE TRAINING AND STANDARDS
15 COMMISSION, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION AND
16 OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP A TRAINING PROGRAM
17 CONCERNING THE OVERSIGHT AND ADMINISTRATION OF A NOISE ABATEMENT
18 MONITORING PROGRAM BY A LOCAL JURISDICTION, INCLUDING A CURRICULUM OF
19 BEST PRACTICES IN THE STATE.

20 (ii) 1. A PROGRAM ADMINISTRATOR SHALL PARTICIPATE IN
21 THE TRAINING PROGRAM ESTABLISHED UNDER THIS PARAGRAPH BEFORE A LOCAL
22 JURISDICTION INITIALLY IMPLEMENTS A NEW NOISE ABATEMENT MONITORING
23 PROGRAM AND SUBSEQUENTLY AT LEAST ONCE EVERY 2 YEARS.

24 2. IF A LOCAL JURISDICTION DESIGNATES A NEW
25 PROGRAM ADMINISTRATOR, THE NEW PROGRAM ADMINISTRATOR SHALL
26 PARTICIPATE IN THE NEXT AVAILABLE TRAINING PROGRAM.

27 (7) A LOCAL JURISDICTION THAT ESTABLISHES A NOISE ABATEMENT
28 MONITORING SYSTEM PROGRAM SHALL BEAR THE COST OF IMPLEMENTING THE
29 PROGRAM.

30 ~~(c) (d) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A~~
31 ~~CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER~~
32 ~~OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A~~
33 ~~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)~~ A PERSON LIABLE FOR A VIOLATION ENFORCED BY A NOISE
ABATEMENT MONITORING SYSTEM IS SUBJECT TO:

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

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

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

~~(I) A UNIFORM CITATION FORM CONSISTENT WITH
SUBSECTION (D)(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~~

(2) A PERSON MAY NOT BE ISSUED A CITATION FOR A VIOLATION OF
THIS SECTION.

~~(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4)
OF THIS SUBSECTION, AN~~

(E) AN AGENCY SHALL MAIL TO AN OWNER LIABLE UNDER SUBSECTION (C)
(D) OF THIS SECTION A WARNING NOTICE OR CITATION THAT SHALL INCLUDE:

~~(I) (1)~~ THE NAME AND ADDRESS OF THE REGISTERED
OWNER OF THE VEHICLE;

~~(II) (2)~~ THE REGISTRATION NUMBER OF THE MOTOR
VEHICLE INVOLVED IN THE VIOLATION;

~~(III) (3)~~ THE VIOLATION CHARGED;

~~(IV) (4)~~ THE LOCATION WHERE THE VIOLATION OCCURRED;

~~(V) (5)~~ THE DATE AND TIME OF THE VIOLATION;

~~(VI) (6)~~ A COPY OF THE RECORDED IMAGE;

~~(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID, IF APPLICABLE;~~

~~(VIII) (7) 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; AND~~

~~(IX) (8) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION;~~

~~(X) 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~~

~~(XI) 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:~~

~~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) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN AGENCY MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.~~

~~(II) AN AGENCY SHALL MAIL A WARNING NOTICE INSTEAD OF A CITATION FOR A VIOLATION RECORDED BY THE NOISE ABATEMENT MONITORING SYSTEM DURING THE FIRST 90 DAYS THAT THE NOISE ABATEMENT MONITORING SYSTEM IS IN OPERATION.~~

~~(3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, AN AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.~~

~~(4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) 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 POLITICAL SUBDIVISION; OR~~

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

~~(E) (1) (F)~~ A CERTIFICATE ALLEGING THAT THE VIOLATION OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION ~~(B)~~ (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 ~~(B)~~ (C) OF THIS SECTION.

~~(2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) 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.~~

~~(F) (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) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;~~

~~(III) THAT THE NOISE ABATEMENT MONITORING SYSTEM WAS MALFUNCTIONING AT THE TIME OF THE VIOLATION; OR~~

~~(IV) 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.~~

~~(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE WARNING NOTICE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:~~

~~(I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND~~

~~(II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.~~

~~(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.~~

~~(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.~~

~~(III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.~~

~~(G) 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.~~

~~(H) 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 § 16-102 OF THIS ARTICLE;~~

~~(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER 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.~~

~~(I) IN CONSULTATION WITH THE APPROPRIATE 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.~~

~~(J) (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) (G) 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, 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, 2025, a local jurisdiction that authorizes a program of noise abatement monitoring system under this Act shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of this Act.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023. It shall remain effective for a period of 2 years and, at the end of September 30, 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.