

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 212

(Delegate Palakovich Carr, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Noise Abatement Monitoring Systems - Pilot Program

This bill establishes a regulatory framework for counties to use noise abatement monitoring systems on State and local highways to record violations of State law governing maximum sound limits of motor vehicles. However, the scope and timeframe of the authorization is limited to the use of, at most, three such systems in each of just two counties (Montgomery and Prince George’s counties) over a two-year period. Each of the two counties that uses the authorization must report – by December 1, 2025 – to the Governor and the General Assembly on its implementation of noise abatement monitoring systems, as specified. **The bill takes effect July 1, 2024, and terminates June 30, 2026.**

Fiscal Summary

State Effect: Because the bill is authorizing in nature, the impact on State finances generally depends on the extent to which the systems are deployed. Nevertheless, the District Court must be prepared should any systems be deployed, with programming costs totaling as much as \$75,200 in FY 2025 only, as discussed below. The District Court can likely adopt procedures as required under the bill with existing resources.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	75,200	0	0	0	0
Net Effect	(\$75,200)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is authorizing in nature for the two counties; accordingly, the impact on county finances depends on the extent to which the systems are deployed, as discussed below. Further, any impact ends at the end of fiscal 2026. The counties can provide the required report using existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

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

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

“Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more. “Owner” does not include a motor vehicle leasing company or a specified holder of a special registration plate.

“Recorded image” means an image recorded by a noise abatement monitoring system (1) on a photograph, microphotograph, electronic image, videotape, or any other medium and (2) showing the rear of a motor vehicle, the decibel level recorded for the motor vehicle at the time of recordation, and (on at least one image or portion of tape) a clear and legible identification of the entire registration plate number of the vehicle.

A “violation” refers to a violation of [§ 22-602 of the Transportation Article](#), which prohibits a person from driving (or permitting to be driven) a motor vehicle on a highway in violation of maximum sound limits established under State law by the Motor Vehicle Administration (MVA), by at least five decibels.

Issuance of Citations and Collection and Disposition of Fines

The bill expands existing statutory provisions governing the issuance of citations and the collection and disposition of fines collected as a result of automated monitoring systems to apply to noise abatement monitoring systems. Accordingly, the District Court has exclusive original civil jurisdiction in a civil infraction under the bill. In consultation with the appropriate county agencies, the Chief Judge of the District Court must adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under the bill.

Further, a citation issued as a result of a noise abatement monitoring system controlled by a political subdivision (in this case, a county) must provide that, in an uncontested case,

the penalty be paid directly to the political subdivision; a citation issued as a result of a noise abatement monitoring system in a case contested in District Court must provide that the penalty be paid directly to the District Court. Civil penalties resulting from citations issued using a noise abatement monitoring system that are collected by the District Court must be collected and distributed in accordance with existing statutory provisions.

A political subdivision (in this case, a county) is authorized to recover the costs of implementing and administering noise abatement monitoring systems from fines collected by the political subdivision as a result of violations enforced by noise abatement monitoring systems. Additionally, a political subdivision may spend the remaining balance solely for public safety purposes, including pedestrian safety programs, as specified under existing statutory provisions.

Admissibility of Recorded Images as Evidence

Consistent with existing evidentiary provisions pertaining to images recorded by automated monitoring systems, 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 the bill is admissible in a proceeding concerning a civil citation issued under the bill for a violation of specified offenses without authentication. In any other judicial proceeding, a recorded image produced by a noise abatement monitoring system is admissible as otherwise provided by law.

Authorized Use and Operation of Noise Abatement Monitoring Systems

The bill's authorization for the use of a noise abatement monitoring system only applies in Montgomery and Prince George's counties. Up to three such systems may be used in a county if their use is authorized by the governing body of the county by local law enacted after reasonable notice and a public hearing. A county may deploy a noise abatement system at multiple locations at different times; accordingly, a system may be moved. A county that establishes a noise abatement monitoring system program must bear the cost of implementing the program. The bill establishes the following processes, procedures, and requirements related to the use and operation of noise abatement monitoring systems:

- Before activating a noise abatement monitoring system, a county must inform the general public that the systems are in use and where they are located in a specified manner.
- A county that authorizes a program of noise abatement monitoring systems must designate an official or employee to investigate and respond to questions or concerns about the program. The bill specifies the other responsibilities and duties of this individual.

- If a county moves or places a noise abatement monitoring system to or at a location where one had not previously existed, a citation for a violation recorded by that system may not be issued until signage is installed and for at least the first 15 calendar days after the signage is installed.
- A noise abatement monitoring system operator must complete training and be certified by the manufacturer of the system, as specified, and the certificate of training must be admitted as evidence in any court proceeding for a violation.
- A noise abatement monitoring system operator must fill out and sign a daily set-up log for a noise abatement monitoring system that includes specified information, must be kept on file, and must be admitted as evidence in any court proceeding for a violation.
- A noise abatement monitoring system must undergo an annual calibration check performed by an independent calibration laboratory, as specified, and the certificate of calibration must be kept on file and admitted as evidence in any court proceeding for a violation.

Civil Penalty and Related Penalties

Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of a motor vehicle is subject to a civil penalty if recorded by a noise abatement monitoring system during the commission of a violation. For a first offense, a person is subject to a warning notice; for a second or subsequent offense, the person is subject to a civil penalty of up to \$75. 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.

The District Court must prescribe a uniform citation form, as specified, and a civil penalty, which must be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

A person may not be issued more than one citation per county per day for a violation enforced by a noise abatement monitoring system.

If the citation is not paid and the violation is not contested, MVA may refuse to register or reregister or may suspend the registration of the motor vehicle. A violation for which a civil penalty is imposed is not a moving violation for the purpose of points assessment, may not be recorded on the driving record of the owner or driver of the vehicle, and may not be considered in the provision of motor vehicle insurance.

Requirements Related to Agency Issuance and Processing of Citations

Any agency, or an agent or contractor designated by the agency, must administer and process civil citations issued under the bill in coordination with the District Court. A contractor's fee may not be contingent on a pre-ticket basis on the number of citations issued or paid.

An agency generally must mail to the owner liable for a violation recorded by a noise abatement monitoring system a citation that includes specified information in accordance with the bill. An agency may mail a warning notice instead of a citation and an agency may not mail a citation to a person who is not an owner, as defined by the bill.

Generally, a citation must be issued within two weeks of the alleged violation (or 30 days after the alleged violation for vehicles registered in another state). A person who receives a citation may pay the civil penalty in accordance with the instructions on the citation or elect to stand trial.

Certifications Alleging a Violation

A certification alleging that a violation occurred, sworn to or affirmed by a duly authorized law enforcement officer employed by (or under contract with) an agency, based on the inspection of recorded images produced by a noise abatement monitoring system, is evidence of the facts contained in the certificate and is admissible in any proceeding concerning the alleged violation.

A person who receives a citation may request a system operator to be present and testify at trial but only if the person notifies the court within 20 days before the trial. Adjudication of liability must be based on a preponderance of the evidence.

Defense of Violations

The District Court may consider in defense of a violation (1) that the motor vehicle or 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; (2) that the noise abatement monitoring system was malfunctioning at the time of the violation; or (3) any other issues and evidence that the District Court considers pertinent.

Required Report

By December 1, 2025, a county that authorizes a program of noise abatement monitoring systems must report to the Governor and the General Assembly on:

- through October 1, 2025, the time period during which noise abatement monitoring systems were in use in the county and the number of warnings and citations issued, as specified;
- the costs associated with implementing and operating the systems and the revenue collected on a monthly basis as a result of any violations;
- appropriate locations for the deployment of the systems;
- the performance and reliability of the systems used by the county; and
- the effectiveness of the systems in reducing noise produced by motor vehicles in the county and in areas where the systems were implemented and used.

Current Law: A person is prohibited from driving (or permitting to be driven) a motor vehicle on a highway in violation of maximum sound limits established under State law. A violation is a misdemeanor with a maximum \$500 fine. The prepayment penalty is \$60.

State law authorizes the use of various automated monitoring systems, including traffic control system monitoring systems, speed monitoring systems, school bus monitoring systems, vehicle height monitoring systems, and work zone speed control systems.

State Revenues: To the extent the District Court collects fines for citations issued under the bill, general fund revenues increase for approximately a two-year period. Any such impact depends on the extent to which the two counties elect to deploy noise abatement monitoring systems, the amount of the fine established for a violation, and whether citations are contested.

State Expenditures: General fund expenditures for the District Court increase for programming changes necessary to collect payments for citations that may be issued under the bill. Programming-related costs total as much as \$75,244 in fiscal 2025. This estimate includes about 578 hours of reprogramming.

Local Fiscal Effect: The two authorized counties may deploy at most three noise abatement monitoring systems each; to the extent they do so, county expenditures increase for start-up costs, ongoing implementation costs over, at most, two years, and public safety purposes. County revenues also increase to the extent an affected county collects penalties from citations issued by its noise abatement monitoring systems. Given the bill's termination date, it is unclear whether each county that implements a noise abatement monitoring system will fully offset its implementation costs.

Additional Information

Recent Prior Introductions: Similar legislation has been considered within the last three years. See SB 229 and HB 1130 of 2023.

Designated Cross File: SB 155 (Senator A. Washington) - Judicial Proceedings.

Information Source(s): Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); Anne Arundel, Montgomery, and Prince George's counties; cities of Annapolis, College Park, Greenbelt, and Rockville; Department of Legislative Services

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