



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable Marc Korman, Chairman and Members of the Environment and Transportation Committee

From: Ken Eaton, Director, Executive Director, ABATE of Maryland, Inc.

Date: February 5, 2024

Re: **HB 212** - Vehicle Laws – Noise Abatement Monitoring Systems – Authorization

Position: **UNFAVORABLE: DOES NOT SUPPORT**

I am a motorcyclist, backyard car enthusiast (shade tree mechanic), a coastal / civil engineer, a farmer, a registered voter, and a member of ABATE of Maryland, Inc., the largest motorcyclist rights organization in the state of Maryland. I personally own multiple vehicles of all types. At the farm, I have motorcycles (historic and late model), trucks, cars, tractors, a small bus, trailers, etc. ABATE represents the approximately 121,000 on road motorcycles that are registered in Maryland. We have chapters throughout the state and our members include a diverse cross-section of motorcycle riders in Maryland. We **DO NOT SUPPORT HB212**.

Legislation very similar to this was passed in New York state. It was started as a “Pilot Program”. Even though there were numerous problems with configuration of the equipment, court cases contesting the conditions in which the testing was performed, and the inability to distinguish between two vehicles running side by side (Example: a loud truck and a motorcycle, which one set off the camera?), the state converted this pilot program into law. There are numerous challenges to these camera violations, clogging the judicial system due to all of the problems. Our friends in ABATE of New York and ABATE of Long Island, as well as the Motorcycle Riders Foundation, and the American Motorcyclist Association, have been keeping us apprised of the on-going situation.

There are already laws on the books that cover excessive noise (MD Trans Article 21 sec 1117 para. d), driving a vehicle in a race or speed contest (MD Trans Article 21 sec 1116 para. a) in addition to cut-off exhausts, using device on motor vehicle (exhaust, tail pipe) extension causing excessive noise (MD Trans. Code 22 sec. 402, par. b), speeding, reckless driving, and negligent driving traffic violations. What we have heard from many jurisdictions is the real problem is vehicles racing on the public streets and also creating a lot of noise while doing so. My question is, if you cannot seem to catch them racing and give them a ticket for that, why are we considering an automated system that has a few issues, and issues a civil violation, which does nothing to require that the vehicle go through inspection or meet any specific requirement. This violation has no points, will not show up on a driving record as a moving violation and may not be considered in the provision of motor vehicle insurance. At the end of the day, this is a first offense warning, and a second offense of up to \$70. This may end up doing nothing about street racing or excessive noise problems. The back story of this bill may be more of an enforcement issue than an issue that requires additional legislation. Existing laws and regulations are already in place that address noise, street racing, etc.

Also, decibel levels in a controlled environment are quite different than on a city streetscape. Sound waves reflect, bounce, get absorbed, etc., depending upon the surroundings. Accuracy of recording these levels in an uncontrolled environment seems to be an unanswered question. To go even deeper, decibels are on a logarithmic scale instead of linear. A slight issue with the recording device or the environment may cause the levels to be misrepresented. This bill only requires that the metering device be calibrated once per year.

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All of the environmental changes due to wind, rain, cold, heat, etc., can have a detrimental effect on these devices if not calibrated more often.

As an example, many new cars, right from the showroom floor have elevated decibel outputs. A 2024 Corvette Z06 can be 110 dB. A Dodge Charger: 126 dB. Most aftermarket car stereos have decibels ratings over 100 dB, large trucks and buses peak at around 90 dB. Lawn mowers run at approximately 95 dB. The decibel level at which violations would be issued may end up including a lot of vehicles, which does not seem to be the intent of this bill. Typically these noise cameras are set at issuing violations at 85 dB, or even lower.

ABATE of Maryland, Inc. **DOES NOT SUPPORT HB 212** - Vehicle Laws – Noise Abatement Monitoring Systems – Authorization. We urge the committee to consider an **UnFavorable** vote.

Thank you!

A handwritten signature in black ink that reads "Kenneth B. Eaton". The signature is written in a cursive style with a large initial "K".

Kenneth B. Eaton, Executive Director
ABATE of Maryland, Inc.