

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 229

(Senator Beidle, *et al.*)

Judicial Proceedings

Environment and Transportation

Vehicle Laws - Noise Abatement Monitoring Systems - Authorization, Use, and Penalties

This bill authorizes local governments in three counties (Anne Arundel, Montgomery, and Prince George’s 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. Any such system must be authorized by local law. A person liable for a violation captured by a noise abatement monitoring system is subject only to a warning notice (and may *not* be issued a citation for a violation). By September 30, 2025, a local jurisdiction that authorizes a program pursuant to the bill’s authorization must report to the General Assembly on implementation of the program. **The bill terminates September 30, 2025.**

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations. The Maryland Police Training and Standards Commission (MPTSC) can implement training requirements with existing resources.

Local Effect: The bill is authorizing in nature. The impact on local government expenditures in the jurisdictions authorized to use noise abatement monitoring systems depends on the extent to which the systems are deployed, as discussed below. Local revenues are not affected, as the bill prohibits the issuance of citations.

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

“Agency” means (1) a law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations or (2) for a municipal corporation that does not maintain a police force, an agency established or designated by the municipal corporation to implement a program of noise abatement monitoring systems in accordance with the bill.

“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 on (1) 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 any 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.

Authorized Use of Noise Abatement Monitoring Systems

An agency may use noise abatement monitoring systems (1) in a local jurisdiction (*i.e.*, on a local road) or (2) on State highways, if authorized by the State Highway Administration (SHA). A noise abatement monitoring system may not be used in a local jurisdiction unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing. A local jurisdiction that establishes a program must bear any implementation costs.

Required Approval and Notice

Before a county may use a noise abatement monitoring system on State highways located within a municipal corporation, the county must (1) obtain the approval of SHA; (2) notify the municipal corporation of SHA's approval; and (3) grant the municipal corporation 60 days from the date of the county's notice to enact an ordinance authorizing the municipal corporation, instead of the county, to use a noise abatement monitoring system.

Before activating a noise abatement monitoring system, the local jurisdiction must publish notice of the system's location on its website and in a newspaper of general circulation in the jurisdiction.

Required Signage

A local jurisdiction that uses a noise abatement monitoring system must ensure that each system is proximate to a sign that (1) indicates that noise abatement monitoring systems are in use in the area and (2) conforms with specifications adopted by SHA.

Local Designee and Review of Contested Warnings

A local jurisdiction that authorizes a program must designate an official or employee to investigate and respond to questions or concerns about the program.

The bill requires a local designee to review contested warning notices (as long as the notice is contested within the appropriate timeframe). The bill establishes several requirements related to how a local designee must handle the contested warning notices. Specifically, the local designee must review the contested warning and, if the designee determines it was erroneously issued, must void it. If the designee determines no error was made, the designee may resend the warning notice *or* void it.

The bill prohibits a local designee from being employed by a system contractor (or from having been involved in any review of a noise abatement monitoring system warning notice, other than the review process noted above).

Upon receipt of a written question or concern from a person, the local designee must provide a written answer or response to the person within a reasonable time. Any such questions or concerns (as well as any subsequent written answers or responses) must be made available for public inspection.

Program Administrator and Training Requirements

Any jurisdiction that authorizes a noise abatement monitoring system must designate a program administrator, who is prohibited from being an employee or representative of the system contractor. MPTSC, in consultation with SHA and other interested stakeholders, must develop a training program concerning the oversight and administration of a noise abatement monitoring program by a local jurisdiction (including a curriculum of best practices). A program administrator must participate in the training program before a local jurisdiction initially implements a new noise abatement monitoring program (an ongoing biennial training requirement has no effect due to the termination of the bill). If a new administrator is appointed, the individual must participate in the next available training program.

The bill also establishes training requirements for system operators, including the completion of daily logs and the performance of calibration checks as specified by an independent laboratory.

Requirements Related to Agency Issuance and Processing of Warnings

A contractor's fee may not be contingent on a per-ticket basis on the number of warning notices issued. An agency must mail to the owner liable for a violation recorded by a noise abatement monitoring system a warning notice that includes specified information in accordance with the bill.

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.

Local Expenditures: To the extent that local jurisdictions in the authorized jurisdictions deploy noise abatement monitoring systems, local government expenditures increase as a result of start-up costs, ongoing implementation costs, and for public safety purposes. As the bill terminates in fiscal 2026, any ongoing costs end in that year.

Additional Comments: The bill also includes provisions related to certifications alleging that a violation occurred – through recorded images – and their admissibility in judicial proceedings. Given the requirement to issue only warning notices, these provisions have no material effect.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1130 (Delegate Palakovich Carr) - Environment and Transportation.

Information Source(s): Kent, Montgomery, and Worcester counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2023
km/ljm Third Reader - March 29, 2023
Revised - Amendment(s) - March 29, 2023

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510