

Bill No. 14-24  
Concerning: Vehicle Noise Abatement  
Monitoring – Pilot Program  
Revised: 10/7/2024 Draft No. 4  
Introduced: July 30, 2024  
Enacted: October 15, 2024  
Executive: October 18, 2024  
Effective: January 17, 2025  
Sunset Date: June 30, 2026  
Ch. 16 , Laws of Mont. Co. 2024

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council Vice-President Stewart and Councilmember Fani-González  
Co-Sponsors: Councilmembers Glass, Balcombe, Katz, and Luedtke and Council President  
Friedson, and Councilmembers Sayles, Mink, Albornoz, and Jawando

### AN ACT to:

- (1) establish a pilot program to use noise abatement monitoring systems in the County to enforce motor vehicle noise requirements; and
- (2) generally amend the law regarding the regulation, monitoring, and abatement of vehicle noise.

### By adding

Montgomery County Code  
Chapter 31, Motor Vehicles and Traffic  
Section 31-9E

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1       **Sec. 1. Section 31-9E is added as follows:**

2       **31-9E. Vehicle Noise Abatement Monitoring – Pilot Program.**

3       (a) Definitions. In this Section, the following terms have the meanings  
4       indicated.

5           (1) Chief means the Chief of the Department or the Chief's designee.

6           (2) Department means the Montgomery County Police Department.

7           (3) Program or pilot program means the Vehicle Noise Abatement  
8       Monitoring Pilot Program established under this Section.

9           (4) Program liaison means the local designee required under Chapter  
10       624 of the 2024 Laws of Maryland.

11          (5) The following terms have the same meanings as indicated under  
12       Chapter 624 of the 2024 Laws of Maryland:

13           (A) noise abatement monitoring system;

14           (B) noise abatement monitoring system operator;

15           (C) owner; and

16           (D) violation.

17       (b) Program established. There is a Vehicle Noise Abatement Monitoring  
18       Pilot Program implemented by the Department pursuant to Chapter 624  
19       of the 2024 Laws of Maryland.

20       (c) Program requirements and location of monitoring systems.

21           (1) The Department must deploy and utilize 3 noise abatement  
22       monitoring systems within the County to enforce motor vehicle  
23       noise requirements under Section 22-602 of the Transportation  
24       Article of the Maryland Code, as amended.

25           (2) The County must not deploy or utilize a noise abatement  
26       monitoring system within the County for any purpose other than

to enforce motor vehicle noise requirements under Section 22-602 of the Transportation Article of the Maryland Code, as amended.

(3) Before activating a noise abatement monitoring system, the Department must:

(A) publish notice of the location of the noise abatement monitoring system on the County website; and

(B) ensure that each noise abatement monitoring system is proximate to a sign that:

(i) indicates that noise abatement monitoring systems are in use in the area; and

(ii) is in accordance with the manual and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration under Section 25-104 of the Transportation Article of the Maryland Code, as amended.

(4) If the Department 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 Department must not issue a citation for a violation recorded by that noise abatement monitoring system:

(A) until signage is installed in accordance with paragraph (2) of this subsection; and

(B) for at least the first 15 calendar days after the signage is installed.

(d) Program liaison.

- (1) The Chief must designate a program liaison.
- (2) The program liaison must not:
  - (A) be employed by a noise abatement monitoring system contractor; or
  - (B) have been involved in the initial review or issuance of the warning notice or citation.
- (3) The program liaison must:
  - (A) investigate and respond to questions or concerns about the pilot program;
  - (B) review a warning notice or citation generated by a noise abatement monitoring system if the person who received the warning notice or citation requests review before the deadline for contesting liability under Chapter 624 of the 2024 Laws of Maryland;
  - (C) subject to paragraph (4), if the program liaison determines that the warning notice or citation is an erroneous violation, void the warning notice or citation;
  - (D) on receipt of a written question or concern from a person, provide a written answer or response to the person within a reasonable time; and
  - (E) if the program liaison voids or waives a citation, notify the Maryland Vehicle Administration for the purpose of rescinding any administrative penalties imposed by the Maryland Vehicle Administration.

(4) The program liaison must not determine that a warning notice or citation is an erroneous violation based solely upon the dismissal of the warning notice or citation by a court.

(5) If the program liaison determines that a person did not receive notice of a warning notice or citation due to an administrative error, the program liaison may resend the warning notice or citation in accordance with Chapter 624 of the 2024 Laws of Maryland.

(6) The program liaison 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.

(e) Operations and enforcement.

(1) Operation of a monitoring system. In accordance with Chapter 624 of the 2024 Laws of Maryland, a noise abatement monitoring system:

(A) must be operated by a trained and qualified operator; and

(B) must undergo an annual calibration check by an independent calibration laboratory.

(2) Warning notices and citations – contents and mailing. A warning notice or citation issued under this Section must be mailed to an owner and must include the information required under Chapter 624 of the 2024 Laws of Maryland.

(3) Number and timing of citations – limitations. The Department must not:

- 101                   (A) issue more than one citation to a person per day for a  
 102                   violation enforced by a noise abatement monitoring  
 103                   system; or
- 104                   (B) issue a citation applicable to a motor vehicle during the  
 105                   first 30 days after a warning for a first offense applicable  
 106                   to the motor vehicle is mailed to the owner.
- 107           (4) District Court procedures. The Department must administer and  
 108           process civil citations issued under this Section:
- 109                   (A) using a uniform citation form prescribed by the District  
 110                   Court; and
- 111                   (B) in accordance with procedures adopted by the Chief Judge  
 112                   of the District Court.
- 113           (5) County contractors. If a contractor operates a noise abatement  
 114           monitoring system or administers or processes warning notices  
 115           of citations generated by a noise abatement monitoring system  
 116           on behalf of the County, the contractor's fee must not be  
 117           contingent upon a per-ticket basis on the number of warning  
 118           notices or citations issued or paid.
- 119   (f) Civil penalties. A person liable for a violation enforced by a noise  
 120   abatement monitoring system is subject to:
- 121                   (1) for a first offense, a warning notice; and
- 122                   (2) for a second or subsequent offense, a civil penalty not exceeding  
 123                   \$75.
- 124   (g) Use of funds. The fines collected by the County as a result of violations  
 125   enforced by noise abatement monitoring systems must be used solely:

(1) to recover the costs of implementing and administering the noise abatement monitoring systems; and

(2) for public safety purposes, including pedestrian safety programs.

**Sec. 2. Sunset.** This Act must sunset, and must have no further force or effect, at the end of June 30, 2026.

**Sec. 3. Public Information Act.** The County Council intends that recorded images maintained by the Montgomery County Police Department (MCPD) under Section 31-9E, added under Section 1 of this Act, are exempt from disclosure under the Maryland Public Information Act (PIA), Md. Code Ann., § 4-101 *et seq.* The MCPD may adopt regulations to ensure the confidentiality of the recorded images under the PIA, including a regulation to define the recorded images as sociological data under PIA § 4-330.

*Approved:*

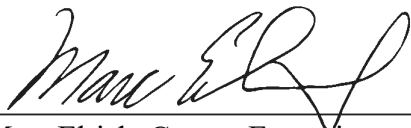


Andrew Friedson, President, County Council

October 15, 2024

Date

*Approved:*



Marc Elrich, County Executive

October 18, 2024

Date

*This is a correct copy of Council action.*



Sara R. Tenenbaum, Clerk of the Council

October 18, 2024

Date