



General Assembly

Substitute Bill No. 454

February Session, 2024



AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2024*) As used in this section and
2 sections 2 to 4, inclusive, of this act:

3 (1) "Photo noise violation monitoring device" means one or more
4 mobile or fixed vehicle sensors that (A) are installed to work in
5 conjunction with one or more noise measuring apparatuses, such as a
6 decibel reader, and (B) automatically produce two or more
7 photographs, two or more microphotographs, a videotape or other
8 recorded images of each motor vehicle allegedly operating in violation
9 of an ordinance adopted under section 2 of this act.

10 (2) "Photo noise violation monitoring device operator" means a
11 person who is trained and certified to operate a photo noise violation
12 monitoring device.

13 (3) "Personally identifiable information" means information created
14 or maintained by the municipality or a vendor that identifies or
15 describes an owner of a motor vehicle and includes, but need not be
16 limited to, the owner's address, telephone number, number plate,
17 photograph, bank account information, credit card number, debit card

18 number or the date, time, location or direction of travel on a highway in
19 such municipality.

20 (4) "Vendor" means a person who (A) provides services to a
21 municipality under section 2 of this act pursuant to an agreement; (B)
22 operates, maintains, leases or licenses a photo noise violation
23 monitoring device; or (C) is authorized to review and assemble the
24 recorded images captured by a photo noise violation monitoring device
25 and forward such recorded images to the municipality.

26 (5) "Motor vehicle", "highway" and "number plate" have the same
27 meanings as provided in section 14-1 of the general statutes.

28 (6) "Law enforcement unit" has the same meaning as provided in
29 section 7-294a of the general statutes.

30 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) Any municipality may, by
31 ordinance, authorize the use of photo noise violation monitoring
32 devices at locations in such municipality. Any such ordinance shall
33 specify the following: (1) That a photo noise violation monitoring device
34 shall be operated by a photo noise violation monitoring device operator;
35 (2) that the owner of a motor vehicle commits a violation of the
36 ordinance if the person operating such motor vehicle on a highway or
37 other location exceeds the maximum decibel level permitted pursuant
38 to section 14-80a of the general statutes and any regulations adopted
39 thereunder; (3) the owner of a motor vehicle identified by a photo noise
40 violation monitoring device as violating the ordinance shall (A) for a
41 first violation, receive a written warning, (B) for a second violation, be
42 fined one hundred dollars, and (C) for a third or subsequent violation,
43 be fined two hundred fifty dollars; (4) payment of a fine and any
44 associated processing fee, not to exceed fifteen dollars, may be made by
45 electronic means; (5) a sworn member of a law enforcement unit or a
46 municipal employee shall review and approve the recorded images
47 before a citation is mailed to the owner of such motor vehicle; and (6)
48 the defenses available to the owner of a motor vehicle allegedly
49 committing a violation of such ordinance, which shall include, but need

50 not be limited to, the defenses listed in subsection (g) of this section. Any
51 municipality that adopts an ordinance under this section shall also
52 adopt a citation hearing procedure pursuant to section 7-152c of the
53 general statutes, as amended by this act. Any funds received by a
54 municipality from fines imposed pursuant to such ordinance may be
55 used to pay the costs associated with the use of photo noise violation
56 monitoring devices in the municipality.

57 (b) The municipality may enter into agreements with vendors for the
58 installation, operation or maintenance, or any combination thereof, of a
59 photo noise violation monitoring device. If a vendor installs, operates or
60 maintains a photo noise violation monitoring device, the vendor's fee
61 shall not be contingent on the number of citations issued or fines paid
62 pursuant to an ordinance adopted under this section.

63 (c) (1) The municipality shall make efforts to randomize the locations
64 of any photo noise violation monitoring devices throughout such
65 municipality.

66 (2) A photo noise violation monitoring device shall, to the extent
67 possible, be installed in a manner to only record images of the number
68 plate of a motor vehicle, and shall not, to the extent possible, record
69 images of the occupants of such motor vehicle or of any other persons
70 or vehicles in the vicinity at the time the images are recorded.

71 (d) A photo noise violation monitoring device operator shall
72 complete training offered by the manufacturer of such device or the
73 manufacturer's representative regarding procedures for operating such
74 device. The manufacturer or manufacturer's representative shall issue a
75 signed certificate to the photo noise violation monitoring device
76 operator upon such operator's completion of the training. Such signed
77 certificate shall be admitted as evidence in any hearing conducted
78 pursuant to section 7-152c of the general statutes, as amended by this
79 act.

80 (e) The municipality shall ensure each photo noise violation
81 monitoring device used by such municipality undergoes an annual

82 calibration check performed at a calibration laboratory. The calibration
83 laboratory shall issue a signed certificate of calibration after the annual
84 calibration check. Such signed certificate of calibration shall be kept on
85 file and admitted as evidence in any hearing conducted pursuant to
86 section 7-152c of the general statutes, as amended by this act.

87 (f) (1) Whenever a photo noise violation monitoring device detects
88 and produces recorded images of a motor vehicle allegedly committing
89 a violation of an ordinance adopted under this section, a sworn member
90 of a law enforcement unit or a municipal employee shall review the
91 recorded images provided by such device. If, after such review, such
92 member or employee determines that there are reasonable grounds to
93 believe that a violation of the ordinance has occurred, such member or
94 employee may issue a citation to the owner of the motor vehicle. The
95 citation shall include the following: (A) The name and address of the
96 owner of the motor vehicle; (B) the number plate of the motor vehicle;
97 (C) the violation charged; (D) the location of the photo noise violation
98 monitoring device and the date and time of the violation; (E) a copy of
99 or information on how to view, through electronic means, the recorded
100 images of the violation; (F) a statement or electronically generated
101 affirmation by the member or employee who reviewed the recorded
102 images and determined that the motor vehicle violated the ordinance;
103 (G) verification that the photo noise violation monitoring device was
104 operating correctly at the time of the alleged violation and the date of
105 the most recent calibration check performed pursuant to subsection (e)
106 of this section; (H) the amount of the fine imposed and how to pay such
107 fine; and (I) the right to contest the violation and request a hearing
108 pursuant to section 7-152c of the general statutes, as amended by this
109 act.

110 (2) (A) In the case of an alleged violation involving a motor vehicle
111 registered in the state, the citation shall be mailed to the address of the
112 owner that is in the records of the Department of Motor Vehicles not
113 later than thirty days after the identity of the owner is ascertained,
114 provided a citation shall be invalid unless mailed to the owner not later
115 than sixty days after the date of the alleged violation. (B) In the case of

116 an alleged violation involving a motor vehicle registered in another
117 jurisdiction, the citation shall be mailed to the address of the owner that
118 is in the records of the official in the other jurisdiction issuing such
119 registration not later than thirty days after the identity of the owner is
120 ascertained, provided a citation shall be invalid unless mailed to the
121 owner not later than sixty days after the date of the alleged violation.

122 (3) The citation shall be sent by first class mail. A manual or
123 automated record of mailing prepared by the municipality shall be
124 prima facie evidence of mailing and shall be admissible in any hearing
125 conducted pursuant to section 7-152c of the general statutes, as
126 amended by this act, as to the facts contained in the citation.

127 (g) The following defenses shall be available to the owner of a motor
128 vehicle who is alleged to have committed a violation of such ordinance
129 adopted under this section: (1) The operator was driving an emergency
130 vehicle, as defined in section 14-283 of the general statutes, and making
131 use of an audible warning signal device, including, but not limited to, a
132 siren, whistle or bell which meets the requirements of subsection (f) of
133 section 14-80 of the general statutes; (2) the violation took place during
134 a period of time in which the motor vehicle had been reported as being
135 stolen to a law enforcement unit and had not been recovered prior to the
136 time of the violation; (3) the photo noise violation monitoring device
137 was not in compliance with the calibration check required pursuant to
138 subsection (e) of this section; (4) the violation took place because the
139 muffler in the motor vehicle was not in good working condition and the
140 owner of the motor vehicle presents proof at a hearing conducted
141 pursuant to section 7-152c of the general statutes, as amended by this
142 act, that such muffler was replaced or repaired not later than fourteen
143 days from the date of the violation; or (5) the owner of the motor vehicle
144 presents proof at a hearing conducted pursuant to section 7-152c of the
145 general statutes, as amended by this act, that the owner submitted the
146 motor vehicle for inspection at a facility designated by the Department
147 of Motor Vehicles and such vehicle was found to be in compliance with
148 the maximum decibel level permitted pursuant to section 14-80a of the
149 general statutes and any regulations adopted thereunder.

150 Sec. 3. (NEW) (*Effective July 1, 2024*) (a) No personally identifiable
151 information shall be disclosed by the municipality or a vendor to any
152 person or entity, including any law enforcement unit, except where the
153 disclosure is made in connection with the charging, collection and
154 enforcement of the fines imposed pursuant to an ordinance adopted
155 under section 2 of this act.

156 (b) No personally identifiable information shall be stored or retained
157 by the municipality or a vendor unless such information is necessary for
158 the charging, collection and enforcement of the fines imposed pursuant
159 to an ordinance adopted under section 2 of this act.

160 (c) Any information and other data gathered from a photo noise
161 violation monitoring device shall be subject to disclosure under the
162 Freedom of Information Act, as defined in section 1-200 of the general
163 statutes, except no personally identifiable information may be disclosed.

164 Sec. 4. (NEW) (*Effective July 1, 2024*) Commencing one year from the
165 date a photo noise violation monitoring device is operational in a
166 municipality, and every year thereafter until a photo noise violation
167 monitoring device is no longer operational in the municipality, the
168 municipality shall submit a report, in accordance with the provisions of
169 section 11-4a of the general statutes, to the joint standing committee of
170 the General Assembly having cognizance of matters relating to finance,
171 revenue and bonding. Such report shall include, but need not be limited
172 to: (1) The total number of violations recorded by each photo noise
173 violation monitoring device on a daily, weekly and monthly basis; (2)
174 the total number of warnings and citations issued for violations
175 recorded by each such device; (3) the number of hearings requested
176 pursuant to section 7-152c, as amended by this act, and the results of any
177 such hearings; (4) the amount of revenue from the fines and associated
178 processing fees retained by the municipality; and (5) the cost to the
179 municipality to use such devices.

180 Sec. 5. Subsection (c) of section 7-152c of the 2024 supplement to the
181 general statutes is repealed and the following is substituted in lieu

182 thereof (Effective July 1, 2024):

183 (c) Any such municipality, at any time within twelve months from
 184 the expiration of the final period for the uncontested payment of fines,
 185 penalties, costs or fees for any citation issued under any ordinance
 186 adopted pursuant to section 7-148, 14-307c, [or] 22a-226d or section 2 of
 187 this act, for an alleged violation thereof, shall send notice to the person
 188 cited. Such notice shall inform the person cited: (1) Of the allegations
 189 against such person and the amount of the fines, penalties, costs or fees
 190 due; (2) that such person may contest such person's liability before a
 191 citation hearing officer by delivering in person or by mail written notice
 192 within ten days of the date thereof; (3) that if such person does not
 193 demand such a hearing, an assessment and judgment shall be entered
 194 against such person; and (4) that such judgment may issue without
 195 further notice. For purposes of this section, notice shall be presumed to
 196 have been properly sent if such notice was mailed to such person's last-
 197 known address on file with the tax collector. If the person to whom such
 198 notice is issued is a registrant, the municipality may deliver such notice
 199 in accordance with section 7-148ii, provided nothing in this section shall
 200 preclude a municipality from providing notice in another manner
 201 permitted by applicable law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	New section
Sec. 2	July 1, 2024	New section
Sec. 3	July 1, 2024	New section
Sec. 4	July 1, 2024	New section
Sec. 5	July 1, 2024	7-152c(c)

Statement of Legislative Commissioners:

In Section 1(1), subparagraph designators were added for clarity; in Section 1(3), "contractor of the municipality" was changed to "vendor" for consistency; in Section 1(4)(A), "pursuant to an agreement" was added for clarity; in Section 1(5), "highway" was added for clarity; in Section 2(a)(2), "on a highway or other location" was added for clarity; Section 2(f)(2) was rewritten for clarity and consistency; and in Section

4, "device" was added for consistency and "pursuant to section 7-152c, as amended by this act," was added for clarity.

FIN *Joint Favorable Subst.*