

HOUSE BILL 1130

R6

3lr0721
CF SB 229

By: **Delegate Palakovich Carr**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Noise Abatement Monitoring Systems – Authorization, Use, and**
3 **Penalties**

4 FOR the purpose of authorizing a local government to use noise abatement monitoring
5 systems, if authorized by local law; providing that the owner or driver of a motor
6 vehicle recorded in violation of certain motor vehicle noise requirements is subject to
7 a citation and a certain civil penalty under certain circumstances; establishing
8 certain defenses to a charge of an alleged violation recorded by a noise abatement
9 monitoring system; prohibiting a contractor that administers a noise abatement
10 monitoring system from being compensated in a certain manner; and generally
11 relating to the use of noise abatement monitoring systems.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 4–401(13), 7–302(e)(1) through (3) and (4)(i), and 10–311
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 22–602
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2022 Supplement)

22 BY adding to
23 Article – Transportation
24 Section 22–612
25 Annotated Code of Maryland
26 (2020 Replacement Volume and 2022 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Courts and Judicial Proceedings**

3 4–401.

4 Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of
5 Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

6 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
7 21–706.1, § 21–809, § 21–810, § 21–1134, **§ 22–612**, or § 24–111.3 of the Transportation
8 Article or § 10–112 of the Criminal Law Article;

9 7–302.

10 (e) (1) (i) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §
11 21–810, § 21–1134, **§ 22–612**, or § 24–111.3 of the Transportation Article shall provide that
12 the person receiving the citation may elect to stand trial by notifying the issuing agency of
13 the person’s intention to stand trial at least 5 days prior to the date of payment as set forth
14 in the citation.

15 (ii) On receipt of the notice to stand trial, the agency shall forward
16 to the District Court having venue a copy of the citation and a copy of the notice from the
17 person who received the citation indicating the person’s intention to stand trial.

18 (iii) On receipt thereof, the District Court shall schedule the case for
19 trial and notify the defendant of the trial date under procedures adopted by the Chief Judge
20 of the District Court.

21 (2) (i) A citation issued as the result of a vehicle height monitoring
22 system, a traffic control signal monitoring system, or a speed monitoring system, including
23 a work zone speed control system, controlled by a political subdivision, a school bus
24 monitoring camera, [or] a bus lane monitoring system, **OR A NOISE ABATEMENT**
25 **MONITORING SYSTEM** shall provide that, in an uncontested case, the penalty shall be paid
26 directly to that political subdivision.

27 (ii) A citation issued as the result of a traffic control signal
28 monitoring system or a work zone speed control system controlled by a State agency, or as
29 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
30 speed monitoring system, a school bus monitoring camera, [or] a bus lane monitoring
31 system, **OR A NOISE ABATEMENT MONITORING SYSTEM** in a case contested in District
32 Court, shall provide that the penalty shall be paid directly to the District Court.

33 (3) Civil penalties resulting from citations issued using a vehicle height
34 monitoring system, traffic control signal monitoring system, speed monitoring system,
35 work zone speed control system, school bus monitoring camera, [or] bus lane monitoring

1 system, **OR A NOISE ABATEMENT MONITORING SYSTEM** that are collected by the District
2 Court shall be collected in accordance with subsection (a) of this section and distributed in
3 accordance with § 12–118 of the Transportation Article.

4 (4) (i) Except as provided in paragraph (5) of this subsection, from the
5 fines collected by a political subdivision as a result of violations enforced by speed
6 monitoring systems, school bus monitoring cameras, [or] bus lane monitoring systems, **OR**
7 **NOISE ABATEMENT MONITORING SYSTEMS**, a political subdivision:

8 1. May recover the costs of implementing and administering
9 the speed monitoring systems, school bus monitoring cameras, [or] bus lane monitoring
10 systems, **OR NOISE ABATEMENT MONITORING SYSTEMS**; and

11 2. Subject to subparagraphs (ii), (iii), and (iv) of this
12 paragraph, may spend any remaining balance solely for public safety purposes, including
13 pedestrian safety programs.

14 10–311.

15 (a) A recorded image of a motor vehicle produced by a traffic control signal
16 monitoring system in accordance with § 21–202.1 of the Transportation Article is
17 admissible in a proceeding concerning a civil citation issued under that section for a
18 violation of § 21–202(h) of the Transportation Article without authentication.

19 (b) A recorded image of a motor vehicle produced by a speed monitoring system
20 in accordance with § 21–809 or § 21–810 of the Transportation Article is admissible in a
21 proceeding concerning a civil citation issued under that section for a violation of Title 21,
22 Subtitle 8 of the Transportation Article without authentication.

23 (c) A recorded image of a motor vehicle produced by a school bus monitoring
24 camera in accordance with § 21–706.1 of the Transportation Article is admissible in a
25 proceeding concerning a civil citation issued under that section for a violation of § 21–706
26 of the Transportation Article without authentication.

27 (d) A recorded image of a motor vehicle produced by a vehicle height monitoring
28 system in accordance with § 24–111.3 of the Transportation Article is admissible in a
29 proceeding concerning a civil citation issued under that section for a violation of a State or
30 local law restricting the presence of certain vehicles during certain times without
31 authentication.

32 (e) A recorded image of a motor vehicle produced by a bus lane monitoring system
33 in accordance with § 21–1134 of the Transportation Article is admissible in a proceeding
34 concerning a civil citation issued under that section for a violation of § 21–1133 of the
35 Transportation Article without authentication.

36 (f) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A NOISE**

1 ABATEMENT MONITORING SYSTEM IN ACCORDANCE WITH § 22-612 OF THE
 2 TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL
 3 CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 22-602 OF THE
 4 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

5 (G) In any other judicial proceeding, a recorded image produced by a vehicle
 6 height monitoring system, traffic control signal monitoring system, speed monitoring
 7 system, work zone speed control system, school bus monitoring camera, [or] bus lane
 8 monitoring system, OR NOISE ABATEMENT MONITORING SYSTEM is admissible as
 9 otherwise provided by law.

10 Article – Transportation

11 22-602.

12 (a) A person may not drive on a highway in this State any motor vehicle or
 13 combination of vehicles of a type required to be registered under Title 13 of this article, in
 14 a manner that, at any time, at any speed, or under any condition of grade, load,
 15 acceleration, or deceleration, exceeds the maximum sound level limits established under §
 16 22-601 of this subtitle for the operation of that type of motor vehicle or combination of
 17 vehicles.

18 (b) An owner or lessee of a motor vehicle may not permit to be driven on a highway
 19 in this State any motor vehicle or combination of vehicles of a type required to be registered
 20 under Title 13 of this article, in a manner that, at any time, at any speed, or under any
 21 condition of grade, load, acceleration, or deceleration, exceeds the maximum sound level
 22 limits established under § 22-601 of this subtitle for the operation of that type of motor
 23 vehicle or combination of vehicles.

24 22-612.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 26 INDICATED.

27 (2) “AGENCY” MEANS:

28 (I) A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL
 29 SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE
 30 MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS; OR

31 (II) FOR A MUNICIPAL CORPORATION THAT DOES NOT
 32 MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE
 33 MUNICIPAL CORPORATION TO IMPLEMENT A PROGRAM OF NOISE ABATEMENT
 34 MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.

1 **(3) “NOISE ABATEMENT MONITORING SYSTEM” MEANS A MOBILE OR**
2 **FIXED VEHICLE SENSOR THAT WORKS IN CONJUNCTION WITH A NOISE MEASURING**
3 **DEVICE, SUCH AS A DECIBEL READER, THAT AUTOMATICALLY PRODUCES TWO OR**
4 **MORE PHOTOGRAPHS, TWO OR MORE MICRPHOTOGRAPHS, A VIDEOTAPE, OR**
5 **OTHER RECORDED IMAGES OF A MOTOR VEHICLE AT THE TIME THE MOTOR VEHICLE**
6 **IS OPERATED DURING THE COMMISSION OF A VIOLATION.**

7 **(4) “NOISE ABATEMENT MONITORING SYSTEM OPERATOR” MEANS A**
8 **REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT OPERATES A NOISE**
9 **ABATEMENT MONITORING SYSTEM.**

10 **(5) “NOISE MEASURING DEVICE” MEANS AN ELECTRONIC DEVICE**
11 **THAT:**

12 **(I) UTILIZES AUTOMATED EQUIPMENT THAT ACTIVATES WHEN**
13 **THE SOUND LEVEL EXCEEDS THE MAXIMUM SOUND LEVEL LIMITS ESTABLISHED**
14 **UNDER § 22-601 OF THIS SUBTITLE;**

15 **(II) RECORDS AUDIO WHEN ACTIVATED;**

16 **(III) RECORDS DECIBEL LEVELS WHEN ACTIVATED; AND**

17 **(IV) ALLOWS A NOISE ABATEMENT MONITORING SYSTEM**
18 **OPERATOR TO MANUALLY REVIEW RECORDED AUDIO TO ENSURE A VIOLATION HAS**
19 **OCCURRED.**

20 **(6) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
21 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**
22 **MORE.**

23 **(II) “OWNER” DOES NOT INCLUDE:**

24 1. **A MOTOR VEHICLE RENTAL OR LEASING COMPANY;**

25 **OR**

26 2. **A HOLDER OF A SPECIAL REGISTRATION PLATE**
27 **ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

28 **(7) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A NOISE**
29 **ABATEMENT MONITORING SYSTEM:**

30 **(I) ON:**

- 1 1. **A PHOTOGRAPH;**
- 2 2. **A MICROPHOTOGRAPH;**
- 3 3. **AN ELECTRONIC IMAGE;**
- 4 4. **VIDEOTAPE; OR**
- 5 5. **ANY OTHER MEDIUM; AND**

6 **(II) SHOWING:**

- 7 1. **THE REAR OF A MOTOR VEHICLE;**
- 8 2. **THE DECIBEL LEVEL RECORDED FOR THE MOTOR**
9 **VEHICLE AT THE TIME OF RECORDATION; AND**
- 10 3. **ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A**
11 **CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE**
12 **NUMBER OF THE MOTOR VEHICLE.**

13 **(8) “VIOLATION” MEANS A VIOLATION OF § 22-602 OF THIS SUBTITLE.**

14 **(B) (1) (i) A NOISE ABATEMENT MONITORING SYSTEM MAY BE USED IN**
15 **A LOCAL JURISDICTION UNDER THIS SECTION IF, ON OR BEFORE SEPTEMBER 30,**
16 **2028, ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL**
17 **JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC**
18 **HEARING.**

19 **(II) BEFORE A COUNTY MAY USE A NOISE ABATEMENT**
20 **MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL**
21 **CORPORATION, THE COUNTY SHALL:**

- 22 1. **OBTAIN THE APPROVAL OF THE STATE HIGHWAY**
23 **ADMINISTRATION;**
- 24 2. **NOTIFY THE MUNICIPAL CORPORATION OF THE**
25 **STATE HIGHWAY ADMINISTRATION’S APPROVAL OF THE USE OF A NOISE**
26 **ABATEMENT MONITORING SYSTEM AT THAT LOCATION; AND**
- 27 3. **GRANT THE MUNICIPAL CORPORATION 60 DAYS**
28 **FROM THE DATE OF THE COUNTY’S NOTICE TO THE MUNICIPAL CORPORATION TO**
29 **ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF**

1 THE COUNTY TO USE A NOISE ABATEMENT MONITORING SYSTEM AT THAT LOCATION.

2 (III) BEFORE ACTIVATING A NOISE ABATEMENT MONITORING
3 SYSTEM, THE LOCAL JURISDICTION SHALL:

4 1. PUBLISH NOTICE OF THE LOCATION OF THE NOISE
5 ABATEMENT MONITORING SYSTEM ON ITS WEBSITE; AND

6 2. ENSURE THAT EACH NOISE ABATEMENT MONITORING
7 SYSTEM IS PROXIMATE TO A SIGN THAT:

8 A. INDICATES THAT NOISE ABATEMENT MONITORING
9 SYSTEMS ARE IN USE IN THE AREA; AND

10 B. IS IN ACCORDANCE WITH THE MANUAL FOR AND THE
11 SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED
12 BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS ARTICLE.

13 (IV) 1. A LOCAL JURISDICTION THAT AUTHORIZES A
14 PROGRAM OF NOISE ABATEMENT MONITORING SYSTEMS SHALL DESIGNATE AN
15 OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR
16 CONCERNS ABOUT THE LOCAL JURISDICTION'S NOISE ABATEMENT MONITORING
17 SYSTEM PROGRAM.

18 2. A. THE LOCAL DESIGNEE SHALL REVIEW A
19 WARNING NOTICE OR CITATION GENERATED BY A NOISE ABATEMENT MONITORING
20 SYSTEM IF THE PERSON WHO RECEIVED THE WARNING NOTICE OR CITATION
21 REQUESTS REVIEW BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER
22 THIS SECTION.

23 B. IF THE LOCAL DESIGNEE DETERMINES THAT THE
24 WARNING NOTICE OR CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL
25 DESIGNEE SHALL VOID THE WARNING NOTICE OR CITATION.

26 C. IF THE LOCAL DESIGNEE DETERMINES THAT A
27 PERSON DID NOT RECEIVE NOTICE OF A WARNING NOTICE OR CITATION ISSUED
28 UNDER THIS SECTION DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE
29 MAY RESEND THE WARNING NOTICE OR CITATION IN ACCORDANCE WITH
30 SUBSECTION (D) OF THIS SECTION OR VOID THE WARNING NOTICE OR CITATION.

31 D. A LOCAL DESIGNEE THAT TAKES ANY ACTION
32 DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH SHALL
33 NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF RESCINDING

1 ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION (G) OF THIS
2 SECTION.

3 E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A
4 WARNING NOTICE OR CITATION IS AN ERRONEOUS VIOLATION BASED SOLELY ON
5 THE DISMISSAL OF THE WARNING NOTICE OR CITATION BY A COURT.

6 3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A
7 NOISE ABATEMENT MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED
8 IN ANY REVIEW OF A NOISE ABATEMENT MONITORING SYSTEM WARNING NOTICE OR
9 CITATION, OTHER THAN REVIEW OF A WARNING NOTICE OR CITATION UNDER THIS
10 SUBPARAGRAPH.

11 4. ON RECEIPT OF A WRITTEN QUESTION OR CONCERN
12 FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN ANSWER OR
13 RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.

14 5. A LOCAL JURISDICTION SHALL MAKE ANY WRITTEN
15 QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH AND ANY
16 SUBSEQUENT WRITTEN ANSWERS OR RESPONSES AVAILABLE FOR PUBLIC
17 INSPECTION.

18 (2) (I) A NOISE ABATEMENT MONITORING SYSTEM OPERATOR
19 SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE NOISE ABATEMENT
20 MONITORING SYSTEM IN THE PROCEDURES FOR SETTING UP AND OPERATING THE
21 NOISE ABATEMENT MONITORING SYSTEM.

22 (II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE
23 TO THE NOISE ABATEMENT MONITORING SYSTEM OPERATOR ON COMPLETION OF
24 THE TRAINING.

25 (III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS
26 EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

27 (3) A NOISE ABATEMENT MONITORING SYSTEM OPERATOR SHALL
28 FILL OUT AND SIGN A DAILY SET-UP LOG FOR A NOISE ABATEMENT MONITORING
29 SYSTEM THAT:

30 (I) STATES THAT THE NOISE ABATEMENT MONITORING SYSTEM
31 OPERATOR SUCCESSFULLY PERFORMED OR REVIEWED AND EVALUATED THE
32 MANUFACTURER-SPECIFIED DAILY SELF-TEST OF THE NOISE ABATEMENT
33 MONITORING SYSTEM PRIOR TO PRODUCING A RECORDED IMAGE;

1 **(II) STATES THE DATE AND TIME WHEN, AND THE LOCATION**
2 **WHERE, THE NOISE ABATEMENT MONITORING SYSTEM WAS SET UP EACH DAY;**

3 **(III) SHALL BE KEPT ON FILE; AND**

4 **(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT**
5 **PROCEEDING FOR A VIOLATION.**

6 **(4) (I) A NOISE ABATEMENT MONITORING SYSTEM SHALL**
7 **UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT**
8 **CALIBRATION LABORATORY THAT IS:**

9 1. **SELECTED BY THE LOCAL JURISDICTION; AND**

10 2. **UNAFFILIATED WITH THE MANUFACTURER OF THE**
11 **NOISE ABATEMENT MONITORING SYSTEM.**

12 **(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL**
13 **ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION**
14 **CHECK THAT SHALL BE:**

15 1. **KEPT ON FILE; AND**

16 2. **ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING**
17 **FOR A VIOLATION.**

18 **(5) A LOCAL JURISDICTION THAT ESTABLISHES A NOISE ABATEMENT**
19 **MONITORING SYSTEM PROGRAM SHALL BEAR THE COST OF IMPLEMENTING THE**
20 **PROGRAM.**

21 **(C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
22 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER**
23 **OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A**
24 **MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS**
25 **RECORDED BY A NOISE ABATEMENT MONITORING SYSTEM WHILE BEING OPERATED**
26 **DURING THE COMMISSION OF A VIOLATION.**

27 **(2) A PERSON LIABLE FOR A VIOLATION ENFORCED BY A NOISE**
28 **ABATEMENT MONITORING SYSTEM IS SUBJECT TO:**

29 **(I) FOR A FIRST OFFENSE, A WARNING NOTICE; AND**

30 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A CIVIL PENALTY**

1 NOT EXCEEDING \$70.

2 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
3 PRESCRIBE:

4 (I) A UNIFORM CITATION FORM CONSISTENT WITH
5 SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

6 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
7 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
8 WITHOUT APPEARING IN DISTRICT COURT.

9 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4)
10 OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO AN OWNER LIABLE UNDER
11 SUBSECTION (C) OF THIS SECTION A WARNING NOTICE OR CITATION THAT SHALL
12 INCLUDE:

13 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
14 THE VEHICLE;

15 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
16 INVOLVED IN THE VIOLATION;

17 (III) THE VIOLATION CHARGED;

18 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

19 (V) THE LOCATION OF THE NOISE ABATEMENT MONITORING
20 SYSTEM;

21 (VI) THE DATE AND TIME OF THE VIOLATION;

22 (VII) THE RECORDED DECIBEL LEVEL;

23 (VIII) A COPY OF THE RECORDED IMAGE;

24 (IX) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
25 DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID, IF APPLICABLE;

26 (X) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW
27 ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY
28 THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS
29 BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

1 (XI) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF
2 A VIOLATION;

3 (XII) INFORMATION ADVISING THE PERSON ALLEGED TO BE
4 LIABLE UNDER THIS SECTION TO MAKE ANY NECESSARY ALTERATIONS TO THE
5 MOTOR VEHICLE TO AVOID FUTURE VIOLATIONS;

6 (XIII) INFORMATION ADVISING THE PERSON ALLEGED TO BE
7 LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS
8 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

9 (XIV) INFORMATION ADVISING THE PERSON ALLEGED TO BE
10 LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
11 CONTEST LIABILITY IN A TIMELY MANNER:

12 1. IS AN ADMISSION OF LIABILITY;

13 2. MAY RESULT IN THE REFUSAL BY THE
14 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND

15 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
16 VEHICLE REGISTRATION.

17 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
18 PARAGRAPH, AN AGENCY MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO
19 THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

20 (II) AN AGENCY SHALL MAIL A WARNING NOTICE INSTEAD OF A
21 CITATION FOR A VIOLATION RECORDED BY THE NOISE ABATEMENT MONITORING
22 SYSTEM DURING THE FIRST 90 DAYS THAT THE NOISE ABATEMENT MONITORING
23 SYSTEM IS IN OPERATION.

24 (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, AN
25 AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

26 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A
27 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER THAN 2
28 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS
29 STATE, AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS
30 REGISTERED IN ANOTHER STATE.

31 (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF

1 THIS SUBSECTION MAY:

2 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
3 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION; OR

4 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
5 ALLEGED VIOLATION.

6 (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OCCURRED AND
7 THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN
8 SATISFIED, SWORN TO, OR AFFIRMED BY A DULY AUTHORIZED LAW ENFORCEMENT
9 OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY, BASED ON
10 INSPECTION OF RECORDED IMAGES PRODUCED BY A NOISE ABATEMENT
11 MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE
12 CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION
13 WITHOUT THE PRESENCE OR TESTIMONY OF THE NOISE ABATEMENT MONITORING
14 SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B)
15 OF THIS SECTION.

16 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D)
17 OF THIS SECTION DESIRES THE NOISE ABATEMENT MONITORING SYSTEM OPERATOR
18 TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND
19 THE AGENCY IN WRITING NOT LATER THAN 20 DAYS BEFORE TRIAL.

20 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
21 PREPONDERANCE OF EVIDENCE.

22 (F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
23 VIOLATION:

24 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT
25 THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE
26 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL
27 OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

28 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
29 EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE
30 VEHICLE AT THE TIME OF THE VIOLATION;

31 (III) THAT THE NOISE ABATEMENT MONITORING SYSTEM WAS
32 MALFUNCTIONING AT THE TIME OF THE VIOLATION; OR

33 (IV) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT

1 COURT DEEMS PERTINENT.

2 (2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
3 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
4 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
5 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
6 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
7 A TIMELY MANNER.

8 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH
9 (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE
10 TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND
11 MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

12 (I) STATES THAT THE PERSON NAMED IN THE CITATION WAS
13 NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

14 (II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

15 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED
16 IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE
17 VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION
18 IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION,
19 THE CLERK OF THE COURT SHALL PROVIDE TO THE AGENCY ISSUING THE CITATION
20 A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT
21 THE TIME OF THE VIOLATION.

22 (II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
23 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY MAY
24 ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE
25 PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME
26 OF THE VIOLATION.

27 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
28 PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE
29 EVIDENCE FROM THE DISTRICT COURT.

30 (G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL
31 PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY REFUSE TO
32 REGISTER OR REREGISTER THE MOTOR VEHICLE CITED FOR THE VIOLATION.

33 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
34 SECTION:

1 **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING**
2 **POINTS UNDER § 16-402 OF THIS ARTICLE;**

3 **(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE**
4 **DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;**

5 **(3) MAY BE TREATED AS A PARKING VIOLATION FOR THE PURPOSES**
6 **OF § 26-305 OF THIS ARTICLE; AND**

7 **(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE**
8 **INSURANCE COVERAGE.**

9 **(I) IN CONSULTATION WITH THE APPROPRIATE LOCAL GOVERNMENT**
10 **AGENCIES, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT**
11 **PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS,**
12 **AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.**

13 **(J) (1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE**
14 **AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS**
15 **SECTION IN COORDINATION WITH THE DISTRICT COURT.**

16 **(2) IF A CONTRACTOR IN ANY MANNER OPERATES A NOISE**
17 **ABATEMENT MONITORING SYSTEM OR ADMINISTERS OR PROCESSES WARNING**
18 **NOTICES OR CITATIONS GENERATED BY A NOISE ABATEMENT MONITORING SYSTEM**
19 **ON BEHALF OF A LOCAL JURISDICTION, THE CONTRACTOR'S FEE MAY NOT BE**
20 **CONTINGENT ON A PER-TICKET BASIS ON THE NUMBER OF WARNING NOTICES OR**
21 **CITATIONS ISSUED OR PAID.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (a) If, at the end of September 30, 2028, no governing body of a local jurisdiction
24 has authorized by local law the use of a noise abatement monitoring system in that
25 jurisdiction, with no further action required by the General Assembly, this Act shall be
26 abrogated and of no further force and effect.

27 (b) The State Highway Administration shall notify the Department of Legislative
28 Services by October 5, 2028, as to whether any governing body of a local jurisdiction has
29 authorized by local law the use of a noise abatement monitoring system in that jurisdiction.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2023.