

SENATE BILL 229

R6

3lr1872
CF 3lr0721

By: **Senator Beidle**

Introduced and read first time: January 23, 2023

Assigned to: Judicial Proceedings

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 MICROPHOTOGRAPHS, 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) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
11 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**
12 **MORE.**

13 **(II) “OWNER” DOES NOT INCLUDE:**

- 14 1. **A MOTOR VEHICLE RENTAL OR LEASING COMPANY;**
15 **OR**
- 16 2. **A HOLDER OF A SPECIAL REGISTRATION PLATE**
17 **ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

18 **(6) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A NOISE**
19 **ABATEMENT MONITORING SYSTEM:**

20 **(I) ON:**

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

26 **(II) SHOWING:**

- 27 1. **THE REAR OF A MOTOR VEHICLE;**
- 28 2. **THE DECIBEL LEVEL RECORDED FOR THE MOTOR**

1 VEHICLE AT THE TIME OF RECORDATION; AND

2 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A
3 CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE
4 NUMBER OF THE MOTOR VEHICLE.

5 (7) “VIOLATION” MEANS A VIOLATION OF § 22-602 OF THIS SUBTITLE.

6 (B) (1) (I) A NOISE ABATEMENT MONITORING SYSTEM MAY BE USED IN
7 A LOCAL JURISDICTION UNDER THIS SECTION IF ITS USE IS AUTHORIZED BY THE
8 GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER
9 REASONABLE NOTICE AND A PUBLIC HEARING.

10 (II) BEFORE A COUNTY MAY USE A NOISE ABATEMENT
11 MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL
12 CORPORATION, THE COUNTY SHALL:

13 1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY
14 ADMINISTRATION;

15 2. NOTIFY THE MUNICIPAL CORPORATION OF THE
16 STATE HIGHWAY ADMINISTRATION’S APPROVAL OF THE USE OF A NOISE
17 ABATEMENT MONITORING SYSTEM AT THAT LOCATION; AND

18 3. GRANT THE MUNICIPAL CORPORATION 60 DAYS
19 FROM THE DATE OF THE COUNTY’S NOTICE TO THE MUNICIPAL CORPORATION TO
20 ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF
21 THE COUNTY TO USE A NOISE ABATEMENT MONITORING SYSTEM AT THAT LOCATION.

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

24 1. PUBLISH NOTICE OF THE LOCATION OF THE NOISE
25 ABATEMENT MONITORING SYSTEM ON ITS WEBSITE AND IN A NEWSPAPER OF
26 GENERAL CIRCULATION IN THE JURISDICTION; AND

27 2. ENSURE THAT EACH NOISE ABATEMENT MONITORING
28 SYSTEM IS PROXIMATE TO A SIGN THAT:

29 A. INDICATES THAT NOISE ABATEMENT MONITORING
30 SYSTEMS ARE IN USE IN THE AREA; AND

31 B. IS IN ACCORDANCE WITH THE MANUAL FOR AND THE

1 SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED
2 BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS ARTICLE.

3 (IV) 1. A LOCAL JURISDICTION THAT AUTHORIZES A
4 PROGRAM OF NOISE ABATEMENT MONITORING SYSTEMS SHALL DESIGNATE AN
5 OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR
6 CONCERNS ABOUT THE LOCAL JURISDICTION'S NOISE ABATEMENT MONITORING
7 SYSTEM PROGRAM.

8 2. A. THE LOCAL DESIGNEE SHALL REVIEW A
9 WARNING NOTICE OR CITATION GENERATED BY A NOISE ABATEMENT MONITORING
10 SYSTEM IF THE PERSON WHO RECEIVED THE WARNING NOTICE OR CITATION
11 REQUESTS REVIEW BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER
12 THIS SECTION.

13 B. IF THE LOCAL DESIGNEE DETERMINES THAT THE
14 WARNING NOTICE OR CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL
15 DESIGNEE SHALL VOID THE WARNING NOTICE OR CITATION.

16 C. IF THE LOCAL DESIGNEE DETERMINES THAT A
17 PERSON DID NOT RECEIVE NOTICE OF A WARNING NOTICE OR CITATION ISSUED
18 UNDER THIS SECTION DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE
19 MAY RESEND THE WARNING NOTICE OR CITATION IN ACCORDANCE WITH
20 SUBSECTION (D) OF THIS SECTION OR VOID THE WARNING NOTICE OR CITATION.

21 D. A LOCAL DESIGNEE THAT TAKES ANY ACTION
22 DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH SHALL
23 NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF RESCINDING
24 ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION (G) OF THIS
25 SECTION.

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

29 3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A
30 NOISE ABATEMENT MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED
31 IN ANY REVIEW OF A NOISE ABATEMENT MONITORING SYSTEM WARNING NOTICE OR
32 CITATION, OTHER THAN REVIEW OF A WARNING NOTICE OR CITATION UNDER THIS
33 SUBPARAGRAPH.

34 4. ON RECEIPT OF A WRITTEN QUESTION OR CONCERN
35 FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN ANSWER OR

1 RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.

2 5. A LOCAL JURISDICTION SHALL MAKE ANY WRITTEN
3 QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH AND ANY
4 SUBSEQUENT WRITTEN ANSWERS OR RESPONSES AVAILABLE FOR PUBLIC
5 INSPECTION.

6 (2) (I) A NOISE ABATEMENT MONITORING SYSTEM OPERATOR
7 SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE NOISE ABATEMENT
8 MONITORING SYSTEM IN THE PROCEDURES FOR SETTING UP AND OPERATING THE
9 NOISE ABATEMENT MONITORING SYSTEM.

10 (II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE
11 TO THE NOISE ABATEMENT MONITORING SYSTEM OPERATOR ON COMPLETION OF
12 THE TRAINING.

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

15 (3) A NOISE ABATEMENT MONITORING SYSTEM OPERATOR SHALL
16 FILL OUT AND SIGN A DAILY SET-UP LOG FOR A NOISE ABATEMENT MONITORING
17 SYSTEM THAT:

18 (I) STATES THAT THE NOISE ABATEMENT MONITORING SYSTEM
19 OPERATOR SUCCESSFULLY PERFORMED OR REVIEWED AND EVALUATED THE
20 MANUFACTURER-SPECIFIED DAILY SELF-TEST OF THE NOISE ABATEMENT
21 MONITORING SYSTEM PRIOR TO PRODUCING A RECORDED IMAGE;

22 (II) SHALL BE KEPT ON FILE; AND

23 (III) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
24 PROCEEDING FOR A VIOLATION.

25 (4) (I) A NOISE ABATEMENT MONITORING SYSTEM SHALL
26 UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT
27 CALIBRATION LABORATORY THAT IS:

28 1. SELECTED BY THE LOCAL JURISDICTION; AND

29 2. UNAFFILIATED WITH THE MANUFACTURER OF THE
30 NOISE ABATEMENT MONITORING SYSTEM.

31 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL

1 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION
2 CHECK THAT SHALL BE:

3 1. KEPT ON FILE; AND

4 2. ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING
5 FOR A VIOLATION.

6 (5) IF A LOCAL JURISDICTION AUTHORIZES A PROGRAM OF NOISE
7 ABATEMENT MONITORING SYSTEMS UNDER THIS SECTION THE LOCAL
8 JURISDICTION SHALL DESIGNATE A PROGRAM ADMINISTRATOR WHO MAY NOT BE
9 AN EMPLOYEE OR REPRESENTATIVE OF THE NOISE ABATEMENT MONITORING
10 SYSTEM CONTRACTOR.

11 (6) (I) THE MARYLAND POLICE TRAINING AND STANDARDS
12 COMMISSION, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION AND
13 OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP A TRAINING PROGRAM
14 CONCERNING THE OVERSIGHT AND ADMINISTRATION OF A NOISE ABATEMENT
15 MONITORING PROGRAM BY A LOCAL JURISDICTION, INCLUDING A CURRICULUM OF
16 BEST PRACTICES IN THE STATE.

17 (II) 1. A PROGRAM ADMINISTRATOR SHALL PARTICIPATE IN
18 THE TRAINING PROGRAM ESTABLISHED UNDER THIS PARAGRAPH BEFORE A LOCAL
19 JURISDICTION INITIALLY IMPLEMENTS A NEW NOISE ABATEMENT MONITORING
20 PROGRAM AND SUBSEQUENTLY AT LEAST ONCE EVERY 2 YEARS.

21 2. IF A LOCAL JURISDICTION DESIGNATES A NEW
22 PROGRAM ADMINISTRATOR, THE NEW PROGRAM ADMINISTRATOR SHALL
23 PARTICIPATE IN THE NEXT AVAILABLE TRAINING PROGRAM.

24 (7) A LOCAL JURISDICTION THAT ESTABLISHES A NOISE ABATEMENT
25 MONITORING SYSTEM PROGRAM SHALL BEAR THE COST OF IMPLEMENTING THE
26 PROGRAM.

27 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
28 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
29 OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A
30 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS
31 RECORDED BY A NOISE ABATEMENT MONITORING SYSTEM WHILE BEING OPERATED
32 DURING THE COMMISSION OF A VIOLATION.

33 (2) A PERSON LIABLE FOR A VIOLATION ENFORCED BY A NOISE
34 ABATEMENT MONITORING SYSTEM IS SUBJECT TO:

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

2 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A CIVIL PENALTY
3 NOT EXCEEDING \$70.

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

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

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

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

15 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
16 THE VEHICLE;

17 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
18 INVOLVED IN THE VIOLATION;

19 (III) THE VIOLATION CHARGED;

20 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

22 (VI) A COPY OF THE RECORDED IMAGE;

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

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

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

3 **(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE**
4 **LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS**
5 **ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND**

6 **(XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE**
7 **LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
8 **CONTEST LIABILITY IN A TIMELY MANNER:**

9 1. **IS AN ADMISSION OF LIABILITY;**

10 2. **MAY RESULT IN THE REFUSAL BY THE**
11 **ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND**

12 3. **MAY RESULT IN THE SUSPENSION OF THE MOTOR**
13 **VEHICLE REGISTRATION.**

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

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

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

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

28 **(5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF**
29 **THIS SUBSECTION MAY:**

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

1 **(II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE**
2 **ALLEGED VIOLATION.**

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

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

17 **(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
18 **PREPONDERANCE OF EVIDENCE.**

19 **(F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
20 **VIOLATION:**

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

25 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
26 **EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE**
27 **VEHICLE AT THE TIME OF THE VIOLATION;**

28 **(III) THAT THE NOISE ABATEMENT MONITORING SYSTEM WAS**
29 **MALFUNCTIONING AT THE TIME OF THE VIOLATION; OR**

30 **(IV) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
31 **COURT DEEMS PERTINENT.**

32 **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**
33 **REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND**
34 **WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF**

1 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
2 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
3 A TIMELY MANNER.

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

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

11 (II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

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

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

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

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

30 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
31 SECTION:

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

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

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2023.