

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-083-2024

Chapter No. 64

Proposed and Presented by Council Members Hawkins and Dernoga

Introduced by Council Members Hawkins, Dernoga, Blegay, Watson, Olson, Ivey, Fisher,
Harrison and Oriadha

Co-Sponsors _____

Date of Introduction October 22, 2024

BILL

1 AN ACT concerning

2 Vehicle Law - Noise Abatement Monitoring Systems – Pilot Program

3 For the purpose of establishing a pilot program to authorize the use of noise abatement
4 monitoring systems in Prince George's County, to enforce certain motor vehicle noise
5 requirements; and generally relating to the use of noise abatement monitoring systems.

6 BY adding:

7 SUBTITLE 19. POLLUTION.

8 DIVISION 2A. VEHICLE NOISE ABATEMENT
9 MONITORING SYSTEMS.

10 Sections 19-126.01, 19-126.02, 19-126.03,
11 19-126.04, 19-126.05 and 19-126.06

12 The Prince George's County Code
13 (2023 Edition).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 19-126.01, 19-126.02, and 19-126.03, 19-126.04, 19-126.05, and
16 19.126.06 of the Prince George's County Code be and the same are hereby added:

17 SUBTITLE 19. POLLUTION.

18 DIVISION 2A. VEHICLE NOISE ABATEMENT MONITORING SYSTEMS.

19 **Sec. 19-126.01. Prince George's County Noise Abatement Systems Pilot Program.**

20 (a) **Program established.** There is a Vehicle Noise Abatement Monitoring Pilot Program

implemented by the Department pursuant to Chapter 624 of the 2024 Laws of Maryland.

Sec. 19-126.02 Definitions.

(a) For the purpose of this Division, the following words and phrases shall have the following meanings indicated:

(1) **Chief** means the Chief of the Prince George's County Police Department or the Chief's designee.

(2) **Department** means the Prince George's County Police Department.

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

(4) The following terms have the same meanings as indicated under Chapter 624 of the 2024 Laws of Maryland.

(a) **Agency** means a County law enforcement agency that is authorized to issue a citation for a violation of the Maryland Vehicle law or of Local Traffic laws or regulations.

(b) **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.

(c) **Noise Abatement Monitoring System Operator** means a representative of an Agency or a Contractor that operates a noise abatement monitoring system.

(d) **Owner** means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six (6) months or more.

(e) **Violation** means a violation of Section 22-602 of the Transportation Article of the Annotated Code of Maryland by at least five (5) decibels.

(f) **Noise Measuring Device** means an electronic device that:

(i) uses automated equipment that activates when the sound level exceeds the maximum sound level limits established under 22-601 of the Transportation Article of the Annotated Code of Maryland, by at least five (5) decibels:

(ii) records audio when activated; and

(iii) records decibel levels when activated; and

(iv) allows a noise abatement monitoring system operator to manually

review recorded audio to ensure a violation has occurred.

(g) **Program liaison** means the local designee under Chapter 624 of the 2024 Laws of Maryland; and

(h) **Recorded Image** means an image recorded by a noise abatement monitoring system on:

(A) A photograph;

(B) Microphotograph;

(C) Electronic image;

(D) Videotape;

(E) Any other medium showing the rear of a motor vehicle, the decibel level recorded for the motor vehicle at the time the image was captured; and

(F) at minimum, one image or portion of a tape, a clear and legible identification of the entire registration plate number of the motor vehicle

Sec. 19-126.03. Program Requirements and Location of Monitoring Systems.

(a) The County must deploy and utilize no more than three (3) noise abatement monitoring systems within the County to enforce motor vehicle noise requirements under Section 22-602 of the Transportation Article of the Maryland Annotated Code, as amended.

(b) The County may not deploy or utilize a noise abatement monitoring system within the County for any purpose other than to enforce motor vehicle noise requirements of Section 22-612 of the Transportation Article of the Annotated Code of Maryland, as amended.

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

(1) publish notice of the location of the noise abatement monitoring system

On the County website; and

(2) ensure that each noise abatement monitoring system is proximate to sign

that

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

(B) 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 Annotated Code of Maryland Code, as amended.

(d) 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:

- (1) until signage is installed in accordance; and
- (2) for at least the first fifteen (15) calendar days after the signage is installed.

Sec. 19-126.04. Program Liaison.

(a) The Chief will designate a program liaison, who is not:

- (1) employed by a noise abatement monitoring system contractor; or
- (2) involved in the initial review or issuance of the warning notice or citation.

(b) The program liaison must:

- (1) investigate and respond to questions or concerns about the pilot program; and
- (2) 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; and
- (3) subject to this Section, if the program liaison determines that the warning notice or citation is an erroneous violation, void the warning notice or citation; and
- (4) 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
- (5) if the program liaison voids or waives a citation, they must notify the Maryland Vehicle Administration for the purpose of rescinding any administrative penalties imposed by the Maryland Vehicle Administration; and

(c) 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; and

(d) 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; and

(e) 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.

Sec. 19-126.05. Operations and Enforcement.

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

- (1) be operated by a trained and qualified operator; and
- (2) undergo an annual calibration check by an independent calibration laboratory.

(b) A person may not violate the noise limit of five (5) Decibels that falls within any part of the county's jurisdiction.

(c) Warning notices and citations – contents and mailing. A warning notice or citation issued must be mailed to an owner and must include the information required.

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

- (1) Issue more than one citation to a person per day for a violation enforced by noise abatement monitoring system; or
- (2) Issue a citation applicable to a motor vehicle during the first thirty (30) days after warning for a first offense applicable to the motor vehicle is mailed to the owner.

(e) District Court procedures. The Department must administer, and process civil citations:

- (1) using a uniform citation form prescribed by the District Court; and
- (2) in accordance with procedures adopted by the Chief Judge of the District Court.

(f) County contractors. If a contractor operates a noise abatement monitoring system or administers or processes warning notices of citations generated by a noise abatement monitoring system on behalf of the County, the contractor's fee must not be contingent upon a per-ticket basis concerning the number of warning notices or citations issued or paid.

Sec. 19-126.06. Civil Penalties.

(a) A person liable for a violation enforced by a noise abatement monitoring system is subject to:

- (1) a warning notice for a first offense; and
- (2) a civil penalty not exceeding \$75 fine for a second or subsequent offense.

1 (b) A person may not be issued more than one citation per day for
2 violation enforced by a noise abatement monitoring system; and

3 (c) The County may not issue a citation applicable to a motor vehicle during the first
4 thirty (30) days after a warning for a first offense. The citation must be mailed under this
5 division; and

6 (d) The fines collected by the County because of noise abatement violations enforced
7 by noise abatement monitoring systems must be used solely:
8 to recover the costs of implementing and administering the noise abatement
9 monitoring systems. Any remaining balance may be used for public safety purposes, including
10 pedestrian safety programs.

11 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are
12 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
13 subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional
14 by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the
15 remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or
16 sections of this Act, since the same would have been enacted without the incorporation in this
17 Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph,
18 subparagraph, subsection, or section.

19 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
20 calendar days after it becomes law and has no force or effect after June 30th 2026.

Adopted this 19th day of November, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Jolene Ivey
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: December 18, 2024 BY: Tara H. Jackson
Tara H. Jackson
Acting County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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