

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

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

2 **Sec. 19-126.02 Definitions.**

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

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

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

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

10 (4) The following terms have the same meanings as indicated under Chapter 624 of the
11 2024 Laws of Maryland.

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

14 (b) **Noise Abatement Monitoring System** means a mobile or fixed vehicle
15 sensor that works in conjunction with a noise measuring device, such as a decibel reader, that
16 automatically produces two or more photographs, two or more microphotographs, a videotape, or
17 other recorded images of a motor vehicle at the time the motor vehicle is operated during the
18 commission of a violation.

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

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

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

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

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

29 (ii) records audio when activated; and

30 (iii) records decibel levels when activated; and

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

1 review recorded audio to ensure a violation has occurred.

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

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

6 (A) A photograph;

7 (B) Microphotograph;

8 (C) Electronic image;

9 (D) Videotape;

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

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

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

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

18 (b) The County may not deploy or utilize a noise abatement monitoring system within the
19 County for any purpose other than to enforce motor vehicle noise requirements of Section 22-
20 612 of the Transportation Article of the Annotated Code of Maryland, as amended.

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

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

23 On the County website; and

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

25 that

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

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

1 (d) If the Department moves or places a noise abatement monitoring system to or at a
 2 location where a noise abatement monitoring system had not previously been moved or placed,
 3 the Department must not issue a citation for a violation recorded by that noise abatement
 4 monitoring system:

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

8 **Sec. 19-126.04. Program Liaison.**

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

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

13 (b) The program liaison must:

- 14 (1) investigate and respond to questions or concerns about the pilot program; and
- 15 (2) review a warning notice or citation generated by a noise abatement monitoring
 16 system if the person who received the warning notice or citation requests review before the
 17 deadline for contesting liability; and
- 18 (3) subject to this Section, if the program liaison determines that the warning notice
 19 or citation is an erroneous violation, void the warning notice or citation; and
- 20 (4) on receipt of a written question or concern from a person, provide a written
 21 answer or response to the person within a reasonable time; and
- 22 (5) if the program liaison voids or waives a citation, they must notify the Maryland
 23 Vehicle Administration for the purpose of rescinding any administrative penalties imposed by
 24 the Maryland Vehicle Administration; and

25 (c) The program liaison must not determine that a warning notice or citation is an
 26 erroneous violation based solely upon the dismissal of the warning notice or citation by a court;
 27 and

28 (d) If the program liaison determines that a person did not receive notice of a warning
 29 notice or citation due to an administrative error, the program liaison may resend the warning
 30 notice or citation; and

31 (e) The program liaison may waive a warning notice or citation if the person alleged to be

1 liable under this Section provides sufficient evidence that the person has made any alterations to
2 the motor vehicle necessary to avoid future violations.

3 **Sec. 19-126.05. Operations and Enforcement.**

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

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

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

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

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

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

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

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

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

27 **Sec. 19-126.06. Civil Penalties.**

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

- 30 (1) a warning notice for a first offense; and
31 (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
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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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