




October 2, 2024

**FISCAL AND POLICY NOTE**

TO: Jennifer A. Jenkins  
Council Administrator

Colette R. Gresham, Esq.  
Deputy Council Administrator

THRU: Josh Hamlin   
Director of Budget and Policy Analysis

FROM: Malcolm Moody - *MM*  
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement  
CB-083-2024 Noise Abatement Monitoring Systems – Pilot Program  
CB-091-2024 Noise Abatement Monitoring – Pilot Program

---

**CB-083-2024** (*Proposed and Presented by: Council Members Hawkins and Dernoga*)  
**CB-091-2024** (*Proposed and Presented by: the Chair of the Council at the request of the County Executive*)

Assigned to the Health, Human Services, and Public Safety (HHSPS) Committee

---

**CB-083-2024**<sup>1</sup> AN ACT CONCERNING VEHICLE NOISE ABATEMENT MONITORING SYSTEMS – PILOT PROGRAM for the purpose of establishing a pilot program to authorize the use of noise abatement monitoring systems in Prince George's County to enforce certain motor vehicle noise requirements; and generally relating to the use of noise abatement monitoring systems.

**CB-091-2024**<sup>2</sup> AN ACT CONCERNING VEHICLE NOISE ABATEMENT MONITORING – PILOT PROGRAM for the purpose of establishing a pilot program to authorize the use of noise

---

<sup>1</sup> [Prince George's County Council - CB-083-2024](#)

<sup>2</sup> [Prince George's County Council - CB-091-2024](#)

abatement monitoring systems in the County to better assist the Prince George's County Police Department in enforcing certain motor vehicle noise requirements.

---

### **Fiscal Summary**

#### **Direct Impact**

*Expenditures:* Additional expenditures likely related to: (1) personnel requirements to implement and enforce requirements outlined in the legislation; and (2) operational expenses to support three noise abatement systems permitted under the legislation.

*Revenue:* Anticipated revenue from citations paid due to program implementation, which unlikely to be sufficient to cover costs of the program implementation.

#### **Indirect Impact**

Potentially favorable.

---

#### **Legislative Summary:**

CB-083-2024 was proposed and presented by Council Members Hawkins and Dernoga was presented on September 17, 2024, and was referred to the Health, Human Services, and Public Safety (HHSPS) Committee. CB-091-2024 was presented by the Chair of the Council by request of the County Executive was also presented on September 17, 2024, and was referred to the Health, Human Services, and Public Safety (HHSPS) Committee. These Bills would establish a two-year pilot program to aid in enforcing noise requirements for motor vehicles.

---

#### **Current Law/Background:**

The Maryland General Assembly enacted HB 0212<sup>3</sup>, which was cross-filed with SB 0155<sup>4</sup>, that established a pilot program (Program) to authorize the use of noise abatement monitoring systems in Montgomery and Prince George's County to enforce certain motor vehicle noise requirements. The legislation enacted by the General Assembly also requires that before a county activate a noise abatement monitoring system that they publish notice of the locations on its website. Any county that authorizes a noise abatement monitoring program is required to report to the Governor and the General Assembly by December 1, 2025<sup>5</sup>.

---

<sup>3</sup> [HB0212 - Vehicle Laws - Noise Abatement Monitoring Systems - Pilot Program](#)

<sup>4</sup> [SB0155 - Vehicle Laws - Noise Abatement Monitoring Systems - Pilot Program](#)

<sup>5</sup> Report would include information on the implementation and costs of the program and revenues collected; etc.

Montgomery County is currently considering Council Bill 14-24<sup>6</sup>, which will establish a pilot program for two years to authorize the use of a noise abatement monitoring system in Prince George's County and has similarities to the introduced Bills. Council Bill 14-24 uses the same meaning as indicated in Chapter 624 of the 2024 Laws of Maryland<sup>7</sup> to define a noise abatement monitoring system (System) as 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 micrographs, a videotape, or other recorded images of a motor vehicle at the time the motor vehicle is operated during the commission of a violation. The penalty for violating the provisions of the Bill amount to a warning notice for a first offense and a civil penalty not exceeding \$75 for a second or subsequent offense.

The County Council is considering CB-091-2024<sup>8</sup>, which has a layout identical the Montgomery County Bill and directly takes definitions for key terms from HB0212 and Chapter 624 of the 2024 Laws of Maryland<sup>9</sup>. Provisions of CB-091-2024 will be added under Subtitle 18 Division 4<sup>10</sup> of the County Code (Police). CB-083-2024<sup>11</sup>, which has similar provisions to the proposed CB-091-2024, also focuses on the establishment of the pilot program to authorize the use of noise abatement monitoring systems within the County. CB-083-2024 does pull some definitions from Chapter 624<sup>12</sup>, but also includes definitions in Sec. 19-126.01 that differ from the State Bill and CB-091-2024. Provisions of CB-083-2024 will be added under Subtitle 19 Division 2A<sup>13</sup> of the County Code (Pollution).

---

#### Resource Personnel:

- Reese Espy-Glassman, Drafter (CB-083-2024)
- Major Anthony Cline, Prince George's County Police Department (CB-091-2024)

---

#### Discussion/Policy Analysis:

Concerning the goals of establishing the Pilot Program, it is important to look at impact that noise pollution can have. The American Public Health Association (APHA) has defined noise pollution as “unwanted and/or harmful outdoor sound created by human activities... to which the public is exposed to involuntarily”<sup>14</sup>. The Environmental Protection Agency (EPA) has studied noise

---

<sup>6</sup> Montgomery County Council - [Bill 14-24 - Vehicle Noise Abatement Monitoring - Pilot Program](#)

<sup>7</sup> [Chapter 624 of the 2024 Laws of Maryland](#)

<sup>8</sup> [Prince George's County Council - CB-091-2024](#)

<sup>9</sup> Same meanings as indicated under Chapter 624 for the following terms: noise abatement monitoring system, noise abatement monitoring system operator, owner, and violation.

<sup>10</sup> Prince George's County Code - [Subtitle 18. Police 4. MISCELLANEOUS POLICE MATTERS](#)

<sup>11</sup> [Prince George's County Council - CB-083-2024](#)

<sup>12</sup> For the following terms: Agency, Noise Abatement Monitoring System

<sup>13</sup> Prince George's County Code - [Subtitle 19. Pollution Division 2. Noise Control](#)

<sup>14</sup> [APHA - Noise as a Public Health Hazard \(2021\)](#)

pollution, which has found links to stress related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity<sup>15</sup>.

*Provisions of CB-083/091-2024:*

Summary:

The proposed Bills would require, at the end of June 30, 2026, that the provisions of the Bills will sunset and have no further force or effect the Department must promulgate and submit proposed regulations to the Council for review. The table below summarizes where the provisions of both Bills are in each Bill:

Provisions	CB-083-2024	CB-091-2024
Definitions	Section 19-126.01 provides definitions for key terms relating to the pilot program and takes definitions from Chapter 624 of 2024 Laws of Maryland.	Sec. 18-123 (a) provides the definitions for key terms relating to the pilot program. Also takes definitions from Chapter 624 of 2024 Laws of Maryland.
Program Requirements	Listed under Section 19-126.03 of the Bill.	Sec. 18-123 (c) to Sec. 18-123 (d)(6)
Enforcement	Detailed under Sec. 19-126.04	Detailed under Sec. 18-123 (e)
Penalties	Civil penalties are listed under Sec. 19-126.05 <sup>16</sup> . Fines may only be used to recover the cost of implementing and administering the noise abatement monitoring systems <sup>17</sup> .	Civil penalties are listed under Sec. 18-123 (f). Any fines collected may only be used to recover the costs of implementing and administering the noise abatement monitoring systems and for public safety purposes, which includes pedestrian safety programs.
Duration	Section 3. No force or effect after June 30 <sup>th</sup> , 2026.	Section 2. No force or effect after June 30 <sup>th</sup> , 2026.
Data Collection & Reporting	Required under State Law to report to the Governor and the General Assembly by December 1, 2025	Required under State Law to report to the Governor and the General Assembly by December 1, 2025

Detail:

Under **CB-083-2024** the terms *Chief, Department, Program or Pilot Program, Program Liaison, Recorded Image* will be defined under Subtitle 19. Section 19-126.01 of the County Code:

- Chief will be defined as:

<sup>15</sup> [Clean Air Act Title IV - Noise Pollution - Health Effects](#)

<sup>16</sup> Any violators of the provisions of the Bill will be subject to a warning for the first offense and for second or subsequent offense a civil penalty of not more than Seventy-Five Dollars (\$75).

<sup>17</sup> A person may not violate the noise limit of five (5) Decibels that falls within any part of the county's jurisdiction.

- The Chief of the Department or the Chief's designee.
- Department will be defined as:
  - The Prince George's County Police Department
- Program or Pilot Program will be defined as
  - The Vehicle Noise Abatement and Monitoring Pilot Program established under this Section.
- Program Liaison will be defined as:
  - The local designee.
- Recorded Image will be defined as:
  - An image recorded by a noise abatement monitoring system on:
    - A photograph
    - Microphotograph
    - Electronic image
    - Videotape; or
    - 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 on, at minimum, one image or portion of a tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

The following terms have the same meaning as indicated under Chapter 624 of the 2024 Laws of Maryland:

- Noise Abatement Monitoring System
- Noise Abatement Monitoring System Operator
- Owner
- Violation

To address potential noise violations by motor vehicles throughout the County the proposed Bill would require, that Section 19-126.03 be added under Subtitle 19. Division 2A of the County Code. This new section will outline the Program requirements, the number of Systems that can be deployed, where noise monitoring systems can be located, steps required before placing a noise abatement monitoring system and the role of the Program Liaison. Section 19-126.04 would be added to list the operation requirements for the noise abatement monitoring system and enforcement mechanisms. Section 19-126.05 would be added to describe civil penalties allowed under the proposed Bill.

Before the activation of a noise abatement monitoring system Section 19-126.03 requires the Department to:

- Publish notice of the location of the noise abatement monitoring system on the County website
- Ensure a noise abatement monitoring system is proximate to a sign that:
  - Indicates a noise abatement monitoring systems are in use in the area and;

- In accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration (“SHA”) under Section 25-104<sup>18</sup> of the Transportation Article of the Maryland Code.

Continuing under Section 19-126.03 the Department must not issue a citation for a recorded violation if it moves or places a noise abatement monitoring system to or at a location where a System had not previously been moved or placed:

- Until signage is installed in accordance; and
- For at least the first fifteen (15) days after the signage is installed.

Under Section 19-126.03 the Program Liaison:

- Must not:
  - Be employed by a noise abatement monitoring system contractor, or
  - Have been involved in the initial review of issuance of the warning notice citation.
- Must:
  - Investigate and respond to questions or concerns about the pilot program;
  - Review a warning notice or citation generated by a noise abatement monitoring system if the person who received the warning notice or citation requests a review before the deadline for contesting liability;
  - Determine if a warning notice or citation is an erroneous violation and void the warning notice or citation;
  - On receipt of a written question or concern from a person, provide a written answer or response to the person within a reasonable time;
  - If a citation is voided or waived, notify the Maryland Vehicle Administration for the purpose of rescinding any administrative penalties imposed by the Maryland Vehicle Administration.

Outlined under Section 19-126.05 of the proposed Bill, any violators of the provisions of the Bill will be subject to a warning for the first offense and for second or subsequent offense a civil penalty of not more than Seventy-Five Dollars (\$75). Section 19-126.05(c) specifies how fines collected by the County are to be used and requires that they be used solely to:

- Recover the costs of implementing and administering the noise abatement monitoring systems.

Under **CB-091-2024** the terms *Chief, Department, and Program or Pilot Program* will be defined under Subtitle 18. Section 18-123 of the County Code:

- Chief will be defined as:
  - The Prince George’s County Police Department Chief of Police or the Chief’s designee.

---

<sup>18</sup> [MD. Transportation Code § 25-104 \(2023\)](#)

- Department will be defined as:
  - The Prince George’s County Police Department
- Program or Pilot Program will be defined as
  - The Vehicle Noise Abatement Monitoring Pilot Program

The following terms have the same meaning as indicated under Chapter 624 of the 2024 Laws of Maryland:

- Agency
- Noise Abatement Monitoring System
- Noise Abatement Monitoring System Operator
- Owner
- Program Liaison
- Recorded Image
- Violation

In an effort to address potential noise violations by motor vehicles throughout the County the proposed Bill would require, that Section 18-123 be added under Subtitle 18, Division 4 of the County Code. This new section will outline the Program requirements, where noise monitoring systems can be located, steps required before placing a noise abatement monitoring system, the role of the Program Liaison, operation requirements for the noise abatement monitoring system, enforcement mechanisms, and civil penalties allowed under the proposed Bill.

Section 18-123(c) will be added to establish that the Department must deploy and utilize three noise abatement monitoring systems within the County to enforce the motor vehicle noise requirements under Section 22-602<sup>19</sup> of the Transportation Article of the Maryland Code. This section would also require the County use the noise abatement monitoring system to only enforce the motor vehicle requirements under Section 22-602. Before the activation of a noise abatement monitoring system this section requires the Department to:

- Publish notice of the location of the noise abatement monitoring system on the County website
- Ensure a noise abatement monitoring system is proximate to a sign that:
  - Indicates a noise abatement monitoring systems are in use in the area and;
  - In accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration (“SHA”) under Section 25-104 of the Transportation Article of the Maryland Code.

Continuing under Section 18-123(c) the Department must not issue a citation for a recorded violation if it moves or places a noise abatement monitoring system to or at a location where a System had not previously been moved or placed:

---

<sup>19</sup> [MD. Transportation Code § 22-602 \(2023\)](#)

- Until signage is installed in accordance with paragraph (2) of this subsection; and
- For at least the first fifteen (15) days after the signage is installed.

Section 18-123(d) will be added to establish a Program Liaison, which will be designated by the Chief, to respond to questions or concerns about the County's Pilot Program and describes their duties under the Bill. The Program Liaison:

- Must not:
  - Be employed by a noise abatement monitoring system contractor, or
  - Have been involved in the initial review of issuance of the warning notice citation.
- Must:
  - Investigate and respond to questions or concerns about the pilot program;
  - Review a warning notice or citation generated by a noise abatement;
  - Determine if a warning notice or citation is an erroneous violation and void the warning notice or citation;
  - On receipt of a written question or concern from a person, provide a written answer or response to the person within a reasonable time;
  - If a citation is voided or waived, notify the Maryland Vehicle Administration for the purpose of rescinding any administrative penalties imposed by the Maryland Vehicle Administration.

Outlined under Section 18-123(f) of the proposed Bill, any violators of the provisions of the Bill will be subject to a warning for the first offense and for second or subsequent offense a civil penalty of not more than Seventy-Five Dollars (\$75). Section 18-123(g) specifies how fines collected by the County are to be used and requires that they be used solely to:

- Recover the costs of implementing and administering the noise abatement monitoring systems and;
- For public safety purposes, including pedestrian safety programs.

---

### **Fiscal Impact:**

- *Direct Impact*

Enactment of CB-083/091-2024 is likely to have an adverse fiscal impact on the County in the form of additional expenditures related to additional staffing and operational requirements associated with implementing and enforcing provisions of the Bill<sup>20</sup>. Additionally, it should be noted that fines collected from the pilot program can be used to offset costs associated with implementing and administering the noise abatement monitoring systems. The fines can also be used to for public safety purposes, which includes pedestrian safety programs.

---

<sup>20</sup> Montgomery County's Office of Management and Budget projected a \$198,800 Fiscal Impact for the pilot program that may be established under Bill 14-24. Under Montgomery County's analysis the citations paid because of the program will be insufficient to sustain the program.



- *Indirect Impact*

Enactment of CB-083/091-2024 could have a potentially favorable impact on the County by reducing the amount of motor vehicles violating noise laws once enforcement measures are expanded if the pilot program is deemed successful.

- *Appropriated in the Current Fiscal Year Budget*

No

---

**Effective Date of Proposed Legislation:**

The Act shall take effect forty-five (45) days after it becomes law.

---

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.