

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

Bill No. CB-083-2024

Chapter No. _____

Proposed and Presented by Council Members Hawkins and Dernoga

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

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. NOISE CONTROL

9 Sections 19-126.01, 19-126.02, 19-126.03,
10 19-126.04, and 19-126.05

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

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

16 SUBTITLE 19. POLLUTION.

17 DIVISION 2A. NOISE CONTROL

18 DIVISION 2A. VEHICLE NOISE ABATEMENT MONITORING SYSTEMS.

19 **Sec. 19-126.01. Definitions.**

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

1 (1) Chief means the Chief of the Department or the Chief’s designee.

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

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

5 (4) Program liaison means the local designee; and

6 (5) Recorded Image means an image recorded by a noise abatement monitoring
7 system on:

8 a. A photograph;

9 b. Microphotograph;

10 c. Electronic image

11 d. Videotape; or

12 e. Any other medium showing the rear of a motor vehicle, the decibel level
13 recorded for the motor vehicle at the time the image was captured;

14 f. and on, at minimum, one image or portion of a tape, a clear and legible
15 identification of the entire registration plate number of the motor vehicle.

16 (6) The following terms have the same meanings as indicated under Chapter 624, 2024

17 Laws of Maryland:

18 a. noise abatement monitoring system; and

19 b. noise abatement monitoring system operator; and

20 c. owner; and

21 d. violation.

22 **Sec. 19-126.02. Prince George’s County Noise Abatement Monitoring Systems Pilot**
23 **Program.**

24 (a) The Prince George’s County Noise Abatement Monitoring Systems Pilot Program
25 (“NAMSPP”) is hereby created to be implemented by the County.

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

27 (a) The County must deploy and utilize three (3) noise abatement monitoring systems
28 within the County to enforce motor vehicle noise requirements.

29 (b) The County may not deploy or utilize a noise abatement monitoring system within the
30 County for any purpose other than to enforce motor vehicle noise requirements of Section 22-
31 612 of the Maryland Annotated Code, Transportation.

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

2 (1) publish notice of the location of the noise abatement monitoring system on
3 the County website; and

4 (2) ensure that each noise abatement monitoring system is proximate to a sign
5 that; and

6 (a) indicates that noise abatement monitoring systems are in use in the
7 area; and

8 (b) is in accordance with the manual and the specifications for a uniform
9 system of traffic control devices adopted by the State Highway Administration.

10 (c) If the Department moves or places a noise abatement monitoring
11 system to or at a location where a noise abatement monitoring system had not previously been
12 moved or placed, the Department must not issue a citation for a violation recorded by that noise
13 abatement monitoring system:

14 (1) until signage is installed in accordance; and

15 (2) for at least the first fifteen (15) calendar days after the signage is
16 installed.

17 **Sec. 19-126.03. Program Liaison Criteria.**

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

19 (1) employed by a noise abatement monitoring system contractor; or

20 (2) have been involved in the initial review or issuance of the warning notice or
21 citation.

22 (b) The program liaison must:

23 (1) investigate and respond to questions or concerns about the pilot program; and

24 (2) review a warning notice or citation generated by a noise abatement monitoring
25 system if the person who received the warning notice or citation requests review before the
26 deadline for contesting liability; and

27 (3) subject to paragraph four (4), if the program liaison determines that the warning
28 notice or citation is an erroneous violation, void the warning notice or citation; and

29 (4) on receipt of a written question or concern from a person, provide a written answer
30 or response to the person within a reasonable time; and

31 (5) if the program liaison voids or waives a citation, notify the Maryland Vehicle

1 Administration for the purpose of rescinding any administrative penalties imposed by the
 2 Maryland Vehicle Administration; and

3 (6) The program liaison must not determine that a warning notice or citation is an
 4 erroneous violation based solely upon the dismissal of the warning notice or citation by a court;
 5 and

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

9 (8) The program liaison may waive a warning notice or citation if the person alleged to
 10 be liable under this Section provides sufficient evidence that the person has made any alterations
 11 to the motor vehicle necessary to avoid future violations.

12 **Sec. 19-126.04. Operations and Enforcement.**

13 **(a) Operation of a monitoring system.** A noise abatement monitoring system must:

14 (1) be operated by a trained and qualified operator; and

15 (2) undergo an annual calibration check by an independent calibration
 16 laboratory.

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

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

20 (1) Issue more than one citation to a person per day for a violation enforced by
 21 noise abatement monitoring system; or

22 (2) Issue a citation applicable to a motor vehicle during the first thirty (30) days
 23 after warning for a first offense applicable to the motor vehicle is mailed to the owner.

24 **(d) District Court procedures.** The Department must administer, and process civil
 25 citations:

26 (1) using a uniform citation form prescribed by the District Court; and

27 (2) in accordance with procedures adopted by the Chief Judge of the District
 28 Court.

29 **(e) County contractors.** If a contractor operates a noise abatement monitoring system or
 30 administers or processes warning notices of citations generated by a noise abatement monitoring
 31 system on behalf of the County, the contractor's fee must not be contingent upon a per-ticket

1 basis concerning the number of warning notices or citations issued or paid.

2 **Sec. 19-126.05. Enforcement.**

3 **(a) Civil penalties.** A person liable for a violation enforced by a noise abatement
4 monitoring system is subject to:

5 (1) A warning notice for a first offense; and

6 (2) A civil penalty not exceeding \$75 fine for a second or subsequent offense.

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

9 (b) The county may not issue a citation applicable to a motor vehicle
10 during the first thirty (30) days after a warning for a first offense applicable to the motor vehicle
11 is mailed under this division; and

12 (c) The fines collected by the County because of noise abatement
13 violations enforced by noise abatement monitoring systems must be used solely:
14 to recover the costs of implementing and administering the noise abatement
15 monitoring systems.

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

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

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

Adopted this ____ day of _____, 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.

* * * * *