



Committee: Joint
Committee Review: At a future date
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #8A
July 30, 2024
Introduction

SUBJECTS

Bill 14-24, Vehicle Noise Abatement Monitoring – Pilot Program

- Lead Sponsors: Council Vice-President Stewart and Councilmember Fani-González
- Co-Sponsors: Councilmembers Glass, Balcombe, Katz, and Luedtke, Council President Friedson, Councilmember Sayles, and Mink

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Bill 14-24 would:

- (1) establish a pilot program to use noise abatement monitoring systems in the County to enforce motor vehicle noise requirements; and
- (2) generally amend the law regarding the regulation, monitoring, and abatement of vehicle noise.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Bill 14-24

Pages 1-2
© 1

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

MEMORANDUM

July 25, 2024

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 14-24, Vehicle Noise Abatement Monitoring – Pilot Program

PURPOSE: Introduction – no Council votes required

Bill 14-24, Vehicle Noise Abatement Monitoring – Pilot Program is scheduled for introduction on July 30, 2024. The Lead Sponsors are Council Vice-President Stewart and Councilmember Fani-González. The Co-Sponsors are Councilmembers Glass, Balcombe, Katz, and Luedtke, Council President Friedson, Councilmember Sayles and Mink. A public hearing on the bill is tentatively scheduled for September 17 at 1:30 p.m.

Bill 14-24 would:

- (1) establish a pilot program to use noise abatement monitoring systems in the County to enforce motor vehicle noise requirements; and
- (2) generally amend the law regarding the regulation, monitoring, and abatement of vehicle noise.

BACKGROUND

In the 2024 state legislative session, the General Assembly enacted legislation (Chapter 624 of the 2024 Laws of Maryland) to enable Montgomery County to implement a pilot vehicle noise abatement pilot program.

BILL SPECIFICS

Consistent with the state enabling legislation, Bill 14-24 would establish a Vehicle Noise Abatement Monitoring Pilot Program under the auspices of the Montgomery County Police Department (MCPD or the Department).

Under the pilot program, MCPD would deploy three noise abatement monitoring systems within the County to enforce motor vehicle noise requirements under Section 22-602 of the Transportation Article of the Maryland Code. The County would not be permitted to deploy or

use the noise abatement systems for any purpose other than enforcement of the motor vehicle noise requirements.

Before activating a noise abatement monitoring system, the Department would be required to: (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 a sign indicating that noise abatement monitoring systems are in use in the area. If a monitoring system is moved, MCPD would be required to install appropriate signage and would not be permitted to issue violations for the first 15 calendar days after the signage is installed.

The Police Chief would be required to designate a program liaison to investigate and respond to concerns, review citations and void or waive them as appropriate, and respond to resident questions.

In accordance with the enabling legislation, a noise abatement monitoring system would have to: (1) be operated by a trained and qualified operator; and (2) undergo an annual calibration check by an independent calibration laboratory.

The bill would be enforced, for a first offense, by a warning notice. A second or subsequent offense would incur a civil penalty not exceeding \$75. Civil citations under the bill would have to be issued using a uniform citation form and in accordance with procedures adopted by the District Court.

The fines collected by the County as a result of violations enforced by noise abatement monitoring systems would be used solely: (1) to recover the costs of implementing and administering the noise abatement monitoring systems; and (2) for public safety purposes, including pedestrian safety programs.

Any County contractor administering the program would be prohibited from being paid contingent upon the number of warning notices or citations issued or paid.

As required by the enabling legislation, the pilot program would sunset at the end of June 30, 2026.

This packet contains:
Bill 14-24

Circle #
1

Bill No. 14-24
Concerning: Vehicle Noise Abatement
Monitoring – Pilot Program
Revised: 7/23/2024 Draft No. 3
Introduced: July 30, 2024
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: June 30, 2026
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council Vice-President Stewart and Councilmember Fani-González
Co-Sponsors: Councilmembers Glass, Balcombe, Katz, and Luedtke and Council President
Friedson, and Councilmembers Sayles and Mink

AN ACT to:

- (1) establish a pilot program to use noise abatement monitoring systems in the County to enforce motor vehicle noise requirements; and
- (2) generally amend the law regarding the regulation, monitoring, and abatement of vehicle noise.

By adding

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Section 31-9E

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 31-9E is added as follows:**

2 **31-9E. Vehicle Noise Abatement Monitoring – Pilot Program.**

3 (a) Definitions. In this Section, the following terms have the meanings
 4 indicated.

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

6 (2) Department means the Montgomery County Police Department.

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

9 (4) Program liaison means the local designee required under Chapter
 10 624 of the 2024 Laws of Maryland.

11 (5) The following terms have the same meanings as indicated under
 12 Chapter 624 of the 2024 Laws of Maryland:

13 (A) noise abatement monitoring system;

14 (B) noise abatement monitoring system operator;

15 (C) owner; and

16 (D) violation.

17 (b) Program established. There is a Vehicle Noise Abatement Monitoring
 18 Pilot Program implemented by the Department pursuant to Chapter 624
 19 of the 2024 Laws of Maryland.

20 (c) Program requirements and location of monitoring systems.

21 (1) The Department must deploy and utilize 3 noise abatement
 22 monitoring systems within the County to enforce motor vehicle
 23 noise requirements under Section 22-602 of the Transportation
 24 Article of the Maryland Code, as amended.

25 (2) The County must not deploy or utilize a noise abatement
 26 monitoring system within the County for any purpose other than

27 to enforce motor vehicle noise requirements under Section 22-
 28 602 of the Transportation Article of the Maryland Code, as
 29 amended.

30 (3) Before activating a noise abatement monitoring system, the
 31 Department must:

32 (A) publish notice of the location of the noise abatement
 33 monitoring system on the County website; and

34 (B) ensure that each noise abatement monitoring system is
 35 proximate to a sign that:

36 (i) indicates that noise abatement monitoring systems
 37 are in use in the area; and

38 (ii) is in accordance with the manual and the
 39 specifications for a uniform system of traffic control
 40 devices adopted by the State Highway
 41 Administration under Section 25-104 of the
 42 Transportation Article of the Maryland Code, as
 43 amended.

44 (4) If the Department moves or places a noise abatement monitoring
 45 system to or at a location where a noise abatement monitoring
 46 system had not previously been moved or placed, the Department
 47 must not issue a citation for a violation recorded by that noise
 48 abatement monitoring system:

49 (A) until signage is installed in accordance with paragraph (2)
 50 of this subsection; and

51 (B) for at least the first 15 calendar days after the signage is
 52 installed.

- 53 (d) Program liaison.
- 54 (1) The Chief must designate a program liaison.
- 55 (2) The program liaison must not:
- 56 (A) be employed by a noise abatement monitoring system
- 57 contractor; or
- 58 (B) have been involved in the initial review or issuance of the
- 59 warning notice or citation.
- 60 (3) The program liaison must:
- 61 (A) investigate and respond to questions or concerns about the
- 62 pilot program;
- 63 (B) review a warning notice or citation generated by a noise
- 64 abatement monitoring system if the person who received
- 65 the warning notice or citation requests review before the
- 66 deadline for contesting liability under Chapter 624 of the
- 67 2024 Laws of Maryland;
- 68 (C) subject to paragraph (4), if the program liaison determines
- 69 that the warning notice or citation is an erroneous
- 70 violation, void the warning notice or citation;
- 71 (D) on receipt of a written question or concern from a person,
- 72 provide a written answer or response to the person within a
- 73 reasonable time; and
- 74 (E) if the program liaison voids or waives a citation, notify the
- 75 Maryland Vehicle Administration for the purpose of
- 76 rescinding any administrative penalties imposed by the
- 77 Maryland Vehicle Administration.

78 (4) The program liaison must not determine that a warning notice or
 79 citation is an erroneous violation based solely upon the dismissal
 80 of the warning notice or citation by a court.

81 (5) If the program liaison determines that a person did not receive
 82 notice of a warning notice or citation due to an administrative
 83 error, the program liaison may resend the warning notice or
 84 citation in accordance with Chapter 624 of the 2024 Laws of
 85 Maryland.

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

90 (e) Operations and enforcement.

91 (1) Operation of a monitoring system. In accordance with Chapter
 92 624 of the 2024 Laws of Maryland, a noise abatement
 93 monitoring system:

94 (A) must be operated by a trained and qualified operator; and

95 (B) must undergo an annual calibration check by an
 96 independent calibration laboratory.

97 (2) Warning notices and citations – contents and mailing. A
 98 warning notice or citation issued under this Section must be
 99 mailed to an owner and must include the information required
 100 under Chapter 624 of the 2024 Laws of Maryland.

101 (3) Number and timing of citations – limitations. The Department
 102 must not:

103 (A) issue more than one citation to a person per day for a
 104 violation enforced by a noise abatement monitoring
 105 system; or

106 (B) issue a citation applicable to a motor vehicle during the
 107 first 30 days after a warning for a first offense applicable
 108 to the motor vehicle is mailed to the owner.

109 (4) District Court procedures. The Department must administer
 110 and process civil citations issued under this Section:

111 (A) using a uniform citation form prescribed by the District
 112 Court; and

113 (B) in accordance with procedures adopted by the Chief
 114 Judge of the District Court.

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

121 (f) Civil penalties. A person liable for a violation enforced by a noise
 122 abatement monitoring system is subject to:

123 (1) for a first offense, a warning notice; and

124 (2) for a second or subsequent offense, a civil penalty not
 125 exceeding \$75.

126 (g) Use of funds. The fines collected by the County as a result of
 127 violations enforced by noise abatement monitoring systems must be
 128 used solely:

- 129 (1) to recover the costs of implementing and administering the
130 noise abatement monitoring systems; and
131 (2) for public safety purposes, including pedestrian safety
132 programs.

133 **Sec. 2. Sunset.** This Act must sunset, and must have no further force or
134 effect, at the end of June 30, 2026.

Approved:

Andrew Friedson, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date