

Bill No. 14-24
Concerning: Vehicle Noise Abatement
Monitoring – Pilot Program
Revised: 10/7/2024 Draft No. 4
Introduced: July 30, 2024
Enacted: October 15, 2024
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, Mink, Albornoz, and Jawando

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 22-602
 28 of the Transportation Article of the Maryland Code, as amended.

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

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

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

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

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

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

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

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

52 (d) Program liaison.

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

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

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

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

88 (e) Operations and enforcement.

89 (1) Operation of a monitoring system. In accordance with Chapter
 90 624 of the 2024 Laws of Maryland, a noise abatement monitoring
 91 system:

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

93 (B) must undergo an annual calibration check by an
 94 independent calibration laboratory.

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

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

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

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

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

109 (A) using a uniform citation form prescribed by the District
 110 Court; and

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

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

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

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

122 (2) for a second or subsequent offense, a civil penalty not exceeding
 123 \$75.

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

126 (1) to recover the costs of implementing and administering the noise
127 abatement monitoring systems; and

128 (2) for public safety purposes, including pedestrian safety programs.

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

131 **Sec. 3. Public Information Act.** The County Council intends that recorded
132 images maintained by the Montgomery County Police Department (MCPD) under
133 Section 31-9E, added under Section 1 of this Act, are exempt from disclosure under
134 the Maryland Public Information Act (PIA), Md. Code Ann., § 4-101 et seq. The
135 MCPD may adopt regulations to ensure the confidentiality of the recorded images
136 under the PIA, including a regulation to define the recorded images as sociological
137 data under PIA § 4-330.

Approved:



October 15, 2024

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