



House of Representatives

General Assembly

File No. 404

February Session, 2022

Substitute House Bill No. 5422

House of Representatives, April 11, 2022

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MOTOR VEHICLE NOISE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective October 1, 2022*) (a) Any municipality that adopts
2 an ordinance pursuant to section 7-148 of the general statutes to regulate
3 the operation and use of external speakers attached to a motor vehicle,
4 as defined in section 14-1 of the general statutes, in order to preserve the
5 public peace and good order and prevent disturbing noises, may (1)
6 prescribe a penalty for a violation of such ordinance in an amount not
7 to exceed one thousand dollars for a first violation, in an amount not to
8 exceed one thousand five hundred dollars for a second violation and in
9 an amount not to exceed two thousand dollars for a third or subsequent
10 violation, and (2) provide for the seizure and forfeiture to the
11 municipality of such external speakers for a violation of such ordinance.

12 (b) No external speaker shall be forfeited under an ordinance adopted
13 pursuant to this section to the extent of the interest of an owner by
14 reason of any act or omission committed by another person if such
15 owner did not know and could not have reasonably known that such

16 external speaker was being used or was intended to be used in violation
17 of a municipal ordinance.

18 (c) Any external speaker ordered forfeited pursuant to such an
19 ordinance shall be sold at a public auction conducted by the
20 municipality. The proceeds of such sale shall be paid to the treasurer of
21 the municipality, who shall deposit such proceeds into the general fund
22 of the municipality.

23 Sec. 2. (NEW) (*Effective October 1, 2022*) (a) In addition to the
24 requirements under subsection (c) of section 14-164c of the general
25 statutes, and any regulations adopted thereunder regarding periodic
26 inspection of air pollution control equipment, exhaust emission
27 standards, air pollution control system integrity standards and purge
28 system standards, each motor vehicle that is subject to such
29 requirements shall undergo periodic inspection of the maximum decibel
30 level produced by such vehicle. Such decibel level inspection shall be
31 conducted at the time a motor vehicle is presented for inspection
32 pursuant to subsection (c) of section 14-164c of the general statutes. The
33 maximum decibel level for a motor vehicle shall not exceed the
34 maximum decibel level permitted pursuant to section 14-80a of the
35 general statutes, as amended by this act, and any regulations adopted
36 thereunder, when the decibel level is measured in accordance with the
37 provisions of subsection (c) of section 14-80a of the general statutes, as
38 amended by this act.

39 (b) Any person whose vehicle has been inspected at an official
40 emissions inspection station shall, if such vehicle is found not to comply
41 with the maximum decibel level permitted for such vehicle, have the
42 vehicle repaired and have the right within sixty consecutive calendar
43 days to return such vehicle to the same official emissions inspection
44 station for one reinspection without charge, provided, where the sixtieth
45 day falls on a Sunday, legal holiday or day on which the Commissioner
46 of Motor Vehicles has established that special circumstances or
47 conditions exist that have caused a reinspection to be impracticable,
48 such person may return such vehicle for reinspection on the next day.

49 The commissioner shall assess a late fee of twenty dollars against the
50 owner of a motor vehicle who has not presented such motor vehicle for
51 an inspection within thirty days following the expiration date of the
52 assigned inspection period, or who has not presented such motor
53 vehicle for a reinspection within sixty days following a test failure, or
54 both. The commissioner may waive such late fee when it is proven to
55 the commissioner's satisfaction that the failure to have the vehicle
56 inspected within thirty days of the assigned inspection period or during
57 the sixty-day reinspection period was due to exigent circumstances. If
58 ownership of the motor vehicle has been transferred, the new owner
59 shall have such motor vehicle inspected within thirty days of the
60 registration of such motor vehicle. After the expiration of such thirty-
61 day period, the commissioner shall require the payment of the late fee
62 specified in this subsection. If the thirtieth day falls on a Sunday, legal
63 holiday or day on which the commissioner has established that special
64 circumstances or conditions exist that have caused an inspection to be
65 impracticable, such vehicle may be inspected on the next day and no late
66 fee shall be assessed.

67 (c) No motor vehicle subject to the inspection requirements of
68 subsection (a) of this section shall be operated upon the highways of this
69 state unless such vehicle has been presented for inspection in
70 accordance with a schedule for inspection and compliance as
71 established by the Commissioner of Motor Vehicles.

72 (d) The Commissioner of Motor Vehicles, with approval of the
73 Secretary of the Office of Policy and Management, shall establish, and
74 from time to time modify, the fee for the biennial inspection and
75 reinspection of the decibel levels of motor vehicles. Such fee shall be
76 paid in a manner prescribed by the commissioner.

77 (e) The Commissioner of Motor Vehicles may adopt regulations, in
78 accordance with the provisions of chapter 54 of the general statutes, to
79 implement the provisions of this section.

80 Sec. 3. Section 14-80a of the general statutes is repealed and the
81 following is substituted in lieu thereof (*Effective October 1, 2022*):

82 (a) No person shall operate a vehicle or combination of vehicles, nor
83 shall the owner of any vehicle allow the vehicle to be operated, at any
84 time or under any condition of grade, surface, speed, load, acceleration,
85 deceleration or weather condition in such a manner as to exceed the
86 decibel levels established under subsection (c) of this section. This
87 subsection applies to the total noise generated by a vehicle and shall not
88 be construed as limiting or precluding the enforcement of any other
89 motor vehicle noise provisions of this title.

90 (b) No person shall sell or offer for sale a new vehicle which produces
91 a maximum decibel level which exceeds the decibel levels established
92 under subsection (c) of this section.

93 (c) The Commissioner of Motor Vehicles shall, with the advice of the
94 Commissioner of Energy and Environmental Protection, adopt
95 regulations in accordance with the provisions of chapter 54 establishing
96 the maximum decibel levels permissible for motor vehicles, which shall
97 not exceed the maximum decibel levels established for motor vehicles
98 by federal law or regulation. The Commissioner of Motor Vehicles shall
99 establish the procedure for checking maximum decibel levels. The
100 decibel level shall be measured fifty feet from the centerline of the
101 vehicle. The Commissioner of Motor Vehicles may provide for
102 measuring at distances closer than fifty feet from the centerline of the
103 vehicle. In such a case, the measuring devices shall be calibrated to
104 provide for measurements equivalent to the noise limit established by
105 this section measured at fifty feet.

106 (d) [Violation] Any person who violates any of the provisions of this
107 section shall [be] have committed an infraction, except that if a violation
108 of subsection (a) of this section is detected by a photo noise monitoring
109 system, as defined in section 4 of this act, such person shall be fined
110 ninety dollars.

111 Sec. 4. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

112 (1) "Photo noise monitoring system" or "monitoring system" means a
113 mobile or fixed vehicle sensor installed to work in conjunction with a

114 noise measuring device, such as a decibel reader, which automatically
115 produces one or more recorded images that indicate the date, time and
116 location of the image of each motor vehicle allegedly operating in
117 violation of subsection (a) of section 14-80a of the general statutes, as
118 amended by this act;

119 (2) "Personally identifiable information" means information created
120 or maintained by the municipality or a contractor of the municipality
121 that identifies or describes an owner of a motor vehicle and includes,
122 but need not be limited to, the owner's address, telephone number,
123 number plate, photograph, bank account information, credit card
124 number, debit card number or the date, time, location or direction of
125 travel on a highway in such municipality;

126 (3) "Motor vehicle", "number plate" and "officer" have the same
127 meanings as provided in section 14-1 of the general statutes; and

128 (4) "Law enforcement unit" has the same meaning as provided in
129 section 7-294a of the general statutes.

130 (b) (1) The Secretary of the Office of Policy and Management, in
131 consultation with the Commissioner of Transportation, shall establish a
132 pilot program to allow municipalities to install, operate and maintain
133 photo noise monitoring systems located in a participating municipality
134 for a period of five years from the date a photo noise monitoring system
135 first becomes operational in such municipality. A municipality
136 participating in the pilot program may enter into an agreement with a
137 contractor for such installation, operation and maintenance.

138 (2) After a photo noise monitoring system is installed and operational
139 but prior to any use of such monitoring system, a participating
140 municipality shall post signs that indicate the use of such monitoring
141 system. A photo noise monitoring system shall, to the extent possible,
142 be installed in a manner to only record images of the number plate of a
143 motor vehicle, and shall not, to the extent possible, record images of the
144 occupants of such motor vehicle or of any other persons or vehicles in
145 the vicinity at the time the images are recorded.

146 (c) Whenever a photo noise monitoring system detects and produces
147 one or more recorded images of the number plate of a motor vehicle
148 allegedly operating in violation of subsection (a) of section 14-80a of the
149 general statutes, as amended by this act, a sworn member of the
150 municipal police department or, in a municipality with a resident state
151 trooper, a sworn member of the Division of State Police within the
152 Department of Emergency Services and Public Protection shall review
153 the recorded images provided by such monitoring system. If, after such
154 review, such member determines that there are reasonable grounds to
155 believe that a violation has occurred, such member may issue a citation
156 for the alleged violation, unless such alleged violation occurred during
157 the first thirty days that such monitoring system became operational, in
158 which case such member shall issue a warning. If such member
159 authorizes the issuance of a citation or warning for the alleged violation,
160 the municipal police department or the Division of State Police shall, not
161 later than thirty days after the alleged violation, mail the citation or
162 warning to the registered owner of the motor vehicle together with a
163 copy of the recorded images. Any person who receives a citation
164 pursuant to this subsection shall follow the procedures set forth in
165 section 51-164n of the general statutes.

166 (d) A recorded image that clearly shows the number plate of a motor
167 vehicle operating in violation of subsection (a) of section 14-80a of the
168 general statutes, as amended by this act, shall be sufficient evidence of
169 the identity of the motor vehicle.

170 (e) A prima facie presumption of accuracy sufficient to support a
171 violation under subsection (a) of section 14-80a of the general statutes,
172 as amended by this act, will be accorded to a photo noise monitoring
173 system installed, operated and maintained pursuant to this section only
174 upon testimony by a municipal employee or contractor involved in the
175 installation, operation or maintenance of such monitoring system that:
176 (1) The employee or contractor has adequate training and experience in
177 the installation, operation and maintenance of such monitoring system;
178 (2) such monitoring system was in proper working condition at the time
179 such monitoring system detected and produced one or more recorded

180 images of the motor vehicle operating in violation of subsection (a) of
181 section 14-80a of the general statutes, as amended by this act; and (3)
182 such monitoring system was expertly tested within a reasonable time
183 prior to and following the date such monitoring system detected and
184 produced one or more recorded images of the motor vehicle operating
185 in violation of subsection (a) of section 14-80a of the general statutes, as
186 amended by this act.

187 (f) All defenses shall be available to any person who is alleged to have
188 committed a violation of subsection (a) of section 14-80a of the general
189 statutes, as amended by this act, including, but not limited to, that (1)
190 the violation took place during a period of time in which the motor
191 vehicle had been reported as being stolen to a law enforcement unit and
192 had not been recovered prior to the time of the violation, (2) the person
193 was convicted of committing a violation specified in subsection (a) of
194 section 14-80a of the general statutes, as amended by this act, for the
195 same incident based upon a separate and distinct citation issued by an
196 officer, or (3) the person was not operating the motor vehicle at the time
197 of the violation.

198 (g) Commencing one year from the date a photo noise monitoring
199 system is operational in a municipality, and every year thereafter, each
200 participating municipality shall submit a report to the Secretary of the
201 Office of Policy and Management. Such report shall include, but need
202 not be limited to: (1) The number of times number plates are recorded
203 by a photo noise monitoring system; (2) the number of times the
204 municipality or a contractor disclosed recorded images or other data
205 produced by a photo noise monitoring system pursuant to a search
206 warrant in a criminal proceeding; (3) the number of times the
207 municipality or contractor disclosed recorded images or other data
208 pursuant to a subpoena in a criminal proceeding; and (4) the number of
209 requests for recorded images or other data received by the municipality
210 or a contractor. The secretary shall compile the reports and shall submit,
211 in accordance with section 11-4a of the general statutes, on an annual
212 basis, a consolidated report and any recommendations regarding the
213 pilot program to the joint standing committee of the General Assembly

214 having cognizance of matters relating to transportation.

215 (h) (1) No personally identifiable information shall be sold or
216 disclosed by the municipality or a contractor to any person or entity
217 except where the disclosure is made (A) in connection with the charging,
218 collection and enforcement of the fines imposed pursuant to subsection
219 (d) of section 14-80a of the general statutes, as amended by this act, (B)
220 pursuant to a judicial order, including a search warrant or subpoena, in
221 a criminal proceeding, or (C) in compliance with federal or state laws or
222 regulations.

223 (2) No personally identifiable information shall be stored or retained
224 by the municipality or a contractor unless such information is necessary
225 for the collection and enforcement of the fines imposed pursuant to
226 subsection (d) of section 14-80a of the general statutes, as amended by
227 this act.

228 (3) The municipality or contractor may disclose aggregate
229 information and other data gathered from photo noise monitoring
230 systems that does not directly or indirectly identify an owner or a motor
231 vehicle for research purposes authorized by the Secretary of the Office
232 of Policy Management or the Commissioner of Transportation.

233 (4) Except as otherwise provided by law or as required by an
234 administrative summons or judicial order, including a search warrant
235 or subpoena, in a criminal proceeding, the municipality or contractor
236 shall destroy personally identifiable information and other data that
237 specifically identifies a motor vehicle and relates to a violation of
238 subsection (a) of section 14-80a of the general statutes, as amended by
239 this act, not later than one year after any fine is imposed or the resolution
240 of a trial conducted for the alleged commission of such violation.

241 (5) Personally identifiable information shall not be deemed a public
242 record for the purposes of the Freedom of Information Act, as defined
243 in section 1-200 of the general statutes.

244 Sec. 5. Subsection (b) of section 14-107 of the general statutes is

245 repealed and the following is substituted in lieu thereof (*Effective October*
246 *1, 2022*):

247 (b) Whenever there occurs a violation of section 10a-79, 10a-92, 10a-
248 139, subsection (a) of section 14-80a, as amended by this act, if detected
249 by a photo noise monitoring system, as defined in section 4 of this act,
250 section 14-218a, 14-219, 14-222, 14-223, 14-224 or 14-253a, or sections 14-
251 275 to 14-281, inclusive, or a violation of an ordinance, bylaw or
252 regulation of any town, city or borough in regard to parking, proof of
253 the registration number of any motor vehicle therein concerned shall be
254 prima facie evidence in any criminal action or in any action based on an
255 infraction that the owner was the operator thereof, except in the case of
256 a leased or rented motor vehicle, such proof shall be prima facie
257 evidence in any criminal action that the lessee was the operator thereof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	New section
Sec. 3	<i>October 1, 2022</i>	14-80a
Sec. 4	<i>October 1, 2022</i>	New section
Sec. 5	<i>October 1, 2022</i>	14-107(b)

Statement of Legislative Commissioners:

In Section 2(b), "produced by" was changed to "permitted for" for accuracy; and in Section 2(b) and (c), "commissioner" was changed to "Commissioner of Motor Vehicles" for accuracy.

TRA *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Motor Vehicle Dept.	TF - Cost	2,000,000 - 2,500,000	None
Resources of the General Fund	GF - Revenue Gain	2,925,000	3,900,000
Resources of the General Fund	GF - Revenue Gain	See Below	See Below
Policy & Mgmt., Off.	GF - Cost	154,000	54,000
State Comptroller - Fringe Benefits ¹	GF - Cost	22,000	22,000

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

The bill makes several changes regarding the regulation of motor vehicle-related noise. It 1) creates a pilot program for municipalities to use photo noise monitors to regulate motor vehicle noise; 2) requires all vehicles that undergo emissions inspections to also undergo noise inspections; and 3) increases penalties for violations of motor vehicle noise regulations.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

Vehicle Noise Inspection Tests

The bill results in a one-time cost to the Department of Motor Vehicles (DMV) of between \$2 million and \$2.5 million to purchase the requisite decibel testing equipment and to modify the department's information technology systems.

The bill also requires DMV to establish and assess two new fees. The first is for the biennial noise inspection. While the bill does not specify what this fee would be, assuming it is set at \$20 (same as emissions fee) and that DMV recovers the same percentage of this fee as it does the emissions fee, it is anticipated to result in a revenue gain of \$1.7 million annually. The second is a \$20 late fee on noise inspections which, if assessed at the same rate as late fees for emissions inspections, would generate an additional \$2.2 million annually. Because the bill does not direct these fees to a particular fund, it is expected the revenue would be credited to the General Fund.

Vehicle Noise Monitoring Pilot Program

It is anticipated that the Office of Policy and Management would need to hire a part-time planning specialist and a consultant in order to administer the bill's pilot program. This results in costs of \$76,000 annually for the planning specialist (\$54,000 for salary and \$22,000 for fringe benefits) and \$100,000 for the consultant. It is anticipated that the consultant would be a one-time cost.

Vehicle-Noise Related Penalties

The bill establishes a \$90 fine for violations of the noise limit, as detected by a photo noise monitoring system. To the extent that violators are fined, the bill results in potential state revenue gain.

The bill also allows municipalities to increase the penalty for a first violation from \$250 to \$1,000 and seize the speakers and sell them at a public auction. To the extent that municipalities choose to implement these provisions, they would experience a revenue gain that would vary based on the number of violations that occur.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5422*****AN ACT CONCERNING MOTOR VEHICLE NOISE.*****SUMMARY**

This bill regulates motor vehicle-related noise in several ways. It authorizes municipalities to impose higher penalties on violators of ordinances regulating the use of external speakers attached to a vehicle. Specifically, it allows municipalities to (1) increase the penalty for a first violation from \$250 to \$1,000 and (2) seize the speakers and sell them at a public auction.

The bill also requires all vehicles subject to emissions inspections to also obtain an inspection of their maximum decibel (dB) level (i.e., noise inspection) at the same time to comply with state law's vehicle noise limits (see BACKGROUND).

Additionally, the bill allows municipalities to participate in a pilot program to use photo noise monitors to detect violations of the state's vehicle noise limits.

It also makes numerous technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

§ 1 — EXTERNAL SPEAKER NOISE

By law, municipalities have general powers to, among other things, preserve the public peace and good order and prevent disturbing noises (CGS § 7-148(c)(7)(H)(viii)). Municipalities may exercise their general powers by adopting regulations and ordinances that may be enforced through penalties of up to \$250 unless the law specifies otherwise (CGS § 7-148(c)(10)(A)).

The bill authorizes municipalities to set comparatively higher

penalties when adopting these general power ordinances to regulate the operation and use of external speakers attached to a motor vehicle. Under the bill, the ordinances may (1) prescribe a penalty of up to \$1,000 for first violations, \$1,500 for second violations, and \$2,000 for third or subsequent violations and (2) provide for the seizure and forfeiture of the speakers to the municipality, with one exception. These forfeited speakers must be sold at a municipal public auction, with sale proceeds paid to its treasurer for deposit into the municipality's general fund.

The bill exempts speakers from forfeiture to the extent an owner, by reason of any act or omission by another person, did not know and could not have reasonably known that the speakers were being used or were intended to be used in violation of an ordinance.

§ 2 — VEHICLE NOISE INSPECTIONS

By law, with certain exceptions (see BACKGROUND), the state's biennial emissions inspection requirements apply to all motor vehicles sold by a dealer in the state or that are or will be registered in the state. The bill requires vehicles subject to emissions inspections to undergo a noise inspection at the same time. The bill caps the maximum decibel level for a motor vehicle at the corresponding noise limit set for it under existing law when it is measured using procedures in existing law (see BACKGROUND). It prohibits a vehicle subject to the noise inspection requirement from being driven in the state without being tested in accordance with the schedule the Department of Motor Vehicles (DMV) commissioner prescribes for it.

The bill's provisions on noise inspections generally parallel those for emissions inspections. It requires any person whose vehicle's noise levels are found noncompliant by an official emissions inspection station to (1) repair the vehicle and (2) receive one free reinspection if the vehicle is returned within 60 consecutive calendar days to the same station.

With the Office of Policy and Management (OPM) secretary's approval, the DMV commissioner must establish and periodically

modify biennial noise inspection and reinspection fees and prescribe how they must be paid. The bill applies the same late fees and reinspection requirements to noise inspections that apply to existing emissions inspections (i.e., \$20 if not tested within 30 days after the assigned inspection period or if not reinspected within 60 days after a test failure). It allows the commissioner to waive the late fee when it is proven to her satisfaction that the failure to have the vehicle inspected or reinspected within the required time periods was due to exigent circumstances.

The bill also allows the DMV commissioner to adopt regulations to carry out the inspection requirements.

§§ 3-5 — PHOTO NOISE MONITORING PILOT PROGRAM

The bill requires the OPM secretary, in consultation with the Department of Transportation (DOT) commissioner, to set up a pilot program to allow municipalities to install, operate, and maintain photo noise monitoring systems within their boundaries, or enter into an agreement with a contractor to do so. The bill authorizes a participating municipality to operate its monitoring system for five years after it first becomes operational.

It defines a “photo noise monitoring system” or “monitoring system” as a mobile or fixed vehicle sensor installed to work in conjunction with a noise measuring device, such as a decibel reader, which automatically produces one or more recorded images that indicate the date, time, and location of the image of each motor vehicle allegedly violating the state’s vehicle noise limits (see BACKGROUND).

The bill subjects a person who violates the noise limit, as detected by a photo noise monitoring system, to a \$90 fine.

Signage and Image Recordings

A participating municipality must post signs indicating the use of a monitoring system after it is installed and operational, but prior to its use. The bill requires these systems, to the extent possible, to be installed in a way that (1) only records images of the vehicle’s license plate and

(2) does not record images of the vehicle's occupants or of any other people or vehicles in the vicinity when the image is recorded.

Image Review and Ticket Issuance

The bill requires a sworn member of the municipal police department, or a sworn member of the State Police in municipalities with resident state troopers, to review the system's recorded images. It authorizes the officer to issue a citation for the alleged violation if the officer determines that there are reasonable grounds to believe that a violation has occurred after reviewing them. However, the bill requires the officer to issue a warning if the violation occurred during the system's first 30 days of operation. The municipal police department or State Police must, within 30 days after the alleged violation, mail the citation or warning to the registered vehicle owner together with a copy of the recorded images. Anyone who receives a citation must follow state law's procedures that generally govern infractions.

Under the bill, a recorded image that clearly shows the license plate of a vehicle violating the state's vehicle noise limits is sufficient evidence of the vehicle's identity. Additionally, proof of the vehicle's registration number is prima facie evidence that the vehicle's owner was driving at the time of the violation, except that for rented or leased motor vehicles, it is proof that the lessee was driving.

Use of Monitoring Systems to Support Conviction

The bill provides a prima facie presumption of accuracy sufficient to support a noise level violation to a monitoring system installed, operated, and maintained under the bill's provisions if a municipal employee or contractor involved in its installation, operation, or maintenance testifies that:

1. he or she has adequate training and experience in installing, operating, and maintaining the monitoring system;
2. the system was in proper working condition when it detected and produced the recorded images of the violating vehicle; and

3. the system was expertly tested within a reasonable time before and after it detected and produced the images.

Available Defenses

The bill requires all defenses to be available to any person who is alleged to have committed a noise level violation, including that the (1) violation occurred while the vehicle had been reported stolen to law enforcement and had not yet been recovered, (2) person was convicted of committing a violation for the same incident based upon a separate and distinct officer-issued citation, or (3) person was not operating the vehicle at the time of the violation.

Annual Reporting

Each participating municipality, beginning one year after its monitoring system becomes operational, must annually submit a report to the OPM secretary, including the number of:

1. times license plates were recorded by its system,
2. times the municipality or contractor disclosed recorded images or other data produced by its system pursuant to a (a) search warrant in a criminal proceeding or (b) subpoena in a criminal proceeding, and
3. requests for recorded images or other data received by the municipality or contractor.

The secretary must compile the reports and annually submit a consolidated report and any recommendations regarding the pilot program to the Transportation Committee.

Image and Data Privacy and Security

Under the bill, “personally identifiable information” is information created or maintained by the municipality or a municipal contractor that identifies or describes a motor vehicle owner, including the owner’s address, telephone number, license plate, photograph, bank account information, credit or debit card number, or the date, time, location, or

direction of travel on a highway in the municipality.

The bill prohibits a municipality or a contractor from selling or disclosing personally identifiable information to any person or entity except where the disclosure is made (1) in connection with the charging, collection, and enforcement of imposed noise limit fines; (2) pursuant to a judicial order, including a search warrant or subpoena, in a criminal proceeding; or (3) in compliance with federal or state laws or regulations. It further prohibits a municipality or a contractor from storing or retaining personally identifiable information unless the information is needed to collect and enforce imposed noise limit fines.

This information is not deemed a public record for purposes of the Freedom of Information Act.

Image Disclosure & Destruction

The bill allows a municipality or contractor to disclose aggregate information and other data gathered from a monitoring system for research purposes authorized by the OPM secretary or DOT commissioner. However, it must not directly or indirectly identify an owner or a motor vehicle.

The bill generally requires the municipality or contractor to destroy personally identifiable information and other data that specifically identifies a motor vehicle and relates to a noise limit violation within one year after a fine is imposed or a trial conducted for the alleged violation is resolved. But this requirement does not apply if retaining the information is otherwise provided by law or required by an administrative summons or judicial order in a criminal proceeding, including a search warrant or subpoena.

BACKGROUND

Vehicles Exempt From Emissions Inspections

State emissions inspection requirements do not apply to the following:

1. vehicles with a gross vehicle weight rating (GVWR) of more than

-
- 10,000 pounds;
 2. electric vehicles, bicycles, or foot scooters;
 3. bicycles with motors attached;
 4. motorcycles;
 5. vehicles with temporary registrations or new vehicles at the time of initial registration;
 6. vehicles manufactured at least 25 years ago or that are four or fewer model years old;
 7. registered vehicles that are not designed primarily for highway use (e.g., snowmobiles and dirt bikes);
 8. farm vehicles;
 9. diesel-powered type II school buses;
 10. vehicles operated by dealers or repairers to and from (a) a purchase or sale location or (b) an emissions testing site; and
 11. vehicles registered as composite vehicles (CGS § 14-164c; Conn. Agencies Regs. § 14-164c-3b).

Noise Limits for Motor Vehicles

State law charges the DMV commissioner with setting motor vehicle noise limits in regulations (CGS § 14-80a). The maximum permissible noise level varies based on the vehicle type; its age, weight, and current speed; and the road service on which it travels. For vehicles manufactured on and after January 1, 1979, it ranges from 72 dB to 92 dB. Table 1 provides the maximum levels for (1) vehicles with a GVWR of less than 10,000 pounds, which includes most passenger motor vehicles, and (2) motorcycles. Other types of vehicles have different limits (Conn. Agencies Regs. § 14-80a-4a).

Table 1: Maximum Noise for Motor Vehicles With a GVWR of Less Than 10,000 Pounds and Motorcycles (Manufactured on and After 01/01/1979)

	<i>Highway Operation</i>				<i>Stationary</i>	
	<i>Soft Site</i>		<i>Hard Site</i>		<i>Soft Site</i>	<i>Hard Site</i>
<i>Highway Speed</i>	<i>35 MPH or Less</i>	<i>Above 35 MPH</i>	<i>35 MPH or Less</i>	<i>Above 35 MPH</i>		
<i>Motor Vehicles With a GVWR of Less Than 10,000 Pounds</i>	72 dB	79 dB	74 dB	81 dB	72 dB	74 dB
<i>Motorcycles</i>	78 dB	82 dB	80 dB	84 dB	78 dB	80 dB

Testing Noise Level

The law authorizes the DMV commissioner to establish a procedure for checking motor vehicle maximum noise levels, by which a vehicle's noise level must be measured (1) 50 feet from the centerline of the vehicle or (2) with a testing device calibrated to measure the sound at an equivalency of 50 feet (CGS § 14-80a). Under DMV regulations, sound level measurements may be made on either a hard or soft test site (Conn. Agencies Regs. § 14-80a-8a). A hard test site is a site with ground cover of concrete, asphalt, packed dirt, gravel, or similarly reflective material. A soft test site is a site covered by grass or similarly absorptive material (Conn. Agencies Regs. § 14-80a-1a).

Related Bill

SB 484, favorably reported by the Finance, Revenue and Bonding Committee, has similar requirements concerning noise level testing of motor vehicles subject to emissions inspections.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 22 Nay 13 (03/24/2022)