



Senate

General Assembly

File No. 552

February Session, 2024

Substitute Senate Bill No. 454

Senate, April 18, 2024

The Committee on Finance, Revenue and Bonding reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES.

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

1 Section 1. (NEW) (*Effective July 1, 2024*) As used in this section and
2 sections 2 to 4, inclusive, of this act:

3 (1) "Photo noise violation monitoring device" means one or more
4 mobile or fixed vehicle sensors that (A) are installed to work in
5 conjunction with one or more noise measuring apparatuses, such as a
6 decibel reader, and (B) automatically produce two or more
7 photographs, two or more microphotographs, a videotape or other
8 recorded images of each motor vehicle allegedly operating in violation
9 of an ordinance adopted under section 2 of this act.

10 (2) "Photo noise violation monitoring device operator" means a
11 person who is trained and certified to operate a photo noise violation
12 monitoring device.

13 (3) "Personally identifiable information" means information created
14 or maintained by the municipality or a vendor that identifies or
15 describes an owner of a motor vehicle and includes, but need not be
16 limited to, the owner's address, telephone number, number plate,
17 photograph, bank account information, credit card number, debit card
18 number or the date, time, location or direction of travel on a highway in
19 such municipality.

20 (4) "Vendor" means a person who (A) provides services to a
21 municipality under section 2 of this act pursuant to an agreement; (B)
22 operates, maintains, leases or licenses a photo noise violation
23 monitoring device; or (C) is authorized to review and assemble the
24 recorded images captured by a photo noise violation monitoring device
25 and forward such recorded images to the municipality.

26 (5) "Motor vehicle", "highway" and "number plate" have the same
27 meanings as provided in section 14-1 of the general statutes.

28 (6) "Law enforcement unit" has the same meaning as provided in
29 section 7-294a of the general statutes.

30 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) Any municipality may, by
31 ordinance, authorize the use of photo noise violation monitoring
32 devices at locations in such municipality. Any such ordinance shall
33 specify the following: (1) That a photo noise violation monitoring device
34 shall be operated by a photo noise violation monitoring device operator;
35 (2) that the owner of a motor vehicle commits a violation of the
36 ordinance if the person operating such motor vehicle on a highway or
37 other location exceeds the maximum decibel level permitted pursuant
38 to section 14-80a of the general statutes and any regulations adopted
39 thereunder; (3) the owner of a motor vehicle identified by a photo noise
40 violation monitoring device as violating the ordinance shall (A) for a
41 first violation, receive a written warning, (B) for a second violation, be
42 fined one hundred dollars, and (C) for a third or subsequent violation,
43 be fined two hundred fifty dollars; (4) payment of a fine and any
44 associated processing fee, not to exceed fifteen dollars, may be made by
45 electronic means; (5) a sworn member of a law enforcement unit or a

46 municipal employee shall review and approve the recorded images
47 before a citation is mailed to the owner of such motor vehicle; and (6)
48 the defenses available to the owner of a motor vehicle allegedly
49 committing a violation of such ordinance, which shall include, but need
50 not be limited to, the defenses listed in subsection (g) of this section. Any
51 municipality that adopts an ordinance under this section shall also
52 adopt a citation hearing procedure pursuant to section 7-152c of the
53 general statutes, as amended by this act. Any funds received by a
54 municipality from fines imposed pursuant to such ordinance may be
55 used to pay the costs associated with the use of photo noise violation
56 monitoring devices in the municipality.

57 (b) The municipality may enter into agreements with vendors for the
58 installation, operation or maintenance, or any combination thereof, of a
59 photo noise violation monitoring device. If a vendor installs, operates or
60 maintains a photo noise violation monitoring device, the vendor's fee
61 shall not be contingent on the number of citations issued or fines paid
62 pursuant to an ordinance adopted under this section.

63 (c) (1) The municipality shall make efforts to randomize the locations
64 of any photo noise violation monitoring devices throughout such
65 municipality.

66 (2) A photo noise violation monitoring device shall, to the extent
67 possible, be installed in a manner to only record images of the number
68 plate of a motor vehicle, and shall not, to the extent possible, record
69 images of the occupants of such motor vehicle or of any other persons
70 or vehicles in the vicinity at the time the images are recorded.

71 (d) A photo noise violation monitoring device operator shall
72 complete training offered by the manufacturer of such device or the
73 manufacturer's representative regarding procedures for operating such
74 device. The manufacturer or manufacturer's representative shall issue a
75 signed certificate to the photo noise violation monitoring device
76 operator upon such operator's completion of the training. Such signed
77 certificate shall be admitted as evidence in any hearing conducted
78 pursuant to section 7-152c of the general statutes, as amended by this

79 act.

80 (e) The municipality shall ensure each photo noise violation
81 monitoring device used by such municipality undergoes an annual
82 calibration check performed at a calibration laboratory. The calibration
83 laboratory shall issue a signed certificate of calibration after the annual
84 calibration check. Such signed certificate of calibration shall be kept on
85 file and admitted as evidence in any hearing conducted pursuant to
86 section 7-152c of the general statutes, as amended by this act.

87 (f) (1) Whenever a photo noise violation monitoring device detects
88 and produces recorded images of a motor vehicle allegedly committing
89 a violation of an ordinance adopted under this section, a sworn member
90 of a law enforcement unit or a municipal employee shall review the
91 recorded images provided by such device. If, after such review, such
92 member or employee determines that there are reasonable grounds to
93 believe that a violation of the ordinance has occurred, such member or
94 employee may issue a citation to the owner of the motor vehicle. The
95 citation shall include the following: (A) The name and address of the
96 owner of the motor vehicle; (B) the number plate of the motor vehicle;
97 (C) the violation charged; (D) the location of the photo noise violation
98 monitoring device and the date and time of the violation; (E) a copy of
99 or information on how to view, through electronic means, the recorded
100 images of the violation; (F) a statement or electronically generated
101 affirmation by the member or employee who reviewed the recorded
102 images and determined that the motor vehicle violated the ordinance;
103 (G) verification that the photo noise violation monitoring device was
104 operating correctly at the time of the alleged violation and the date of
105 the most recent calibration check performed pursuant to subsection (e)
106 of this section; (H) the amount of the fine imposed and how to pay such
107 fine; and (I) the right to contest the violation and request a hearing
108 pursuant to section 7-152c of the general statutes, as amended by this
109 act.

110 (2) (A) In the case of an alleged violation involving a motor vehicle
111 registered in the state, the citation shall be mailed to the address of the

112 owner that is in the records of the Department of Motor Vehicles not
113 later than thirty days after the identity of the owner is ascertained,
114 provided a citation shall be invalid unless mailed to the owner not later
115 than sixty days after the date of the alleged violation. (B) In the case of
116 an alleged violation involving a motor vehicle registered in another
117 jurisdiction, the citation shall be mailed to the address of the owner that
118 is in the records of the official in the other jurisdiction issuing such
119 registration not later than thirty days after the identity of the owner is
120 ascertained, provided a citation shall be invalid unless mailed to the
121 owner not later than sixty days after the date of the alleged violation.

122 (3) The citation shall be sent by first class mail. A manual or
123 automated record of mailing prepared by the municipality shall be
124 prima facie evidence of mailing and shall be admissible in any hearing
125 conducted pursuant to section 7-152c of the general statutes, as
126 amended by this act, as to the facts contained in the citation.

127 (g) The following defenses shall be available to the owner of a motor
128 vehicle who is alleged to have committed a violation of such ordinance
129 adopted under this section: (1) The operator was driving an emergency
130 vehicle, as defined in section 14-283 of the general statutes, and making
131 use of an audible warning signal device, including, but not limited to, a
132 siren, whistle or bell which meets the requirements of subsection (f) of
133 section 14-80 of the general statutes; (2) the violation took place during
134 a period of time in which the motor vehicle had been reported as being
135 stolen to a law enforcement unit and had not been recovered prior to the
136 time of the violation; (3) the photo noise violation monitoring device
137 was not in compliance with the calibration check required pursuant to
138 subsection (e) of this section; (4) the violation took place because the
139 muffler in the motor vehicle was not in good working condition and the
140 owner of the motor vehicle presents proof at a hearing conducted
141 pursuant to section 7-152c of the general statutes, as amended by this
142 act, that such muffler was replaced or repaired not later than fourteen
143 days from the date of the violation; or (5) the owner of the motor vehicle
144 presents proof at a hearing conducted pursuant to section 7-152c of the
145 general statutes, as amended by this act, that the owner submitted the

146 motor vehicle for inspection at a facility designated by the Department
147 of Motor Vehicles and such vehicle was found to be in compliance with
148 the maximum decibel level permitted pursuant to section 14-80a of the
149 general statutes and any regulations adopted thereunder.

150 Sec. 3. (NEW) (*Effective July 1, 2024*) (a) No personally identifiable
151 information shall be disclosed by the municipality or a vendor to any
152 person or entity, including any law enforcement unit, except where the
153 disclosure is made in connection with the charging, collection and
154 enforcement of the fines imposed pursuant to an ordinance adopted
155 under section 2 of this act.

156 (b) No personally identifiable information shall be stored or retained
157 by the municipality or a vendor unless such information is necessary for
158 the charging, collection and enforcement of the fines imposed pursuant
159 to an ordinance adopted under section 2 of this act.

160 (c) Any information and other data gathered from a photo noise
161 violation monitoring device shall be subject to disclosure under the
162 Freedom of Information Act, as defined in section 1-200 of the general
163 statutes, except no personally identifiable information may be disclosed.

164 Sec. 4. (NEW) (*Effective July 1, 2024*) Commencing one year from the
165 date a photo noise violation monitoring device is operational in a
166 municipality, and every year thereafter until a photo noise violation
167 monitoring device is no longer operational in the municipality, the
168 municipality shall submit a report, in accordance with the provisions of
169 section 11-4a of the general statutes, to the joint standing committee of
170 the General Assembly having cognizance of matters relating to finance,
171 revenue and bonding. Such report shall include, but need not be limited
172 to: (1) The total number of violations recorded by each photo noise
173 violation monitoring device on a daily, weekly and monthly basis; (2)
174 the total number of warnings and citations issued for violations
175 recorded by each such device; (3) the number of hearings requested
176 pursuant to section 7-152c, as amended by this act, and the results of any
177 such hearings; (4) the amount of revenue from the fines and associated
178 processing fees retained by the municipality; and (5) the cost to the

179 municipality to use such devices.

180 Sec. 5. Subsection (c) of section 7-152c of the 2024 supplement to the
181 general statutes is repealed and the following is substituted in lieu
182 thereof (*Effective July 1, 2024*):

183 (c) Any such municipality, at any time within twelve months from
184 the expiration of the final period for the uncontested payment of fines,
185 penalties, costs or fees for any citation issued under any ordinance
186 adopted pursuant to section 7-148, 14-307c, [or] 22a-226d or section 2 of
187 this act, for an alleged violation thereof, shall send notice to the person
188 cited. Such notice shall inform the person cited: (1) Of the allegations
189 against such person and the amount of the fines, penalties, costs or fees
190 due; (2) that such person may contest such person's liability before a
191 citation hearing officer by delivering in person or by mail written notice
192 within ten days of the date thereof; (3) that if such person does not
193 demand such a hearing, an assessment and judgment shall be entered
194 against such person; and (4) that such judgment may issue without
195 further notice. For purposes of this section, notice shall be presumed to
196 have been properly sent if such notice was mailed to such person's last-
197 known address on file with the tax collector. If the person to whom such
198 notice is issued is a registrant, the municipality may deliver such notice
199 in accordance with section 7-148ii, provided nothing in this section shall
200 preclude a municipality from providing notice in another manner
201 permitted by applicable law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	New section
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>July 1, 2024</i>	New section
Sec. 4	<i>July 1, 2024</i>	New section
Sec. 5	<i>July 1, 2024</i>	7-152c(c)

Statement of Legislative Commissioners:

In Section 1(1), subparagraph designators were added for clarity; in Section 1(3), "contractor of the municipality" was changed to "vendor"

for consistency; in Section 1(4)(A), "pursuant to an agreement" was added for clarity; in Section 1(5), "highway" was added for clarity; in Section 2(a)(2), "on a highway or other location" was added for clarity; Section 2(f)(2) was rewritten for clarity and consistency; and in Section 4, "device" was added for consistency and "pursuant to section 7-152c, as amended by this act," was added for clarity.

FIN *Joint Favorable Subst.*

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 25 \$	FY 26 \$
Department of Motor Vehicles	TF - Potential Cost	See Below	See Below

Note: TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
All Municipalities	Potential Cost	See Below	See Below
All Municipalities	Potential Revenue Gain	See Below	See Below

Explanation

The bill results in (1) a potential cost to the Department of Motor Vehicles (DMV) and municipalities and (2) a potential revenue gain to municipalities beginning in FY 25 associated with the use of noise violation monitoring devices described below.

The bill allows municipalities to establish an ordinance to authorize the use of noise cameras to determine violations for exceeding the state-established vehicle noise limits and requires that violations of the ordinance result in fines for second and subsequent violations. This results in a potential cost and potential revenue gain to municipalities beginning in FY 25.

Any fiscal impact to municipalities is dependent on if they establish this ordinance. There is a potential cost to municipalities associated with

the purchase and use of noise cameras or for entering into an agreement with a vendor that provides noise camera services. There is also a potential cost to municipalities for (1) a hearing procedure that is required for citations issued and (2) sending citations by first class mail as required in the bill.

There is also a potential revenue gain associated with a \$100 fine for a second violation, a \$250 fine for subsequent violations, and a \$15 processing fee. The bill allows municipalities to use any revenue from these fines to pay for costs associated with the use of noise cameras. This may partially offset any cost to municipalities.

The bill makes presenting proof of passing a noise inspection at a DMV designated facility an available defense to alleged violations. It results in a potential cost to DMV to the extent it increases the number of required noise level inspections. The potential cost depends on the magnitude of the increase and operational decisions to be made by DMV if increased capacity is required. If the increase is minimal then no additional costs are expected.

Currently, these tests are conducted on a limited basis at a single location (less than 50 per year conducted at the Wethersfield branch). DMV is also undertaking a pilot program to establish noise level tests at five emissions stations across the state, which is expected to be completed by October 2024. The results of this pilot will inform operational decisions and potential costs for additional noise inspections, as may be necessitated by the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines and noise inspections.

OLR Bill Analysis**sSB 454*****AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES.*****SUMMARY**

This bill allows municipalities to authorize the use of noise cameras (which the bill calls “photo noise violation monitoring devices”). To do so, a municipality must adopt an ordinance that establishes a municipal violation for exceeding state-established vehicle noise limits (see BACKGROUND), authorizes using cameras to enforce the ordinance, and meets the bill’s other specified requirements.

Under the bill, a “photo noise violation monitoring device” is one or more mobile or fixed sensors that (1) are installed to work together with noise measuring equipment (e.g., a decibel reader) and (2) automatically produce video, two or more photos or microphotos, or other recorded images of a vehicle that is violating an ordinance adopted under the bill.

Municipalities operating noise cameras under the bill must issue a written warning for a first violation, a \$100 fine for a second violation, and a \$250 fine for subsequent violations. They must also adhere to the bill’s provisions on camera operation, image review and citation issuance, hearings and available defenses, privacy, and data retention.

The bill allows municipalities to enter into agreements with vendors to install, operate, and maintain noise cameras, but the vendor’s fee may not depend on the number of citations issued or fines paid. A “vendor” is someone who (1) provides camera-related services under an agreement with the municipality; (2) operates, maintains, leases, or licenses noise cameras; or (3) reviews and assembles images the cameras record and forwards them to the municipality. The bill specifies

municipalities may use revenue from noise camera ordinance fines to pay for their costs to use the cameras.

Lastly, the bill requires municipalities operating noise cameras to annually report certain information to the Finance, Revenue and Bonding Committee.

EFFECTIVE DATE: July 1, 2024

ORDINANCE REQUIREMENTS AND OTHER CONDITIONS

Before operating noise cameras, the bill requires municipalities to adopt (1) an ordinance authorizing their use and making it a municipal violation for vehicles to exceed the noise limit and (2) a citation hearing procedure meeting requirements in existing law. Specifically, the ordinance must:

1. require noise cameras to be operated by a person trained and certified to do so (i.e., a “photo noise violation monitoring device operator”);
2. specify that a motor vehicle’s owner violates the ordinance if the vehicle exceeds the noise limit;
3. subject vehicle owners to a written warning for a first violation, \$100 fine for a second violation, and \$250 fine for each subsequent violation;
4. allow for electronic payment of fines and any processing fees (which are capped at \$15);
5. require a sworn member of law enforcement or a municipal employee to review and approve the images before a citation is mailed to a vehicle owner; and
6. specify the defenses available to the vehicle owner, which must at least include those outlined in the bill (see below).

The bill also requires municipalities operating noise cameras to

randomize the devices' locations throughout the municipality.

Citation Hearing Procedure

Existing law allows municipalities to establish, by ordinance, a hearing procedure for citations they issue and to authorize the Superior Court to enforce fines and judgements imposed through the citation hearing procedure. The bill requires municipalities issuing citations under a noise camera ordinance to also have this hearing procedure, and subjects these citations to the same requirements as other citations heard under this procedure.

Among other things, the law generally requires (1) the municipal chief executive officer to appoint citation hearing officers, (2) municipalities to inform the person to whom a citation was issued about his or her right to contest the citation at a hearing, (3) the issuing police officer or official to attend the hearing if the violator requests it, and (4) the hearing officer to conduct the hearing in the manner and with methods of proof he or she deems fair and appropriate. The law also allows people found liable for a penalty through the citation hearing procedure to appeal to the Superior Court.

CAMERA CALIBRATION AND OPERATOR TRAINING

The bill requires noise camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the camera's operation. The manufacturer or its representative must issue the operator a signed certificate of completion, which must be admitted as evidence in any municipal citation hearing.

The bill also requires municipalities to make sure that cameras they use have an annual calibration check performed at a calibration laboratory. After the check, the laboratory must issue a signed certificate of calibration, which must be kept on file and admitted as evidence in any municipal citation hearing.

IMAGE REVIEW AND TICKET ISSUANCE

Under the bill, when a noise camera detects and produces images of

a vehicle allegedly violating the ordinance adopted under the bill, a sworn member of law enforcement or a municipal employee must review the images. If this official determines there are reasonable grounds to believe a violation of the ordinance occurred, he or she may issue a citation to the vehicle owner.

The citation must include the following:

1. the motor vehicle owner's name and address,
2. the vehicle's license plate,
3. the violation charged,
4. the camera location and the date and time of the violation,
5. a copy of the recorded images or information on how to view them electronically,
6. a statement or electronically generated affirmation by the official who reviewed the images and determined that the vehicle violated the ordinance,
7. the date of the most recent calibration check and verification that the camera was operating correctly during the alleged violation,
8. the fine amount and how to pay it, and
9. the right to contest the violation and request a hearing.

The bill requires citations to be sent by first class mail (1) within 30 days after determining the vehicle owner's identity and (2) to the address on file with the Department of Motor Vehicles (DMV) or, for vehicles registered out-of-state, the issuing jurisdiction. However, the act makes citations invalid if they are mailed more than 60 days after an alleged violation. Manual or automatic mailing records prepared by the municipality's police department are prima facie evidence of mailing and are admissible in any municipal hearing as to facts the citation

contains.

AVAILABLE DEFENSES

The bill makes the following defenses available to vehicle owners alleged to have violated an ordinance adopted under the bill:

1. the driver was operating an emergency vehicle and using a permissible audible warning signal (e.g., siren);
2. the violation happened when the vehicle had been reported as stolen and had not yet been recovered;
3. the camera did not have a calibration check as the act requires;
4. the violation happened because the muffler was not working properly, and the owner presents proof at a hearing that the muffler was replaced or repaired within 14 days after the violation; and
5. the vehicle owner presents proof at a hearing that the vehicle was inspected at a DMV-designated facility and found in compliance with the noise limits.

PRIVACY AND DATA RETENTION

Under the bill, cameras must be installed, to the extent possible, so that they only record license plates' images and do not capture images of vehicle occupants or anyone else in the vicinity.

The bill generally prohibits municipalities and vendors from storing or retaining personally identifiable information or from disclosing it to any person or entity, including any law enforcement unit. But they may do so if the storage, retention, or disclosure is done to charge, collect, and enforce fines imposed under an ordinance.

The act also specifies that any information and other data the camera gathers is subject to disclosure under the Freedom of Information Act, except for personally identifiable information.

Under the bill, “personally identifiable information” is information a municipality or vendor creates or maintains that identifies or describes a vehicle owner and includes the owner’s address; phone number; license plate; photo; bank account information; credit card or debit card number; and the date, time, location, or direction of travel on a highway.

ANNUAL REPORT

The bill requires municipalities operating noise cameras to annually report the following information to the Finance, Revenue and Bonding Committee, beginning one year after a noise camera starts operating in a municipality and until it is no longer operational:

1. the total number of violations detected by each camera on a daily, weekly, and monthly basis;
2. the total number of warnings and citations issued for violations recorded by the devices;
3. the number of hearings requested and their results;
4. the amount of fines and processing fees the municipality retained; and
5. the municipality’s costs for the cameras.

BACKGROUND

Noise Limits for Motor Vehicles

Existing law prohibits drivers from driving a vehicle that exceeds established noise limits and vehicle owners from allowing their vehicles to be driven when they exceed the limit (CGS § 14-80a).

DMV sets state noise limits in regulations. Currently, the maximum permissible noise level varies based on the vehicle type; its age, weight, and current speed; and the road surface on which it travels. For vehicles manufactured on or after January 1, 1979, it ranges from 72 dB to 92 dB. The table below shows the maximum levels for (1) vehicles with a gross vehicle weight rating (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).

Existing law requires DMV to update the limits to reflect industry standards and technological advancements and submit them to the Regulations Review Committee by October 1, 2024.

Table: Maximum Noise for Motor Vehicles With a GVWR of Less Than 10,000 Pounds and Motorcycles (Manufactured 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 (A)	79 dB (A)	74 dB (A)	81 dB (A)	72 dB (A)	74 dB (A)
<i>Motorcycles</i>	78 dB (A)	82 dB (A)	80 dB (A)	84 dB (A)	78 dB (A)	80 dB (A)

COMMITTEE ACTION

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 39 Nay 12 (04/03/2024)