



General Assembly

February Session, 2022

Raised Bill No. 5422

LCO No. 3037



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

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 produced by 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 a day on which the commissioner
46 has established that special circumstances or conditions exist that have
47 caused a reinspection to be impracticable, such person may return such
48 vehicle for reinspection on the next day. The commissioner shall assess
49 a late fee of twenty dollars against the owner of a motor vehicle who has

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

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

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

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

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

81 (a) No person shall operate a vehicle or combination of vehicles, nor

82 shall the owner of any vehicle allow the vehicle to be operated, at any
83 time or under any condition of grade, surface, speed, load, acceleration,
84 deceleration or weather condition in such a manner as to exceed the
85 decibel levels established under subsection (c) of this section. This
86 subsection applies to the total noise generated by a vehicle and shall not
87 be construed as limiting or precluding the enforcement of any other
88 motor vehicle noise provisions of this title.

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

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

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

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

111 (1) "Photo noise monitoring system" or "monitoring system" means a
112 mobile or fixed vehicle sensor installed to work in conjunction with a
113 noise measuring device, such as a decibel reader, which automatically

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

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

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

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

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

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

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

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

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

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

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

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

213 having cognizance of matters relating to transportation.

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

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

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

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

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

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

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

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

To (1) permit the municipal regulation of the operation and use of external speakers on motor vehicles, (2) require decibel level testing for motor vehicles, and (3) establish a pilot program to use photo noise monitoring systems.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]