AN ACT CONCERNING MOTOR VEHICLE NOISE.

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

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

(b) No external speaker shall be forfeited under an ordinance adopted pursuant to this section to the extent of the interest of an owner by reason of any act or omission committed by another person if such owner did not know and could not have reasonably known that such external speaker was being used or was intended to be used in violation of a municipal ordinance.

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

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

(b) Any person whose vehicle has been inspected at an official emissions inspection station shall, if such vehicle is found not to comply with the maximum decibel level permitted for such vehicle, have the vehicle repaired and have the right within sixty consecutive calendar days to return such vehicle to the same official emissions inspection station for one reinspection without charge, provided, where the sixtieth day falls on a Sunday, legal holiday or day on which the Commissioner of Motor Vehicles has established that special circumstances or conditions exist that have caused a reinspection to be impracticable, such person may return such vehicle for reinspection on the next day. The commissioner shall assess a late fee of twenty dollars against the owner of a motor vehicle who has not presented such motor vehicle for an inspection within thirty days following the expiration date of the assigned inspection period, or who has not presented such motor vehicle for a reinspection within sixty days following a test failure, or both. The commissioner may waive such late fee when it is proven to
the commissioner's satisfaction that the failure to have the vehicle
inspected within thirty days of the assigned inspection period or during
the sixty-day reinspection period was due to exigent circumstances. If
ownership of the motor vehicle has been transferred, the new owner
shall have such motor vehicle inspected within thirty days of the
registration of such motor vehicle. After the expiration of such thirty-
day period, the commissioner shall require the payment of the late fee
specified in this subsection. If the thirtieth day falls on a Sunday, legal
holiday or day on which the commissioner has established that special
circumstances or conditions exist that have caused an inspection to be
impracticable, such vehicle may be inspected on the next day and no late
fee shall be assessed.

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

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

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

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

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

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

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

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

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

(1) "Photo noise monitoring system" or "monitoring system" means 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 operating in violation of subsection (a) of section 14-80a of the general statutes, as amended by this act;
(2) "Personally identifiable information" means information created or maintained by the municipality or a contractor of the municipality that identifies or describes an owner of a motor vehicle and includes, but need not be limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a highway in such municipality;

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

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

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

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

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

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

(e) A prima facie presumption of accuracy sufficient to support a
violation under subsection (a) of section 14-80a of the general statutes,
as amended by this act, will be accorded to a photo noise monitoring
system installed, operated and maintained pursuant to this section only
upon testimony by a municipal employee or contractor involved in the
installation, operation or maintenance of such monitoring system that:
(1) The employee or contractor has adequate training and experience in
the installation, operation and maintenance of such monitoring system;
(2) such monitoring system was in proper working condition at the time
such monitoring system detected and produced one or more recorded
images of the motor vehicle operating in violation of subsection (a) of
section 14-80a of the general statutes, as amended by this act; and (3)
such monitoring system was expertly tested within a reasonable time
prior to and following the date such monitoring system detected and
produced one or more recorded images of the motor vehicle operating
in violation of subsection (a) of section 14-80a of the general statutes, as amended by this act.

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

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

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

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

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

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

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

Sec. 5. Subsection (b) of section 14-107 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

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

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<thead>
<tr>
<th>Section</th>
<th>Effective Date</th>
<th>New Section</th>
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<tbody>
<tr>
<td>Sec. 1</td>
<td>October 1, 2022</td>
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<tr>
<td>Sec. 2</td>
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<td>Sec. 4</td>
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<td>New section</td>
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<td>Sec. 5</td>
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<td>14-107(b)</td>
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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