

Finance, Revenue and Bonding Committee

JOINT FAVORABLE REPORT

Bill No.: Senate Bill 454

Title: AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES.

Vote Date: 04/03/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/28/2024

File No.: 552

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SPONSORS OF BILL:

The Finance, Revenue and Bonding Committee; Senator John W. Fonfara, 1st District;
Representative Bobby G. Gibson, 15th District

Co-sponsors:

Representative Joseph P. Gresko, 121st District
Representative James Sanchez, 6th District
Representative Gary A. Turco, 27th District
Representative David Michel, 146th District
Senator Norman Needleman, 33rd District
Representative Geraldo C. Reyes, 75th District
Representative Tom Delnicki, 14th District
Representative Josh Elliott, 88th District

REASONS FOR BILL:

This legislation allows a municipality to use photo noise violation monitoring devices to enforce vehicle noise limits and establishes thirty percent sales and use taxes for motor vehicle mufflers, instruments or devices that exceed the maximum allowable decibel level.

SUBSTITUTE LANGUAGE:

New language allows the owner of the motor vehicle to present proof at a hearing that the owner submitted the motor vehicle for inspection at a facility designated by the Department of Motor Vehicles, and such vehicle was found to be compliant with the maximum decibel level permitted.

The substitute language also strikes sections six through eight in their entirety, which established thirty percent sales and use taxes for motor vehicle mufflers, instruments, or devices that exceed the maximum allowable decibel level.

RESPONSE FROM ADMINISTRATION/AGENCY:

None expressed.

NATURE AND SOURCES OF SUPPORT:

[Betsy Gara, Executive Director, Connecticut Council of Small Towns](#) delineates that some small towns are increasingly hearing from residents regarding concerns with the noise levels generated from cars that have been modified in some way. The noise levels disrupt sleep, study time, family time and other facets of daily life; undermining the quality of life in areas frequented by these cars. The photo noise violation monitoring devices would provide municipalities with an opportunity to crack down on these vehicles and send a signal that excessive noise levels will not be tolerated.

[Laurie Julian](#) states that there is a surge of vehicle “takeovers” statewide on our communities’ street. She notes that with the proliferation and increased use of aftermarket mufflers installed to vehicles to amplify noise, our residential streets sound like motor speedways and monster truck shows, and violate state laws and local vehicular noise ordinances. The bill provides municipal police departments with the tools and technology to combat the proliferation of these violative loud mufflers, thereby lessening the need for traffic stops. This technology will not only save labor costs and valuable limited police resources, but prevent dangerous encounters by pullovers. It has come to the point of becoming a quality-of-life issue for Connecticut’s citizens by the disturbing conduct on the part of lawless drivers who continue to harass the public.

[Rose Noble](#) submits testimony in support of the bill, and suggests a different penalty for a noise violation.

NATURE AND SOURCES OF OPPOSITION:

[Donna Balsley](#) is philosophically opposed to this proposal as noise and all sound is protected by the first amendment. She asserts that sound is a form of a speech, and the legislature cannot take that away from the citizens who elect them.

[Jana Bramble](#) submits testimony in opposition to the bill, and suggests a different approach to this issue.

[Lyle Carter](#) submits testimony in opposition to the bill.

[Matthew Lutton](#) understands the desire to address noise pollution, but cautions that the bill's implementation will ultimately harm law-abiding car enthusiasts and do little to solve the issue. Noise cameras are a new and unproven technology with significant drawbacks. They struggle to differentiate between a single noisy vehicle and a combination of sounds in a busy environment. Imagine you're driving a car with a perfectly legal exhaust system, but a nearby motorcycle lets out a loud roar. A noise camera might capture your car and wrongly issue a citation. Furthermore, current noise camera technology may be unable to pinpoint the exact noise source, especially in complex traffic situations like intersections. This could lead to multiple vehicles being ticketed because the camera can't distinguish the true culprit. Finally,

the widespread use of traffic enforcement cameras raises privacy issues. We need clear regulations to ensure this technology doesn't infringe on our rights.

He continues that the proposed sales and use tax on aftermarket mufflers is problematic because no current standard measures a muffler's impact on a vehicle's noise level at the point of sale. This makes it impossible for retailers to know if a muffler would trigger the tax. As a result, the burden would fall on responsible drivers who want to modify their cars. The tax would likely lead to increased costs and a smaller selection of aftermarket consumer mufflers.

[Christian Robinson, Senior Director of State Government Affairs and Grassroots, Specialty Equipment Market Association](#) notes that Connecticut has a thriving specialty automotive aftermarket industry. This industry significantly contributes to the state's economy, generating \$3.79 billion in economic impact. This translates to supporting 13,323 jobs, \$1.26 billion in total wages and benefits, and \$195 million in state and local taxes paid.

Economically, consumers seeking aftermarket mufflers may have a smaller selection due to the potential tax burden on retailers. The proposed tax would likely lead to higher muffler prices, limiting consumer choice and potentially hindering safety upgrades for older vehicles.

He outlines a few challenges in determining decibel levels at point of sale. First, there is no current industry standard for measuring a muffler's impact on a vehicle's decibel level at the point of sale. This would require specialized equipment and a controlled environment, which is not feasible for most retailers. Further, the effect of a muffler on noise levels can vary depending on the specific vehicle make, model, and year. A muffler compliant on one car may not be compliant on another. Thus, a proposed tax on mufflers exceeding a decibel level is difficult to enforce at the point of sale due to the challenges in determining compliance. The burden of ensuring compliance would fall on retailers, requiring additional training and potentially delaying sales.

Most importantly, until the technology is proven reliable, Connecticut should only consider a penalty-free pilot to compile the data necessary to move forward.

Reported by: Jean Holloway

Date: April 11, 2024