



General Assembly

Amendment

February Session, 2024

LCO No. 5424



Offered by:
SEN. FONFARA, 1st Dist.

To: Subst. Senate Bill No. 454

File No. 552

Cal. No. 326

"AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

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

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

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

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

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

32 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) Any municipality may, by
33 ordinance, authorize the use of photo noise violation monitoring
34 devices at locations in such municipality. Any such ordinance shall
35 specify the following: (1) That a photo noise violation monitoring device
36 shall be operated by a photo noise violation monitoring device operator;
37 (2) that the owner of a motor vehicle commits a violation of the
38 ordinance if the person operating such motor vehicle on a highway or
39 other location causes such motor vehicle to emit a sound of eighty
40 decibels or more and such sound is not caused by a horn described in
41 subsection (e) of section 14-80 of the general statutes; (3) the owner of a
42 motor vehicle identified by a photo noise violation monitoring device as
43 violating the ordinance shall (A) for a first violation, receive a written
44 warning, (B) for a second violation, be fined one hundred dollars, and
45 (C) for a third or subsequent violation, be fined two hundred fifty
46 dollars; (4) payment of a fine and any associated processing fee, not to

47 exceed fifteen dollars, may be made by electronic means; (5) a sworn
48 member of a law enforcement unit or a municipal employee shall review
49 and approve the recorded images before a citation is mailed to the
50 owner of such motor vehicle; and (6) the defenses available to the owner
51 of a motor vehicle allegedly committing a violation of such ordinance,
52 which shall include, but need not be limited to, the defenses listed in
53 subsection (g) of this section. Any municipality that adopts an ordinance
54 under this section shall also adopt a citation hearing procedure pursuant
55 to section 7-152c of the general statutes, as amended by this act. Any
56 funds received by a municipality from fines imposed pursuant to such
57 ordinance may be used to pay the costs associated with the use of photo
58 noise violation monitoring devices in the municipality.

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

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

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

73 (d) A photo noise violation monitoring device operator shall
74 complete training offered by the manufacturer of such device or the
75 manufacturer's representative regarding procedures for operating such
76 device. The manufacturer or manufacturer's representative shall issue a
77 signed certificate to the photo noise violation monitoring device
78 operator upon such operator's completion of the training. Such signed

79 certificate shall be admitted as evidence in any hearing conducted
80 pursuant to section 7-152c of the general statutes, as amended by this
81 act.

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

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

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

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

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

146 presents proof at a hearing conducted pursuant to section 7-152c of the
147 general statutes, as amended by this act, that the owner submitted the
148 motor vehicle for inspection at a facility designated by the Department
149 of Motor Vehicles and such vehicle was found to not emit a sound of
150 eighty decibels or more when in operation.

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

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

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

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

178 such hearings; (4) the amount of revenue from the fines and associated
179 processing fees retained by the municipality; and (5) the cost to the
180 municipality to use such devices.

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

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

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