
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)