



General Assembly

Substitute Bill No. 5422

February Session, 2022



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 permitted for 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 day on which the Commissioner
46 of Motor Vehicles has established that special circumstances or
47 conditions exist that have caused a reinspection to be impracticable,
48 such person may return such vehicle for reinspection on the next day.
49 The commissioner shall assess a late fee of twenty dollars against the
50 owner of a motor vehicle who has not presented such motor vehicle for
51 an inspection within thirty days following the expiration date of the
52 assigned inspection period, or who has not presented such motor

53 vehicle for a reinspection within sixty days following a test failure, or
54 both. The commissioner may waive such late fee when it is proven to
55 the commissioner's satisfaction that the failure to have the vehicle
56 inspected within thirty days of the assigned inspection period or during
57 the sixty-day reinspection period was due to exigent circumstances. If
58 ownership of the motor vehicle has been transferred, the new owner
59 shall have such motor vehicle inspected within thirty days of the
60 registration of such motor vehicle. After the expiration of such thirty-
61 day period, the commissioner shall require the payment of the late fee
62 specified in this subsection. If the thirtieth day falls on a Sunday, legal
63 holiday or day on which the commissioner has established that special
64 circumstances or conditions exist that have caused an inspection to be
65 impracticable, such vehicle may be inspected on the next day and no late
66 fee shall be assessed.

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

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

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

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

82 (a) No person shall operate a vehicle or combination of vehicles, nor
83 shall the owner of any vehicle allow the vehicle to be operated, at any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

212 basis, a consolidated report and any recommendations regarding the
213 pilot program to the joint standing committee of the General Assembly
214 having cognizance of matters relating to transportation.

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

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

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

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

241 (5) Personally identifiable information shall not be deemed a public
242 record for the purposes of the Freedom of Information Act, as defined

243 in section 1-200 of the general statutes.

244 Sec. 5. Subsection (b) of section 14-107 of the general statutes is
245 repealed and the following is substituted in lieu thereof (*Effective October*
246 *1, 2022*):

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

In Section 2(a), "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