

HOUSE BILL 1152

R1, L2

51r2687

By: ~~Delegates B. Barnes, Beidle, Carey, Chang, Frush, S. Howard, McConkey, McMillan, Pena Melnyk, Saab, Simonaire, and Sophocleus~~ Anne Arundel County Delegation

Introduced and read first time: February 20, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Environment and Transportation, March 24, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 4, 2015

CHAPTER _____

AN ACT concerning

Anne Arundel County – Solicitation ~~and Collection~~ of Money or Donations From Occupants of Vehicles – ~~Adoption of a~~ Prohibitions and Permit Program

FOR the purpose of ~~authorizing the Anne Arundel County Council or the governing body of a municipal corporation in Anne Arundel County to enact a permit program to allow individuals who are at least a certain age and representatives of a certain organization who are at least a certain age to solicit money or donations from the occupant of a vehicle by standing in a roadway, a median divider, or an intersection; requiring an applicant for a permit to submit proof of a certain safety plan; providing that a permit be effective only for a certain time period; providing that an individual or a certain organization may obtain only a certain number of permits per calendar year; defining a certain term~~ altering a prohibition, in Anne Arundel County, on a person standing in a certain highway to solicit money or donations to prohibit a person from standing, or causing, encouraging, allowing, or petitioning another to stand, in a roadway, a median divider, or an intersection to solicit money or donations from the occupant of a vehicle, subject to a certain exception; authorizing the governing body of the county or of a municipal corporation in the county to enact a certain permit program to allow individuals who are at least a certain age and representatives of certain organizations who are at least a certain age to solicit money or donations from the occupant of a vehicle by standing in a roadway, a median divider, or an intersection in the county or municipal corporation; requiring an applicant for a certain permit to submit proof of a certain plan that includes a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



requirement that a certain individual has received traffic safety training; providing that a certain permit be effective only for a certain period of time; providing that an individual or a certain organization may obtain only a certain number of a certain permit per calendar year; and generally relating to the solicitation and collection of money or donations from occupants of vehicles in Anne Arundel County.

BY repealing ~~and reenacting, with amendments,~~
 Article – Transportation
 Section 21–507(e)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY renumbering
Article – Transportation
Section 21–507(g) through (j), respectively
to be Section 21–507(f) through (i), respectively
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Transportation

21–507.

~~(e) (1) This subsection applies to Anne Arundel County.~~

~~(2) IN THIS SUBSECTION, “QUALIFIED ORGANIZATION” MEANS A FIRE COMPANY OR BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS’, OR CHARITABLE ORGANIZATION.~~

~~(3) (i) [A] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A person may not stand in a highway to:~~

~~1. Solicit money or donations of any kind from the occupant of a vehicle; or~~

~~2. Advertise any message.~~

~~(ii) “Highway” includes:~~

~~1. Rights of way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and~~

~~2. Any other property acquired for the construction, operation, or use of the highway.~~

~~(4) (i) THE ANNE ARUNDEL COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY, BY APPROPRIATE RESOLUTION OR ORDINANCE, ENACT A PERMIT PROGRAM TO ALLOW INDIVIDUALS WHO ARE AT LEAST 18 YEARS OLD AND REPRESENTATIVES OF QUALIFIED ORGANIZATIONS WHO ARE AT LEAST 18 YEARS OLD TO SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A VEHICLE BY STANDING IN A ROADWAY, A MEDIAN DIVIDER, OR AN INTERSECTION IN THE COUNTY OR MUNICIPAL CORPORATION.~~

~~(ii) IF THE ANNE ARUNDEL COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY ENACTS A RESOLUTION OR AN ORDINANCE ESTABLISHING A PERMIT PROGRAM AUTHORIZED BY THIS PARAGRAPH, THE RESOLUTION OR ORDINANCE SHALL:~~

~~1. REQUIRE AN APPLICANT FOR A PERMIT TO SUBMIT PROOF THAT THE INDIVIDUAL OR QUALIFIED ORGANIZATION HAS A PLAN FOR SAFELY SOLICITING MONEY OR DONATIONS FROM THE PROPOSED LOCATION;~~

~~2. PROVIDE THAT A PERMIT IS EFFECTIVE FOR A PERIOD NOT TO EXCEED 7 CALENDAR DAYS; AND~~

~~3. ALLOW AN INDIVIDUAL OR A QUALIFIED ORGANIZATION TO OBTAIN ONLY ONE PERMIT IN ANNE ARUNDEL COUNTY OR THE MUNICIPAL CORPORATION PER CALENDAR YEAR.~~

[(f)] (E) (1) This subsection applies only to Allegany County, ANNE ARUNDEL COUNTY, and Cecil County.

(2) In this subsection, “qualified organization” means a fire company or bona fide religious, fraternal, civic, war veterans’, or charitable organization.

(3) Except as provided in paragraph (4) of this subsection, a person may not:

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(i) Stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle; [or]

(ii) Cause, encourage, allow, or petition another to stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle; OR

(III) IN ANNE ARUNDEL COUNTY, STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO ADVERTISE ANY MESSAGE.

(4) (i) The governing body of a county or the governing body of a municipal corporation in a county may, by appropriate resolution or ordinance, enact a permit program to allow individuals who are at least 18 years old and representatives of qualified organizations who are at least 18 years old to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection in the county or municipal corporation.

(ii) If the governing body of a county or of a municipal corporation in the county enacts a resolution or ordinance establishing a permit program authorized by this paragraph, the resolution or ordinance shall:

1. A. Require an applicant for a permit to submit proof that the individual or qualified organization has a plan for safely soliciting money or donations from the proposed location; AND

B. IN ANNE ARUNDEL COUNTY, REQUIRE THE PLAN FOR SAFELY SOLICITING MONEY OR DONATIONS TO INCLUDE A REQUIREMENT THAT EACH INDIVIDUAL WHO WILL SOLICIT MONEY OR DONATIONS HAS RECEIVED TRAFFIC SAFETY TRAINING;

2. Provide that a permit is effective for:

A. A period of 1 calendar day in Cecil County; [or]

B. A period not to exceed 5 calendar days in Allegany County;

OR

C. A PERIOD NOT TO EXCEED 7 CALENDAR DAYS IN ANNE ARUNDEL COUNTY; and

3. Allow an individual or a qualified organization to obtain only one permit in the county or municipal corporation per calendar year.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 21–507(g) through (j), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 21–507(f) through (i), respectively.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.