

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 273

(Delegate B. Barnes)

Environment and Transportation

Judicial Proceedings

Anne Arundel County - Solicitation of Money or Donations From Occupants of
Vehicles - Prohibitions and Permit Program

This bill generally authorizes the Anne Arundel County Council or the governing body of a municipality in Anne Arundel County to enact a permit program that allows an individual or a representative of a “qualified organization” (in either case, the individual or representative must be at least age 18) to stand in a roadway, a median divider, or an intersection to solicit money or donations from the occupant of a vehicle. A “qualified organization” means a fire company or bona fide religious, fraternal, civic, war veterans’, or charitable organization. The bill also modifies a related prohibition; unless authorized through such a permit program, a person in Anne Arundel County may not stand in a roadway, a median divider, or an intersection to advertise any message. **The bill terminates September 30, 2022.**

Fiscal Summary

State Effect: None.

Local Effect: Local revenues and expenditures in Anne Arundel County may increase from the second quarter of FY 2020 through the first quarter of FY 2023 to the extent a permit program is established in the county or any municipality within the county.

Small Business Effect: Minimal.

Analysis

Bill Summary: Any resolution or ordinance establishing a permit program in Anne Arundel County must (1) require an applicant to submit proof that he or she has a plan to safely solicit money or donations from the proposed location; (2) require the plan to include

a requirement that each individual who will solicit money or donations has received traffic safety training; (3) limit the duration of a permit to no more than seven days; and (4) allow an individual or a qualified organization to obtain only one permit in Anne Arundel County or the municipality per calendar year.

Current Law: Except for the occupant of a disabled vehicle who seeks the aid of another vehicle, a person may not stand in a roadway to solicit a ride, employment, or business from an occupant of any vehicle. Furthermore, a person is prohibited from standing on or near a highway to solicit any other person to watch or guard any vehicle while it is parked or about to be parked on the highway. Roadside solicitation in several jurisdictions in Maryland is regulated through additional requirements as summarized below.

- In Anne Arundel County, a person may not stand in a *highway* to solicit money or donations of any kind from the occupant of a vehicle or advertise any message.
- In Howard County, a person may not stand in a State highway or the highway right-of-way to solicit money or donations of any kind from the occupant of a vehicle.
- In Carroll, Charles, Harford, Prince George's, and Washington counties, a person may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle. This ban also applies to children younger than age 18 in Montgomery County, where a child may not solicit or collect money or donations of any kind.
- In Allegany and Cecil counties, the county commissioners or a municipality is authorized to adopt a permit program for roadside solicitation. A person is prohibited from standing in a roadway, median divider, or intersection to solicit donations from occupants of motor vehicles (without a valid permit) and from causing, encouraging, allowing, or petitioning others to do so. An individual or a representative of a qualified organization who is at least age 18 may obtain a permit from the county commissioners or a municipality, upon submitting proof of a plan to safely solicit donations. Only one permit per individual or organization can be issued in a calendar year, and statute limits the duration of the permits.
- In Frederick County, the county or a municipality is authorized to enact a permit program allowing a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle. If the county or municipality enacts an ordinance establishing a permit program, the ordinance must require a person seeking a permit to file an application containing the following information: (1) the date, time, and location of the solicitation; (2) the manner and

conditions under which the solicitation is to occur; and (3) the name, address, and telephone number of a contact person of the employing or sponsoring person, agency, or entity on whose behalf the solicitation is to be made, who will be able to provide additional information to the county, municipality, or the designee of the county or municipality. The county or municipality must approve the application within five days after the application is filed and may impose conditions on the solicitation.

- In Baltimore and Montgomery counties, the county council is authorized to enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle if the permit program meets specified conditions.

Local Fiscal Effect: Local revenues and expenditures in Anne Arundel County may increase from the second quarter of fiscal 2020 through the first quarter of fiscal 2023 to the extent a permit program is established in the county or any municipality within the county; however, the amount of any increase depends on the number of permits issued and any fees charged for such permits. Any expenditure increases can likely be covered by any fee revenue obtained.

Additional Information

Prior Introductions: HB 102 of 2016, a similar bill, passed the House with amendments and received an unfavorable report from the Senate Judicial Proceedings Committee. HB 1152 of 2015, a similar bill, passed the House with amendments and was referred to the Senate Rules Committee, but no further action was taken.

Cross File: None.

Information Source(s): Anne Arundel County; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2019
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