

HOUSE BILL 653
EMERGENCY BILL

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1998 Regular Session
8lr0465

By: **Prince George's County Delegation**

Introduced and read first time: February 9, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Peddlers and Transient Vendors - State Highways**
3 **PG 415-98**

4 FOR the purpose of prohibiting a holder of a peddler license from acting as a peddler
5 on a State highway located in Prince George's County; prohibiting a transient
6 vendor from conducting business on a State highway located in Prince George's
7 County; defining a certain term; making this Act an emergency measure; and
8 generally relating to peddlers and transient vendors conducting business on
9 State highways in Prince George's County.

10 BY repealing and reenacting, without amendments,
11 Article - Business Regulation
12 Section 17-901(b) and 17-20A-01
13 Annotated Code of Maryland
14 (1992 Volume and 1997 Supplement)

15 BY adding to
16 Article - Business Regulation
17 Section 17-923 and 17-924 to be under the new part "Part IV. Same - Prince
18 George's County"; and 17-20A-07
19 Annotated Code of Maryland
20 (1992 Volume and 1997 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Transportation
23 Section 8-101(i) and (q)
24 Annotated Code of Maryland
25 (1993 Replacement Volume and 1997 Supplement)

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

1

Article - Business Regulation

2 17-901.

3 (b) "Peddler" includes a hawker, a huckster, and a mobile vendor.

4

PART IV. SAME - PRINCE GEORGE'S COUNTY.

5 17-923.

6 THIS PART IV OF THIS SUBTITLE APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

7 17-924.

8 (A) IN THIS SECTION, "STATE HIGHWAY" HAS THE MEANING STATED IN §
9 8-101(Q) OF THE TRANSPORTATION ARTICLE.10 (B) A HOLDER OF A PEDDLER LICENSE MAY NOT ACT AS A PEDDLER ON A
11 STATE HIGHWAY LOCATED IN PRINCE GEORGE'S COUNTY.

12 17-20A-01.

13 In this subtitle:

14 (1) "transient vendor" means a person who makes sales subject to the
15 sales and use tax in the State from a motor vehicle or from a roadside or temporary
16 location, excluding sales from a location that the vendor owns; and

17 (2) "transient vendor" does not include:

18 (i) a person whose only activities in the State are the delivery of
19 goods in interstate commerce into the State from outside the State pursuant to orders
20 that were solicited or placed by mail or other means;21 (ii) a person who hand crafts items for sale at special events,
22 including fairs, carnivals, art and craft shows, and other festivals and celebrations in
23 the State;

24 (iii) an exhibitor, within the meaning of § 17-1801(d) of this title; or

25 (iv) an individual who sells by catalogue, sample, or brochure for
26 future delivery and who makes sales to the owner or legal occupant of the premises
27 pursuant to the invitation of the owner or legal occupant of the premises.

28 17-20A-07.

29 (A) THE PROVISIONS OF THIS SECTION APPLY ONLY IN PRINCE GEORGE'S
30 COUNTY.31 (B) IN THIS SECTION, "STATE HIGHWAY" HAS THE MEANING PROVIDED IN §
32 8-101(Q) OF THE TRANSPORTATION ARTICLE.

1 (C) A TRANSIENT VENDOR MAY NOT CONDUCT BUSINESS ON A STATE
2 HIGHWAY LOCATED IN PRINCE GEORGE'S COUNTY.

3 **Article - Transportation**

4 8-101.

5 (i) "Highway" includes:

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

13 (2) Any other property acquired for the construction, operation, or use of
14 the highway.

15 (q) "State highway" means any public highway owned by this State.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health and safety,
18 has been passed by a ye and nay vote supported by three-fifths of all the members
19 elected to each of the two Houses of the General Assembly, and shall take effect from
20 the date it is enacted.