

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 187

(Anne Arundel County Delegation)

Environmental Matters

Judicial Proceedings

Anne Arundel County - Highways - Solicitation of Money or Donations from
Occupants of Vehicles - County Licensing Program Authorized

This bill authorizes the Anne Arundel County Council to enact a licensing program for individuals and groups who wish to solicit money on county roads or intersections. It also directs the Anne Arundel County Police Department to report to the Anne Arundel County Delegation to the General Assembly on the effectiveness of its enforcement of roadway solicitation from vehicle occupants by December 1 following the first year of the program's implementation.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: None. The bill pertains exclusively to local government activities.

Local Effect: Potential minimal increase in local government expenditures and revenue for Anne Arundel County only.

Small Business Effect: Small nonprofit organizations who wish to solicit donations in Anne Arundel County will be affected to the extent they may have to pay a fee.

Analysis

Bill Summary: The bill allows the county to create, by ordinance, a program to license certain nonprofit organizations (fire companies, religious, fraternal, civic, charitable, or veterans) and individuals 18 years or older to solicit money on county roads, median

dividers, and intersections. Organization representatives must also be at least 18 years old.

The county can charge a fee of up to \$100 for the license or license renewal but may exempt an individual who is unable to pay. For national or state groups with local or county chapters that apply for a license, the county may impose one fee against the national or statewide organization to cover all county or local chapters. Anyone who does not seek a license may not solicit money or donations on roadways, medians, or intersections.

Nothing in the bill should be construed as prohibiting individuals or organizations from roadway solicitation if the county council does not enact an ordinance to create a licensing program.

Current Law: Except for the occupant of a disabled vehicle who seeks the aid of another vehicle, a person is prohibited from standing in a roadway to solicit a ride, employment, or business from an occupant of a vehicle. In Charles, Harford, 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.

In Prince George's County, a child under 15 years old is prohibited from standing in a roadway, median divider, or intersection to solicit money or donations of any kind nor can adults encourage them to do so.

Violators are subject to a fine of up to \$500 if convicted of soliciting under these provisions. However, the prepaid penalty established by the District Court for payment of a fine without appearing in court for these violations is \$55.

Background: State laws governing solicitation on highways vary. Louisiana prohibits the "intentional act of soliciting, begging, panhandling, or otherwise requesting anything of value" on an interstate highway and imposes a fine of up to \$200 or imprisonment for up to six months or both for violations.

Certain states authorize roadway solicitation with the permission of the local jurisdiction or for certain nonprofit organizations who solicit funds for charitable causes. Idaho law, passed in 2001, authorizes local governments to issue permits for up to one year for organizations such as the Professional Firefighters "Fill the Boot" benefit for the Muscular Dystrophy Association. Oregon enacted a law in 1999 that bars solicitation on or near a highway but exempts fire service professionals if they prove they have adequate liability insurance and a plan for safe solicitation. A permit from the state transportation department is required.

Local Fiscal Effect: The Department of Legislative Services advises that there are approximately 1,000 charitable, religious, or educational organizations in Anne Arundel County that qualify for tax exemption under Section 501 (c) 3 of the federal tax code and an additional 346 nonprofits. Of these groups, 265 are currently registered with the Secretary of State for soliciting donations (as required by law). If all of these organizations paid the full \$100 fee authorized by the bill, revenues would increase by \$26,500. However, only a small portion of charities are expected to seek a license to solicit on roadways.

Anne Arundel County anticipates that the bill will have operational impacts such as additional calls to the county police. It did not specify additional expenditures that would be required; however, some administrative costs may be incurred.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Secretary of State, Maryland Association of Nonprofit Organizations, Maryland Department of Transportation, Department of Legislative Services

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