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By: **Cecil County Senators**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2                   **Cecil County - Solicitation of Money or Donations from Occupants of**  
3                   **Vehicles - Prohibitions and Exceptions**

4 FOR the purpose of prohibiting, in Cecil County, a person from standing, or causing,  
5 encouraging, allowing, or petitioning another to stand, in a roadway, median  
6 divider, or intersection to solicit money or donations from the occupant of a  
7 vehicle, subject to a certain exception; authorizing the County Commissioners of  
8 Cecil County or the governing body of a municipal corporation in Cecil County to  
9 enact a certain permit program to allow individuals who are at least a certain  
10 age and representatives of certain organizations who are at least a certain age to  
11 solicit money or donations from the occupant of a vehicle by standing in a  
12 roadway, median divider, or intersection; requiring an applicant for a certain  
13 permit to submit proof of adequate liability insurance and a certain safety plan;  
14 providing that a permit issued under this Act only be effective for a certain time  
15 period; providing that an individual or a certain organization may only obtain a  
16 certain number of a certain permit per calendar year; defining certain terms;  
17 and generally relating to the solicitation of money from occupants of vehicles in  
18 Cecil County.

19 BY repealing and reenacting, with amendments,  
20 Article - Transportation  
21 Section 21-507  
22 Annotated Code of Maryland  
23 (2002 Replacement Volume and 2004 Supplement)

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

26                   **Article - Transportation**

27 21-507.

28 (a) Except for the occupant of a disabled vehicle who seeks the aid of another  
29 vehicle, a person may not stand in a roadway to solicit a ride, employment, or  
30 business from the occupant of any vehicle.

1 (b) A person may not stand on or near a highway to solicit any other person to  
2 watch or guard any vehicle while it is parked or about to be parked on a highway.

3 (c) In Charles County, Frederick County, Harford County, and Washington  
4 County, a person may not stand in a roadway, median divider, or intersection to solicit  
5 money or donations of any kind from the occupant of a vehicle.

6 (d) (1) In Prince George's County:

7 (i) A child under the age of 15 years may not stand in a roadway,  
8 median divider, or intersection to solicit money or donations of any kind from the  
9 occupant of a vehicle; and

10 (ii) An adult may not cause, encourage, allow, or petition a child  
11 under the age of 15 years to stand in a roadway, median divider, or intersection to  
12 solicit money or donations of any kind from the occupant of a vehicle.

13 (2) A child under the age of 15 years may not be found guilty or  
14 adjudicated delinquent for a violation of paragraph (1)(i) of this subsection if an adult  
15 caused, encouraged, allowed, or petitioned the child in violation of paragraph (1)(ii) of  
16 this subsection.

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

18 (2) In this subsection, "qualified organization" means a fire company or a  
19 bona fide religious, fraternal, civic, war veterans', or charitable organization.

20 (3) The Anne Arundel County Council may, by ordinance, enact a  
21 licensing program for individuals who are 18 years old or older and qualified  
22 organizations that wish to solicit money or donations from the occupant of a vehicle  
23 by standing in a roadway, median divider, or intersection.

24 (4) The restriction on the age of individuals who may be licensed under  
25 the authority granted to the Anne Arundel County Council under paragraph (3) of  
26 this subsection applies to individuals who participate in the solicitation of donations  
27 as members or on behalf of the qualified organization.

28 (5) If the county council enacts an ordinance establishing a licensing  
29 program authorized by paragraph (3) of this subsection, the ordinance:

30 (i) May impose on an applicant that is an individual or a qualified  
31 organization a fee for the license, subject to item (ii) of this paragraph, in an amount  
32 not to exceed the county's cost to administer the program;

33 (ii) May not impose a fee exceeding \$100 per year for each applicant  
34 for a license or a renewal of a license;

35 (iii) Shall include provisions for the duration and renewal of the  
36 license;

1 (iv) May require that an applicant or licensee provide notice to the  
2 county as to the dates on which the solicitation will occur; and

3 (v) May provide for:

4 1. An exemption from the fee for an individual who is unable  
5 to pay the fee; and

6 2. Procedures for an individual to comply with in order to  
7 demonstrate the individual's inability to pay the fee.

8 (6) An ordinance that imposes a fee under paragraph (5) of this  
9 subsection on an applicant that is a qualified organization organized on a national or  
10 statewide basis and having more than one county or local chapter in the State shall  
11 impose one fee to be paid by the national or statewide organization to cover all of the  
12 county or local chapters in the State.

13 (7) (i) If the county council enacts an ordinance establishing a  
14 licensing program authorized by paragraph (3) of this subsection, an individual or  
15 organization that decides not to seek to become licensed under the program may not  
16 stand in a roadway, median divider, or intersection in Anne Arundel County to solicit  
17 money or donations of any kind from the occupant of a vehicle.

18 (ii) If the county council does not choose to enact an ordinance to  
19 establish a licensing program as authorized by paragraph (3) of this subsection, the  
20 provisions of this subsection may not be construed to prohibit an individual or  
21 qualified organization from standing in a roadway, median divider, or intersection in  
22 the county to solicit money or donations from the occupant of a vehicle.

23 (8) If the county council enacts an ordinance establishing a licensing  
24 program authorized by paragraph (3) of this subsection, then on or before December 1  
25 of the calendar year that occurs after the anniversary of the first 12 months of the  
26 implementation of the licensing program, the Anne Arundel County Police  
27 Department shall report in writing to the Anne Arundel County Delegation to the  
28 General Assembly on the effectiveness of the county police department's enforcement  
29 of the provisions of this subsection with respect to individuals and organizations to  
30 solicit money or donations on roadways, median dividers, or intersections in the  
31 county from the occupants of vehicles.

32 (F) (1) THIS SUBSECTION APPLIES ONLY TO CECIL COUNTY.

33 (2) IN THIS SUBSECTION, "QUALIFIED ORGANIZATION" MEANS A FIRE  
34 COMPANY OR BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS', OR  
35 CHARITABLE ORGANIZATION.

36 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IN  
37 CECIL COUNTY A PERSON MAY NOT:

1 (I) STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO  
2 SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE;  
3 OR

4 (II) CAUSE, ENCOURAGE, ALLOW, OR PETITION ANOTHER TO STAND  
5 IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR  
6 DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE.

7 (4) (I) THE COUNTY COMMISSIONERS OF CECIL COUNTY OR THE  
8 GOVERNING BODY OF A MUNICIPAL CORPORATION IN CECIL COUNTY MAY, BY  
9 APPROPRIATE RESOLUTION OR ORDINANCE, ENACT A PERMIT PROGRAM TO ALLOW  
10 INDIVIDUALS WHO ARE AT LEAST 18 YEARS OLD AND REPRESENTATIVES OF  
11 QUALIFIED ORGANIZATIONS WHO ARE AT LEAST 18 YEARS OLD TO SOLICIT MONEY  
12 OR DONATIONS FROM THE OCCUPANT OF A VEHICLE BY STANDING IN A ROADWAY,  
13 MEDIAN DIVIDER, OR INTERSECTION.

14 (II) IF THE COUNTY COMMISSIONERS OR THE GOVERNING BODY OF  
15 A MUNICIPAL CORPORATION IN THE COUNTY ENACT A RESOLUTION OR ORDINANCE  
16 ESTABLISHING A PERMIT PROGRAM AUTHORIZED BY THIS PARAGRAPH, THE  
17 RESOLUTION OR ORDINANCE SHALL:

18 1. REQUIRE AN APPLICANT FOR A PERMIT TO SUBMIT PROOF  
19 THAT THE INDIVIDUAL OR QUALIFIED ORGANIZATION HAS ADEQUATE LIABILITY  
20 INSURANCE;

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

24 3. PROVIDE THAT A PERMIT IS EFFECTIVE FOR A PERIOD OF  
25 1 CALENDAR DAY; AND

26 4. ALLOW AN INDIVIDUAL OR A QUALIFIED ORGANIZATION  
27 TO OBTAIN ONLY ONE PERMIT PER CALENDAR YEAR.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2005.