

**Department of Legislative Services
Maryland General Assembly
2006 Session**

**FISCAL AND POLICY NOTE
Revised**

House Bill 793

(Montgomery County Delegation)

Environmental Matters

Judicial Proceedings

**Montgomery County and Anne Arundel County - Highways - Prohibition on Use
for Solicitation MC 606-06**

This bill prohibits, in Montgomery County, a person under 18 from standing in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle. In Montgomery County, the ban must be enforced by warnings. In addition, the bill authorizes the Anne Arundel County Council to prohibit a person under 18 from that activity as well.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines received in District Court from offenses occurring in Anne Arundel County if Anne Arundel County chooses to enact an ordinance. The penalty established by the District Court for these violations is \$60.

Local Effect: Montgomery and Anne Arundel county expenditures for enforcement, and any notification about the prohibition, could be handled with existing resources.

Small Business Effect: None.

Analysis

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. Further, a person is prohibited from standing

on or near a highway to solicit any other person to guard any vehicle while it is parked or about to be parked on the highway.

In Cecil County, a person is prohibited from standing in a roadway, median divider, or intersection to solicit donations from occupants of vehicles, or cause another to do so without a license from the county. Licenses can be obtained by an individual or a qualified organization. Qualified organizations are defined as a fire company or legitimate religious, fraternal, civic, war veterans', or charitable organization. Similar provisions would apply in Anne Arundel County if the county council were to adopt an ordinance establishing a permitting system. As the county council has not done so, there is no prohibition against soliciting donations from occupants of vehicles in Anne Arundel County.

In Carroll, Charles, Frederick, 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.

An identical ban applies to a child younger than 15 in Prince George's County. However, the child may not be found guilty or adjudicated delinquent for violating this provision if encouraged or permitted by an adult. An adult in Prince George's County may not cause, encourage, permit, or petition a child younger than 15 to engage in such activity.

Background: State laws governing solicitation on highways vary. For example, 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, imprisonment for up to six months, or both for violations. Other states authorize roadway solicitation with the permission of the local jurisdiction or for certain nonprofit organizations that solicit funds for charitable causes.

Small Business Effect: Minimal. However, the Department of Legislative Services notes that the bill may affect some nonprofit organizations (*e.g.*, local fire departments, advocacy groups, charities) in Montgomery County that conduct fundraising activities from median dividers.

Additional Information

Prior Introductions: A similar bill, HB 436, was introduced in the 2005 session, but was withdrawn.

Cross File: None.

Information Source(s): Montgomery County, Maryland Department of Transportation,
Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2006
mll/hlb Revised - House Third Reader - March 28, 2006
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