

HOUSE BILL 250

R5

71r1428
CF 71r1487

By: **Delegates Pena–Melnyk, Barnes, Beidle, V. Clagett, Dwyer, Frush, J. King, Kipke, McConkey, and Schuh**

Introduced and read first time: January 29, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Highways – Solicitation of Money or Donations from**
3 **Occupants of Vehicles – Prohibition**

4 FOR the purpose of prohibiting a person from standing in a roadway, median divider,
5 or intersection in Anne Arundel County to solicit money or donations from an
6 occupant of a vehicle; repealing the authority of the Anne Arundel County
7 Council to enact, by ordinance, a certain licensing program for individuals who
8 are of a certain age or older and certain organizations that wish to solicit money
9 or donations from the occupants of vehicles by standing in a roadway, median
10 divider, or intersection in Anne Arundel County; repealing the authorization for
11 the Anne Arundel County Council to prohibit, by ordinance, a person under a
12 certain age from standing in a roadway, median divider, or intersection in Anne
13 Arundel County to solicit money or donations from an occupant of a vehicle; and
14 generally relating to restrictions on the use of highways in Anne Arundel
15 County for solicitation.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 21–507
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 21–507.

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

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

8 (c) In **ANNE ARUNDEL COUNTY**, Carroll County, Charles County,
9 Frederick County, Harford County, and Washington County, a person may not stand
10 in a roadway, median divider, or intersection to solicit money or donations of any kind
11 from the occupant of a vehicle.

12 (d) (1) In Prince George’s County:

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

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

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

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

24 (2) In this subsection, “qualified organization” means a fire company
25 or a bona fide religious, fraternal, civic, war veterans’, or charitable organization.

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

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

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

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

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

12 (iii) Shall include provisions for the duration and renewal of the
13 license;

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

16 (v) May provide for:

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

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

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

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

31 (ii) If the county council does not choose to enact an ordinance to
32 establish a licensing program as authorized by paragraph (3) of this subsection, the

1 provisions of this subsection may not be construed to prohibit an individual or
2 qualified organization from standing in a roadway, median divider, or intersection in
3 the county to solicit money or donations from the occupant of a vehicle.

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

13 [(f)](E) (1) This subsection applies only to Cecil County.

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

16 (3) Except as provided in paragraph (4) of this subsection, in Cecil
17 County a person may not:

18 (i) Stand in a roadway, median divider, or intersection to solicit
19 money or donations of any kind from the occupant of a vehicle; or

20 (ii) Cause, encourage, allow, or petition another to stand in a
21 roadway, median divider, or intersection to solicit money or donations of any kind from
22 the occupant of a vehicle.

23 (4) (i) The County Commissioners of Cecil County or the governing
24 body of a municipal corporation in Cecil County may, by appropriate resolution or
25 ordinance, enact a permit program to allow individuals who are at least 18 years old
26 and representatives of qualified organizations who are at least 18 years old to solicit
27 money or donations from the occupant of a vehicle by standing in a roadway, median
28 divider, or intersection.

29 (ii) If the County Commissioners or the governing body of a
30 municipal corporation in the county enact a resolution or ordinance establishing a
31 permit program authorized by this paragraph, the resolution or ordinance shall:

1 1. Require an applicant for a permit to submit proof that
2 the individual or qualified organization has a plan for safely soliciting money or
3 donations from the proposed location;

4 2. Provide that a permit is effective for a period of 1
5 calendar day; and

6 3. Allow an individual or a qualified organization to
7 obtain only one permit per calendar year.

8 [(g)](F) (1) In Montgomery County, a child under the age of 18 years
9 may not stand in a roadway, median divider, or intersection to solicit money or
10 donations of any kind from the occupant of a vehicle.

11 (2) This subsection shall be enforced by the issuance of a warning that
12 informs the offender of the requirements of this subsection.

13 [(h) The Anne Arundel County Council, by ordinance may prohibit a child
14 under the age of 18 years from standing in a roadway, median divider, or intersection
15 in the county to solicit money or donations of any kind from the occupant of a vehicle.]

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2007.