

HOUSE BILL 276

R5

71r2621
CF SB 252

By: **Anne Arundel County Delegation**

Introduced and read first time: January 31, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 3, 2007

CHAPTER _____

1 AN ACT concerning

2 ~~**Roadside Anne Arundel County – Roadside Advertising or Solicitation of**~~
3 ~~**Money or Donations from Occupants of Vehicles in Anne Arundel County –**~~
4 ~~**Prohibition**~~

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

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 21-507

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2006 Supplement)

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

5 **Article – Transportation**

6 21–507.

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

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

12 (c) In ~~ANNE ARUNDEL COUNTY~~, Carroll County, Charles County,
13 Frederick County, Harford County, and Washington County, a person may not stand
14 in a roadway, median divider, or intersection to solicit money or donations of any kind
15 from the occupant of a vehicle.

16 (d) (1) In Prince George’s County:

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

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

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

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

28 **(2) (I) A PERSON MAY NOT STAND IN A HIGHWAY TO:**

1 **1. SOLICIT MONEY OR DONATIONS OF ANY KIND**
2 **FROM THE OCCUPANT OF A VEHICLE; OR**

3 **2. ADVERTISE ANY MESSAGE.**

4 **(II) "HIGHWAY" INCLUDES:**

5 **1. RIGHTS-OF-WAY, ROADWAY SURFACES, ROADWAY**
6 **SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND**
7 **STRUCTURES, RELATED STORMWATER MANAGEMENT FACILITIES AND**
8 **STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES,**
9 **HIGHWAY GRADE SEPARATION STRUCTURES, RAILROAD GRADE SEPARATIONS,**
10 **TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS,**
11 **APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A**
12 **STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS; AND**

13 **2. ANY OTHER PROPERTY ACQUIRED FOR THE**
14 **CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY.**

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

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

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

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

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

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

1 (iii) Shall include provisions for the duration and renewal of the
2 license;

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

5 (v) May provide for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.