

SENATE BILL 252

R5

(7lr1569)

ENROLLED BILL

— Judicial Proceedings / Environmental Matters —

Introduced by **Chair, Anne Arundel County Senators**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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 right-of-way in Anne Arundel County to solicit money
7 or donations from an occupant of a vehicle; prohibiting a person from standing
8 in a highway right-of-way in Anne Arundel County to advertise ~~a commercial,~~
9 ~~political, or other~~ any message; repealing the authority of the Anne Arundel
10 County Council to enact, by ordinance, a certain licensing program for
11 individuals who are of a certain age or older and certain organizations that wish

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.

Italics indicate opposite chamber / conference committee amendments.



1 to solicit money or donations from the occupants of vehicles by standing in a
 2 roadway, median divider, or intersection in Anne Arundel County; repealing the
 3 authority for the Anne Arundel County Council to prohibit, by ordinance, a
 4 person under a certain age from standing in a roadway, median divider, or
 5 intersection in Anne Arundel County to solicit money or donations from an
 6 occupant of a vehicle; making the provisions of this Act severable; defining a
 7 certain term; and generally relating to restrictions on the use of highways in
 8 Anne Arundel County for advertising or solicitation.

9 BY repealing and reenacting, with amendments,
 10 Article – Transportation
 11 Section 21–507
 12 Annotated Code of Maryland
 13 (2006 Replacement Volume and 2006 Supplement)

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

16 **Article – Transportation**

17 21–507.

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

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

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

27 (d) (1) In Prince George’s County:

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

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

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

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

6 (2) ~~IN THIS SUBSECTION, "RIGHT OF WAY" MEANS ANY HIGHWAY~~
 7 ~~AREA OR HIGHWAY STRUCTURE AND ANY PROPERTY ADJACENT TO A HIGHWAY~~
 8 ~~ACQUIRED FOR THE OPERATION OR USE OF THE HIGHWAY.~~

9 ~~(3)~~ (1) ~~A PERSON MAY NOT STAND IN A RIGHT OF WAY~~
 10 ~~HIGHWAY TO:~~

11 ~~(I)~~ 1. ~~SOLICIT MONEY OR DONATIONS OF ANY KIND~~
 12 ~~FROM THE OCCUPANT OF A VEHICLE; OR~~

13 ~~(II)~~ 2. ~~ADVERTISE A COMMERCIAL, POLITICAL, OR~~
 14 ~~OTHER ANY MESSAGE.~~

15 (II) "HIGHWAY" INCLUDES:

16 1. RIGHTS-OF-WAY, ROADWAY SURFACES, ROADWAY
 17 SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND
 18 STRUCTURES, RELATED STORMWATER MANAGEMENT FACILITIES AND
 19 STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES,
 20 HIGHWAY GRADE SEPARATION STRUCTURES, RAILROAD GRADE SEPARATIONS,
 21 TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS,
 22 APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A
 23 STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS; AND

24 2. ANY OTHER PROPERTY ACQUIRED FOR THE
 25 CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY.

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

28 (3) The Anne Arundel County Council may, by ordinance, enact a
 29 licensing program for individuals who are 18 years old or older and qualified

1 organizations that wish to solicit money or donations from the occupant of a vehicle by
2 standing in a roadway, median divider, or intersection.

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

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

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

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

14 (iii) Shall include provisions for the duration and renewal of the
15 license;

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

18 (v) May provide for:

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

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

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

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

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

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

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

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

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

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

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

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

31 (ii) If the County Commissioners or the governing body of a
32 municipal corporation in the county enact a resolution or ordinance establishing a
33 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 if any provision of this
17 Act or the application thereof to any person or circumstance is held invalid for any
18 reason in a court of competent jurisdiction, the invalidity does not affect other
19 provisions or any other application of this Act which can be given effect without the
20 invalid provision or application, and for this purpose the provisions of this Act are
21 declared severable.

22 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.