

SENATE BILL 252

R5

71r1569

By: **Chair, Anne Arundel County Senators**
Introduced and read first time: January 29, 2007
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 21, 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 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 message; repealing the authority of the Anne Arundel County
10 Council to enact, by ordinance, a certain licensing program for individuals who
11 are of a certain age or older and certain organizations that wish to solicit money
12 or donations from the occupants of vehicles by standing in a roadway, median
13 divider, or intersection in Anne Arundel County; repealing the authority for the
14 Anne Arundel County Council to prohibit, by ordinance, a person under a
15 certain age from standing in a roadway, median divider, or intersection in Anne
16 Arundel County to solicit money or donations from an occupant of a vehicle;
17 making the provisions of this Act severable; defining a certain term; and
18 generally relating to restrictions on the use of highways in Anne Arundel
19 County for advertising or solicitation.

20 BY repealing and reenacting, with amendments,

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 Article – Transportation
2 Section 21–507
3 Annotated Code of Maryland
4 (2006 Replacement Volume and 2006 Supplement)

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

7 **Article – Transportation**

8 21–507.

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

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

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

18 (d) (1) In Prince George’s County:

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

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

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

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

1 **(2) IN THIS SUBSECTION, "RIGHT-OF-WAY" MEANS ANY HIGHWAY**
2 **AREA OR HIGHWAY STRUCTURE AND ANY PROPERTY ADJACENT TO A HIGHWAY**
3 **ACQUIRED FOR THE OPERATION OR USE OF THE HIGHWAY.**

4 **(3) A PERSON MAY NOT STAND IN A RIGHT-OF-WAY TO:**

5 **(I) SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE**
6 **OCCUPANT OF A VEHICLE; OR**

7 **(II) ADVERTISE A COMMERCIAL, POLITICAL, OR OTHER**
8 **MESSAGE.**

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

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

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

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

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

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

26 (iii) Shall include provisions for the duration and renewal of the
27 license;

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

30 (v) May provide for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
31 Act or the application thereof to any person or circumstance is held invalid for any

1 reason in a court of competent jurisdiction, the invalidity does not affect other
2 provisions or any other application of this Act which can be given effect without the
3 invalid provision or application, and for this purpose the provisions of this Act are
4 declared severable.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.