

CHAPTER 537

(Senate Bill 252)

AN ACT concerning

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

FOR the purpose of prohibiting a person from standing in a ~~roadway, median divider, or intersection~~ highway right-of-way in Anne Arundel County to solicit money or donations from an occupant of a vehicle; prohibiting a person from standing in a highway right-of-way in Anne Arundel County to advertise a commercial, political, or other *any* message; repealing the authority of the Anne Arundel County Council to enact, by ordinance, a certain licensing program for individuals who are of a certain age or older and certain organizations that wish to solicit money or donations from the occupants of vehicles by standing in a roadway, median divider, or intersection in Anne Arundel County; repealing the authority for the Anne Arundel County Council to prohibit, by ordinance, a person under a certain age from standing in a roadway, median divider, or intersection in Anne Arundel County to solicit money or donations from an occupant of a vehicle; making the provisions of this Act severable; defining a certain term; and generally relating to restrictions on the use of highways in Anne Arundel County for advertising or solicitation.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21-507

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

Article – Transportation

21-507.

(a) 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 the occupant of any vehicle.

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

(c) In ~~ANNE ARUNDEL COUNTY~~, Carroll County, Charles County, Frederick County, Harford County, and Washington County, 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.

(d) (1) In Prince George's County:

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

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

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

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

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

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

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

~~(H) 2. ADVERTISE A COMMERCIAL, POLITICAL, OR OTHER ANY MESSAGE.~~

(II) "HIGHWAY" INCLUDES:

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

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

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

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

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

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

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

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

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

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

(v) May provide for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

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

Approved by the Governor, May 17, 2007.