

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 276

(Anne Arundel County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Anne Arundel County - Roadside Advertising or Solicitation of Money or
Donations - Prohibition

This bill prohibits, in Anne Arundel County, a person from standing in a highway to solicit money or donations of any kind from the occupant of a vehicle or advertise any message. A highway includes, but is not limited to rights-of-ways; median dividers; structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and any property acquired for the construction, operation, or use of the highway. The authority of the Anne Arundel County Council to adopt and regulate a permitting program for roadside solicitation is repealed.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines received in District Court. The penalty established by the District Court for similar violations is \$60.

Local Effect: Anne Arundel County expenditures for enforcement, and any notification about the prohibition, could be handled with existing resources.

Small Business Effect: Small businesses that advertise events, such as sales or open houses, on highways to attract customers could lose customer traffic, negatively impacting revenues.

Analysis

Current Law: 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 an occupant of any vehicle. Further, a person is prohibited from standing on or near a highway to solicit any other person to guard any vehicle while it is parked or about to be parked on the highway.

Anne Arundel County is authorized to adopt a licensing program for roadside solicitation for a qualified organization by an individual 18 or older. If the county enacts such an ordinance, a person is prohibited in Anne Arundel County from standing in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle without a license from Anne Arundel County (maximum fee \$100). Licenses can be obtained by an individual or a qualified organization. Qualified organizations are defined as a fire company or a bona fide religious, fraternal, civic, war veterans', or charitable organization.

Anne Arundel County has not enacted a licensing program, but has banned children younger than 18 from roadside solicitation.

In Carroll, Charles, Frederick, Harford, and Washington counties, 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. This ban also applies to children under the age of 18 in Montgomery County.

An identical ban applies to a child younger than 15 in Prince George's County, although the child may not be found guilty or adjudicated delinquent for violating this provision if encouraged or permitted by an adult. An adult in Prince George's County may not cause, encourage, permit, or petition a child younger than 15 to engage in such activity.

The Cecil County Commissioners and municipal corporations in Cecil County are authorized to adopt a permit program for roadside solicitation. A person is prohibited in Cecil County from soliciting donations or causing donations to be solicited from motor vehicles on roadways, median dividers, or intersections without a permit issued by the county commissioners or by a municipal corporation in the county.

An individual or a representative of a qualified organization may obtain a permit, upon submitting proof of a plan to solicit donations safely. A permit would be issued for one calendar day, and only one permit per individual or organization can be issued in a calendar year. A permit may not be issued for children younger than 18. Qualified organizations are defined as a fire company or legitimate religious, fraternal, civic, war veterans', or charitable organization.

Background: State laws governing solicitation on highways vary. For example, Louisiana prohibits the "intentional act of soliciting, begging, panhandling, or otherwise

requesting anything of value” on an interstate highway and imposes a fine of up to \$200, imprisonment for up to six months, or both for violations. Other states authorize roadway solicitation with the permission of the local jurisdiction or for certain nonprofit organizations that solicit funds for charitable causes.

Additional Comments: The Department of Legislative Services notes that the bill may affect some nonprofit organizations (*e.g.*, local fire departments, advocacy groups, charities) in Anne Arundel County that conduct fundraising activities from median dividers.

Additional Information

Prior Introductions: A similar bill, HB 18, was introduced in the 2002 session. The House Commerce and Government Operations Committee took no action on the bill.

Cross File: SB 252 (Chair, Anne Arundel County Senators) – Judicial Proceedings.

Information Source(s): Anne Arundel County, Department of Legislative Services

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