

HOUSE BILL 1010

R5

8lr0685

By: **Prince George's County Delegation**

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Roadside Advertising or Solicitation of Money or**
3 **Donations – Prohibition**

4 **PG 409–08**

5 FOR the purpose of prohibiting a person from standing in a highway in Prince
6 George's County to solicit money or donations from the occupant of a vehicle or
7 to advertise any message; prohibiting an adult from encouraging or allowing a
8 child to stand in a highway in Prince George's County to solicit money or
9 donations from the occupant of a vehicle or to advertise any message; providing
10 that a child may not be found guilty or adjudicated delinquent for standing in a
11 highway in Prince George's County to solicit money or donations from the
12 occupant of a vehicle or to advertise any message if an adult encouraged or
13 allowed the child to commit the violation; making the provisions of this Act
14 severable; defining a certain term; and generally relating to restrictions on the
15 use of highways in Prince George's County for advertising or solicitation.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 21–507
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2007 Supplement)

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

23 **Article – Transportation**

24 21–507.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (c) In Carroll County, Charles County, Frederick County, Harford County,
7 and Washington County, a person may not stand in a roadway, median divider, or
8 intersection to solicit money or donations of any kind from the occupant of a vehicle.

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

10 (i) A child under the age of 15 years may not stand in a
11 roadway, median divider, or intersection to solicit money or donations of any kind from
12 the occupant of a vehicle; and] **THIS SUBSECTION APPLIES TO PRINCE GEORGE'S**
13 **COUNTY.**

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

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

17 2. **ADVERTISE ANY MESSAGE.**

18 (ii) An adult may not cause, encourage, allow, or petition a child
19 under the age of 15 years to [stand in a roadway, median divider, or intersection to
20 solicit money or donations of any kind from the occupant of a vehicle] **VIOLATE**
21 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

22 (III) **IN THIS PARAGRAPH, "HIGHWAY" INCLUDES:**

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

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

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

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

6 (2) (i) A person may not stand in a highway to:

7 1. Solicit money or donations of any kind from the
8 occupant of a vehicle; or

9 2. Advertise any message.

10 (ii) “Highway” includes:

11 1. Rights-of-way, roadway surfaces, roadway
12 subgrades, shoulders, median dividers, drainage facilities and structures, related
13 stormwater management facilities and structures, roadway cuts, roadway fills,
14 guardrails, bridges, highway grade separation structures, railroad grade separations,
15 tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and
16 other structures forming an integral part of a street, road, or highway, including
17 bicycle and walking paths; and

18 2. Any other property acquired for the construction,
19 operation, or use of the highway.

20 (f) (1) This subsection applies only to Cecil County.

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

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

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

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

30 (4) (i) The County Commissioners of Cecil County or the governing
31 body of a municipal corporation in Cecil County may, by appropriate resolution or
32 ordinance, enact a permit program to allow individuals who are at least 18 years old
33 and representatives of qualified organizations who are at least 18 years old to solicit

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

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

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

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

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

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

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

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2008.