

HOUSE BILL 1010

R5

8lr0685

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

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2008

CHAPTER _____

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; providing for the issuance of a certain
14 warning to a first-time offender; providing a certain penalty for subsequent
15 offenses; making the provisions of this Act severable; defining a certain term;
16 and generally relating to restrictions on the use of highways in Prince George's
17 County for ~~advertising or~~ solicitation.

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 21-507
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

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

3 **Article – Transportation**

4 21–507.

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

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

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

13 (d) (1) [In Prince George’s County:

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

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

19 ~~1. SOLICIT~~ **SOLICIT MONEY OR DONATIONS OF ANY**
20 **KIND FROM THE OCCUPANT OF A VEHICLE; OR**

21 ~~2. ADVERTISE ANY MESSAGE.~~

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] **VIOLATE**
25 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

26 (III) **IN THIS PARAGRAPH, “HIGHWAY” INCLUDES:**

27 **1. RIGHTS-OF-WAY, ROADWAY SURFACES, ROADWAY**
28 **SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND**
29 **STRUCTURES, RELATED STORMWATER MANAGEMENT FACILITIES AND**
30 **STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES,**
31 **HIGHWAY GRADE SEPARATION STRUCTURES, RAILROAD GRADE SEPARATIONS,**
32 **TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS,**

1 APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A
2 STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS; AND

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

5 [(2)] (3) A child under the age of 15 years may not be found guilty or
6 adjudicated delinquent for a violation of paragraph [(1)(i)] (2)(I) of this subsection if
7 an adult caused, encouraged, allowed, or petitioned the child in violation of paragraph
8 [(1)(ii)] (2)(II) of this subsection.

9 (4) THIS SUBSECTION SHALL BE ENFORCED:

10 (I) BY THE ISSUANCE OF A WARNING THAT INFORMS THE
11 OFFENDER OF THE REQUIREMENTS OF THIS SUBSECTION IF IT IS THE
12 OFFENDER'S FIRST VIOLATION; AND

13 (II) UNDER § 27-101 OF THIS ARTICLE IF IT IS THE
14 OFFENDER'S SECOND OR SUBSEQUENT VIOLATION.

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

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

17 1. Solicit money or donations of any kind from the
18 occupant of a vehicle; or

19 2. Advertise any message.

20 (ii) "Highway" includes:

21 1. Rights-of-way, roadway surfaces, roadway
22 subgrades, shoulders, median dividers, drainage facilities and structures, related
23 stormwater management facilities and structures, roadway cuts, roadway fills,
24 guardrails, bridges, highway grade separation structures, railroad grade separations,
25 tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and
26 other structures forming an integral part of a street, road, or highway, including
27 bicycle and walking paths; and

28 2. Any other property acquired for the construction,
29 operation, or use of the highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.