

SENATE BILL 685

R5

8lr3138
CF 8lr0685

By: **Senators Rosapepe and Peters**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

22 **Article – Transportation**

23 21–507.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

14 **2. ADVERTISE ANY MESSAGE.**

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

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

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

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

30 [(2)] **(3)** A child under the age of 15 years may not be found guilty or
31 adjudicated delinquent for a violation of paragraph [(1)(i)] **(2)(I)** of this subsection if
32 an adult caused, encouraged, allowed, or petitioned the child in violation of paragraph
33 [(1)(ii)] **(2)(II)** of this subsection.

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

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

3 1. Solicit money or donations of any kind from the
4 occupant of a vehicle; or

5 2. Advertise any message.

6 (ii) "Highway" includes:

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

14 2. Any other property acquired for the construction,
15 operation, or use of the highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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