

SENATE BILL 685

R5

8lr3138
CF HB 1010

By: **Senators Rosapepe and Peters**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2008

CHAPTER _____

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

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

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

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 **Article – Transportation**

2 21–507.

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

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

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

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

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

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

17 ~~1. SOLICIT SOLICIT MONEY OR DONATIONS OF ANY~~
18 ~~KIND FROM THE OCCUPANT OF A VEHICLE; OR~~

19 ~~2. ADVERTISE ANY MESSAGE.~~

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

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

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

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

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

7 **(4) THIS SUBSECTION SHALL BE ENFORCED:**

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

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

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

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

15 1. Solicit money or donations of any kind from the
16 occupant of a vehicle; or

17 2. Advertise any message.

18 (ii) “Highway” includes:

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

26 2. Any other property acquired for the construction,
27 operation, or use of the highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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