

CHAPTER 436

(Senate Bill 685)

AN ACT concerning

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

FOR the purpose of prohibiting a person from standing in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~; prohibiting an adult from encouraging or allowing a child to stand in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~; providing that a child may not be found guilty or adjudicated delinquent for standing in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~ if an adult encouraged or allowed the child to commit the violation; providing for the issuance of a certain warning to a first-time offender; providing a certain penalty for subsequent offenses; making the provisions of this Act severable; defining a certain term; and generally relating to restrictions on the use of highways in Prince George's County for ~~advertising or~~ solicitation.

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

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

Article – Transportation

21-507.

(a) 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 the occupant of any vehicle.

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

(c) In Carroll County, Charles County, Frederick County, Harford County, and Washington County, 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.

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

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

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

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

~~2. ADVERTISE ANY MESSAGE.~~

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

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

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

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

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

(4) THIS SUBSECTION SHALL BE ENFORCED:

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

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

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

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

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

2. Advertise any message.

(ii) "Highway" includes:

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

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

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

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

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

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

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

(4) (i) The County Commissioners of Cecil County or the governing body of a municipal corporation in Cecil County may, by appropriate resolution or

ordinance, enact a permit program to allow individuals who are at least 18 years old and representatives of qualified organizations who are at least 18 years old to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection.

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

1. Require an applicant for a permit to submit proof that the individual or qualified organization has a plan for safely soliciting money or donations from the proposed location;
2. Provide that a permit is effective for a period of 1 calendar day; and
3. Allow an individual or a qualified organization to obtain only one permit per calendar year.

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

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

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

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

Approved by the Governor, May 13, 2008.