

HB0392/610614/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 392
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “State Highways – Prohibition on Use for Solicitation” and substitute “Roadside Solicitation of Money or Donations – Permit Program”; strike beginning with “prohibiting” in line 3 down through “County” in line 7 and substitute “authorizing the County Council of Baltimore County or the governing body of a municipal corporation in Baltimore County to enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; requiring an applicant for a permit to provide certain information to the county or municipal corporation within a certain period before the date on which the permit is to be effective; requiring the county or municipal corporation to make a certain examination and investigation to determine the truth of the statements made on a certain application; requiring the county or municipal corporation to deny the permit under certain circumstances; requiring a certain permit to contain certain information; requiring a certain permit to be signed by a certain individual; prohibiting the term of a certain permit from exceeding a certain period; limiting the number of certain permits that may be issued to the same person in a calendar year; requiring the county or municipal corporation to send a copy of a certain permit to the police department of the county or municipal corporation; requiring a certain person to display a certain permit in a certain manner while soliciting; and generally relating to a permit program for roadside solicitation of money or donations in Baltimore County”; strike in their entirety lines 8 through 12, inclusive; and in line 15, strike “21–507(c)” and substitute “21–507”.

AMENDMENT NO. 2

On page 2, in line 3, strike “(1)”; in the same line, strike “**BALTIMORE COUNTY,**”; strike in their entirety lines 7 and 8; and after line 8, insert:

(Over)

“(d) (1) This subsection applies to Prince George’s County.

(2) (i) A person may not stand in a highway to solicit money or donations of any kind from the occupant of a vehicle.

(ii) An adult may not cause, encourage, allow, or petition a child under the age of 15 years to 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.

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

(H) (1) THE COUNTY COUNCIL OF BALTIMORE COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN BALTIMORE COUNTY, BY APPROPRIATE RESOLUTION OR ORDINANCE, MAY ENACT A PERMIT PROGRAM TO ALLOW A PERSON TO STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A VEHICLE.

(2) AT LEAST 15 DAYS BEFORE THE DATE ON WHICH THE PERMIT APPLIED FOR IS TO BE EFFECTIVE, AN APPLICANT SHALL FILE WITH THE COUNTY OR MUNICIPAL CORPORATION AN APPLICATION THAT CONTAINS THE FOLLOWING INFORMATION:

(I) THE NAME, ADDRESS, AND AGE OF EACH PERSON WHO WILL SOLICIT;

(II) THE NAME AND ADDRESS OF THE EMPLOYING OR SPONSORING PERSON, AGENCY, OR ENTITY;

(III) THE EXACT LOCATION WHERE EACH SOLICITOR WILL BE ASSIGNED;

(IV) THE PURPOSE OF THE SOLICITATION;

(V) THE TIME FRAME AND DURATION OF THE SOLICITATION;

(VI) THE MEANS OF TRAVEL TO AND FROM THE PLACE OF SOLICITATION; AND

(Over)

(VII) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A CONTACT PERSON WHO WILL BE ABLE TO PROVIDE ADDITIONAL INFORMATION TO THE COUNTY OR MUNICIPAL CORPORATION OR ITS DESIGNEE.

(3) THE COUNTY OR MUNICIPAL CORPORATION SHALL EXAMINE EACH APPLICATION AND MAKE ANY FURTHER INVESTIGATION AS DEEMED NECESSARY IN ORDER TO DETERMINE THE TRUTH OF THE STATEMENTS MADE ON THE APPLICATION.

(4) THE COUNTY OR MUNICIPAL CORPORATION SHALL DENY THE PERMIT IF IT DETERMINES THAT:

(I) ANY STATEMENT MADE ON THE APPLICATION IS UNTRUE; OR

(II) THE LOCATION OR METHOD OF THE SOLICITATION OR ITS DURATION ARE SUCH THAT IT WILL BE HARMFUL TO THE HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE GENERAL PUBLIC.

(5) A PERMIT ISSUED UNDER THIS SUBSECTION SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON MAKING THE SOLICITATION;

(II) THE DATE AND TIME AT WHICH THE PERSON MAY SOLICIT; AND

(III) A STATEMENT THAT THE PERMIT DOES NOT CONSTITUTE AN ENDORSEMENT BY THE COUNTY OR MUNICIPAL CORPORATION OF THE SOLICITATION OR THE PERSON CONDUCTING THE SOLICITATION.

(6) A PERMIT SHALL BE SIGNED BY THE APPROPRIATE COUNTY OR MUNICIPAL OFFICER.

(7) THE TERM OF A PERMIT MAY NOT EXCEED 24 HOURS.

(8) NO MORE THAN 12 PERMITS MAY BE ISSUED TO THE SAME PERSON IN A CALENDAR YEAR.

(9) THE COUNTY OR MUNICIPAL CORPORATION SHALL SEND A COPY OF EACH PERMIT ISSUED BY THE COUNTY OR MUNICIPAL CORPORATION TO THE POLICE DEPARTMENT OF THE COUNTY OR MUNICIPAL CORPORATION.

(10) A PERSON TO WHOM A PERMIT IS ISSUED SHALL CONSPICUOUSLY DISPLAY THE PERMIT WHILE SOLICITING.”.