

HOUSE BILL 392

R1

9lr1809

By: **Delegates Malone and DeBoy**

Introduced and read first time: February 2, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2009

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – ~~State Highways – Prohibition on Use for Solicitation~~**
3 **Roadside Solicitation of Money or Donations – Permit Program**

4 FOR the purpose of ~~prohibiting, in Baltimore County, a person from standing in a~~
5 ~~roadway, median divider, or intersection to solicit money or donations from the~~
6 ~~occupant of a vehicle; providing that this Act applies only to State highways in~~
7 ~~Baltimore County; and generally relating to restrictions on the use of State~~
8 ~~highways for solicitation in Baltimore County~~ authorizing the County Council of
9 Baltimore County or the governing body of a municipal corporation in Baltimore
10 County to enact a permit program to allow a person to stand in a roadway,
11 median divider, or intersection to solicit money or donations from the occupant
12 of a vehicle; requiring an applicant for a permit to provide certain information
13 to the county or municipal corporation within a certain period before the date on
14 which the permit is to be effective; requiring the county or municipal
15 corporation to make a certain examination and investigation to determine the
16 truth of the statements made on a certain application; requiring the county or
17 municipal corporation to deny the permit under certain circumstances;
18 requiring a certain permit to contain certain information; requiring a certain
19 permit to be signed by a certain individual; prohibiting the term of a certain
20 permit from exceeding a certain period; limiting the number of certain permits
21 that may be issued to the same person in a calendar year; requiring the county
22 or municipal corporation to send a copy of a certain permit to the police
23 department of the county or municipal corporation; requiring a certain person to
24 display a certain permit in a certain manner while soliciting; and generally
25 relating to a permit program for roadside solicitation of money or donations in
26 Baltimore County.

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 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article – Transportation~~
 3 ~~Section 21-507(a) and (b)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2006 Replacement Volume and 2008 Supplement)~~

6 BY repealing and reenacting, with amendments,
 7 Article – Transportation
 8 Section ~~21-507(e)~~ 21-507
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2008 Supplement)

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

13 **Article – Transportation**

14 21-507.

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

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

20 (c) ~~(1)~~ In ~~BALTIMORE COUNTY~~, Carroll County, Charles County,
 21 Frederick County, Harford County, and Washington County, a person may not stand
 22 in a roadway, median divider, or intersection to solicit money or donations of any kind
 23 from the occupant of a vehicle.

24 ~~(2) IN BALTIMORE COUNTY, THIS SUBSECTION APPLIES ONLY TO~~
 25 ~~STATE HIGHWAYS.~~

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

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

29 (ii) An adult may not cause, encourage, allow, or petition a child
 30 under the age of 15 years to violate subparagraph (i) of this paragraph.

31 (iii) In this paragraph, “highway” includes:

32 1. Rights-of-way, roadway surfaces, roadway
 33 subgrades, shoulders, median dividers, drainage facilities and structures, related

1 stormwater management facilities and structures, roadway cuts, roadway fills,
2 guardrails, bridges, highway grade separation structures, railroad grade separations,
3 tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and
4 other structures forming an integral part of a street, road, or highway, including
5 bicycle and walking paths; and

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

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

12 (4) This subsection shall be enforced:

13 (i) By the issuance of a warning that informs the offender of the
14 requirements of this subsection if it is the offender's first violation; and

15 (ii) Under § 27-101 of this article if it is the offender's second or
16 subsequent violation.

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

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

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

21 2. Advertise any message.

22 (ii) "Highway" includes:

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

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

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

33 (2) In this subsection, "qualified organization" means a fire company
34 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 **(H) (1) THE COUNTY COUNCIL OF BALTIMORE COUNTY OR THE**
30 **GOVERNING BODY OF A MUNICIPAL CORPORATION IN BALTIMORE COUNTY, BY**
31 **APPROPRIATE RESOLUTION OR ORDINANCE, MAY ENACT A PERMIT PROGRAM**
32 **TO ALLOW A PERSON TO STAND IN A ROADWAY, MEDIAN DIVIDER, OR**
33 **INTERSECTION TO SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A**
34 **VEHICLE.**

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

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

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

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

11 **(IV) THE PURPOSE OF THE SOLICITATION;**

12 **(V) THE TIME FRAME AND DURATION OF THE**
13 **SOLICITATION;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.