

HOUSE BILL 933

R5

9lr2943
CF SB 835

By: **Delegates Levi and Holmes**

Introduced and read first time: February 12, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Roadside Solicitation of Money or Donations –**
3 **Permit Program**

4 FOR the purpose of authorizing the County Council of Prince George's County or the
5 governing body of a municipal corporation in Prince George's County to enact a
6 permit program to allow certain individuals and certain representatives of fire
7 companies or bona fide religious, fraternal, civic, war veterans', or charitable
8 organizations to stand in a roadway, median divider, or intersection and solicit
9 money or donations from the occupant of a vehicle; requiring that an ordinance
10 or resolution authorized by this Act require that an applicant for a permit
11 submit certain information, provide that a permit is effective for one day, and
12 provide that an individual or a qualified organization may obtain one permit per
13 calendar year; making technical and conforming changes; and generally relating
14 to a permit program for roadside solicitation of money or donations in Prince
15 George's County.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 21–507
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2008 Supplement)

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

23 **Article – Transportation**

24 21–507.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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) This subsection applies to Prince George's County.

(2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,** 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] **SUBSECTION (G) OF THIS SECTION**, 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)] (G) (1) IN THIS SUBSECTION, “QUALIFIED ORGANIZATION” MEANS A FIRE COMPANY OR BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS’, OR CHARITABLE ORGANIZATION.

[(i)] (2) The County Commissioners of Cecil County, THE COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, or the governing body of a municipal corporation in Cecil County OR PRINCE GEORGE’S 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.

1 [(ii)] (3) If the County Commissioners **OF CECIL COUNTY,**
2 **THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY,** or the governing body of a
3 municipal corporation in [the county enact] **CECIL COUNTY OR PRINCE GEORGE'S**
4 **COUNTY ENACTS** a resolution or ordinance establishing a permit program authorized
5 by this [paragraph] **SUBSECTION,** the resolution or ordinance shall:

6 [1.] (I) Require an applicant for a permit to submit
7 proof that the individual or qualified organization has a plan for safely soliciting
8 money or donations from the proposed location;

9 [2.] (II) Provide that a permit is effective for a period of
10 1 calendar day; and

11 [3.] (III) Allow an individual or a qualified organization
12 to obtain only one permit per calendar year.

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

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

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