

HOUSE BILL 933

R5

9lr2943
CF SB 835

By: ~~Delegates Levi and Holmes~~ Prince George's County Delegation

Introduced and read first time: February 12, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

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

4 **PG 419-09**

5 FOR the purpose of authorizing the County Council of Prince George's County ~~or the~~
6 ~~governing body of a municipal corporation in Prince George's County~~ to enact a
7 permit program to allow ~~certain individuals and certain representatives of fire~~
8 ~~companies or bona fide religious, fraternal, civic, war veterans', or charitable~~
9 ~~organizations to stand in a roadway, median divider, or intersection and solicit~~
10 ~~money or donations from the occupant of a vehicle; requiring that an ordinance~~
11 ~~or resolution authorized by this Act require that an applicant for a permit~~
12 ~~submit certain information, provide that a permit is effective for one day, and~~
13 ~~provide that an individual or a qualified organization may obtain one permit per~~
14 ~~calendar year; making technical and conforming changes~~ a person to stand in a
15 roadway, median divider, or intersection to solicit money or donations from the
16 occupant of a vehicle; requiring an applicant for a permit to provide certain
17 information to the county within a certain period before the date on which the
18 permit is to be effective; prohibiting the term of a certain permit from exceeding
19 a certain period; limiting the number of certain permits that may be issued to
20 the same person in a calendar year; requiring a certain person to display a
21 certain permit in a certain manner while soliciting; and generally relating to a
22 permit program for roadside solicitation of money or donations in Prince
23 George's County.

24 BY repealing and reenacting, with amendments,

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.



Article – Transportation
Section 21–507
Annotated Code of Maryland
(2006 Replacement Volume and 2008 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) This subsection applies to Prince George’s County.

(2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION ~~(G)~~ (H) 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

1 caused, encouraged, allowed, or petitioned the child in violation of paragraph (2)(ii) of
2 this subsection.

3 (4) This subsection shall be enforced:

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

6 (ii) Under § 27–101 of this article if it is the offender's second or
7 subsequent violation.

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

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

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

12 2. Advertise any message.

13 (ii) "Highway" includes:

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

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

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

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

26 ~~(3) [Except as provided in [paragraph (4) of this subsection]~~
27 ~~SUBSECTION (G) OF THIS SECTION, in Cecil County a person may not:~~

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

30 ~~(ii) Cause, encourage, allow, or petition another to stand in a~~
31 ~~roadway, median divider, or intersection to solicit money or donations of any kind from~~
32 ~~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.~~

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

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

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

~~[(g)] (H) (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.~~

(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

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

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

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

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

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

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

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

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

25 **(H) (1) THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, BY**
26 **APPROPRIATE RESOLUTION OR ORDINANCE, MAY ENACT A PERMIT PROGRAM**
27 **TO ALLOW A PERSON TO STAND IN A ROADWAY, MEDIAN DIVIDER, OR**
28 **INTERSECTION TO SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A**
29 **VEHICLE.**

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

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

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

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

5 (IV) THE PURPOSE OF THE SOLICITATION;

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

8 (VI) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A
9 CONTACT PERSON WHO WILL BE ABLE TO PROVIDE ADDITIONAL INFORMATION
10 TO THE COUNTY OR ITS DESIGNEE; AND

11 (VII) ANY OTHER INFORMATION REQUIRED BY THE COUNTY.

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

13 (4) NO MORE THAN 4 PERMITS MAY BE ISSUED TO THE SAME
14 PERSON IN A CALENDAR YEAR.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.