

SENATE BILL 835

R5

9lr2763
CF 9lr2943

By: **Senators Peters and Muse**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

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.



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

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

6 (c) In Carroll County, Charles County, Frederick County, Harford County,
7 and Washington County, a person may not stand in a roadway, median divider, or
8 intersection to solicit money or donations of any kind from the occupant of a vehicle.

9 (d) (1) This subsection applies to Prince George's County.

10 (2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS**
11 **SECTION, A** person may not stand in a highway to solicit money or donations of any
12 kind from the occupant of a vehicle.

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

15 (iii) In this paragraph, "highway" includes:

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

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

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

29 (4) This subsection shall be enforced:

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

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

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

- 1 (2) (i) A person may not stand in a highway to:
- 2 1. Solicit money or donations of any kind from the
3 occupant of a vehicle; or
- 4 2. Advertise any message.
- 5 (ii) “Highway” includes:
- 6 1. Rights-of-way, roadway surfaces, roadway
7 subgrades, shoulders, median dividers, drainage facilities and structures, related
8 stormwater management facilities and structures, roadway cuts, roadway fills,
9 guardrails, bridges, highway grade separation structures, railroad grade separations,
10 tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and
11 other structures forming an integral part of a street, road, or highway, including
12 bicycle and walking paths; and
- 13 2. Any other property acquired for the construction,
14 operation, or use of the highway.
- 15 (f) (1) This subsection applies only to Cecil County.
- 16 (2) [In this subsection, “qualified organization” means a fire company
17 or bona fide religious, fraternal, civic, war veterans’, or charitable organization.
- 18 (3)] Except as provided in [paragraph (4) of this subsection]
19 **SUBSECTION (G) OF THIS SECTION**, in Cecil County a person may not:
- 20 (i) Stand in a roadway, median divider, or intersection to solicit
21 money or donations of any kind from the occupant of a vehicle; or
- 22 (ii) Cause, encourage, allow, or petition another to stand in a
23 roadway, median divider, or intersection to solicit money or donations of any kind from
24 the occupant of a vehicle.
- 25 **[(4)] (G) (1) IN THIS SUBSECTION, “QUALIFIED**
26 **ORGANIZATION” MEANS A FIRE COMPANY OR BONA FIDE RELIGIOUS,**
27 **FRATERNAL, CIVIC, WAR VETERANS’, OR CHARITABLE ORGANIZATION.**
- 28 **[(i)] (2) The County Commissioners of Cecil County, THE**
29 **COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY**, or the governing body of a
30 municipal corporation in Cecil County **OR PRINCE GEORGE’S COUNTY** may, by
31 appropriate resolution or ordinance, enact a permit program to allow individuals who
32 are at least 18 years old and representatives of qualified organizations who are at
33 least 18 years old to solicit money or donations from the occupant of a vehicle by
34 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.