

# SENATE BILL 835

R5

9lr2763  
CF HB 933

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By: **Senators Peters and Muse**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 8, 2009

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## CHAPTER \_\_\_\_\_

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~~ a person to stand in a  
14 roadway, median divider, or intersection to solicit money or donations from the  
15 occupant of a vehicle; requiring an applicant for a permit to provide certain  
16 information to the county within a certain period before the date on which the  
17 permit is to be effective; prohibiting the term of a certain permit from exceeding  
18 a certain period; limiting the number of certain permits that may be issued to  
19 the same person in a calendar year; requiring a certain person to display a  
20 certain permit in a certain manner while soliciting; providing for the  
21 termination of this Act; and generally relating to a permit program for roadside  
22 solicitation of money or donations in Prince George's County.

23 BY repealing and reenacting, with amendments,  
24 Article – Transportation  
25 Section 21–507

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### 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 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2008 Supplement)

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

5 **Article – Transportation**

6 21–507.

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

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

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

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

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

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

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

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

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

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

1 (4) This subsection shall be enforced:

2 (i) By the issuance of a warning that informs the offender of the  
3 requirements of this subsection if it is the offender’s first violation; and

4 (ii) Under § 27–101 of this article if it is the offender’s second or  
5 subsequent violation.

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

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

8 1. Solicit money or donations of any kind from the  
9 occupant of a vehicle; or

10 2. Advertise any message.

11 (ii) “Highway” includes:

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

19 2. Any other property acquired for the construction,  
20 operation, or use of the highway.

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

22 ~~(2) [In this subsection, “qualified organization” means a fire company  
23 or bona fide religious, fraternal, civic, war veterans’, or charitable organization.]~~

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

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

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

1           ~~[(4)] (G) (1) IN THIS SUBSECTION, “QUALIFIED~~  
 2 ~~ORGANIZATION” MEANS A FIRE COMPANY OR BONA FIDE RELIGIOUS,~~  
 3 ~~FRATERNAL, CIVIC, WAR VETERANS’, OR CHARITABLE ORGANIZATION.~~

4           ~~[(i)] (2) The County Commissioners of Cecil County, THE~~  
 5 ~~COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, or the governing body of a~~  
 6 ~~municipal corporation in Cecil County OR PRINCE GEORGE’S COUNTY may, by~~  
 7 ~~appropriate resolution or ordinance, enact a permit program to allow individuals who~~  
 8 ~~are at least 18 years old and representatives of qualified organizations who are at~~  
 9 ~~least 18 years old to solicit money or donations from the occupant of a vehicle by~~  
 10 ~~standing in a roadway, median divider, or intersection.~~

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

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

19                   ~~[2.] (II) Provide that a permit is effective for a period of~~  
 20 ~~1 calendar day; and~~

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

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

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

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

29                   (2) In this subsection, “qualified organization” means a fire company  
 30 or bona fide religious, fraternal, civic, war veterans’, or charitable organization.

31                   (3) Except as provided in paragraph (4) of this subsection, in Cecil  
 32 County a person may not:

33                           (i) Stand in a roadway, median divider, or intersection to solicit  
 34 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;**

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

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

3                    (IV) THE PURPOSE OF THE SOLICITATION;

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

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

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

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

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

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

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2009. It shall remain effective for a period of 2 years and, at the end of  
17 September 30, 2011, with no further action required by the General Assembly, this Act  
18 shall be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.