

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 392

(Delegates Malone and DeBoy)

Environmental Matters

Judicial Proceedings

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Baltimore County - Roadside Solicitation of Money or Donations - Permit  
Program

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This bill authorizes Baltimore County or a municipal corporation in the county to enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle. The bill also details the required provisions of such a program.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Baltimore County expenditures for enforcement, and any notification about the permit program, should one be established, can be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** An applicant must apply for a permit at least 15 days prior to the date for which a permit is requested. An application filed with Baltimore County or a municipality in the county must contain the following information:

- the name, address, and age of each person who will solicit;
- the name and address of the employing or sponsoring person, agency, or entity;
- the exact location where each solicitor will be assigned;

- the purpose of the solicitation;
- the timeframe and duration of the solicitation;
- the means of travel to and from the place of solicitation; and
- the name, address, and telephone number of a contact person who will be able to provide additional information to the county or municipal corporation or its designee.

The county or municipal corporation must examine each application and make any further investigation as deemed necessary in order to determine the truth of the statements made on the application. The county or municipal corporation must deny the permit if it determines that any statement made on the application is untrue or if the location or method of the solicitation or its duration are such that it will be harmful to the health, safety, convenience, or welfare of the general public.

The issued permit must be signed by the appropriate county or municipal officer and must contain:

- the name and address of the person making the solicitation;
- the date and time at which the person may solicit; and
- a statement that the permit does not constitute an endorsement by the county or municipal corporation of the solicitation or the person conducting the solicitation.

The term of a permit may not exceed 24 hours and no more than 12 permits may be issued to the same person in a calendar year. The county or municipal corporation must send a copy of each issued permit to the police department of the county or municipal corporation. The person to whom a permit is issued must conspicuously display the permit while soliciting.

**Current Law:** 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 an occupant of any vehicle. Further, a person is prohibited from standing on or near a highway to solicit any other person to guard any vehicle while it is parked or about to be parked on the highway.

In Anne Arundel County, a person may not stand in a highway to solicit money or donations of any kind from the occupant of a vehicle or advertise any message. In Carroll, Charles, Frederick, Harford, and Washington counties, 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. This ban also applies to children under age 18 in Montgomery County.

In Prince George's County, a person may not stand in a highway to solicit money or donations of any kind from the occupant of a vehicle and an adult in Prince George's County may not cause, encourage, allow, or petition a child younger than age 15 to engage in such activity.

The Cecil County Commissioners or the governing body of a municipal corporation in Cecil County are authorized to adopt a permit program for roadside solicitation. A person is prohibited in Cecil County from standing in a roadway, median divider, or intersection to solicit donations from occupants of motor vehicles (without a valid permit), and from causing, encouraging, allowing, or petitioning others to do so. An individual or a representative of a qualified organization who is at least 18 years old may obtain a permit from the county commissioners or a municipal corporation in the county, upon submitting proof of a plan to safely solicit donations. A permit is issued for one calendar day, and only one permit per individual or organization can be issued in a calendar year. Qualified organizations are defined as a fire company or bona fide religious, fraternal, civic, war veterans', or charitable organization.

Baltimore County Code prohibits a person from standing in a roadway to sell or attempt to sell any goods, wares, or merchandise of any description to, soliciting or accepting any donation from, or distributing printed material of any description to any occupant of any vehicle. A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

**Background:** The bill may affect some nonprofit organizations (*e.g.*, local fire departments, advocacy groups, charities) in Baltimore County that conduct fundraising activities from median dividers.

Baltimore County was unable to provide information on the degree to which the county enforces its prohibition against standing in a roadway to sell items, solicit donations, or distribute printed material. The amount of revenue collected as a result of fines to violators was also not immediately available.

**Additional Comments:** Legislative Services notes that there are no municipal corporations in Baltimore County.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore County, Maryland Department of Transportation,  
Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2009  
ncs/mwc Revised - House Third Reader - March 24, 2009

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