

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 864

(Howard County Delegation)

Environmental Matters

Judicial Proceedings

Howard County - Roadside Solicitation of Money or Donations - Prohibition
Ho. Co. 9-09

This bill prohibits a person from standing in a State highway or the highway right-of-way in Howard County to solicit money or donations from the occupant of a vehicle.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines received in District Court. The penalty established by the District Court for similar violations is \$60.

Local Effect: Howard County expenditures for enforcement, and any notification about the prohibition, can be handled with existing resources.

Small Business Effect: None.

Analysis

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 municipality 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.

The Howard County Code prohibits, with some exceptions, nontransit activities (including buying, selling, offering, giving of anything, and soliciting or seeking patronage, by any means or media) on a county road. However, a person may hold a parade or other assemblage of persons conducted with the required permit from the county for such activity. The Howard County Code also allows a person to conduct a temporary, nontransit activity in the median area of a county road for up to 4 days per calendar year if a signed application for a permit is submitted at least 21 days in advance, along with a permit fee of \$100 and a statement of indemnification holding Howard County harmless against any claim of liability arising from the activity. The activity must be conducted between 9 a.m. and sunset; only in median areas adjacent to a road with a posted speed limit of 45 miles per hour or less; without offering an inducement for drivers or passengers to leave a motor vehicle; and only if the county police department determines that the activity will not impede traffic or endanger the person or the public.

The Howard County Code further allows a person to conduct site-specific vending/operating in the shoulder area on a county road; the activity must be permitted and conducted:

- with appropriate and valid State and local licenses and permits displayed;
- between the hours of 8 a.m. and sunset;
- on roads that have a posted speed limit of 45 miles per hour or less; and

- at a location in the shoulder that is at least 8 feet from the edge line of the travel lane and at least 100 feet from the nearest intersections and other entry or exit points.

If the Howard County police department or department of public works determines that a site-specific vending/operating activity at a given location impedes traffic or endangers the person or the public, then the appropriate department may order the activity to cease operating or relocate to an area deemed safe by the department.

A violator of Howard County law regarding nontransit activities on a county road is guilty of misdemeanor, and, if convicted, subject to a maximum fine of \$100 or imprisonment for a maximum of 30 days, or both.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2009
ncs/mwc

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