

# HOUSE BILL 797

R5

2lr1974

---

By: ~~Delegates Burns, Aumann, Boteler, Bromwell, Cluster, DeBoy, Frank, Kach, Lafferty, Minnick, Morhaim, Nathan Pulliam, Stein, and Wood~~  
**Baltimore County Delegation**

Introduced and read first time: February 9, 2012  
Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 17, 2012

---

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

1 AN ACT concerning

2 **Baltimore County – Roadside Solicitation of Money or Donations –**  
3 **Prohibition Penalty**

4 FOR the purpose of ~~prohibiting a person from standing in a highway in Baltimore~~  
5 ~~County to solicit money or donations from the occupant of a vehicle, except~~  
6 ~~under certain circumstances; prohibiting an adult from encouraging or allowing~~  
7 ~~a child to stand in a highway in Baltimore County to solicit money or donations~~  
8 ~~from the occupant of a vehicle; providing that a child may not be found guilty or~~  
9 ~~adjudicated delinquent for standing in a highway in Baltimore County to solicit~~  
10 ~~money or donations from the occupant of a vehicle if an adult encouraged or~~  
11 ~~allowed the child to commit the violation; providing for the issuance of that a~~  
12 ~~person standing in a roadway, median divider, or intersection in Baltimore~~  
13 ~~County who solicits money or donations from the occupant of a vehicle without a~~  
14 ~~certain permit is subject to a certain warning ~~to~~ as a first-time offender;~~  
15 ~~providing and to a certain penalty for subsequent offenses; defining a certain~~  
16 ~~term; and generally relating to ~~restrictions on the use of highways in Baltimore~~~~  
17 ~~County for penalties for solicitation of money or donations without a permit~~  
18 ~~while standing in a roadway, median divider, or intersection in Baltimore~~  
19 ~~County.~~

20 BY repealing and reenacting, with amendments,  
21 Article – Transportation  
22 Section 21–507(h)

---

### 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 (2009 Replacement Volume and 2011 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 (h) ~~(1) THIS SUBSECTION APPLIES TO BALTIMORE COUNTY.~~

8 ~~(2) (I) IN THIS PARAGRAPH, “HIGHWAY” INCLUDES:~~

9 ~~1. RIGHTS OF WAY, ROADWAY SURFACES, ROADWAY~~  
10 ~~SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND~~  
11 ~~STRUCTURES, RELATED STORMWATER MANAGEMENT FACILITIES AND~~  
12 ~~STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES,~~  
13 ~~HIGHWAY GRADE SEPARATION STRUCTURES, RAILROAD GRADE SEPARATIONS,~~  
14 ~~TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS,~~  
15 ~~APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A~~  
16 ~~STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS; AND~~

17 ~~2. ANY OTHER PROPERTY ACQUIRED FOR THE~~  
18 ~~CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY.~~

19 ~~(II) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS~~  
20 ~~SUBSECTION, A PERSON MAY NOT STAND IN A HIGHWAY TO SOLICIT MONEY OR~~  
21 ~~DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE.~~

22 ~~(III) AN ADULT MAY NOT CAUSE, ENCOURAGE, ALLOW, OR~~  
23 ~~PETITION A CHILD UNDER THE AGE OF 15 YEARS TO VIOLATE SUBPARAGRAPH~~  
24 ~~(II) OF THIS PARAGRAPH.~~

25 ~~(3) A CHILD UNDER THE AGE OF 15 YEARS MAY NOT BE FOUND~~  
26 ~~GUILTY OR ADJUDICATED DELINQUENT FOR A VIOLATION OF PARAGRAPH~~  
27 ~~(2)(II) OF THIS SUBSECTION IF AN ADULT CAUSED, ENCOURAGED, ALLOWED, OR~~  
28 ~~PETITIONED THE CHILD IN VIOLATION OF PARAGRAPH (2)(III) OF THIS~~  
29 ~~SUBSECTION.~~

30 ~~(4) THIS SUBSECTION SHALL BE ENFORCED:~~

31 ~~(I) BY THE ISSUANCE OF A WARNING THAT INFORMS THE~~  
32 ~~OFFENDER OF THE REQUIREMENTS OF THIS SUBSECTION IF IT IS THE~~  
33 ~~OFFENDER’S FIRST VIOLATION; AND~~

1 ~~(H) UNDER § 27-101 OF THIS ARTICLE IF IT IS THE~~  
 2 ~~OFFENDER'S SECOND OR SUBSEQUENT VIOLATION.~~

3 ~~[(1)] (5)~~ The County Council of Baltimore County or the governing  
 4 body of a municipal corporation in Baltimore County, by appropriate resolution or  
 5 ordinance, may enact a permit program to allow a person to stand in a roadway,  
 6 median divider, or intersection to solicit money or donations from the occupant of a  
 7 vehicle.

8 ~~[(2)] (6)~~ At least 15 days before the date on which the permit applied  
 9 for is to be effective, an applicant shall file with the county or municipal corporation  
 10 an application that contains the following information:

- 11 (i) The name, address, and age of each person who will solicit;
- 12 (ii) The name and address of the employing or sponsoring  
 13 person, agency, or entity;
- 14 (iii) The exact location where each solicitor will be assigned;
- 15 (iv) The purpose of the solicitation;
- 16 (v) The time frame and duration of the solicitation;
- 17 (vi) The means of travel to and from the place of solicitation; and
- 18 (vii) The name, address, and telephone number of a contact  
 19 person who will be able to provide additional information to the county or municipal  
 20 corporation or its designee.

21 ~~[(3)] (7)~~ The county or municipal corporation shall examine each  
 22 application and make any further investigation as deemed necessary in order to  
 23 determine the truth of the statements made on the application.

24 ~~[(4)] (8)~~ The county or municipal corporation shall deny the permit if  
 25 it determines that:

- 26 (i) Any statement made on the application is untrue; or
- 27 (ii) The location or method of the solicitation or its duration are  
 28 such that it will be harmful to the health, safety, convenience, or welfare of the  
 29 general public.

30 ~~[(5)] (9)~~ A permit issued under this subsection shall contain:

## HOUSE BILL 797

- 1 (i) The name and address of the person making the solicitation;
- 2 (ii) The date and time at which the person may solicit; and
- 3 (iii) A statement that the permit does not constitute an  
4 endorsement by the county or municipal corporation of the solicitation or the person  
5 conducting the solicitation.

6 ~~[(6)] (10)~~ A permit shall be signed by the appropriate county or  
7 municipal officer.

8 ~~[(7)] (11)~~ The term of a permit may not exceed 24 hours.

9 ~~[(8)] (12)~~ No more than 12 permits may be issued to the same person  
10 in a calendar year.

11 ~~[(9)] (13)~~ The county or municipal corporation shall send a copy of  
12 each permit issued by the county or municipal corporation to the police department of  
13 the county or municipal corporation.

14 ~~[(10)] (14)~~ A person to whom a permit is issued shall conspicuously  
15 display the permit while soliciting.

16 **(11) A PERSON STANDING IN A ROADWAY, MEDIAN DIVIDER, OR**  
17 **INTERSECTION WHO SOLICITS MONEY OR DONATIONS FROM THE OCCUPANT OF**  
18 **A VEHICLE WITHOUT A PERMIT REQUIRED BY A RESOLUTION OR ORDINANCE**  
19 **ENACTED UNDER THIS SUBSECTION, IS SUBJECT TO:**

20 **(I) IF IT IS THE OFFENDER'S FIRST VIOLATION, A WARNING**  
21 **THAT INFORMS THE OFFENDER OF THE REQUIREMENTS FOR A PERMIT UNDER**  
22 **THE RESOLUTION OR ORDINANCE ENACTED UNDER THIS SUBSECTION; AND**

23 **(II) IF IT IS THE OFFENDER'S SECOND OR SUBSEQUENT**  
24 **VIOLATION, A PENALTY UNDER § 27-101 OF THIS ARTICLE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2012.