

HOUSE BILL 797

R5

2lr1974

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

Introduced and read first time: February 9, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

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 a certain
12 warning to a first–time offender; providing a certain penalty for subsequent
13 offenses; defining a certain term; and generally relating to restrictions on the
14 use of highways in Baltimore County for solicitation of money or donations.

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 21–507(h)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)

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

22 **Article – Transportation**

23 21–507.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (h) (1) **THIS SUBSECTION APPLIES TO BALTIMORE COUNTY.**

2 (2) (1) **IN THIS PARAGRAPH, “HIGHWAY” INCLUDES:**

3 1. **RIGHTS-OF-WAY, ROADWAY SURFACES, ROADWAY**
4 **SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND**
5 **STRUCTURES, RELATED STORMWATER MANAGEMENT FACILITIES AND**
6 **STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES,**
7 **HIGHWAY GRADE SEPARATION STRUCTURES, RAILROAD GRADE SEPARATIONS,**
8 **TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS,**
9 **APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A**
10 **STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS; AND**

11 2. **ANY OTHER PROPERTY ACQUIRED FOR THE**
12 **CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY.**

13 (II) **EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS**
14 **SUBSECTION, A PERSON MAY NOT STAND IN A HIGHWAY TO SOLICIT MONEY OR**
15 **DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE.**

16 (III) **AN ADULT MAY NOT CAUSE, ENCOURAGE, ALLOW, OR**
17 **PETITION A CHILD UNDER THE AGE OF 15 YEARS TO VIOLATE SUBPARAGRAPH**
18 **(II) OF THIS PARAGRAPH.**

19 (3) **A CHILD UNDER THE AGE OF 15 YEARS MAY NOT BE FOUND**
20 **GUILTY OR ADJUDICATED DELINQUENT FOR A VIOLATION OF PARAGRAPH**
21 **(2)(II) OF THIS SUBSECTION IF AN ADULT CAUSED, ENCOURAGED, ALLOWED, OR**
22 **PETITIONED THE CHILD IN VIOLATION OF PARAGRAPH (2)(III) OF THIS**
23 **SUBSECTION.**

24 (4) **THIS SUBSECTION SHALL BE ENFORCED:**

25 (1) **BY THE ISSUANCE OF A WARNING THAT INFORMS THE**
26 **OFFENDER OF THE REQUIREMENTS OF THIS SUBSECTION IF IT IS THE**
27 **OFFENDER’S FIRST VIOLATION; AND**

28 (II) **UNDER § 27-101 OF THIS ARTICLE IF IT IS THE**
29 **OFFENDER’S SECOND OR SUBSEQUENT VIOLATION.**

30 [(1)] (5) **The County Council of Baltimore County or the governing**
31 **body of a municipal corporation in Baltimore County, by appropriate resolution or**
32 **ordinance, may enact a permit program to allow a person to stand in a roadway,**
33 **median divider, or intersection to solicit money or donations from the occupant of a**
34 **vehicle.**

1 **[(2)] (6)** At least 15 days before the date on which the permit applied
2 for is to be effective, an applicant shall file with the county or municipal corporation
3 an application that contains the following information:

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

14 **[(3)] (7)** The county or municipal corporation shall examine each
15 application and make any further investigation as deemed necessary in order to
16 determine the truth of the statements made on the application.

17 **[(4)] (8)** The county or municipal corporation shall deny the permit if
18 it determines that:

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

23 **[(5)] (9)** A permit issued under this subsection shall contain:

- 24 (i) The name and address of the person making the solicitation;
- 25 (ii) The date and time at which the person may solicit; and
- 26 (iii) A statement that the permit does not constitute an
27 endorsement by the county or municipal corporation of the solicitation or the person
28 conducting the solicitation.

29 **[(6)] (10)** A permit shall be signed by the appropriate county or
30 municipal officer.

1 **[(7)] (11)** The term of a permit may not exceed 24 hours.

2 **[(8)] (12)** No more than 12 permits may be issued to the same person
3 in a calendar year.

4 **[(9)] (13)** The county or municipal corporation shall send a copy of
5 each permit issued by the county or municipal corporation to the police department of
6 the county or municipal corporation.

7 **[(10)] (14)** A person to whom a permit is issued shall conspicuously
8 display the permit while soliciting.

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