

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 721

(Montgomery County Delegation)

Environmental Matters

Judicial Proceedings

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Montgomery County - Solicitation and Collection of Money or Donations from  
Occupants of Vehicles - Adoption of a Permit Program  
MC 10-12

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This bill authorizes the Montgomery County Council to enact a local law requiring a person to obtain a permit to stand in a roadway, median divider, or on a sidewalk adjacent to a roadway to solicit and collect money or donations from the occupant of a vehicle.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Montgomery County revenues and expenditures may increase should a permit program be established. Fees may be implemented to offset any expenditure increases incurred by the county. Under one set of assumptions, county expenditures increase by approximately \$263,000, and county revenues increase by approximately \$264,000 annually.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The Montgomery County Council is authorized to enact a local law requiring a person to obtain a permit to stand in a roadway, median divider, or on a sidewalk adjacent to a roadway to solicit and collect money or donations from the occupant of a vehicle. If a permit is required, except in compliance with a permit obtained in accordance with the local law, a person may not (1) stand in a roadway, median divider, intersection, or on a sidewalk adjacent to a roadway, to solicit or collect

money or donations of any kind from the occupant of a vehicle; or (2) cause, encourage, allow, or petition a person to stand in a roadway, median divider, intersection, or on a sidewalk adjacent to a roadway, to solicit or collect money or donations of any kind from the occupant of a vehicle.

A local Montgomery County law may not authorize a permit to be issued to a minor for the purpose of standing in a roadway or median divider to solicit or collect money or donations of any kind from the occupant of a vehicle.

A permit issued under a local law must apply to the solicitation and collection of money or donations on roadways, median dividers, and sidewalks adjacent to roadways and may not limit the authorization to fewer than all three of those locations.

**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 watch or 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 Howard County, a person may not stand in a State highway or the highway right-of-way to solicit money or donations of any kind from the occupant of a vehicle. In Carroll, Charles, 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.

The Cecil County Commissioners or 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 municipality 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.

Frederick County, or a municipality in the county, is authorized to enact a permit program allowing a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle. If the county or municipality enacts an ordinance establishing a permit program, the ordinance must require a person seeking a permit to file an application containing the following information: (1) the date,

time, and location of the solicitation; (2) the manner and conditions under which the solicitation is to occur; and (3) the name, address, and telephone number of a contact person of the employing or sponsoring person, agency, or entity on whose behalf the solicitation is to be made, who will be able to provide additional information to the county, municipality, or the designee of the county or municipality. The county or municipality must approve the application within five days after the application is filed and may impose conditions on the solicitation.

The Baltimore and Prince George's county councils are authorized 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 authorization to enact a permit program in Prince George's County terminates September 30, 2013.

**Local Fiscal Effect:** Montgomery County revenues and expenditures may increase to the extent a permit program is established. The amount of any increase will depend on the number of permits applied for and granted and any fees charged for such permits.

If a permit program is established, Montgomery County advises that as many as 3,000 permits may be issued each year. In order to accommodate this potential level of permit activity, the county will need to hire two permit inspectors and one permit technician to process permit applications and monitor compliance. As a result, county expenditures will increase by approximately \$263,000 in the first full year of the permit program. These costs include salaries, fringe benefits, and one-time start-up costs.

The county advises that it would establish permit fees of \$88 per permit to cover the costs of the permit program. As a result, county revenues may increase by approximately \$264,000 annually.

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### **Additional Information**

**Prior Introductions:** HB 832 of 2011 was withdrawn prior to receiving a hearing from the House Environmental Matters Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 20, 2012  
mlm/hlb Revised - House Third Reader - March 27, 2012  
Revised - Enrolled Bill - May 9, 2012

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