

MEMORANDUM

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 26-02, Streets and Roads - Soliciting in Roadway

Councilmember Dacek intends to introduce Bill 26-02, Streets and Roads - Soliciting in Roadway on July 30. A public hearing is scheduled for September 12 at 7:30 pm.

The bill would prohibit pedestrians from standing in a travel lane, roadway median, or intersection, or approaching a motor vehicle in a travel lane, to solicit or sell anything to occupants of the vehicle.

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Bill No. 26-02
Concerning: Streets and roads -
soliciting in roadway
Revised: 7-17-02 Draft No. 1
Introduced: July 30, 2002
Expires: January 30, 2004
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Dacek

AN ACT to:

- (1) prohibit soliciting of occupants of motor vehicles under certain circumstances; and
- (2) generally amend the law regarding actions by pedestrians in and around travel lanes of streets and roads.

By amending

Montgomery County Code
Chapter 49, Streets and Road
Section 49-28

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Section 49-28 is amended as follows:

49-28 [Reserved] Soliciting and sales on public roads.

(a) Unless otherwise expressly permitted by law, a pedestrian must not stand in a travel lane, median divider, or intersection, or approach a motor vehicle that is in a travel lane of a road or street, to:

- (1) ask the operator or another occupant of the vehicle for a donation of money or anything else of value;
- (2) sell or deliver any item of value; or
- (3) perform any service, other than emergency medical or road service requested by the vehicle operator.

(b) Any violation of this Section is a Class C violation.

Approved:

Steven A. Silverman, President, County Council Date

Approved:

Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 26-02

Streets and Roads - Soliciting in Roadway

DESCRIPTION: Prohibits pedestrians from standing in a travel lane, roadway median, or intersection, or approaching a motor vehicle in a travel lane, to solicit or sell anything to occupants of the vehicle.

PROBLEM: Pedestrians who stand in travel lanes or approach vehicles pose a danger to themselves and vehicle occupants. Many vehicle occupants also object to being a captive audience for solicitors.

GOALS AND OBJECTIVES: To improve public safety by making it clear that pedestrians do not belong in travel lanes of roads.

COORDINATION: Police, Park Police, Department of Public Works and Transportation

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney, 240-777-7905

APPLICATION WITHIN MUNICIPALITIES: Applies in Barnesville, Brookeville, Chevy Chase View, Chevy Chase Section 5, North Chevy Chase, Poolesville, and Takoma Park.

PENALTIES: Class C (fines: \$50 first offense, \$75 repeat offenses)