

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS85460-MA-143 (5/1)

Short Title: The Bruce Stevens Solicitation Act.

(Public)

Sponsors: Senator Nesbitt.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON,
3 OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR
4 CONTROLLED BY THE STATE TO SOLICIT CHARITABLE
5 CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN
6 EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS
7 CERTAIN RESTRICTIONS AND GUIDELINES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 20-175(d) reads as rewritten:

10 "(d) Local governments may enact ordinances restricting or prohibiting a person
11 from standing on any street, highway, or right-of-way excluding sidewalks while
12 soliciting, or attempting to solicit, any employment, business, or contributions from the
13 driver or occupants of any vehicle. This subsection does not permit additional
14 restrictions or prohibitions on the activities of licensees, employees, or contractors of
15 the Department of Transportation or of any municipality engaged in construction or
16 maintenance or in making traffic or engineering ~~surveys~~ surveys except as provided in
17 subsection (e) of this section."

18 **SECTION 2.** G.S. 20-75 is amended by adding a new subsection to read:

19 "(e) A local government shall have the authority to grant authorization for an
20 employee or agent of the local government to stand in, on, or near a street or State
21 roadway, within the local government's municipal corporate limits, to solicit a charitable
22 contribution if the requirements of this subsection are met.

23 An employee or agent seeking authorization under this subsection to solicit
24 charitable contributions shall file a written application with the local government. This
25 application shall be filed not later than seven days before the date the solicitation event
26 is to occur. If there are multiple events or one event occurring on more than one day,

1 each event shall be subject to the application and permit requirements of this subsection
2 for each day the event is to be held, to include the application fee.

3 The application must include:

4 (1) The date and time when the solicitation is to occur; and

5 (2) Each location at which the solicitation is to occur; and

6 (3) The number of solicitors to be involved in the solicitation at each
7 location.

8 This subsection does not prohibit a local government from charging a fee for a
9 permit, but in no case shall the fee be greater than twenty-five dollars (\$25.00) per day
10 per event.

11 The applicant shall also furnish to the local government advance proof of liability
12 insurance in the amount of at least two million dollars (\$2,000,000) to cover damages
13 that may arise from the solicitation. The insurance coverage must provide coverage for
14 claims against any solicitor and agree to hold the local government harmless.

15 A local government, by acting under this section, does not waive, or limit, any
16 immunity or create any new liability for the local government. The issuance of an
17 authorization under this section and the conducting of the solicitation authorized is not
18 considered a governmental function of the local government.

19 In the event the solicitation event, the solicitors, or any employee or agent of the
20 local government shall create a nuisance, delay traffic, create threatening or hostile
21 situations, any law enforcement officer with proper jurisdiction may order the
22 solicitations to cease. Any individual failing to follow a law enforcement officer's
23 lawful order to cease solicitation shall be guilty of a Class 2 misdemeanor. This
24 subsection shall not limit a local government's authority to discipline or take other
25 lawful action against an employee or an agent who fails to comply with the provisions
26 of this subsection."

27 **SECTION 3.** This act becomes effective December 1, 2006, and applies to
28 offenses committed on or after that date.