SLS 19RS-120

ORIGINAL

2019 Regular Session

SENATE BILL NO. 129

BY SENATOR COLOMB

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ROADS/HIGHWAYS. Requires a local municipal or parish authority to allow certain pedestrians to stand in a roadway to solicit charitable contributions under certain circumstances. (8/1/19)

| 1 | AN ACT |
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| 2 | To amend and reenact R.S. 32:218, relative to pedestrians; to provide for the solicitation of |
| 3 | charitable contributions for charitable or civic nonprofit organizations by certain |
| 4 | pedestrians standing in a roadway; to provide relative to the regulation of charitable |
| 5 | solicitations on public roadways by a local municipal or parish authority; and to |
| 6 | provide for related matters. |
| 7 | Be it enacted by the Legislature of Louisiana: |
| 8 | Section 1. R.S. 32:218 is hereby amended and reenacted to read as follows: |
| 9 | §218. Pedestrians soliciting rides or business |
| 10 | A. No Subject to Subsection B, no person shall stand on a public roadway |
| 11 | for the purpose of soliciting a ride, employment, or business from the occupant of |
| 12 | any vehicle. |
| 13 | B.(1) Subject to the permission of the municipality or parish governing local |
| 14 | municipal or parish authority in which the roadway is located, a member of a |
| 15 | professional firefighters association, a police officer, or other nonprofit organization |
| 16 | public safety officer shall not be prohibited by this Section nor any other provision |
| 17 | of state law from standing on a public roadway for the purpose of soliciting |
| | |

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

| 1 | contributions , as a member of such association, on behalf of bona fide charitable <u>or</u> |
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| 2 | civic organizations. during daylight hours, if all of the following are satisfied: |
| 3 | (a) The charitable or civic organization complies with applicable local |
| 4 | government regulations. A local municipal or parish authority may enact or |
| 5 | enforce regulations that restrict, but shall not prohibit, the activity described |
| 6 | in this Subsection. |
| 7 | (b) The charitable or civic organization maintains at least five hundred |
| 8 | thousand dollars in liability insurance. |
| 9 | (c) The person is eighteen years of age or older. |
| 10 | (d) The person is wearing high-visibility safety apparel that meets |
| 11 | current American standards promulgated by the International Safety |
| 12 | Equipment Association. |
| 13 | (e) The portion of the roadway upon which the solicitation occurs is not |
| 14 | a work zone and is within an intersection where traffic control devices are |
| 15 | <u>present.</u> |
| 16 | (2) A local municipal or parish authority with jurisdiction over a |
| 17 | roadway upon which solicitation occurs as described in this Subsection shall not |
| 18 | be liable for any claim for damages arising out of the use of the roadway as |
| 19 | described in this Subsection. |
| 20 | (3) A person who violates this Subsection may be assessed a civil penalty. |
| 21 | (4) As used in this Subsection, "charitable or civic organization" means |
| 22 | a nonprofit organization that is qualified under Section 501(c)(3) or 501(c)(4) |
| 23 | of the Internal Revenue Code, 26 U.S.C. 501, or a veteran's organization that |
| 24 | has tax-exempt status under the Internal Revenue Code. |
| 25 | (5) A local municipal or parish authority that has enacted or is enforcing |
| 26 | regulations that are prohibited under this Subsection shall bring those |
| 27 | regulations into compliance with this Subsection no later than sixty days |
| 28 | following its effective date. |

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 129 Original

2019 Regular Session

Colomb

<u>Present law</u> prohibits persons from standing on a public roadway to solicit rides, employment, or business from occupants of vehicles.

<u>Present law</u> provides an exception allowing members of professional firefighters associations, or other nonprofit organizations to solicit contributions, as members of that association, on behalf of bona fide charitable organizations if granted permission to solicit by the municipal or parish governing authority.

<u>Proposed law</u> retains <u>present law</u> and adds police officers and other public safety officers to pedestrians who shall not be prohibited by <u>present law</u> or any other provision of state law from standing on a public roadway for the purpose of soliciting contributions on behalf of bona fide charitable or civic organizations in daylight hours provided the following conditions are satisfied:

- (a) The charitable or civic organization complies with applicable local government regulations. A local municipal or parish authority may enact or enforce regulations that restrict, but shall not prohibit, the activity described in proposed law.
- (b) The charitable or civic organization maintains at least five hundred thousand dollars in liability insurance.
- (c) The person is eighteen years of age or older.
- (d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.
- (e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

<u>Proposed law</u> limits liability for damages of a local municipal or parish authority with jurisdiction over a roadway upon which solicitation occurs as described in <u>proposed law</u>.

<u>Proposed law</u> authorizes assessment of a civil penalty on a person who violates the provisions of <u>proposed law</u>.

<u>Proposed law</u> defines "charitable or civic organization" as a nonprofit organization that is qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501, or a veteran's organization that has tax-exempt status under the Internal Revenue Code.

<u>Proposed law</u> requires a local municipal or parish authority that has enacted or is enforcing regulations that are prohibited under <u>proposed law</u> to bring those regulations into compliance with <u>proposed law</u> no later than 60 days following its effective date.

Effective August 1, 2019.

(Amends R.S. 32:218)