

Senate File 163 - Introduced

SENATE FILE 163

BY TAYLOR, DOTZLER, BOWMAN,
KINNEY, HART, ALLEN,
JOCHUM, LYKAM, MATHIS,
RAGAN, QUIRMBACH, BOULTON,
DANIELSON, DVORSKY,
BISIGNANO, and McCOY

A BILL FOR

1 An Act relating to persons soliciting donations from passing
2 motorists on behalf of charitable organizations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13C.1, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Local authority*" means a city as
4 defined in section 362.2 or a county as provided in chapter
5 331.

6 Sec. 2. NEW SECTION. 13C.4 **Authorized solicitations —**
7 **roads and streets.**

8 1. A person may solicit contributions from passing
9 motorists while standing on a road or street, as those terms
10 are defined in section 306.3, if the solicitation is for
11 charitable purposes on behalf of a charitable organization and
12 all of the following requirements are met:

13 a. The person is a law enforcement official or fire
14 fighter for, or is otherwise employed by or volunteers for, a
15 governmental entity related to the public safety of a local
16 authority.

17 b. The solicitation occurs within the jurisdiction of the
18 local authority by which the person is employed or for which
19 the person volunteers.

20 c. The charitable organization submits an application to the
21 local authority with jurisdiction over the locations where the
22 solicitation will occur at least ten business days prior to the
23 date the solicitation will first occur. The application shall
24 include all of the following:

25 (1) The dates and times when the solicitation will occur.

26 (2) The locations on the roads or streets where the
27 solicitation will occur.

28 (3) The manner and conditions under which the solicitation
29 will occur.

30 (4) Proof of a valid liability insurance policy covering the
31 charitable organization, the local authority, and all persons
32 involved in the solicitation in the amount of at least one
33 million dollars for bodily injury and property damage arising
34 out of or occurring in connection with the solicitation.

35 d. The local authority approves the application submitted

1 pursuant to paragraph "c".

2 2. A local authority shall review and approve an application
3 submitted pursuant to subsection 1, paragraph "c", within five
4 business days after the filing date of the application if the
5 requirements set forth in subsection 1, paragraph "c", are
6 met. A local authority may require an application fee in a
7 reasonable amount to be paid with an application submitted
8 pursuant to subsection 1, paragraph "c". By approving an
9 application pursuant to this subsection, a local authority does
10 not waive or limit any immunity from liability provided by any
11 other provision of law.

12 Sec. 3. Section 13C.8, subsection 2, Code 2017, is amended
13 to read as follows:

14 2. A violation of [this chapter](#) is a violation of section
15 714.16, subsection 2, paragraph "a". The provisions of section
16 714.16, including but not limited to provisions relating to
17 investigation, injunctive relief, and penalties, shall apply to
18 this chapter. This subsection shall not apply to violations
19 under section 13C.4.

20 Sec. 4. LOCAL ORDINANCES VOID — VALIDITY OF
21 PROCEEDINGS. On July 1, 2017, all local ordinances,
22 regulations, and rules not consistent with this Act are
23 void. However, this Act shall not affect the validity of any
24 proceeding brought or punishment imposed prior to July 1, 2017,
25 for a violation of such a local ordinance, regulation, or rule.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill permits a person to solicit contributions from
30 passing motorists while standing on a road or street if
31 the solicitation is for charitable purposes on behalf of a
32 charitable organization and certain requirements are met. The
33 bill requires the person to be a law enforcement official or
34 fire fighter for, or to otherwise be employed by or volunteer
35 for, a governmental entity related to the public safety

1 of a local authority. In addition, the bill requires that
2 the solicitation occur within the jurisdiction of the local
3 authority by which the person is employed or for which the
4 person volunteers. The bill also requires the charitable
5 organization to submit an application to the local authority
6 with jurisdiction over the locations where the solicitation
7 will occur at least 10 business days prior to the date the
8 solicitation will first occur. The application must include
9 the dates and times when the solicitation will occur, the
10 locations on the roads or streets where the solicitation will
11 occur, the manner and conditions under which the solicitation
12 will occur, and proof of a valid liability insurance policy
13 covering the charitable organization, the local authority, and
14 all persons involved in the solicitation in the amount of at
15 least \$1,000,000 for bodily injury and property damage arising
16 out of or occurring in connection with the solicitation.

17 The bill requires a local authority to review and approve
18 such an application within five business days after the filing
19 date of the application if the requirements set forth in the
20 bill are met. The bill permits a local authority to require
21 an application fee in a reasonable amount to be paid with a
22 submitted application. By approving an application pursuant
23 to the bill, a local authority does not waive or limit any
24 immunity from liability provided by any other provision of law.

25 The bill provides that on July 1, 2017, all local ordinances,
26 regulations, and rules not consistent with the bill are
27 void. However, the bill does not affect the validity of any
28 proceeding brought or punishment imposed prior to July 1, 2017,
29 for a violation of such a local ordinance, regulation, or rule.