

2019 Regular Session

SENATE BILL NO. 129

BY SENATORS COLOMB, CORTEZ, HEWITT, LONG, PRICE AND GARY SMITH

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

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 of this Section, no** person shall stand on a
11 public roadway for the purpose of soliciting a ride, employment, or business from
12 the occupant of 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

1 contributions, ~~as a member of such association,~~ on behalf of bona fide charitable ~~or~~
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 present.

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.

29 C. This Section shall be known as the Rivers Lacrouts Charitable

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Solicitation Act.

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. W. Wiley.

DIGEST

SB 129 Reengrossed

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Colomb

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

Present law 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.

Proposed law retains present law and adds police officers and other public safety officers to pedestrians who shall not be prohibited by present law 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.

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

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

Proposed law 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.

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

Proposed law adds that it shall be known as the Rivers Lacrouts Charitable Solicitation Act.

Effective August 1, 2019.

(Amends R.S. 32:218)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation,
Highways, and Public Works to the original bill

1. Adds provision that Section shall be known as the Rivers Lacrouts Charitable Solicitation Act.

Senate Floor Amendments to engrossed bill

1. Makes legislative bureau technical corrections.