

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

S

1

**SENATE BILL 2050**

Short Title: The Bruce Stevens Solicitation Act.

(Public)

---

Sponsors: Senator Nesbitt.

---

Referred to: Rules and Operations of the Senate.

---

May 26, 2006

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

29 The application must include:

- 1           (1)    The date and time when the solicitation is to occur; and  
2           (2)    Each location at which the solicitation is to occur; and  
3           (3)    The number of solicitors to be involved in the solicitation at each  
4                location.

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

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

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

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

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