

Senate Bill No. 582

CHAPTER 446

An act to add Section 17510.25 to the Business and Professions Code, relating to charitable solicitations.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 582, Corbett. Charitable solicitations.

Existing law requires certain disclosures to be made prior to a solicitation or sales solicitation for charitable purposes.

This bill would authorize a charity, as defined, to engage in a solicitation for charitable purposes that involves persons standing in a public roadway soliciting contributions from passing motorists, if the persons to be engaged in the solicitation are specified law enforcement personnel, firefighters, or other persons employed to protect the public safety of a local agency, as defined, and if, not later than 10 business days before the proposed solicitation is to begin, the charity files an application, containing specified information, with the city, county, or city and county having jurisdiction over the location or locations where the solicitation is to occur. The bill would also require the charity to provide proof of a valid policy of liability insurance, as specified. The bill would require the city, county, or city and county to approve the application within 5 business days of the filing date of the application, but would authorize the city, county, or city and county to impose reasonable conditions in writing that are consistent with the intent of these provisions and that are based on articulated public safety concerns. The bill would specify that its provisions are not intended to prevent a local agency from adopting an ordinance regulating the time, place, or manner of charitable solicitations in a public roadway by other persons or charities. The bill would also make related legislative findings and declarations.

By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) For over 50 years, firefighters across California have engaged in charitable fundraising events in order to support medical research of debilitating diseases such as muscular dystrophy; to purchase and provide medical equipment such as wheelchairs, braces, and communication devices to children with neuromuscular diseases; and to conduct summer camps for children with muscular dystrophy. The most successful fundraising event that firefighters have employed is the signature “fill-the-boot” campaign, which consists of firefighters asking motorists passing fire stations to contribute to these causes by putting money into firefighter boots or facsimiles of firefighter boots.

(b) During the last three years, the money raised by firefighters using the “fill-the-boot” campaign provided approximately seven million dollars (\$7,000,000) to the University of California, California State University, and Stanford University for use in developing treatments for muscular dystrophies, motor neuron diseases, peripheral nerve disorders, inflammatory myopathies, disorders of the neuromuscular junction, and metabolic diseases of the muscle, among others.

(c) The money raised by firefighters using “fill-the-boot” campaigns helps the charities that firefighters support and provides an economic advantage to the state and local communities by ensuring that the money raised in California stays in California. Furthermore, these fundraising campaigns unite firefighters with their communities and provide firefighters with opportunities to share their team strength and fellowship in better service to their communities.

(d) Because some local ordinances have recently been passed to limit or prohibit aggressive begging or panhandling in public roadways, firefighters organizing and conducting “fill-the-boot” campaigns have experienced a decline in contributions. California firefighters and other law enforcement organizations that conduct similar fundraising activities have become concerned that fundraising activities involving collections from passing motorists may have been unintentionally swept into those prohibited activities.

(e) It is therefore the intent of the Legislature to clarify that law enforcement personnel and firefighters, as well as other local agency personnel involved in public safety, because of their established training and experience in controlling traffic and other activities in and around public roadways, may be provided a separate procedure for obtaining permits from local agencies to conduct fundraising activities such as “fill-the-boot” campaigns, notwithstanding any city or county ordinance governing solicitations for charitable contributions on public roadways.

(f) The Legislature further finds and declares that the compelling interest in offering this express process to law enforcement personnel, firefighters, and other public safety personnel does not impinge upon and essentially

further the stated interest of these local ordinances by narrowly tailoring the process authorized by this act to those local agency personnel most suited to protect the public safety.

SEC. 2. Section 17510.25 is added to the Business and Professions Code, to read:

17510.25. (a) A charity, as defined in subdivision (e), may engage in a solicitation for charitable purposes that involves persons standing in a public roadway soliciting contributions from passing motorists, if both of the following requirements are met:

(1) The persons to be engaged in the solicitation are law enforcement personnel, firefighters, or other persons employed to protect the public safety of a local agency, as defined in subdivision (d), and that are soliciting solely in an area that is within the service area of that local agency.

(2) The charity files an application with the city, county, or city and county, as applicable, having jurisdiction over the location or locations where the solicitation is to occur. The application shall be filed not later than 10 business days before the date that the solicitation is to begin and shall include all of the following:

(A) The date or dates and times of day when the solicitation is to occur.

(B) The location or locations where the solicitation is to occur.

(C) The manner and conditions under which the solicitation is to occur.

(D) Proof of a valid liability insurance policy in the amount of at least one million dollars (\$1,000,000) insuring the charity, the local agency referenced in paragraph (1), and the city, county, or city and county referenced in this paragraph against bodily injury and property damage arising out of or in connection with the solicitation.

(b) The city, county, or city and county shall approve the application within five business days of the filing date of the application, but may impose reasonable conditions in writing that are consistent with the intent of this section and that are based on articulated public safety concerns.

(c) By acting under this section, a local agency referred to in paragraph (1) of subdivision (a) and a city, county, or city and county referred to in paragraph (2) of subdivision (a) do not waive or limit any immunity from liability provided by any other provision of law.

(d) For purposes of this section, “local agency” means a city, county, city and county, special district, joint powers authority, or other political subdivision of the state.

(e) For purposes of this section, “charity” means a charity subject to supervision by the Attorney General pursuant to Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(f) The Legislature finds and declares that the extraordinary liability insurance requirement contained in this section is necessary in order to protect the public safety due solely to the particular and unique circumstances governed by this section that involve charitable solicitations from passing motorists in a public roadway, where the activity of solicitation may present a recognizable potential safety hazard.

(g) This section is not intended to prevent a local agency from adopting an ordinance regulating the time, place, or manner of charitable solicitations in a public roadway by other persons or charities.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.