

BILL ANALYSIS

C.S.H.B. 3020
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Section 552.007, Transportation Code, prohibits solicitations by a person standing in a roadway, but provides that a person may solicit charitable contributions if the person is granted authorization by a local authority having jurisdiction over the roadway. CSHB 3020 would require a local authority from which such authorization is sought to grant authority if certain conditions specified in the bill are met, including that the persons engaged in the solicitation are agents or employees of the local authority and that the persons will obtain adequate liability insurance coverage for the solicitation. CSHB 3020 further provides that the grant of authorization by the local authority is not a waiver of its sovereign immunity.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 552, Transportation Code, by adding Section 552.0071 as follows:

Sec. 552.0071. LOCAL AUTHORIZATION FOR SOLICITATION BY PEDESTRIAN. (a) Provides that a local authority must grant authorization for a person to stand in a roadway to solicit a charitable contribution as provided by Section 552.007(a) of the Transportation Code if the local authority finds that the solicitation will not endanger public safety in that roadway, that the persons engaged in the solicitation are employees or agents of the local authority, and that other requirements are met.

(b) Provides that a person seeking authorization under this section must file a written application with the local authority not later than 11 days before the date the solicitation is to begin and that the application must include certain specific information about the solicitation for which authorization is sought.

(c) Provides that the section does not prohibit the local authority from requiring a permit or the payment of a reasonable fee to the local authority.

(d) Provides that the applicant must furnish the local authority with proof of liability insurance in the amount of at least one million dollars and that the insurance must cover claims against the applicant and the local authority.

(e) Provides that, by acting under this section or Section 552.007, the local authority does not waive or limit any immunity from liability applicable under law to the local authority and that the issuance of authorization under this section and the conducting of the solicitation is a governmental function of the local authority.

SECTION 2. Effective date: Immediately on receiving two thirds of the vote of all the members elected to each House, or if such vote is not received, on September 1, 2005.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

No substantive changes. The committee substitute is a version prepared by the Texas Legislative Council.