

BILL ANALYSIS

S.B. 245
By: Gallegos
Urban Affairs
Committee Report (Unamended)

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.

The purpose of S.B. 245 is to provide employees of local municipalities the ability to solicit charitable contributions while standing in the roadway.

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

S.B. 245 adds Section 552.0071 to the Transportation Code to create a process by which local authority may authorize a person to stand in a roadway and solicit charitable contributions. The person must be an employee or agent of the local authority and must file a written application for authorization not later than the 11th day before the day the solicitation is to begin. Applications must include the day or dates, the times, and place or places where the solicitation will occur and the number of solicitors to be involved. The applicant must also provide proof of insurance in the amount of at least \$1 million to cover damages that may arise from the solicitation.

Municipalities are not prohibited from requiring a permit or the payment of a fee to provide for solicitation within its jurisdiction and does not waive or limit any immunity from liability applicable under law to the local authority.

Existing rights of individuals or organizations under Section 552.007, Transportation Code, are not impaired by any provision of subsections created in this bill.

EFFECTIVE DATE

This Act takes effect September 1, 2005 or immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.