

1-1 By: Gallegos S.B. No. 245
1-2 (In the Senate - Filed January 25, 2005; February 3, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 21, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 March 21, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 245 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to local government authorization of charitable
1-11 solicitation by a pedestrian.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 552, Transportation Code, is amended by
1-14 adding Section 552.0071 to read as follows:

1-15 Sec. 552.0071. LOCAL AUTHORIZATION FOR SOLICITATION BY
1-16 PEDESTRIAN. (a) A local authority shall grant authorization for a
1-17 person to stand in a roadway to solicit a charitable contribution as
1-18 provided by Section 552.007(a) if the persons to be engaged in the
1-19 solicitation are employees or agents of the local authority and the
1-20 other requirements of this section are met.

1-21 (b) A person seeking authorization under this section shall
1-22 file a written application with the local authority not later than
1-23 the 11th day before the date the solicitation is to begin. The
1-24 application must include:

1-25 (1) the date or dates and times when the solicitation
1-26 is to occur;

1-27 (2) each location at which solicitation is to occur;
1-28 and

1-29 (3) the number of solicitors to be involved in
1-30 solicitation at each location.

1-31 (c) This section does not prohibit a local authority from
1-32 requiring a permit or the payment of reasonable fees to the local
1-33 authority.

1-34 (d) The applicant shall also furnish to the local authority
1-35 advance proof of liability insurance in the amount of at least \$1
1-36 million to cover damages that may arise from the solicitation. The
1-37 insurance must provide coverage against claims against the
1-38 applicant and claims against the local authority.

1-39 (e) A local authority, by acting under this section or
1-40 Section 552.007, does not waive or limit any immunity from
1-41 liability applicable under law to the local authority. The
1-42 issuance of an authorization under this section and the conducting
1-43 of the solicitation authorized is a governmental function of the
1-44 local authority.

1-45 (f) Notwithstanding any provision of this section, the
1-46 existing rights of individuals or organizations under Section
1-47 552.007 are not impaired.

1-48 SECTION 2. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2005.

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