

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-1064.01 Troy Bratton

SENATE BILL 11-270

SENATE SPONSORSHIP

Nicholson,

HOUSE SPONSORSHIP

Balmer,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE COLLECTION OF CHARITABLE SOLICITATIONS FROM**
102 **PASSING MOTORISTS ON A PUBLIC ROADWAY BY LOCAL**
103 **GOVERNMENT PUBLIC SAFETY PERSONNEL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill specifies that local public safety personnel may solicit charitable contributions from motorists in public roadways if the charitable organization has filed an application with the governing body of the local government having jurisdiction over the location where the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
May 9, 2011

SENATE
2nd Reading Unamended
May 6, 2011

solicitation is to occur. A local government may not deny an application that meets the minimum criteria established in the bill, but may place reasonable restrictions on the solicitation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 5 of title 29, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 2**

5 **PUBLIC SAFETY CHARITABLE SOLICITATION**

6 **29-5-201. Short title.** THIS PART 2 SHALL BE KNOWN AND MAY BE
7 CITED AS THE "PUBLIC SAFETY CHARITABLE SOLICITATION ACT".

8 **29-5-202. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 HEREBY FINDS AND DECLARES THAT:

10 (a) FOR OVER FIFTY YEARS, FIREFIGHTERS ACROSS COLORADO
11 HAVE ENGAGED IN CHARITABLE FUNDRAISING EVENTS TO:

12 (I) SUPPORT MEDICAL RESEARCH OF DEBILITATING DISEASES SUCH
13 AS MUSCULAR DYSTROPHY;

14 (II) PROVIDE COMPREHENSIVE HEALTH CARE AND SUPPORT
15 SERVICES, ADVOCACY, AND EDUCATION ON BEHALF OF CHILDREN AND
16 ADULTS WITH NEUROMUSCULAR DISEASES; AND

17 (III) CONDUCT SUMMER CAMPS FOR CHILDREN WITH MUSCULAR
18 DYSTROPHY.

19 (b) THE MOST SUCCESSFUL FUNDRAISING EVENT THAT
20 FIREFIGHTERS HAVE EMPLOYED IS THE SIGNATURE "FILL THE BOOT"
21 CAMPAIGN, WHICH CONSISTS OF FIREFIGHTERS ASKING MOTORISTS PASSING
22 FIRE STATIONS TO CONTRIBUTE TO THE CAUSES SPECIFIED IN PARAGRAPH
23 (a) OF THIS SUBSECTION (1) BY PUTTING MONEY INTO THE FIREFIGHTER
24 BOOTS OR FACSIMILES OF FIREFIGHTER BOOTS.

1 (c) BECAUSE SOME LOCAL ORDINANCES LIMIT OR PROHIBIT
2 AGGRESSIVE BEGGING OR PANHANDLING IN PUBLIC ROADWAYS,
3 FIREFIGHTERS ORGANIZING AND CONDUCTING "FILL THE BOOT"
4 CAMPAIGNS HAVE EXPERIENCED A DECLINE IN CONTRIBUTIONS.

5 (d) FIREFIGHTERS IN COLORADO, ALONG WITH LAW ENFORCEMENT
6 ORGANIZATIONS THAT CONDUCT SIMILAR FUNDRAISING ACTIVITIES, ARE
7 CONCERNED THAT ACTIVITIES INVOLVING COLLECTIONS FROM PASSING
8 MOTORISTS WERE UNINTENTIONALLY CATEGORIZED AS PROHIBITED
9 ACTIVITIES.

10 (e) THE COMPELLING INTEREST IN OFFERING THE EXPRESS PROCESS
11 CONTAINED IN THIS PART 2 TO LAW ENFORCEMENT PERSONNEL,
12 FIREFIGHTERS, AND OTHER PUBLIC SAFETY PERSONNEL DOES NOT IMPINGE
13 UPON, AND ESSENTIALLY FURTHERS THE STATED INTERESTS OF, THE
14 RELEVANT LOCAL ORDINANCES BY NARROWLY TAILORING THE PROCESS
15 AUTHORIZED BY THIS PART 2 TO THOSE LOCAL GOVERNMENT PERSONNEL
16 MOST SUITED TO PROTECT THE PUBLIC SAFETY.

17 (f) THE EXTRAORDINARY LIABILITY INSURANCE REQUIRED BY THIS
18 PART 2 IS NECESSARY TO PROTECT THE PUBLIC SAFETY AND IS DUE SOLELY
19 TO THE PARTICULAR AND UNIQUE CIRCUMSTANCES INVOLVING THE
20 COLLECTION OF CHARITABLE SOLICITATIONS FROM PASSING MOTORISTS IN
21 A PUBLIC ROADWAY.

22 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY IN
23 ENACTING THIS PART 2 TO CLARIFY THAT LAW ENFORCEMENT PERSONNEL
24 AND FIREFIGHTERS AS WELL AS OTHER LOCAL SAFETY PERSONNEL,
25 BECAUSE OF THEIR ESTABLISHED TRAINING AND EXPERIENCE IN
26 CONTROLLING TRAFFIC AND OTHER ACTIVITIES IN AND AROUND PUBLIC
27 ROADWAYS, MAY BE PROVIDED A SEPARATE PROCEDURE FOR OBTAINING

1 PERMITS FROM LOCAL GOVERNMENTS TO CONDUCT FUNDRAISING
2 ACTIVITIES SUCH AS "FILL THE BOOT" CAMPAIGNS, NOTWITHSTANDING
3 ANY CITY OR COUNTY ORDINANCE GOVERNING SOLICITATIONS FOR
4 CHARITABLE CONTRIBUTIONS ON PUBLIC ROADWAYS.

5 **29-5-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "CHARITABLE ORGANIZATION" SHALL HAVE THE SAME
8 MEANING AS SET FORTH IN SECTION 6-16-103 (1), C.R.S.

9 (2) "CHARITABLE PURPOSE" SHALL HAVE THE SAME MEANING AS
10 SET FORTH IN SECTION 6-16-103 (2), C.R.S.

11 (3) "LOCAL GOVERNMENT" MEANS ANY COUNTY, TOWN, CITY, CITY
12 AND COUNTY, MUNICIPALITY, OR OTHER LOCAL ENTITY HAVING THE
13 AUTHORITY TO ENACT LOCAL ORDINANCES.

14 **29-5-204. Local government authorization for solicitation of**
15 **charitable donations.** (1) A CHARITABLE ORGANIZATION MAY ENGAGE
16 IN A SOLICITATION FOR CHARITABLE PURPOSES THAT INVOLVES PERSONS
17 STANDING IN OR ADJACENT TO A PUBLIC ROADWAY AND WHO SOLICIT
18 DONATIONS FROM MOTORISTS IF:

19 (a) THE PERSONS ARE:

20 (I) LAW ENFORCEMENT PERSONNEL, FIREFIGHTERS, OR PERSONS
21 WHO OTHERWISE VOLUNTEER FOR OR ARE EMPLOYED BY A LOCAL
22 GOVERNMENT TO PROTECT THE PUBLIC SAFETY; AND

23 (II) SOLICITING IN AN AREA THAT IS ENTIRELY WITHIN THE
24 JURISDICTION OF THE LOCAL GOVERNMENT; AND

25 (b) THE CHARITABLE ORGANIZATION FILES AN APPLICATION WITH
26 THE GOVERNING BODY OF THE LOCAL GOVERNMENT HAVING JURISDICTION
27 OVER THE LOCATIONS OF THE SOLICITATION. SUCH APPLICATION SHALL BE

1 FILED NO LATER THAN THIRTY BUSINESS DAYS PRIOR TO THE DATE THAT
2 THE SOLICITATION BEGINS AND SHALL INCLUDE, BUT NOT BE LIMITED TO,
3 THE FOLLOWING:

4 (I) THE DATE AND TIME OF THE SOLICITATION;

5 (II) THE LOCATION OF THE SOLICITATION;

6 (III) A DESCRIPTION OF THE MANNER AND CONDITIONS UNDER
7 WHICH THE SOLICITATION IS TO OCCUR; AND

8 (IV) A CERTIFICATE OF INSURANCE OR OTHER PROOF OF A VALID
9 LIABILITY INSURANCE POLICY IN THE AMOUNT OF ONE MILLION DOLLARS
10 INSURING THE CHARITABLE ORGANIZATION, THE LAW ENFORCEMENT
11 PERSONNEL, FIREFIGHTERS, OR OTHER PERSONS CONDUCTING THE
12 SOLICITATION, AND THE LOCAL GOVERNMENT HAVING JURISDICTION.

13 (2) WITHIN TWENTY-FIVE BUSINESS DAYS OF THE RECEIPT OF THE
14 APPLICATION, THE GOVERNING BODY OF THE LOCAL GOVERNMENT HAVING
15 JURISDICTION OVER THE LOCATIONS WHERE THE SOLICITATION IS TO
16 OCCUR SHALL APPROVE OR DENY THE APPLICATION. AN APPLICATION
17 THAT MEETS THE CRITERIA CONTAINED IN PARAGRAPH (b) OF SUBSECTION
18 (1) OF THIS SECTION SHALL NOT BE REJECTED, BUT THE GOVERNING BOARD
19 MAY, IN WRITING, IMPOSE REASONABLE CONDITIONS THAT ARE
20 CONSISTENT WITH THE INTENT OF THIS PART 2 AND THAT ARE BASED ON
21 ARTICULATED PUBLIC SAFETY CONCERNS.

22 (3) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO PREVENT A
23 LOCAL GOVERNMENT FROM ENACTING REASONABLE TIME, PLACE, OR
24 MANNER RESTRICTIONS ON THE CHARITABLE SOLICITATION IN A PUBLIC
25 ROADWAY BY PERSONS OR CHARITIES NOT DESCRIBED IN THIS PART 2.

26 **SECTION 2. Act subject to petition - effective date.** This act
27 shall take effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part shall not take effect
6 unless approved by the people at the general election to be held in
7 November 2012 and shall take effect on the date of the official
8 declaration of the vote thereon by the governor.