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SENATE BILL 215

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO CHARITABLE ORGANIZATIONS; PERMITTING MEMBERS OF CERTAIN CHARITABLE ORGANIZATIONS TO STAND IN PUBLIC ROADWAYS TO SOLICIT CONTRIBUTIONS FROM PASSING MOTORISTS IF CERTAIN REQUIREMENTS ARE MET.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LOCAL AUTHORIZATION FOR CHARITABLE SOLICITATION IN ROADWAYS.--

A. A charitable organization that is registered with the attorney general pursuant to the Charitable Solicitations Act may engage in a solicitation for charitable purposes that involves persons standing in a public roadway, on the shoulder of a public roadway or on a median between public roadways soliciting contributions from passing motorists if the following requirements are met:

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1                   (1) all persons engaged in the solicitation  
2 are law enforcement personnel, firefighters or other persons  
3 employed to protect public safety and are soliciting solely in  
4 an area that is within the service area of the agencies for  
5 which they work; and

6                   (2) the charitable organization files an  
7 application with the municipality or county having jurisdiction  
8 over the location where the solicitation is to occur. The  
9 application shall be filed no later than ten business days  
10 before the date the solicitation is to begin and shall include  
11 the following:

12                               (a) the date and time the solicitation  
13 is to occur;

14                               (b) the location where the solicitation  
15 is to occur;

16                               (c) the number of persons to be involved  
17 in the solicitation;

18                               (d) the manner and conditions under  
19 which the solicitation is to occur; and

20                               (e) proof of a valid liability insurance  
21 policy in the amount of at least one million dollars  
22 (\$1,000,000) insuring the charitable organization, the agency  
23 for which the persons making the solicitation work and the  
24 municipality or county to which the application is made against  
25 bodily injury and property damage arising out of or in

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1 connection with the solicitation.

2 B. The municipality or county shall approve a  
3 complete application within five business days of the filing  
4 date of the application but may impose reasonable conditions in  
5 writing that are consistent with this section and that are  
6 based on articulated public safety concerns.

7 C. An agency employing persons engaged in  
8 solicitations pursuant to this section and a municipality or  
9 county approving an application pursuant to this section do not  
10 waive or limit immunity from liability provided by another  
11 provision of law.