

CHAPTER 38

GOVERNMENT - LOCAL

HOUSE BILL 12-1117

BY REPRESENTATIVE(S) Balmer, Casso, Fields, Fischer, Hamner, Jones, Kagan, Kerr A., Kerr J., Labuda, Miklosi, Pabon, Pace, Peniston, Priola, Ryden, Schafer S., Singer, Soper, Todd, Vigil, Wilson, Young;
also SENATOR(S) Nicholson, Aguilar.

AN ACT

CONCERNING THE ABILITY OF A LOCAL GOVERNMENT TO PERMIT, IN ITS DISCRETION, THE COLLECTION OF CHARITABLE SOLICITATIONS FROM MOTORISTS ON A CERTAIN NUMBER OF DAYS PER CALENDAR YEAR.

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

SECTION 1. In Colorado Revised Statutes, **add** article 6.5 to title 29 as follows:

ARTICLE 6.5
Charitable Solicitations from Motorists

29-6.5-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

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

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

(III) CONDUCT SUMMER CAMPS FOR CHILDREN WITH MUSCULAR DYSTROPHY;

(b) THE MOST SUCCESSFUL FUNDRAISING EVENT THAT FIREFIGHTERS HAVE EMPLOYED IS THE SIGNATURE "FILL THE BOOT" CAMPAIGN, WHICH CONSISTS OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FIREFIGHTERS ASKING MOTORISTS PASSING FIRE STATIONS TO CONTRIBUTE TO THE CAUSES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) BY PUTTING MONEY INTO FIREFIGHTER BOOTS OR FACSIMILES OF FIREFIGHTER BOOTS; AND

(c) OTHER NONPROFIT AND CHARITABLE ORGANIZATIONS WOULD BENEFIT FROM THE ABILITY TO SOLICIT AND ACCEPT DONATIONS IN A SIMILAR MANNER.

(2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS ARTICLE TO CLARIFY THAT LOCAL GOVERNMENTS MAY, IN THEIR DISCRETION, ALLOW LAW ENFORCEMENT PERSONNEL AND FIREFIGHTERS, OTHER LOCAL PUBLIC SAFETY PERSONNEL, AND NONPROFIT OR CHARITABLE ORGANIZATIONS TO CONDUCT FUNDRAISING ACTIVITIES.

29-6.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

29-6.5-103. Local government authorization for solicitation of charitable donations. (1) A LOCAL GOVERNMENT MAY PERMIT, IN ITS DISCRETION, A CHARITABLE ORGANIZATION TO ENGAGE IN A SOLICITATION FOR A CHARITABLE PURPOSE, WHICH SOLICITATION INVOLVES PERSONS STANDING IN OR ADJACENT TO A PUBLIC ROADWAY AND SOLICITING DONATIONS FROM MOTORISTS, IF:

(a) THE PERSONS SOLICIT IN AN AREA THAT IS ENTIRELY WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT; AND

(b) THE NUMBER OF DAYS FOR WHICH A LOCAL GOVERNMENT GRANTS PERMISSION FOR SUCH SOLICITATIONS DOES NOT EXCEED FIVE DAYS IN ANY CALENDAR YEAR PER CHARITABLE ORGANIZATION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 2012