



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1605

Introduced 2/15/2011, by Rep. Donald L. Moffitt - Mike Bost

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1182 new  
65 ILCS 5/11-80-9

from Ch. 24, par. 11-80-9

Amends the Counties Code and the Illinois Municipal Code. Provides that no county or municipality may prohibit a charitable organization from soliciting for charitable purposes, including solicitations taking place on public roadways from passing motorists, if certain requirements are met. Sets forth the requirements concerning the solicitation regarding the groups involved, application requirements, and liability insurance. Defines "local agency" to mean a municipality, county, special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois. Effective immediately.

LRB097 07147 KMW 47249 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Section  
5 5-1182 as follows:

6 (55 ILCS 5/5-1182 new)

7 Sec. 5-1182. Charitable organizations; solicitation.

8 (a) No county may prohibit a charitable organization, as  
9 defined in Section 2 of the Charitable Games Act, from  
10 soliciting for charitable purposes, including solicitations  
11 taking place on public roadways from passing motorists, if the  
12 following requirements are met:

13 (1) The persons to be engaged in the solicitation are  
14 law enforcement personnel, firefighters, or other persons  
15 employed to protect the public safety of a local agency,  
16 and that are soliciting solely in an area that is within  
17 the service area of that local agency.

18 (2) The charitable organization files an application  
19 with the municipality or county having jurisdiction over  
20 the location or locations where the solicitation is to  
21 occur. The applications shall be filed not later than 10  
22 business days before the date that the solicitation is to  
23 begin and shall include all of the following:

1           (A) The date or dates and times of day when the  
2           solicitation is to occur.

3           (B) The location or locations where the  
4           solicitation is to occur.

5           (C) The manner and conditions under which the  
6           solicitation is to occur.

7           (D) Proof of a valid liability insurance policy in  
8           the amount of at least \$1,000,000 insuring the charity  
9           or local agency against bodily injury and property  
10           damage arising out of or in connection with the  
11           solicitation. The county shall approve the application  
12           within 5 business days after the filing date of the  
13           application, but may impose reasonable conditions in  
14           writing that are consistent with the intent of this  
15           Section and are based on articulated public safety  
16           concerns. By acting under this Section, a local agency  
17           does not waive or limit any immunity from liability  
18           provided by any other provision of law.

19           (b) For purposes of this Section, "local agency" means a  
20           municipality, county, special district, fire district, joint  
21           powers of authority, or other political subdivision of the  
22           State of Illinois.

23           Section 10. The Illinois Municipal Code is amended by  
24           changing Section 11-80-9 as follows:

1 (65 ILCS 5/11-80-9) (from Ch. 24, par. 11-80-9)

2 Sec. 11-80-9. The corporate authorities of each  
3 municipality may prevent and regulate all amusements and  
4 activities having a tendency to annoy or endanger persons or  
5 property on the sidewalks, streets, and other municipal  
6 property. However, no municipality may prohibit a charitable  
7 organization, as defined in Section 2 of the Charitable Games  
8 Act, from soliciting for charitable purposes, including  
9 solicitations taking place on public roadways from passing  
10 motorists, if the following requirements are met:

11 (1) The persons to be engaged in the solicitation are law  
12 enforcement personnel, firefighters, or other persons employed  
13 to protect the public safety of a local agency, and that are  
14 soliciting solely in an area that is within the service area of  
15 that local agency.

16 (2) The charitable organization files an application with  
17 the municipality or county having jurisdiction over the  
18 location or locations where the solicitation is to occur. The  
19 applications shall be filed not later than 10 business days  
20 before the date that the solicitation is to begin and shall  
21 include all of the following:

22 (A) The date or dates and times of day when the  
23 solicitation is to occur.

24 (B) The location or locations where the solicitation is  
25 to occur.

26 (C) The manner and conditions under which the

1 solicitation is to occur.

2 (D) Proof of a valid liability insurance policy in the  
3 amount of at least \$1,000,000 insuring the charity or local  
4 agency against bodily injury and property damage arising  
5 out of or in connection with the solicitation. The  
6 municipality shall approve the application within 5  
7 business days after the filing date of the application, but  
8 may impose reasonable conditions in writing that are  
9 consistent with the intent of this Section and are based on  
10 articulated public safety concerns. By acting under this  
11 Section, a local agency does not waive or limit any  
12 immunity from liability provided by any other provision of  
13 law.

14 (c) For purposes of this Section, "local agency" means a  
15 municipality, county, special district, fire district, joint  
16 powers of authority, or other political subdivision of the  
17 State of Illinois.

18 (Source: Laws 1961, p. 576.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.