



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB0956

Introduced 1/25/2013, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

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

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

Amends the Counties Code and the Illinois Municipal Code. Requires the charitable organization seeking an exemption from the prohibition on charitable solicitation to also provide the county or municipality, as applicable, with a list of 3 alternate solicitation locations. Provides that if the county or municipality determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations, or past accident history, then the county or municipality may deny the application for that location and must approve one of the 3 alternate locations following the order of preference submitted by the applicant on the alternate location list. Also makes technical changes. Effective immediately.

LRB098 03797 OMW 33813 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 changing Section  
5 5-1182 as follows:

6 (55 ILCS 5/5-1182)

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 all  
12 of the 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 those persons are soliciting solely in an area that is  
17 within 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 along with a list of 3  
5 alternate locations listed in order of preference.

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

8 (D) Proof of a valid liability insurance policy in  
9 the amount of at least \$1,000,000 insuring the charity  
10 or local agency against bodily injury and property  
11 damage arising out of or in connection with the  
12 solicitation.

13 The county shall approve the application within 5 business  
14 days after the filing date of the application, but may impose  
15 reasonable conditions in writing that are consistent with the  
16 intent of this Section and are based on articulated public  
17 safety concerns. If the county determines that the applicant's  
18 location cannot be permitted due to significant safety  
19 concerns, such as high traffic volumes, poor geometrics,  
20 construction, maintenance operations, or past accident  
21 history, then the county may deny the application for that  
22 location and must approve one of the 3 alternate locations  
23 following the order of preference submitted by the applicant on  
24 the alternate location list. By acting under this Section, a  
25 local agency does not waive or limit any immunity from  
26 liability provided by any other provision of law.

1 (b) For purposes of this Section, "local agency" means a  
2 ~~municipality~~, county, special district, fire district, joint  
3 powers of authority, or other political subdivision of the  
4 State of Illinois.

5 (c) A home rule unit may not regulate a charitable  
6 organization in a manner that is inconsistent with this  
7 Section. This Section is a limitation under subsection (i) of  
8 Section 6 of Article VII of the Illinois Constitution on the  
9 concurrent exercise by home rule units of powers and functions  
10 exercised by the State.

11 (Source: 09700SB3518eng.)

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

14 (65 ILCS 5/11-80-9) (from Ch. 24, par. 11-80-9)

15 Sec. 11-80-9. The corporate authorities of each  
16 municipality may prevent and regulate all amusements and  
17 activities having a tendency to annoy or endanger persons or  
18 property on the sidewalks, streets, and other municipal  
19 property. However, no municipality may prohibit a charitable  
20 organization, as defined in Section 2 of the Charitable Games  
21 Act, from soliciting for charitable purposes, including  
22 solicitations taking place on public roadways from passing  
23 motorists, if all of the following requirements are met.

24 (1) The persons to be engaged in the solicitation are

1 law enforcement personnel, firefighters, or other persons  
2 employed to protect the public safety of a local agency,  
3 and that are soliciting solely in an area that is within  
4 the service area of that local agency.

5 (2) The charitable organization files an application  
6 with the municipality ~~or county~~ having jurisdiction over  
7 the location or locations where the solicitation is to  
8 occur. The applications shall be filed not later than 10  
9 business days before the date that the solicitation is to  
10 begin and shall include all of the following:

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

13 (B) The location or locations where the  
14 solicitation is to occur along with a list of 3  
15 alternate locations listed in order of preference.

16 (C) The manner and conditions under which the  
17 solicitation is to occur.

18 (D) Proof of a valid liability insurance policy in  
19 the amount of at least \$1,000,000 insuring the charity  
20 or local agency against bodily injury and property  
21 damage arising out of or in connection with the  
22 solicitation.

23 The municipality shall approve the application within 5  
24 business days after the filing date of the application, but may  
25 impose reasonable conditions in writing that are consistent  
26 with the intent of this Section and are based on articulated

1 public safety concerns. If the municipality determines that the  
2 applicant's location cannot be permitted due to significant  
3 safety concerns, such as high traffic volumes, poor geometrics,  
4 construction, maintenance operations, or past accident  
5 history, then the municipality may deny the application for  
6 that location and must approve one of the 3 alternate locations  
7 following the order of preference submitted by the applicant on  
8 the alternate location list. By acting under this Section, a  
9 local agency does not waive or limit any immunity from  
10 liability provided by any other provision of law.

11 (3) For purposes of this Section, "local agency" means a  
12 municipality, ~~county,~~ special district, fire district, joint  
13 powers of authority, or other political subdivision of the  
14 State of Illinois.

15 A home rule unit may not regulate a charitable organization  
16 in a manner that is inconsistent with this Section. This  
17 Section is a limitation under subsection (i) of Section 6 of  
18 Article VII of the Illinois Constitution on the concurrent  
19 exercise by home rule units of powers and functions exercised  
20 by the State.

21 (Source: Laws 1961, p. 576; 09700SB3518eng.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.