

No. 2015-57

AN ACT

HB 138

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for soliciting by first responder organizations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 7714. Soliciting by first responder organizations.

(a) Soliciting donations.—Notwithstanding 75 Pa.C.S. § 3545 (relating to pedestrians soliciting rides or business), a bona fide, duly constituted first responder organization may solicit donations in accordance with the following:

(1) The solicitation shall only occur at a controlled-intersection approach which contains a stop sign or a traffic signal.

(2) A first responder organization shall first obtain the written approval of the municipality where the solicitation occurs, subject to any conditions imposed in accordance with paragraph (3), and then the written approval of the Department of Transportation for highways under its jurisdiction. The municipality and the Department of Transportation, for highways under its jurisdiction, may base the decision regarding approval or disapproval on public safety or traffic operations issues. Approval may be revoked or modified if concerns are raised due to public safety or traffic operations issues.

(3) The municipality shall be permitted to establish limitations on the solicitation, including, but not limited to, any of the following:

(i) Duration of the solicitation.

(ii) The time of day when solicitation shall occur.

(iii) The number of individuals engaging in solicitation.

(iv) Additional safety precautions, including signage and availability of first aid.

(4) A solicitor on behalf of a first responder organization shall adhere to the following:

(i) The solicitor must have both liability and workers' compensation insurance acceptable to the municipality provided by the organization for which the solicitor is soliciting if the solicitor is a bona fide member of the organization.

(ii) The solicitor must wear a Pennsylvania Department of Transportation-approved traffic safety vest.

(5) Neither the municipality nor the Department of Transportation shall be liable for any damages on account of any injury to a person or property caused by or resulting from solicitations on highways notwithstanding approvals or conditions as provided in this section.

(b) Definitions.—As used in this section, the term "first responder organization" means any of the following which is a nonprofit organization as classified under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) and is located in this Commonwealth:

(1) A volunteer fire, rescue or emergency medical services company.

(2) Law enforcement personnel.

Section 2. This act shall take effect in 60 days.

APPROVED—The 4th day of November, A.D. 2015

TOM WOLF