

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 138 Session of 2015

INTRODUCED BY FARRY, GREINER, STEPHENS, DUNBAR, BAKER, V. BROWN, LONGIETTI, SCHWEYER, BARRAR, KILLION, KNOWLES, GRELL, MILLARD, COHEN, MULLERY, LAWRENCE, MARSICO, DEASY, READSHAW, KORTZ, GABLER, GILLEN, MURT, WATSON, MOUL, GIBBONS, MICCARELLI AND DAVIS, JANUARY 21, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 12, 2015

AN ACT

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

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

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

8 § 7714. Soliciting by first responder organizations.

9 (a) Soliciting donations.--Except as provided for under 75
10 Pa.C.S. § 3545 (relating to pedestrians soliciting rides or
11 business), a first responder organization approved by the
12 municipality or the Department of Transportation, for highways
13 under its jurisdiction, may solicit donations as follows:

14 (1) Solicitations may be conducted on behalf of or by a
15 bona fide, duly constituted first responder organization in
16 accordance with the following:

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

4 (ii) A first responder organization shall obtain the
5 written approval of the municipality where the
6 solicitation occurs and the written approval of the
7 Department of Transportation for highways under its
8 jurisdiction. The municipality and the Department of
9 Transportation, for highways under its jurisdiction, may
10 base the decision regarding approval or disapproval on
11 public safety or traffic operations issues. Approval may
12 be revoked if concerns are raised due to unanticipated
13 public safety or a traffic operation event.

14 (iii) The municipality or Department of
15 Transportation, for highways under its jurisdiction,
16 shall be permitted to establish limitations on any of the
17 following:

18 (A) Duration of the solicitation.

19 (B) The time of day when solicitation shall
20 occur.

21 (C) The number of individuals engaging in
22 solicitation.

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

25 (A) The solicitor must have both liability and
26 workers' compensation insurance provided by the
27 organization for which the solicitor is soliciting if
28 the solicitor is a bona fide member of the
29 organization.

30 (B) The solicitor must be accompanied at all

1 times by an individual trained in first aid and must
2 have a first aid kit present at all times.

3 (C) The solicitor must wear a Pennsylvania
4 Department of Transportation-approved traffic safety
5 vest.

6 (b) Definitions.--As used in this section, the term "first
7 responder organization" means any of the following which is A <--
8 NONPROFIT ORGANIZATION AS CLASSIFIED UNDER SECTION 501(C) (3) OF
9 THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C.
10 § 501(C) (3)) AND IS located in this Commonwealth:

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

13 (2) Law enforcement personnel.

14 ~~(3) Other individuals who protect the public safety.~~ <--

15 ~~(4) A nonprofit organization as classified under section~~
16 ~~501(c) (3) of the Internal Revenue Code of 1986 (Public Law~~
17 ~~99-514, 26 U.S.C. § 501(c) (3)).~~

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