

## 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, DAVIS, J. HARRIS, BARBIN AND TOOHIL,  
JANUARY 21, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
IN SENATE, AS AMENDED, SEPTEMBER 30, 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~~

1 ~~accordance with the following:~~

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

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

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

19 ~~(A) Duration of the solicitation.~~

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

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

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

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

1 ~~(B) The solicitor must be accompanied at all~~  
2 ~~times by an individual trained in first aid and must~~  
3 ~~have a first aid kit present at all times.~~

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

7 (A) SOLICITING DONATIONS.--NOTWITHSTANDING 75 PA.C.S. § 3545 <--  
8 (RELATING TO PEDESTRIANS SOLICITING RIDES OR BUSINESS), A BONA  
9 FIDE, DULY CONSTITUTED FIRST RESPONDER ORGANIZATION MAY SOLICIT  
10 DONATIONS IN ACCORDANCE WITH THE FOLLOWING:

11 (1) THE SOLICITATION SHALL ONLY OCCUR AT A CONTROLLED-  
12 INTERSECTION APPROACH WHICH CONTAINS A STOP SIGN OR A TRAFFIC  
13 SIGNAL.

14 (2) A FIRST RESPONDER ORGANIZATION SHALL FIRST OBTAIN  
15 THE WRITTEN APPROVAL OF THE MUNICIPALITY WHERE THE  
16 SOLICITATION OCCURS, SUBJECT TO ANY CONDITIONS IMPOSED IN  
17 ACCORDANCE WITH PARAGRAPH (3), AND THEN THE WRITTEN APPROVAL  
18 OF THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAYS UNDER ITS  
19 JURISDICTION. THE MUNICIPALITY AND THE DEPARTMENT OF  
20 TRANSPORTATION, FOR HIGHWAYS UNDER ITS JURISDICTION, MAY BASE  
21 THE DECISION REGARDING APPROVAL OR DISAPPROVAL ON PUBLIC  
22 SAFETY OR TRAFFIC OPERATIONS ISSUES. APPROVAL MAY BE REVOKED  
23 OR MODIFIED IF CONCERNS ARE RAISED DUE TO PUBLIC SAFETY OR  
24 TRAFFIC OPERATION ISSUES.

25 (3) THE MUNICIPALITY SHALL BE PERMITTED TO ESTABLISH  
26 LIMITATIONS ON THE SOLICITATION, INCLUDING BUT NOT LIMITED  
27 TO, ANY OF THE FOLLOWING:

28 (I) DURATION OF THE SOLICITATION.

29 (II) THE TIME OF DAY WHEN SOLICITATION SHALL OCCUR.

30 (III) THE NUMBER OF INDIVIDUALS ENGAGING IN

1           SOLICITATION.

2           (IV) ADDITIONAL SAFETY PRECAUTIONS, INCLUDING  
3           SIGNAGE AND AVAILABILITY OF FIRST AID.

4           (4) A SOLICITOR ON BEHALF OF A FIRST RESPONDER  
5           ORGANIZATION SHALL ADHERE TO THE FOLLOWING:

6           (I) THE SOLICITOR MUST HAVE BOTH LIABILITY AND  
7           WORKERS' COMPENSATION INSURANCE ACCEPTABLE TO THE  
8           MUNICIPALITY PROVIDED BY THE ORGANIZATION FOR WHICH THE  
9           SOLICITOR IS SOLICITING IF THE SOLICITOR IS A BONA FIDE  
10          MEMBER OF THE ORGANIZATION.

11          (II) THE SOLICITOR MUST WEAR A PENNSYLVANIA  
12          DEPARTMENT OF TRANSPORTATION-APPROVED TRAFFIC SAFETY  
13          VEST.

14          (5) NEITHER THE MUNICIPALITY NOR THE DEPARTMENT OF  
15          TRANSPORTATION SHALL BE LIABLE FOR ANY DAMAGES ON ACCOUNT OF  
16          ANY INJURY TO A PERSON OR PROPERTY CAUSED BY OR RESULTING  
17          FROM SOLICITATIONS ON HIGHWAYS NOTWITHSTANDING APPROVALS OR  
18          CONDITIONS AS PROVIDED IN THIS SECTION.

19          (b) Definitions.--As used in this section, the term "first  
20          responder organization" means any of the following which is a  
21          nonprofit organization as classified under section 501(c)(3) of  
22          the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C.  
23          § 501(c)(3)) and is located in this Commonwealth:

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

26                 (2) Law enforcement personnel.

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