



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3518

Introduced 2/8/2012, by Sen. Gary Forby

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. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB097 16911 JDS 62099 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 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.

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.

12 The county shall approve the application within 5 business
13 days after the filing date of the application, but may impose
14 reasonable conditions in writing that are consistent with the
15 intent of this Section and are based on articulated public
16 safety concerns. By acting under this Section, a local agency
17 does not waive or limit any immunity from liability provided by
18 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 (c) A home rule unit may not regulate a charitable
24 organization in a manner that is inconsistent with this
25 Section. This Section is a limitation under subsection (i) of
26 Section 6 of Article of the Illinois Constitution on the

1 concurrent exercise by home rule units of powers and functions
2 exercised by the State.

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

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

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

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

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

1 begin and shall include all of the following:

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

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

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 municipality shall approve the application within 5
14 business days after the filing date of the application, but may
15 impose reasonable conditions in writing that are consistent
16 with the intent of this Section and are based on articulated
17 public safety concerns. By acting under this Section, a local
18 agency does not waive or limit any immunity from liability
19 provided by any other provision of law.

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

24 A home rule unit may not regulate a charitable organization
25 in a manner that is inconsistent with this Section. This
26 Section is a limitation under subsection (i) of Section 6 of

1 Article of the Illinois Constitution on the concurrent exercise
2 by home rule units of powers and functions exercised by the
3 State.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.