

General Assembly Creates Special Rights for "Public Safety Personnel" to Engage in Solicitation Activities Within Municipalities or Counties

Effective June 15, 2012, municipalities and counties cannot prohibit police, firefighters, or public safety personnel, as members of a charitable organization¹, from soliciting within their boundaries for the "charitable" purposes of the organization, including solicitation on public roadways from passing motorists. Such solicitation remains subject to certain conditions:

- The persons soliciting must be policemen, firefighters or personnel employed to "protect the public safety" of a local agency.
- The permission for the organization to solicit is solely within the municipality/county or the "service area of [the] local agency²".
- The covered organization must apply to the municipality at least ten (10) business days before any solicitation. The application must include:
 - ✓ Date(s) and times of solicitation;
 - ✓ Location(s);
 - ✓ Manner of and conditions related to solicitation activities; and
 - ✓ Proof of liability insurance policy in amount not less than \$1 million insuring organization or municipality against bodily injury and property damage arising out of or in connection with the solicitation.

¹ "Charitable organization" is defined very broadly and means an organization or institution organized and operated to benefit an indefinite number of the public.

² Local agency under the Act means a municipality, county, "special district, fire district, joint powers of authority or other political subdivision of the State."

For more information about matters discussed in this issue, please feel free to contact Klein, Thorpe and Jenkins.



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- The application must be approved by the municipality within five (5) business days after it is filed.

The Act allows a municipality to impose added reasonable conditions, in writing, based on express public safety concerns. This action of the General Assembly in opening the roadways to this type of activity (albeit for a special group) may have a broader impact by affecting the authority of local governments to continue to impose different regulations or limits on similar solicitation activities by other groups (not covered by this Act) in the future.

The Act contains an express limitation on the exercise of home rule authority.

The Act (Public Act 97-692) can be viewed in its entirety at:

[Illinois General Assembly Public Act 97-692](#)



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