



785450

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2011	.	
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The Committee on Budget (Bogdanoff) recommended the following:

Senate Amendment

Delete lines 1939 - 1986

and insert:

driveway or designated parking area has the potential to endanger the safe movement of vehicles.

(2) DEFINITIONS.—As used in this section, the term “solicit” means to request employment, business, contributions, donations, sales, or exchanges of any kind.

(3) PERMIT REQUIRED.— Where a permit is required by a municipality or county, it is unlawful for any person, willfully and without a permit, to solicit or obstruct the free, convenient, and normal use of any public street, highway, or



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14 road by standing or approaching motor vehicles while on or
15 immediately adjacent to the street, highway, or road in a manner
16 that could endanger the safe movement of vehicles or pedestrians
17 traveling thereon.

18 (a) Each county and municipality shall adopt a permitting
19 process that protects public safety but does not impair the
20 rights of free speech, except to the extent necessary to protect
21 public safety. The permitting process must authorize or deny a
22 permit within 2 business days. A permit application denial by a
23 county or municipality shall be in writing and be based on a
24 finding that the proposed activity:

- 25 1. Increases the likelihood of traffic accidents;
26 2. Violates traffic laws, rules, or ordinances;
27 3. Makes the sidewalk impassable for pedestrians; or
28 4. Significantly increases the likelihood of harm to
29 motorists and passersby.

30 (b) If the county or municipality approves the permit, it
31 must issue to the applicant a document specifying:

- 32 1. The name and address of the person or entity to whom the
33 permit is granted;
34 2. The name of the company the person represents, if any;
35 and
36 3. The expiration date of the permit.

37 (c) The permit holder must keep the permit on his or her
38 person at all times when engaging in activity authorized by the
39 permit.

40 (d) The cost of the permit may not exceed an amount that is
41 reasonably necessary to administer the permitting process.
42 However, a permit may not be denied to any applicant for lack of



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43 financial means, as attested to by a signed affidavit.
44 (4) LOCAL GOVERNMENT JURISDICTION.—For purposes of this
45 section, counties and municipalities have original jurisdiction
46 over non-limited access state roads, and local roads, streets,
47 and highways within their physical jurisdiction. Counties and
48 municipalities may increase the restrictions of the permit
49 program if those restrictions are narrowly tailored to serve an
50 important public purpose. A county or municipality may opt out
51 of the permit program by a majority vote of the members of the
52 county or municipal governing body. This section does not
53 preempt any existing ordinances, such as any ordinance requiring
54 a peddler's license or similar type of authorization.
55