

ALLOW SOLICITATION OF CONTRIBUTIONS IN PUBLIC ROADWAY BY CHARITABLE ORGS

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House Bill 4160 (reported from committee as H-4)
Sponsor: Rep. Shane Hernandez
Committee: Transportation and Infrastructure
Complete to 5-16-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Rule 713 of the Uniform Traffic Code for Cities, Townships, and Villages reads as follows:

- (1) A person shall not stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.
- (2) A person who violates this rule is responsible for a civil infraction.

Further, the Vehicle Code currently says that a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. (There is an exception for public utilities.)

Under House Bill 4160, these provisions would not apply to a person soliciting contributions on behalf of a charitable or civic organization during daylight hours if specific conditions, outlined below are satisfied. The bill, which would amend Section 676b of the Michigan Vehicle Code, would define "charitable or civic organization" to mean a nonprofit organization that is recognized by this state or the United States government.

However, under Substitute H-4, a local authority could enact or enforce an ordinance that prohibits such activity.

Specifically, the bill says that the Vehicle Code provision cited above and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle would not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all the following are satisfied:

- The charitable or civic organization complies with applicable local regulations and maintains at least \$500,000 in liability insurance.
- The person is 18 years of age or older and is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.

- The portion of highway on which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

A local authority that has jurisdiction over a roadway on which solicitation occurs would not be liable for any claim for damages arising out of the use of the roadway.

The Michigan Administrative Code is the statute under which state departments promulgate regulatory rules. The Uniform Traffic Code cited above, promulgated by the State Police, is in the Administrative Code.

BACKGROUND INFORMATION:

An opinion by Attorney General Bill Schuette, issued on July 29, 2016, said that "Rule 713, of the Uniform Traffic Code, prohibits a person in the improved portion of a roadway from soliciting contributions in support of a civic or charitable organization from the occupant of any vehicle." The opinion was in response to a request from State Senator Phil Pavlov after a village in Huron County decided to no longer permit organizations to solicit in this way.

FISCAL IMPACT:

This bill could have a potentially negative, but likely minimal, fiscal impact on local units of government that do not affirmatively prohibit soliciting in a roadway, resulting from possibly forgoing civil infraction fine revenues that would have otherwise been collected through enforcement of the Uniform Traffic Code, which does not now exempt charitable or civic organizations.

The bill could also potentially prevent the loss of local government funds resulting from lawsuits directed at municipalities due to the injury of uninsured solicitors.

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