

[REU-19] SOLICITATION OF CONTRIBUTIONS FOR RELIGIOUS PURPOSES AT REST AREAS

In recognition of the State of North Carolina's legitimate concern for the safety and well-being of the traveling public as well as the right of citizens to the free exercise of religion, all religious organizations and those non-profit charitable or educational organizations with a history of concern for the health and safety of the traveling public are hereby authorized to solicit contributions at North Carolina Highway rest areas, wayside parks, and visitor welcome centers in accordance with these Rules. All other forms of solicitation by any other individuals or organizations are prohibited.

[19A NCAC 02E .0801](#)

PERMITS REQUIRED

- a. All organizations desiring to solicit under the provisions of this Section must first obtain a permit from the Department of Transportation for the stated purpose of allowing their members to solicit at designated areas on the state highway system.
- b. Written requests for permits for solicitation shall be sent to the appropriate Division Engineer of the Division of Highways in which the rest area or welcome center is located.
- c. Written requests must include all of the following:
 1. copy of certificate showing that the applicant is exempt from federal income tax as a religious, educational or charitable organization as provided in 26 USC 501(c)(3) together with the applicant's tax exemption number;
 2. a statement indicating the locations where the organization intends to solicit contributions;
 3. the name and address of each individual authorized to solicit for the applicant;
 4. the name of an officer of the applicant, together with an address, to whom the permit is to be sent and complaints are to be directed;
 5. if the request for a permit is from a non-religious educational or charitable organization, a detailed written description of the organization's past efforts serving and promoting the safety of the traveling public.
- d. When all the appropriate information required in Paragraph (c) of this Rule has been provided by the applicant, a permit shall be issued by the state highway administrator, or his duly authorized representative, and said permit will be effective for a period of 30 days from the date of issuance.
- e. Each permit issued shall describe the activity authorized, the area in which it may be conducted, and the period of time for which the permit is issued.

[19A NCAC 02E .0802](#)

SOLICITATION RESTRICTIONS

- a. Any member of an organization duly permitted under these Rules actually engaged in soliciting for contributions must provide and prominently display an identification tag or badge containing all of the following information:
 1. a photograph;
 2. name;
 3. organization; and
 4. DOT permit number.
- b. While actually engaged in the solicitation of contributions, individual solicitors shall orally identify themselves and state which organization they represent.

- c. Individual solicitors operating under a permit from the department shall be permitted to engage in their solicitation activities only between the hours of 9:00 a.m. and 5:00 p.m. each calendar day except during holidays, when a different time is authorized in the permit.
- d. Individual solicitors are prohibited from soliciting on any portion of a highway not designated as a rest area or welcome center.
- e. The area of the rest area which may be used shall be clearly specified in the permit, and shall not impede visitors' access to rest facilities. At the same time, it shall provide reasonable visibility of the soliciting group when feasible.
- f. Individual solicitors may use incidental water and electric utility services at highway rest areas or visitor centers with connections at locations approved by the Division of Highways.
- g. A permittee shall be limited to one individual solicitor actually engaged in solicitation activities at each site, and this individual may have the assistance of no more than two other members of the permittee's organization.
- h. Individual solicitors shall not persist in soliciting after solicitation has been declined, and solicitors shall not solicit State employees who are identifiable as such.
- i. Individual solicitors shall not harass persons by demanding, threatening or intimidating conduct.
- j. While individual solicitors may solicit from the general public donations for printed matter, refreshments or religious paraphernalia, the individual solicitors must inform the person solicited if a minimum donation is required.
- k. All distribution of refreshments, pamphlets and other materials and/or transfers of money or funds solicited from a person acting pursuant to a permit issued by the State Highway Administrator or his duly authorized representative, shall take place in or at location specifically identified in the permit.
- l. Individual solicitors may not engage in dancing, chanting, the use of music or other noise producing instruments, megaphones, microphones or any other similar devices.
- m. Individual solicitors shall cease activities in the event of emergency situations involving dangers to the general public.
- n. Individual solicitors shall not interfere with pedestrian or vehicular traffic.
- o. No more than two organizations, one religious and one non-religious charitable or educational, may solicit at highway rest areas, wayside parks or visitor welcome centers at the same time.

19A NCAC 02E .0803

- a. Any of the following shall be grounds for revoking a permit issued under the provisions of these Rules:
 - 1. failure to renew the permit issued to the organization;
 - 2. loss of federal income tax exemptions;
 - 3. violations of the restrictions on solicitations contained in Rule .0803 of this Section;
 - 4. substantiated complaints of harassment of travelers by individual solicitors;
 - 5. any action which adversely affects the health or safety of the traveling public;
 - 6. fraud or misrepresentation in application on the part of the permittee.
- b. Any organization which applies for a permit for solicitation and is refused such a permit, or any organization which has its permit revoked, may make a written appeal within 30

days of the department's decisions to the Secretary of Transportation whose decisions shall be final.

[19A NCAC 02E .0804](#) Revocation of Permits