

**TMC 8.13A.010**  
**REGULATION OF SOLICITATION**

SOLICITATION means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

**8.13.020**

**Place of solicitation: SOLICITATION NEAR DESIGNATED LOCATIONS AND FACILITIES.**

Any person who solicits when the person solicited is in any of the following places is guilty of a violation of this article:

(a) In this section:

(1) AUTOMATED TELLER MACHINE means a machine, other than a telephone:

(A) that is capable of being operated by a customer of a financial institution;

(B) by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and

(C) the use of which may or may not involve personnel of a financial institution.

(2) EXTERIOR PUBLIC PAY TELEPHONE means any coin or credit card reader telephone that is:

(A) installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

(B) accessible and available for use by members of the general public.

(3) PUBLIC TRANSPORTATION STOP means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

(4) SELF-SERVICE CAR WASH means a structure:

(A) at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

(B) that is accessible and available for use by members of the general public.

(5) SELF-SERVICE FUEL PUMP means a fuel pump:

(A) from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

(B) that is accessible and available for use by members of the general public.

(c) A person commits an offense if he conducts any solicitation within 15 feet of:

(1) an automated teller machine;

(2) an entrance or exit of a bank, credit union, or other similar financial institution;

(3) an exterior public pay telephone;

(4) a self-service car wash;

(5) a self-service fuel pump; or

(6) a public transportation stop.

(d) For purposes of Subsection (c), measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

(1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

(2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;

(3) the nearest part of an exterior public pay telephone;

(4) the nearest part of the structure of a self-service car wash;

(5) the nearest part of a self-service fuel pump; or

(6) the nearest point of any sign or marking designating an area as a public transportation stop.

### **8.13A.030**

#### **Manner of solicitation.**

##### **SOLICITATION BY COERCION**

(1) COERCION means:

(A) to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(i) imminent bodily injury; or

(ii) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(B) to persist in a solicitation after the person solicited has given a negative response;

(C) to block, either individually or as part of a group of persons, the passage of a solicited person;

(D) to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands;

(E) Using violent or threatening gestures toward a person;

(F) Willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return; or

(G) Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction.

(2) A person commits an offense if he conducts a solicitation by coercion.

### **8.13A.040. Evidence**

Evidence to support a conviction for a violation of this chapter may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

### **8.13A.050. Penalty.**

Violation of this chapter shall be a misdemeanor.