

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 749

Short Title: Misleading Solicitations.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Judiciary II.

April 3, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT SOLICITATION USING A MISLEADING PUBLIC
3 SAFETY IDENTITY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 14 of the General Statutes is amended by adding a new
6 section to read:

7 "**§ 14-401.14. Solicitation using public safety identity.**

8 (a) It shall be a misdemeanor to solicit contributions or sales from the public or
9 to conduct sales to the public, directly or indirectly, in a manner involving any of the
10 following acts:

11 (1) Use the name 'police', 'law enforcement', 'rescue squad', 'emergency
12 medical services', 'fireman', or 'firefighter' unless a bona fide police,
13 law enforcement, emergency medical services, rescue squad, or fire
14 department authorizes its use in writing. This subsection does not
15 apply to a person or organization holding a commercial license for the
16 sale of merchandise or services reasonably related to law enforcement,
17 rescue services, or fire protection.

18 (2) Willfully represent or otherwise willfully lead anyone to believe that
19 another person or entity sponsors or endorses the solicitation or sale
20 unless that person or entity has consented to the use of that name for
21 the solicitation or sale.

22 (3) Willfully represent or otherwise lead anyone to believe that the
23 solicitation or sale is on behalf of anyone other than the person or
24 entity for whose benefit the solicitation or sale is in fact made.

1 (4) Willfully represent that a contributor or purchaser will receive special
2 benefits from any public safety agency or that a person would be
3 denied any service as a result of failure to make a contribution or
4 purchase.

5 (b) A person who violates or assists in the violation of this section shall be guilty
6 of a misdemeanor punishable by imprisonment for not more than six months, a fine of
7 not more than five hundred dollars (\$500.00), or both. Each sale or solicitation in
8 violation of this section shall be a separate offense."

9 Sec. 2. This act is effective upon ratification.