

**R131. Capitol Preservation Board (State), Administration.**

**R131-10. Commercial Solicitations.**

**R131-10-1. Purpose and Authority; Free Speech Solicitation Allowed.**

(1) The purpose of this rule is to define and implement Board policy regarding commercial solicitation activities at the Utah State Capitol Hill Complex.

(2) In general, commercial solicitation is prohibited.

(3) Nothing in this rule shall be interpreted as to infringe upon anyone's constitutional right of freedom of expression and freedom of association in the Utah State Capitol Hill Complex.

(4) This rule is promulgated pursuant to Section 63C-9-301, Utah Code.

**R131-10-2. Definitions.**

(1) The definitions of rule R131-2-3 shall apply.

(2) "Commercial Solicitation(s)" means any commercial activity conducted for the purpose of advertising, promoting, fund-raising, buying or selling any product or service, encouraging membership in any group, association or organization, or the marketing of commercial activities by distributing handbills, leaflets, circulars, advertising or dispersing printed materials for commercial purposes.

(a) "Commercial Solicitation" for the purpose of this rule does not include free speech activities as defined in rule R131-11, Utah Administrative Code.

(b) "Commercial Solicitation" for the purpose of this rule does not include filming or photographic activities, but such activities shall be subject to rule R131-2 et seq.

(c) "Commercial Solicitation" for the purpose of this rule does not include solicitation by the state or federal government; solicitation related to the business of the state, solicitation related to the procurement responsibilities of the state, solicitation allowed as a matter of right under applicable federal or state law; or solicitation made pursuant to a contract or lease with the state.

**R131-10-3. Commercial Solicitation Allowed under a Facility Use Permit.**

(1) Commercial solicitation, not prohibited by R131-10-4, may be allowed in conjunction with the issuance of a facility use permit under rule R131-2 and such commercial solicitation must comply with the facility use rules of R131-2 et seq.

(2) All materials allowed shall be displayed only on bulletin boards or in areas that have been approved in advance by the executive director.

(3) The issuance of a facility use permit shall not be construed as state endorsement of the solicitor's product, service, charity or event.

(4) Soliciting activities are subject to all littering laws and regulations.

**R131-10-4. Prohibited Commercial Solicitation.**

(1) The following commercial solicitation activities are

prohibited on the Capitol Hill Complex and no facility use permit shall be issued for such:

(a) Door-to-door commercial solicitation of items, services or donations.

(b) Commercial solicitation to persons in vehicles or by leaving any commercial solicitation materials on vehicles or parking lots.

(c) Any sale of food or beverage products except by an entity under contract with the Board. Any sale of other products may only occur as allowed under a contract with the Board or as an integral part of Board/governmental business on the Capitol Hill Complex.

**KEY: commercial solicitations, leafleting, posting notices**

**Date of Enactment or Last Substantive Amendment: December 13, 2006**

**Authorizing, and Implemented or Interpreted Law: 63C-9-301**