



General Assembly

Substitute Bill No. 5092

January Session, 2019



**AN ACT PROHIBITING THE DISTRIBUTION OF UNSOLICITED
MARKETING FLYERS TO HOMES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2019*) (a) For purposes of this
2 section, (1) "commercial handbill means" any printed or written
3 circular, leaflet, pamphlet, paper, booklet or any printed, reproduced,
4 original or copy of any literature that: (A) Advertises for sale any
5 merchandise, product, commodity or thing; (B) directs attention to any
6 business, mercantile or commercial establishment or other activity for
7 the purpose of either directly or indirectly promoting the interests of
8 such business, mercantile or commercial establishment or activity by
9 sale; (C) directs attention to or advertises any meeting, theatrical
10 performance, exhibition or event of any kind for which an admission
11 fee is charged for the purpose of private gain or profit; or (D) while
12 containing reading matter other than advertising matter, is reasonably
13 perceived as an advertisement and is distributed or circulated for
14 advertising purposes or for the private benefit and gain of any person;
15 and (2) "premises" means any (A) structure or improvement upon real
16 property, or (B) yard, driveway, porch, stairs, vestibule, entry way or
17 that is appurtenant to any residential dwelling. "Premises" does not
18 include any mailbox.
- 19 (b) No person shall throw, distribute or place any commercial

20 handbill upon the premises of any residential dwelling without the
21 consent of the owner of such residential dwelling. Any person who
22 violates the provisions of this section shall be fined not more than one
23 hundred dollars for each residential dwelling where such commercial
24 handbill was thrown, distributed or placed.

25 (c) Each municipality may enforce the provisions of this section.
26 Any fine imposed pursuant to this section shall be retained by the
27 municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section

ENV *Joint Favorable Subst.*

PD *Joint Favorable*