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SENATE BILL 162

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Manny M. Aragon

AN ACT

**RELATING TO SHOPPING MALLS; GRANTING PERSONS CERTAIN RIGHTS OF
NON-COMMERCIAL COMMUNICATION, EXPRESSION AND SOLICITATION ON
THE PROPERTY OF PRIVATELY OWNED LARGE SHOPPING MALLS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. SHOPPING MALLS--RIGHTS OF PERSON TO ENGAGE IN
NON-COMMERCIAL COMMUNICATION, EXPRESSION AND SOLICITATION ON
PREMISES. --**

**A. A person has the right to engage in non-
commercial oral communication with others, distribute non-
commercial literature, solicit individuals' signatures on non-
commercial petitions or express opinions and views of a non-
commercial nature in the common public areas of a privately
owned shopping mall having leased space and common areas
totaling five hundred thousand or more square feet if the**

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 specified activities do not substantially interfere with the
2 business of the mall or its tenants.

3 B. The owner of the mall or his authorized
4 delegate may impose reasonable restrictions on the time, place
5 and manner of engaging in the activities described in
6 Subsection A of this section if the focus of and the result
7 from the imposition of the restrictions is to prevent
8 substantial interference with the business of the mall or its
9 tenants.

10 C. The owner of the mall or his authorized
11 delegate shall not require the payment of fees by a person as
12 a condition of exercising his right to engage in the
13 activities described in Subsection A of this section, and he
14 shall not impose preconditions to engaging in the activities
15 that reasonably may have the effect of depriving a person of
16 the rights granted in Subsection A of this section.

17 D. The owner of the mall or his authorized
18 delegate shall not exclude from the mall non-commercial
19 materials distributed or used in the activities described in
20 Subsection A of this section, but they may exclude materials
21 that would not be protected by the first amendment to the
22 United States constitution if the materials were distributed
23 or used on a public sidewalk.