

(1) THE ACT OR OMISSION IS NOT WILLFUL OR ONE OF GROSS NEGLIGENCE;

(2) THE ACT OR OMISSION OCCURS IN AN AREA OF THE RETAIL ESTABLISHMENT THAT IS NOT ACCESSIBLE TO THE PUBLIC; AND

(3) THE ACT OR OMISSION RESULTS IN AN INJURY TO OR DEATH OF THE CUSTOMER OR ANYONE OTHER THAN AN EMPLOYEE ACCOMPANYING THE CUSTOMER.

(C) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, AN EMPLOYEE TOILET FACILITY IS NOT TO BE CONSIDERED A PUBLIC RESTROOM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any cause of action arising prior to the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 19, 1989.

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CHAPTER 388

(House Bill 165)

AN ACT concerning

Charitable Solicitations

FOR the purpose of providing that a charitable organization which has applied for registration with the Secretary of State may solicit from the public prior to the issuance of a certificate of registration; requiring that registration as a charitable organization be denied under certain circumstances; authorizing certain denials under certain circumstances; establishing certain procedures for removal of certain denials; providing for a hearing within a certain time if the registration is denied; repealing a limitation on the fee a professional solicitor may charge; altering the disclosures required in certain oral or written solicitations; providing that deceptive acts and practices in connection with charitable solicitations are unlawful; removing certain requirements for proving certain violations; defining a certain term; establishing a certain fee schedule; establishing a Charitable Giving Information