
HOUSE BILL 1111

State of Washington

56th Legislature

1999 Regular Session

By Representatives Romero, Crouse, Poulsen and Conway

Read first time 01/14/1999. Referred to Committee on Technology, Telecommunications & Energy.

1 AN ACT Relating to charitable solicitations by commercial fund
2 raisers and nonlocal fund raisers; amending RCW 19.09.100; and creating
3 a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that opportunities for
6 families to spend uninterrupted time together are increasingly scarce
7 and, consequently, increasingly precious. A person's home should be a
8 sanctuary from outside solicitation if the person so chooses. The
9 legislature also finds that many persons are discontent with the large
10 number of telephone calls they receive from commercial fund raisers or
11 from fund raisers outside of the local community. The legislature
12 intends to require, at the beginning of a solicitation by telephone,
13 that commercial fund raisers identify themselves as such, and that fund
14 raisers identify the city from which they are calling, or, if they are
15 calling from outside of Washington, the state from which they are
16 calling. Then, the person receiving the call may decide at the
17 beginning of the call whether to terminate the conversation or listen
18 to the solicitation.

1 **Sec. 2.** RCW 19.09.100 and 1994 c 287 s 2 are each amended to read
2 as follows:

3 The following conditions apply to solicitations as defined by RCW
4 19.09.020:

5 (1) A charitable organization, whether or not required to register
6 pursuant to this chapter, that directly solicits contributions from the
7 public in this state shall make the following clear and conspicuous
8 disclosures at the point of solicitation:

9 (a) The name of the individual making the solicitation;

10 (b) If the solicitation is being made by telephone, the city from
11 which the call is being placed if within the state, or the state from
12 which the call is being placed if from outside of the state;

13 (c) The identity of the charitable organization and the city of the
14 principal place of business of the charitable organization; and

15 (~~(e)~~) (d) If requested by the solicitee, the published number in
16 the office of the secretary for the donor to obtain additional
17 financial disclosure information on file with the secretary.

18 (2) A commercial fund raiser shall clearly and conspicuously
19 disclose at the point of solicitation:

20 (a) The name of the individual making the solicitation;

21 (b) If the solicitation is being made by telephone, the city from
22 which the call is being placed if within the state, or the state from
23 which the call is being placed if from outside of the state;

24 (c) The name of the entity for which the fund raiser is an agent or
25 employee and the name and city of the charitable organization for which
26 the solicitation is being conducted; (~~and~~

27 ~~(e)~~) (d) If the solicitation is being made by telephone, that the
28 individual making the solicitation is a paid commercial fund raiser;
29 and

30 (e) If requested by the solicitee, the published number in the
31 office of the secretary for the donor to obtain additional financial
32 disclosure information on file with the secretary. The disclosure must
33 be made during an oral solicitation of a contribution, and at the same
34 time at which a written request for a contribution is made.

35 (3) A person or organization soliciting charitable contributions by
36 telephone shall make the disclosures required under subsection (1) or
37 (2) of this section (~~in the course of the solicitation but~~) at the
38 beginning of the call and prior to asking for a commitment for a
39 contribution from the solicitee, and in writing to any solicitee that

1 makes a pledge within five working days of making the pledge. If the
2 person or organization sends any materials to the person or
3 organization solicited before the receipt of any contribution, those
4 materials shall include the disclosures required in subsection (1) or
5 (2) of this section, whichever is applicable.

6 (4) In the case of a solicitation by advertisement or mass
7 distribution, including posters, leaflets, automatic dialing machines,
8 publication, and audio or video broadcasts, it shall be clearly and
9 conspicuously disclosed in the body of the solicitation material that:

10 (a) The solicitation is conducted by a named commercial fund
11 raiser, if it is;

12 (b) The notice of solicitation required by the charitable
13 solicitation act is on file with the secretary's office; and

14 (c) The potential donor can obtain additional financial disclosure
15 information at a published number in the office of the secretary.

16 (5) A container or vending machine displaying a solicitation must
17 also display in a clear and conspicuous manner the name of the
18 charitable organization for which funds are solicited, the name,
19 business address, and telephone number of the individual and any
20 commercial fund raiser responsible for collecting funds placed in the
21 containers or vending machines, and the following statement: "This
22 charity is currently registered with the secretary's office under the
23 charitable solicitation act, registration number"

24 (6) A commercial fund raiser shall not represent that tickets to
25 any fund raising event will be donated for use by another person unless
26 all the following requirements are met:

27 (a) The commercial fund raiser prior to conducting a solicitation
28 has written commitments from persons stating that they will accept
29 donated tickets and specifying the number of tickets they will accept;

30 (b) The written commitments are kept on file by the commercial fund
31 raiser for three years and are made available to the secretary,
32 attorney general, or county prosecutor on demand;

33 (c) The contributions solicited for donated tickets may not be more
34 than the amount representing the number of ticket commitments received
35 from persons and kept on file under (a) of this subsection; and

36 (d) Not later than seven calendar days prior to the date of the
37 event for which ticket donations are solicited, the commercial fund
38 raiser shall give all donated tickets to the persons who made the
39 written commitments to accept them.

1 (7) Each person or organization soliciting charitable contributions
2 shall not represent orally or in writing that:

3 (a) The charitable contribution is tax deductible unless the
4 charitable organization for which charitable contributions are being
5 solicited or to which tickets for fund raising events or other services
6 or goods will be donated, has applied for and received from the
7 internal revenue service a letter of determination granting tax
8 deductible status to the charitable organization;

9 (b) The person soliciting the charitable contribution is a
10 volunteer or words of similar meaning or effect that create the
11 impression that the person soliciting is not a paid solicitor unless
12 such person is unpaid for his or her services;

13 (c) The person soliciting the charitable contribution is a member,
14 staffer, helper, or employee of the charitable organization or words of
15 similar meaning or effect that create the impression that the person
16 soliciting is not a paid solicitor if the person soliciting is
17 employed, contracted, or paid by a commercial fund raiser.

18 (8) If the charitable organization is associated with, or has a
19 name that is similar to, any unit of government each person or
20 organization soliciting contributions shall disclose to each person
21 solicited whether the charitable organization is or is not part of any
22 unit of government and the true nature of its relationship to the unit
23 of government. This subsection does not apply to a foundation or other
24 charitable organization that is organized, operated, or controlled by
25 or in connection with a registered public charity, including any
26 governmental agency or unit, from which it derives its name.

27 (9) No person may, in conducting any solicitation, use the name
28 "police," "sheriff," "fire fighter," "firemen," or a similar name
29 unless properly authorized by a bona fide police, sheriff, or fire
30 fighter organization or police, sheriff, or fire department. A proper
31 authorization shall be in writing and signed by two authorized
32 officials of the organization or department and shall be filed with the
33 secretary.

34 (10) A person may not, in conducting any solicitation, use the name
35 of a federally chartered or nationally recognized military veterans'
36 service organization as determined by the United States veterans'
37 administration unless authorized in writing by the highest ranking
38 official of that organization in this state.

1 (11) A charitable organization shall comply with all local
2 governmental regulations that apply to soliciting for or on behalf of
3 charitable organizations.

4 (12) The advertising material and the general promotional plan for
5 a solicitation shall not be false, misleading, or deceptive, and shall
6 afford full and fair disclosure.

7 (13) Solicitations shall not be conducted by a charitable
8 organization or commercial fund raiser that has, or if a corporation,
9 its officers, directors, or principals have, been convicted of a crime
10 involving solicitations for or on behalf of a charitable organization
11 in this state, the United States, or any other state or foreign country
12 within the past ten years or has been subject to any permanent
13 injunction or administrative order or judgment under RCW 19.86.080 or
14 19.86.090, involving a violation or violations of RCW 19.86.020, within
15 the past ten years, or of restraining a false or misleading promotional
16 plan involving solicitations for charitable organizations.

17 (14) No charitable organization or commercial fund raiser subject
18 to this chapter may use or exploit the fact of registration under this
19 chapter so as to lead the public to believe that registration
20 constitutes an endorsement or approval by the state, but the use of the
21 following is not deemed prohibited: "Currently registered with the
22 Washington state secretary of state as required by law. Registration
23 number"

24 (15) No entity may engage in any solicitation for contributions for
25 or on behalf of any charitable organization or commercial fund raiser
26 unless the charitable organization or commercial fund raiser is
27 currently registered with the secretary.

28 (16) No entity may engage in any solicitation for contributions
29 unless it complies with all provisions of this chapter.

30 (17)(a) No entity may place a telephone call for the purpose of
31 charitable solicitation that will be received by the solicitee before
32 eight o'clock a.m. or after nine o'clock p.m.

33 (b) No entity may, while placing a telephone call for the purpose
34 of charitable solicitation, engage in any conduct the natural
35 consequence of which is to harass, intimidate, or torment any person in
36 connection with the telephone call.

1 (18) Failure to comply with subsections (1) through (17) of this
2 section is a violation of this chapter.

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