

No. 1992-92

AN ACT

SB 1299

Amending the act of December 19, 1990 (P.L.1200, No.202), entitled "An act providing for the registration and regulation of solicitations by charitable organizations, professional fundraisers and other solicitors; imposing additional powers on the Department of State and the Office of Attorney General; prescribing civil and criminal penalties; and making a repeal," further defining "charitable organization," "commercial coventurer," "contribution," "professional fundraising counsel" and "professional solicitor"; and further providing for registration and fees, for filing information, deposits and withdrawals and for cancellations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definitions of "charitable organization," "commercial coventurer," "contribution," "professional fundraising counsel" and "professional solicitor" in section 3 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, are amended to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Charitable organization." Any person granted tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) or any person who is or holds himself out to be established for any charitable purpose or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which has a tendency to suggest there is a charitable purpose to any solicitation. An affiliate of a charitable organization which has its principal place of business outside this Commonwealth shall be a charitable organization for the purposes of this act. The term shall not be deemed to include:

(1) any bona fide duly constituted organization of law enforcement personnel, firefighters or other persons who protect the public safety whose stated purpose in the solicitation does not include any benefit to any person outside the actual active membership of the organization; and

(2) any bona fide duly constituted religious institutions and such separate groups or corporations which form an integral part of religious institutions, provided that:

(i) such religious institutions, groups or corporations are tax exempt pursuant to the Internal Revenue Code of 1986;

(ii) no part of their net income inures to the direct benefit of any individual; and

(iii) their conduct is primarily supported by government grants or contracts [or], funds solicited [within] from their own memberships [or], congregations[, or] or *previous donors*, and fees charged for services rendered.

[**(3) Any veterans organization chartered under Federal law and the service foundation of such a veterans organization recognized in the bylaws of the veterans organization.**]

* * *

“Commercial coventurer.” Any person who for profit is regularly and primarily engaged in trade or commerce other than in connection with the raising of funds or any other thing of value *when offered at the usual retail price comparable to similar goods or services in the market* for a charitable organization and who advertises that the purchase or use of goods, services, entertainment or any other thing of value will benefit a charitable organization.

“Contribution.” The promise, grant or pledge of money, credit, property, financial assistance or other thing of any kind or value, *excluding volunteer services*, in response to a solicitation, including the payment or promise to pay in consideration of a performance, event or sale of a good or service. Payment by members of an organization for membership fees, dues, fines or assessments or for services rendered to individual members, if such fees, dues, fines or assessments confer a bona fide right, privilege, professional standing, honor or other direct benefit, shall not be deemed contributions, provided that membership is not conferred solely as consideration for making a contribution in response to a solicitation. Government grants or contracts shall not be deemed a contribution.

* * *

“Professional fundraising counsel.” Any person who is retained by a charitable organization for a fixed fee or rate under a written agreement to plan, [conduct,] manage, [carry on,] advise, consult or prepare material for or with respect to the solicitation in this Commonwealth of contributions for a charitable organization, but who does not solicit contributions or employ, procure or engage any compensated person to solicit contributions and who does not have custody or control of contributions. A bona fide salaried officer or regular, nontemporary employee of a charitable organization [maintaining a permanent establishment within this Commonwealth] shall not be deemed to be a professional fundraising counsel provided that the individual is not employed or engaged as professional fundraising counsel or as a professional solicitor by any other person.

“Professional solicitor.” Any person who is retained for financial or other consideration by a charitable organization to solicit in this Commonwealth contributions for charitable purposes directly or in the form of payment for goods, services or admission to fundraising events, whether such solicitation is performed personally or through his agents, servants or employees or through agents, servants or employees especially employed by or for a charitable organization who are engaged in the solicitation of contributions, the sale of goods or services or the production of fundraising events

under the direction of such person, or a person who plans, conducts, manages, carries on, advises, consults, whether directly or indirectly, in connection with the solicitation of contributions, sale of goods or services or the production of fundraising events for or on behalf of any charitable organization, but does not qualify as a professional fundraising counsel within the meaning of this act. A person who is otherwise a professional fundraising counsel shall be deemed a professional solicitor if his compensation is related to the amount of contributions received. A bona fide salaried officer or regular, nontemporary employee of a charitable organization **[maintaining a permanent establishment within this Commonwealth]** shall not be deemed to be a professional solicitor provided that the individual is not employed or engaged as professional fundraising counsel or as a professional solicitor by any other person.

* * *

Section 2. Section 5(b)(12), (e), (n) and (p) of the act are amended and the section is amended by adding subsections to read:

Section 5. Registration of charitable organizations; financial reports; fees; failure to file.

* * *

(b) *Filing of statement.*—It shall be the duty of the president, chairman or principal officer of each charitable organization to file the registration statement, financial report and fee required under this section. The registration statement shall be sworn to by two authorized officers, including the chief fiscal officer of the organization, and shall contain all of the following information:

* * *

(12) Whether any of the organization's officers, directors, trustees or employees are related by blood, marriage or adoption to each other or to any officers, agents or employees of any professional fundraising counsel or professional solicitor under contract to the organization or to any supplier or vendor providing goods or services to the organization, and the names and business and residence addresses of any such related parties. *Where the number of employees or vendors renders it impractical for the registrant to contact them on an individual basis regarding the existence of any of the relationships set forth under this section, the registrant may file an affidavit stating which relationships, if any, exist to the best of the affiant's information and belief.*

* * *

(e) *Financial report.*—With each registration statement *filed under this section*, a charitable organization must file a financial report for the immediately preceding fiscal year, which shall contain a balance sheet and statements of revenue, expenses and changes in fund balances indicating the organization's gross revenue, the amount of funds received from solicitations or other fundraising activities and all expenditures for supplies, equipment, goods, services, programs, activities or other expenses, a detailed list of all salaries and wages paid and expenses allowed to any officer or employee if the organization is not required to file an Internal Revenue Service Form 990

and the disposition of the net proceeds received from solicited contributions or other fundraising activities.

* * *

(n) Federated organizations.—An independent member agency of a federated fundraising organization shall independently comply with the provisions of this section unless specifically exempted *or unless it receives allocations solely from the federated fundraising organization and does not independently solicit contributions. Donor choice programs are deemed to be independent solicitations.*

* * *

(p) Annual registration fees.—A charitable organization which submits a short form registration statement pursuant to section 7 or receives contributions of [less than] \$25,000 *or less* during the immediately preceding fiscal year shall pay an annual registration fee of \$15. A charitable organization which receives contributions in excess of \$25,000[,] but less than \$100,000 during the immediately preceding fiscal year shall pay an annual registration fee of [\$50] *\$100*. A charitable organization which receives contributions in excess of \$100,000 *but not exceeding \$500,000* during the immediately preceding fiscal year shall pay an annual registration fee of [\$100] *\$150. A charitable organization which receives contributions in excess of \$500,000 during the immediately preceding fiscal year shall pay an annual registration fee of \$250.* A parent organization filing on behalf of one or more affiliates and a federated fundraising organization filing on behalf of its member agencies shall pay a single annual registration fee for itself and such other affiliates or member agencies included in the registration statement.

* * *

(s) *Administration of charitable contributions.*—A charitable organization shall maintain and administer all contributions raised on its behalf through an account in the name of the charitable organization and under its sole control.

(t) *Updating information.*—Any material change in any information filed with the department pursuant to this section shall be reported in writing by the registrant to the department not more than 30 days after such change occurs.

Section 3. Section 6 of the act is amended to read:

Section 6. Exemptions from registration.

(a) General rule.—The following charitable organizations shall be exempt from the registration requirements of this act:

(1) Educational institutions, the curricula of which in whole or in part are registered with or approved by the Department of Education, either directly or by acceptance of accreditation by an accrediting body recognized by the Department of Education, and any auxiliary associations, foundations and support groups which are directly responsible to educational institutions.

(2) Hospitals which are subject to regulation by the Department of Health *or the Department of Public Welfare and the hospital foundation, if any, which is an integral part thereof.*

(3) A local post, camp, chapter or similarly designated element or a county unit of such elements of:

(i) **[a bona fide veterans' organization which issues charters to such local elements throughout this Commonwealth;] any veterans' organization chartered under Federal law and any service foundation recognized in the bylaws of such organization;**

(ii) a bona fide organization of volunteer firemen;

(iii) a bona fide ambulance association;

(iv) a bona fide rescue squad association; or

(v) a bona fide auxiliary or affiliate of any organization or association under subparagraph (i), (ii), (iii) or (iv);

provided that all fundraising activities of an organization or association under subparagraph (i), (ii), (iii), (iv) or (v) are carried on by volunteers, members or an auxiliary or affiliate thereof, and those volunteers, members or affiliates receive no compensation directly or indirectly for the fundraising activities.

(4) Public nonprofit library organizations which receive financial aid from State and municipal governments and file an annual fiscal report with the State Library System.

(5) Senior citizen centers *and nursing homes* which are nonprofit and charitable and which have been granted tax-exempt status under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.), provided that all fundraising activities are carried on by volunteers, members or officers of the Senior Citizen Center and those volunteers, members or officers receive no compensation, directly or indirectly, for the fundraising activities.

(6) Bona fide parent/teacher associations or parent/teacher organizations as recognized in a notarized letter from the school district in which they are located.

(7) Any corporation established by an act of Congress of the United States that is required by Federal law to submit annual reports of its activities to Congress containing itemized accounts of all receipts and expenditures after being fully audited by the Department of Defense.

(8) Any charitable organization which receives contributions of \$25,000 or less annually, provided that such organization does not compensate any person who conducts solicitations. Charitable organizations which receive more than \$25,000 in contributions shall file the appropriate registration statement within 30 days after the contributions are received.

(b) Effect of exemption.—Exemption from the registration requirements of this act shall in no way limit the applicability of other provisions of the act to a charitable organization *or any professional solicitor or professional fundraising counsel acting on its behalf, except that written notice under sections 9(k) and 13(c) shall not apply.*

Section 4. The introductory paragraph of section 7(a) of the act is amended and the section is amended by adding subsections to read:

Section 7. Short form registration.

(a) Organizations required to file.—The following charitable organizations shall be required to file short form annual registration statements with the department *in lieu of the registration statement required by section 5:*

* * *

(c) *Financial report.*—Charitable organizations which file a short form registration statement need not file the financial report required under section 5.

(d) *Updating of information.*—Any material change in any information filed with the department pursuant to this section shall be reported in writing by the registrant to the department not more than 30 days after such change occurs.

Section 5. Sections 8(a), (b) and (d), 9 and 10(c) and (e) of the act are amended to read:

Section 8. Registration of professional fundraising counsel and contracts.

(a) Registration and approval required.—No person shall act as a professional fundraising counsel before obtaining department approval of a registration statement pursuant to subsection (c) or after the expiration, suspension or revocation of such registration. A registration application shall be signed and sworn to by the principal officer of the professional fundraising counsel and shall contain all of the following information:

- (1) The address of the principal place of business of the applicant and any Pennsylvania addresses, if the principal place of business is located outside this Commonwealth.
- (2) The form of the applicant’s business.
- (3) The names and residence addresses of all principals of the applicant, including all officers, directors and owners.
- (4) Whether any of the owners, directors, officers or employees of the applicant are related by blood, marriage or adoption to any other directors, officers, owners or employees of the applicant, any officer, director, trustee or employee of any charitable organization under contract to the applicant or any supplier or vendor providing goods or services to any charitable organization under contract to the applicant.
- (5) The name of any person who is in charge of any solicitation activity.
- (6) *Any other information required by the regulations of the department.*

(b) Registration fee.—The application for registration shall be accompanied by a fee of ~~[\$100]~~ \$250. A professional fundraising counsel which is a partnership or corporation may register for and pay a single fee on behalf of all of its partners, members, officers, directors, agents and employees. Each registration shall be valid for one year and may be renewed for additional one-year periods upon application to the department and payment of the registration fee.

* * *

(d) Written contract.—There shall be a written contract between a charitable organization and a professional fundraising counsel which shall be filed

by the professional fundraising counsel with the department at least ten working days prior to the performance by the professional fundraising counsel of any service. No solicitation *or services* pursuant to the contract shall begin before the department has approved the contract pursuant to subsection (e). The contract must be signed by two authorized officials of the charitable organization, one of whom must be a member of the organization's governing body, and the authorized contracting officer for the professional fundraising counsel. The contract shall contain all of the following provisions:

(1) *The legal name and address of the charitable organization as registered with the department unless that charitable organization is exempt from registration.*

[(1)] (2) A statement of the charitable purpose for which the solicitation campaign is being conducted.

[(2)] (3) A statement of the respective obligations of the professional fundraising counsel and the charitable organization.

[(3)] (4) A clear statement of the fees which will be paid to the professional fundraising counsel.

[(4)] (5) The effective and termination dates *of the contract and the date services will commence with respect to solicitation in this Commonwealth of contributions for a charitable organization.*

[(5)] (6) A statement that the professional fundraising counsel will not at any time have custody *or control* of contributions.

(7) *A statement that the charitable organization exercises control and approval over the content and volume of any solicitation.*

[(6)] (8) Any other information required by the regulations of the department.

* * *

Section 9. Registration of professional solicitors; contract and disclosure requirements; bonds; records; books.

(a) Registration and approval required.—No person shall act as a professional solicitor before obtaining department approval of a registration statement pursuant to subsection (d) or after the expiration, suspension or revocation of such registration. A registration application shall be signed and sworn to by the principal officer of the professional solicitor, and shall contain all of the following information:

(1) The address of the principal place of business of the applicant and any Pennsylvania addresses, if the principal place of business is located outside this Commonwealth.

(2) The form of the applicant's business.

(3) The names and residence addresses of all principals of the applicant, including all officers, directors and owners.

(4) Whether any of the owners, directors, officers or employees of the applicant are related by blood, marriage or adoption to any other directors, officers, owners or employees of the applicant, any officer, director, trustee or employee of any charitable organization under contract to the applicant or any supplier or vendor providing goods or services to any charitable organization under contract to the applicant.

(5) The name of all persons in charge of any solicitation activity.

(6) *Any other information required by the regulations of the department.*

(b) Registration fee.—The application for registration shall be accompanied by a fee of **[\$100] \$250**. A professional solicitor which is a partnership or corporation may register for and pay a single fee on behalf of all of its partners, members, officers, directors, agents and employees. Each registration shall be valid for one year and may be renewed for additional one-year periods upon application to the department and payment of the registration fee.

(c) Bond.—A professional solicitor shall, at the time of making application for registration and renewal of registration, file with and have approved by the department a bond, in which it shall be the principal obligor in the sum of \$25,000, or a greater amount as prescribed by the regulations of the department and which shall have one or more sureties satisfactory to the department whose liability in the aggregate as such sureties will at least equal that sum and maintain the bond in effect as long as the registration is in effect. The bond shall run to the Commonwealth for use of the secretary, Attorney General and any person who may have a cause of action against the obligor for any losses resulting from malfeasance, nonfeasance or misfeasance in the conduct of solicitation activities. A professional solicitor which is a partnership or corporation may file one \$25,000 bond or an amount specified by regulation of the department on behalf of all its partners, members, officers, directors, agents and employees.

(d) Department review of registration statement.—The department shall examine each registration statement and supporting documents filed by a professional solicitor and shall determine whether the registration requirements are satisfied. If the department determines that registration requirements are not satisfied, the department must notify the professional solicitor within ten working days of its receipt of its registration statement; otherwise the registration statement is deemed to be approved. Within seven days after receipt of a notification that the regulation requirements are not satisfied, the professional solicitor may request a hearing. The hearing must be held within seven days of receipt of the request, and a determination must be rendered within three working days of the hearing.

(e) Contract filing.—No less than ten working days prior to the commencement of each solicitation campaign, *event or services*, a professional solicitor shall file with the department a copy of the contract described in subsection (f) and a written solicitation notice. No solicitation *or services* pursuant to the contract shall begin before the department has approved the contract pursuant to subsection (g). The solicitation notice shall be accompanied by a fee of \$25[,] *and* shall be signed and sworn to by the authorized contracting officer for the professional solicitor [and]. *If more than one event or campaign is conducted under a contract, then a solicitation notice addendum must be filed no less than ten working days prior to the commencement of each additional event or campaign. No additional fee is required to file the addendum. The solicitation notice and addendum shall contain all of the following information:*

- (1) A description of the solicitation event or campaign.
- (2) Each location and telephone number from which the solicitation is to be conducted.
- (3) The legal name and resident address of each person responsible for directing and supervising the conduct of the campaign and each person who is to solicit during such campaign.
- (4) A statement as to whether the professional solicitor will at any time have custody *or control* of contributions.
- (5) The account number and location of each bank account where receipts from the campaign are to be deposited.
- (6) A full and fair description of the charitable program for which the solicitation campaign is being carried out.
- (7) *The date the solicitation campaign or event will begin or be held within this Commonwealth and the termination date for each campaign or event.*

[(7)] (8) Any other information required by the regulations of the department.

(f) Written contract.—There shall be a written contract between a professional solicitor and a charitable organization for each solicitation campaign which shall be signed by two authorized officials of the charitable organization, one of whom must be a member of the organization's governing body, and the authorized contracting officer for the professional solicitor and which shall contain all of the following provisions:

(1) The legal name and address of the charitable organization as registered with the department, unless that charitable organization is exempt from registration.

[(1)] (2) A statement of the charitable purpose for which the solicitation campaign is being conducted.

[(2)] (3) A statement of the respective obligations of the professional solicitor and the charitable organization.

[(3)] (4) A statement of the guaranteed minimum percentage of the gross receipts from contributions which will be remitted to *or retained by* the charitable organization, if any, or, if the solicitation involves the sale of goods, services or tickets to a fundraising event, the percentage of the purchase price which will be remitted to the charitable organization, if any. Any stated percentage shall exclude any amount which the charitable organization is to pay as fundraising costs.

[(4)] (5) A statement of the percentage of the gross revenue which the professional solicitor will be compensated. *The stated percentage shall include any amount which the professional solicitor is to be reimbursed as payment for fundraising costs.* If the compensation of the professional solicitor is not contingent upon the number of contributions or the amount of revenue received, his compensation shall be expressed as a reasonable estimate of the percentage of the gross revenue, and the contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the professional solicitor regarding the solicitation to be conducted by the professional solicitor.

[(5)] (6) The effective and termination dates of the contract *and the date solicitation activity is to commence within this Commonwealth.*

[(6)] (7) Any other information required by the regulations of the department.

(g) Department review of contract.—The department shall examine each contract and solicitation notice filed by a professional solicitor and shall determine whether the contract and notice contain the required information. If the department determines that the requirements are not satisfied, the department must notify the professional solicitor within ten working days of its receipt of the contract and notice; otherwise the contract and notice are deemed to be approved. Within seven days after receipt of a notification that the requirements are not satisfied, the professional solicitor may request a hearing. The hearing must be held within seven days of receipt of the request, and a determination must be rendered within three working days of the hearing.

(h) Required disclosures.—Prior to orally requesting a contribution or contemporaneously with a written request for a contribution, a professional solicitor shall be responsible for clearly and conspicuously disclosing:

(1) The name of the professional solicitor as on file with the department and that the solicitation is being conducted by a professional solicitor who is being paid for his services.

(2) If the individual acting on behalf of the professional solicitor identifies himself by name, the individual's legal name.

(3) The *legal* name of the charitable organization *as registered with the department* and a description of how the contributions raised by the solicitation will be utilized for a charitable purpose or, if there is no charitable organization, a description as to how the contributions raised by the solicitation will be utilized for a charitable purpose.

(i) Responses.—Any responses given by or on behalf of a professional solicitor to an oral or written request for information shall be truthful.

(j) Information on disclosure.—In the case of a solicitation campaign conducted orally, whether by telephone or otherwise, any written confirmation **[or]**, receipt **[or]**, *and* reminder sent to any person who has contributed or has pledged to contribute shall include a clear and conspicuous disclosure of the information required by subsection (h).

(k) Notice.—In addition to the information required by subsection (j), any written confirmation, receipt **[or]** *and* reminder of a contribution made pursuant to an oral solicitation and any written solicitation shall conspicuously state *verbatim*:

[A copy of the] *The official registration and financial information of (insert the legal name of the charity as registered with the department) may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1 (800) 000-0000. Registration does not imply endorsement.*

(l) Financial reports.—Within 90 days after a solicitation campaign *or event* has been completed and on the anniversary of the commencement of a solicitation campaign lasting more than one year, a professional solicitor

shall file with the department a financial report for the campaign, including gross revenue and an itemization of all expenses incurred. This report shall be signed and sworn to by the authorized contracting agent for the professional solicitor and two authorized officials of the charitable organization.

(m) Retention of records, etc.—A professional solicitor shall maintain during each solicitation campaign and for not less than three years after the completion of such campaign the following records, which shall be available for inspection upon demand by the department or the Office of Attorney General:

(1) The date and amount of each contribution received and the name and address of each contributor.

(2) The name and residence of each employee, agent or other person involved in the solicitation.

(3) Records of all revenue received and expenses incurred in the course of the solicitation campaign.

(4) The location and account number of each bank or other financial institution account in which the professional solicitor has deposited revenue from the solicitation campaign.

(n) Records from ticket sales.—If the professional solicitor sells tickets to an event and represents that tickets will be donated for use by another, the professional solicitor shall maintain, for not less than three years after the completion of such event, the following records, which shall be available for inspection upon demand by the department or the Office of Attorney General:

(1) The number of tickets purchased and donated by each contributor.

(2) The name and address of all organizations receiving donated tickets for use by others, including the number of tickets received by each organization.

(o) Deposit of contributions.—Each contribution in the control or custody of the professional solicitor shall, in its entirety and within five days of its receipt, be deposited in an account at a bank or other federally insured financial institution[. **The account** *which* shall be in the name of the charitable organization [with whom the professional solicitor has contracted, and the charitable organization shall have sole control over all withdrawals from the account]. *The charitable organization shall maintain and administer the account and shall have sole control of all withdrawals.*

(p) Updating of information.—Any material change in any information filed with the department pursuant to this section shall be reported in writing by the professional solicitor to the department not more than seven days after such change occurs.

(q) Restrictions.—

(1) No person may act as a professional solicitor if such person, any officer or director thereof, any person with a controlling interest therein, or any person the professional solicitor employs, engages or procures to solicit for compensation, has been convicted by a court of any state or the United States of any felony, or of any misdemeanor involving dishonesty or arising from the conduct of a solicitation for a charitable organization or purpose.

(2) A professional solicitor shall not solicit in this Commonwealth on behalf of a charitable organization unless that charitable organization is registered or is exempt from registration with the department.

Section 10. Contracts voidable by charitable organizations.

* * *

(c) Manner of cancellation.—A charitable organization may cancel a contract pursuant to subsection (b) by *servicing* a written notice of cancellation *on the professional fundraising counsel or professional solicitor*. If mailed, *service shall be by certified mail, return receipt requested, and* cancellation shall be deemed effective **[when deposited with the United States Postal Service, properly addressed and postage prepaid] upon receipt by the professional fundraising counsel or professional solicitor**. The notice shall be sufficient if it indicates that the charitable organization does not intend to be bound by the contract.

* * *

(e) Status of funds after cancellation.—Any funds collected after *effective notice that* a contract has been canceled shall be deemed to be held in trust for the benefit of the charitable organization without deduction for cost or expenses of any nature. A charitable organization shall be entitled to recover all funds collected after the date of cancellation.

Section 6. Section 13(b)(1) and (c) of the act are amended and the section is amended by adding a subsection to read:

Section 13. Limitation on activities of charitable organizations; disclosure requirements.

* * *

(b) Solicitation disclosures.—A charitable organization soliciting in this Commonwealth shall include all of the following disclosures at the point of solicitation:

(1) Its **[identity] legal name as registered with the department** and location and, if different, the *legal* name and address of the charitable organization *as registered with the department* on whose behalf the solicitation is being conducted. **Any use of a project or program name in a solicitation must be immediately followed by a disclosure of the legal name of the charitable organization as registered.**

* * *

(c) Notice on printed solicitation.—On every printed solicitation or written confirmation, receipt **[or] and** reminder of a contribution, the following statement must be conspicuously printed *verbatim*:

[A copy of the] The official registration and financial information of (insert the legal name of the charity as registered with the department) may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1 (800) 000-0000. Registration does not imply endorsement.

* * *

(h) *Deposit of contributions.*—**Each contribution in the control or custody of the professional solicitor shall in its entirety and within five days of its receipt be deposited, maintained and administered in an account at a**

bank or other Federally insured financial institution which shall be in the name of the charitable organization and over which that charitable organization shall have sole control of all withdrawals.

Section 7. Section 15(a)(8) and (10) of the act are amended to read:

Section 15. Prohibited acts.

(a) General rule.—Regardless of a person's intent or the lack of injury, the following acts and practices are prohibited in the planning, conduct or execution of any solicitation or charitable sales promotion:

* * *

(8) Utilizing or exploiting the fact of registration so as to lead any person to believe that such registration in any manner constitutes an endorsement or approval by the Commonwealth. The use of the following statement shall not be deemed a prohibited exploitation:

[A copy of the] *The official registration and financial information of (insert the legal name of the charity as registered with the department) may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1 (800) 000-0000. Registration does not imply endorsement.*

* * *

(10) With respect to solicitations by **[or]** *professional solicitors* on behalf of law enforcement personnel, firefighters or other persons who protect the public safety, issuing, offering, giving, delivering or distributing any honorary membership cards, courtesy cards or similar cards, or any stickers, emblems, plates or other such items which could be used for display on a motor vehicle.

* * *

Section 8. This act shall take effect as follows:

(1) The amendment of sections 9(k), 13(c) and 15(a)(8) of the act shall take effect January 1, 1993.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1992.

ROBERT P. CASEY