

No. 2017-72

AN ACT

HB 1421

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 providing for registration of charitable organizations, financial reports, fees and failure to file, for registration of professional fundraising counsel and contracts and for registration of professional solicitors, contract and disclosure requirements, bonds, records and books.

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

Section 1. Sections 5(a), (k) and (r), 8(c) and 9(d) 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 5. Registration of charitable organizations; financial reports; fees; failure to file.

(a) Registration and approval required.—A charitable organization, unless exempted from registration requirements pursuant to section 6, shall file a registration statement with the department. This statement must be refiled annually *and postmarked* by the fifteenth day of the fifth month following the close of its fiscal year in which the charitable organization was engaged in solicitation activities. The department shall review the statement pursuant to subsection (r). No charitable organization shall solicit contributions or have contributions solicited in its behalf before approval of its registration statement by the department.

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(k) Time extension for filings.—For good cause shown, the department may extend the time for the annual filing of a registration statement or financial report to a *mailing* date not to exceed the fifteenth day of the eleventh month following the close of the fiscal year during which time the previous registration remains in effect.

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(r) Department review.—The department shall examine each registration statement and supporting documents filed by a charitable organization and shall determine whether the registration requirements are satisfied. If the department determines that the registration requirements are not satisfied, the department must notify the charitable organization within **[ten] 15** working days of its receipt of the registration statement; otherwise the registration statement is deemed to be approved. Within **[seven] 15** days after receipt of a notification that the registration requirements are not satisfied, the charitable organization may request a hearing. The hearing must be held within **[seven] 15** days of receipt of the request, and a determination must be rendered within three working days of the hearing.

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Section 8. Registration of professional fundraising counsel and contracts.

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(c) Department review of registration statement.—The department shall examine each registration statement and supporting documents filed by a professional fundraising counsel and shall determine whether the registration requirements are satisfied. If the department determines that the registration requirements are not satisfied, the department must notify the professional fundraising counsel within **[ten]** 15 working days of its receipt of its registration statement; otherwise the registration statement is deemed to be approved. Within **[seven]** 15 days after receipt of a notification that the registration requirements are not satisfied, the professional fundraising counsel may request a hearing. The hearing must be held within **[seven]** 15 days of receipt of the request, and a determination must be rendered within three working days of the hearing.

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

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(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]** 15 working days of its receipt of its registration statement; otherwise the registration statement is deemed to be approved. Within **[seven]** 15 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]** 15 days of receipt of the request, and a determination must be rendered within three working days of the hearing.

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Section 2. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2017

TOM WOLF