

ASSEMBLY BILL

No. 2855

Introduced by Assembly Member Frazier

February 19, 2016

An act to amend Section 17510.3 of the Business and Professions Code, relating to charitable solicitations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2855, as introduced, Frazier. Charitable solicitation disclosures. Existing law requires certain disclosures to be made prior to any solicitation or sales solicitation for charitable purposes.

This bill would make a nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17510.3 of the Business and Professions
2 Code is amended to read:
3 17510.3. (a) Prior to any solicitation or sales solicitation for
4 charitable purposes, the solicitor or seller shall exhibit to the
5 prospective donor or purchaser a card entitled "Solicitation or Sale
6 for Charitable Purposes Card." The card shall be signed and dated
7 under penalty of perjury by an individual who is a principal, staff
8 member, or officer of the soliciting organization. The card shall
9 give the name and address of the soliciting organization or the
10 person who signed the card and the name and business address of
11 the paid individual who is doing the actual soliciting.

1 In lieu of exhibiting a card, the solicitor or seller may distribute
2 during the course of the solicitation any printed material, such as
3 a solicitation brochure, provided the material complies with the
4 standards set forth below, and provided that the solicitor or seller
5 informs the prospective donor or purchaser that the information
6 as required below is contained in the printed material.

7 Information on the card or printed material shall be presented
8 in at least 10-point type and shall include the following:

9 (1) The name and address of the combined campaign, each
10 organization, or fund on behalf of which all or any part of the
11 money collected will be utilized for charitable purposes.

12 (2) If there is no organization or fund, the manner in which the
13 money collected will be utilized for charitable purposes.

14 (3) The non-tax-exempt status of the organization or fund, if
15 the organization or fund for which the money or funds are being
16 solicited does not have a charitable tax exemption under both
17 federal and state law.

18 (4) The percentage of the total gift or purchase price which may
19 be deducted as a charitable contribution under both federal and
20 state law. If no portion is so deductible the card shall state that
21 “This contribution is not tax deductible.”

22 (5) If the organization making the solicitation represents any
23 nongovernmental organization by any name which includes, but
24 is not limited to, the term “officer,” “peace officer,” “police,” “law
25 enforcement,” “reserve officer,” “deputy,” “California Highway
26 Patrol,” “Highway Patrol,” “deputy sheriff,” “firefighter,” or “fire
27 marshall,” which would reasonably be understood to imply that
28 the organization is composed of law enforcement or firefighting
29 personnel, the solicitor shall give the total number of members in
30 the organization and the number of members working or living
31 within the county where the solicitation is being made, and if the
32 solicitation is for advertising, the statewide circulation of the
33 publication in which the solicited ad will appear.

34 (6) If the organization making the solicitation represents any
35 nongovernmental organization by any name which includes, but
36 is not limited to, the term “veteran” or “veterans,” which would
37 reasonably be understood to imply that the organization is
38 composed of veterans, the solicitor shall give the total number of
39 members in the organization and the number of members working
40 or living within the county where the solicitation is being made.

1 This paragraph does not apply to federally chartered or state
2 incorporated veterans' organizations with 200 or more dues paying
3 members or to a thrift store operated or controlled by a federally
4 chartered or state incorporated veterans' organization. This
5 paragraph does not apply to any state incorporated
6 community-based organization that provides direct services to
7 veterans and their families and qualifies as a tax-exempt
8 organization under Section 501(c)(3) or 501(c)(19) of the Internal
9 Revenue Code and Section 23701d of the Revenue and Taxation
10 Code.

11 (b) Knowing and willful noncompliance by any individual
12 volunteer who receives no compensation of any type from or in
13 connection with a solicitation by any charitable organization shall
14 subject the solicitor or seller to the penalties of the law.

15 (c) When the solicitation is not a sales solicitation, any
16 individual volunteer who receives no compensation of any type
17 from, or in connection with, a solicitation by any charitable
18 organization may comply with the disclosure provisions by
19 providing the name and address of the charitable organization on
20 behalf of which all or any part of the money collected will be
21 utilized for charitable purposes, by stating the charitable purposes
22 for which the solicitation is made, and by stating to the person
23 solicited that information about revenues and expenses of the
24 organization, including its administration and fundraising costs,
25 may be obtained by contacting the organization's office at the
26 address disclosed. The organization shall provide this information
27 to the person solicited within seven days after receipt of the request.

28 (d) A volunteer who receives no compensation of any type from,
29 or in connection with, a solicitation or sales solicitation by a
30 charitable organization ~~which~~ *that* has qualified for a tax exemption
31 under Section 501(c)(3) of the Internal Revenue ~~Code of 1954,~~
32 *Code*, and who is 18 years of age or younger, is not required to
33 make any disclosures pursuant to this section.

34 (e) If any provision of this section or the application thereof to
35 any person or circumstances is held invalid, that invalidity shall
36 not affect other provisions or applications of this section ~~which~~
37 *that* can be given effect without the invalid provision or application,
38 and to this end the provisions of this section are severable.

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