

House Bill 472

By: Representatives Powell of the 23rd, Howell of the 92nd and Parham of the 94th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 17 of Title 43 of the Official Code of Georgia Annotated, relating to
2 charitable solicitations, so as to change the term of registration for solicitor agents; to change
3 the registration fee; to change certain disclosure requirements; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Chapter 17 of Title 43 of the Official Code of Georgia Annotated, relating to charitable
8 solicitations, is amended by striking Code Section 43-17-3.1, relating to application for
9 registration as a solicitor agent, and inserting in its place a new Code Section 43-17-3.1 to
10 read as follows:

11 "43-17-3.1.

12 (a) No solicitor agent shall solicit contributions on behalf of a charitable organization
13 within or from this state, unless such solicitor agent is a registered solicitor agent pursuant
14 to this Code section and is affiliated through employment or as an independent contractor
15 pursuant to a written agreement with a paid solicitor or charitable organization which is
16 either registered or exempt from registration.

17 (b)(1) A solicitor agent shall register with the Secretary of State prior to engaging in any
18 solicitation. Each registration shall expire on December 31 ~~of each~~ every other year and
19 may be renewed for additional ~~one-year~~ two-year periods upon application and the
20 payment of the fee.

21 (2) Applications for registration may be made by any person and shall be accompanied
22 by the registration fee set forth in subsection (c) of this Code section. Such application
23 for registration shall be made in a manner prescribed by the Secretary of State, which
24 may include, in whole or in part, electronic filing, shall be verified by the applicant, shall
25 be filed with the Secretary of State, and shall contain the information and documents set

forth in this paragraph and such other information as may be prescribed by rules and regulations promulgated by the Secretary of State:

- (A) The name of the applicant;
- (B) The address of each place of business of the applicant;
- (C) The name and address of the paid solicitor or charitable organization with which the solicitor agent will be affiliated by employment or as an independent contractor;
- (D) If the solicitor agent is to be an independent contractor, a copy of the contract setting forth the terms and conditions thereof;
- (E) A list of any other states in which the applicant is registered as a paid solicitor agent and, if any registration of the applicant under the charitable solicitation law of any state has ever been denied, revoked, suspended, or withdrawn or if such a proceeding is pending in any state, full details with respect thereto;
- (F) Whether the applicant has ever been subject to any injunction or disciplinary proceeding by any state agency involving any aspect of fund raising or solicitation, has ever been convicted of or charged with a misdemeanor of which fraud is an essential element or which involved charitable fund raising, or has ever been convicted of or charged with a felony and, if so, all pertinent information with respect to such injunction, disciplinary proceeding, conviction, or charge;
- (G) Whether the applicant has ever been subject to an order, consent order, or any other disciplinary or administrative proceeding pursuant to the unfair and deceptive acts and practices law of any state and, if so, all pertinent information with respect to such order or proceedings; and
- (H) Written consent to a criminal background investigation for the purpose of verification by the Secretary of State of information provided in the application.

(3) Within 15 business days after an applicant has fully complied with this subsection, the Secretary of State shall register such applicant as a solicitor agent unless he or she shall find that there are grounds for denial as provided in Code Section 43-17-7. When the Secretary of State has registered an applicant, he or she shall immediately notify the applicant of such registration. In the event the Secretary of State has not notified the applicant of deficiencies or grounds for denial of the application within such period, the applicant may conduct itself in a manner as if registered until and unless it is so notified.

(4) If the Secretary of State finds that there are sufficient grounds to deny the registration of the applicant as provided in Code Section 43-17-7, he or she shall issue an order refusing to register the applicant. The order shall state specifically the grounds for its issuance. A copy of the order shall be mailed to the applicant at his or her business address and to any charitable organization or paid solicitor who proposes to employ such applicant.

(5) Every registration under this Code section shall expire on December 31 of each every other year. The registration of a solicitor agent must be renewed each year every two years by the submission of a renewal application containing the information required in an application for registration, except to the extent that the Secretary of State by rule does not require the resubmission of such information which has previously been included in an application or renewal application previously filed, and by the payment of the proper registration fee.

(6) The registration of a solicitor agent shall be promptly amended to reflect a change of name or address or other changes in the information previously provided to the Secretary of State. Such amendments shall be filed in a manner which the Secretary of State may prescribe by rule or regulation.

(c) The fee for the initial registration of a solicitor agent shall be \$50.00 \$25.00. The fee to amend the registration shall be \$15.00. The annual two-year renewal fee for a paid solicitor shall be \$50.00 \$25.00."

SECTION 2.

Said chapter is further amended by striking Code Section 43-17-8, relating to required disclosures, and inserting in its place a new Code Section 43-17-8 to read as follows:

"43-17-8.

(a) Except as provided in subsection (b) of this Code section, every Every charitable organization, paid solicitor, or solicitor agent required to be registered under this Code section and soliciting in this state shall include the following disclosures at the point of solicitation:

(1) The name and location of the paid solicitor and solicitor agent, if any;

(2) The name and location of the charitable organization for which the solicitation is being made;

(3) That the following information will be made available upon request:

(A) A full and fair description of the charitable program for which the solicitation campaign is being carried out and, if different, a full and fair description of the programs and activities of the charitable organization on whose behalf the solicitation is being carried out; and

(B) A financial statement or summary which shall be consistent with the financial statement required to be filed with the Secretary of State pursuant to Code Section 43-17-5; and

(4) If made by a solicitor agent or paid solicitor, that the solicitation is being made by a paid person on behalf of the charitable organization and not by a volunteer.

1 (b) If the solicitor agent is soliciting the contribution of used personal property, any
2 disclosure required by this chapter or any rule or regulation of the Secretary of State may
3 be made at any point during or after the solicitation."

SECTION 3.

5 All laws and parts of laws in conflict with this Act are repealed.