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SECOND SUBSTITUTE HOUSE BILL 2576

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State of Washington

61st Legislature

2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Kenney, Llias, Moeller, Pedersen, and Armstrong; by request of Secretary of State)

READ FIRST TIME 02/28/10.

1 AN ACT Relating to restructuring and affirming certain fees  
2 established by the office of the secretary of state; amending RCW  
3 23B.01.530, 24.03.405, 24.06.450, 25.05.500, 43.07.120, 43.07.130,  
4 25.15.105, 19.77.030, 23.86.070, 19.09.075, 19.09.079, 19.09.097,  
5 19.09.355, and 19.09.530; adding a new section to chapter 19.09 RCW;  
6 creating a new section; and repealing RCW 19.09.520.

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

8 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
9 restructure certain fees for the division of corporations of the office  
10 of the secretary of state in a manner that has minimal revenue impact  
11 but moves the division of corporations towards a more self-sustaining  
12 budget.

13 **Sec. 2.** RCW 23B.01.530 and 1993 c 269 s 3 are each amended to read  
14 as follows:

15 For the privilege of doing business, every corporation organized  
16 under the laws of this state, except the corporations for which  
17 existing law provides a different fee schedule, (~~shall~~) must make and  
18 file a statement in the form prescribed by the secretary of state and

1 (~~shall~~) must pay an annual license fee each year following  
2 incorporation, on or before the expiration date of its corporate  
3 license, to the secretary of state. The secretary of state (~~shall~~)  
4 must collect an annual license fee of (~~ten dollars for each inactive~~  
5 ~~corporation and fifty dollars for other~~) sixty dollars for  
6 corporations that are not inactive corporations, of which ten dollars  
7 is designated to be deposited into the secretary's revolving fund per  
8 RCW 43.07.130. The secretary of state must collect an annual license  
9 fee for inactive corporations as established by the secretary of state  
10 in rule. As used in this section, "inactive corporation" means a  
11 corporation that certifies at the time of filing under this section  
12 that it did not engage in any business activities during the year  
13 ending on the expiration date of its corporate license.

14 **Sec. 3.** RCW 24.03.405 and 1993 c 269 s 5 are each amended to read  
15 as follows:

- 16 (1) (~~The secretary of state shall charge and collect for:~~  
17 ~~(a) Filing articles of incorporation, thirty dollars.~~  
18 ~~(b) Filing an annual report of a domestic or foreign corporation,~~  
19 ~~ten dollars.~~  
20 ~~(c) Filing an application of a foreign corporation for a~~  
21 ~~certificate of authority to conduct affairs in this state, thirty~~  
22 ~~dollars.~~

23 (~~2~~) The secretary of state (~~shall~~) must establish by rule, fees  
24 for the following:

- 25 (a) Filing articles of incorporation.  
26 (b) Filing an annual report of a domestic or foreign corporation.  
27 (c) Filing an application of a foreign corporation for a  
28 certificate of authority to conduct affairs in this state.  
29 (d) An application for reinstatement under RCW 24.03.386.  
30 (~~b~~) (e) Filing articles of amendment or restatement or an  
31 amendment or supplement to an application for reinstatement.  
32 (~~e~~) (f) Filing articles of merger or consolidation.  
33 (~~d~~) (g) Filing a statement of change of address of registered  
34 office or change of registered agent, or revocation, resignation, or  
35 any combination of these. (~~A separate fee for filing such statement~~  
36 shall not be charged if the statement appears in an amendment to

1 ~~articles of incorporation or in conjunction with the filing of the~~  
2 ~~annual report.~~

3 ~~(e))~~ (h) Filing articles of dissolution(~~(, no fee)~~).

4 ~~((f))~~ (i) Filing an application of a foreign corporation for an  
5 amended certificate of authority to conduct affairs in this state.

6 ~~((g))~~ (j) Filing an application for withdrawal of a foreign  
7 corporation and issuing a certificate of withdrawal(~~(, no fee)~~).

8 ~~((h))~~ (k) Filing a certificate by a foreign corporation of the  
9 appointment of a registered agent. (~~A separate fee for filing such~~  
10 ~~certificate shall not be charged if the statement appears in~~  
11 ~~conjunction with the filing of the annual report.~~

12 ~~(i))~~ (l) Filing a certificate of election adopting the provisions  
13 of chapter 24.03 RCW.

14 ~~((j))~~ (m) Filing an application to reserve a corporate name.

15 ~~((k))~~ (n) Filing a notice of transfer of a reserved corporate  
16 name.

17 ~~((l))~~ (o) Filing a name registration.

18 ~~((m))~~ (p) Filing any other statement or report authorized for  
19 filing under this chapter.

20 ~~((3))~~ (2) Fees (~~shall be~~) are adjusted by rule only in an  
21 amount that does not exceed the average biennial increase in the cost  
22 of providing service. This (~~shall~~) must be determined in a  
23 (~~biannual [biennial]~~) biennial cost study performed by the secretary.

24 **Sec. 4.** RCW 24.06.450 and 1993 c 269 s 7 are each amended to read  
25 as follows:

26 (1) (~~The secretary of state shall charge and collect for:~~

27 ~~(a) Filing articles of incorporation, thirty dollars.~~

28 ~~(b) Filing an annual report, ten dollars.~~

29 ~~(c) Filing an application of a foreign corporation for a~~  
30 ~~certificate of authority to conduct affairs in this state, thirty~~  
31 ~~dollars.~~

32 ~~(2))~~ The secretary of state (~~shall~~) must establish by rule, fees  
33 for the following:

34 (a) Filing articles of incorporation.

35 (b) Filing an annual report.

36 (c) Filing an application of a foreign corporation for a  
37 certificate of authority to conduct affairs in this state.

1        (d) Filing articles of amendment or restatement.

2        ~~((b))~~ (e) Filing articles of merger or consolidation.

3        ~~((c))~~ (f) Filing a statement of change of address of registered  
4 office or change of registered agent, or revocation, resignation, or  
5 any combination of these. ~~((A separate fee for filing such statement  
6 shall not be charged if the statement appears in an amendment to the  
7 articles of incorporation or in conjunction with the annual report.~~

8        ~~(d))~~ (g) Filing articles of dissolution, no fee.

9        ~~((e))~~ (h) Filing an application of a foreign corporation for an  
10 amended certificate of authority to conduct affairs in this state.

11        ~~((f))~~ (i) Filing a copy of an amendment to the articles of  
12 incorporation of a foreign corporation holding a certificate of  
13 authority to conduct affairs in this state.

14        ~~((g))~~ (j) Filing a copy of articles of merger of a foreign  
15 corporation holding a certificate of authority to conduct affairs in  
16 this state.

17        ~~((h))~~ (k) Filing an application for withdrawal of a foreign  
18 corporation and issuing a certificate of withdrawal ~~((, no fee))~~.

19        ~~((i))~~ (l) Filing a certificate by a foreign corporation of the  
20 appointment of a registered agent. ~~((A separate fee for filing such  
21 certificate shall not be charged if the statement appears in an  
22 amendment to the articles of incorporation or in conjunction with the  
23 annual report.~~

24        ~~(j))~~ (m) Filing a certificate by a foreign corporation of the  
25 revocation of the appointment of a registered agent. ~~((A separate fee  
26 for filing such certificate shall not be charged if the statement  
27 appears in an amendment to the articles of incorporation or in  
28 conjunction with the annual report.~~

29        ~~(k))~~ (n) Filing an application to reserve a corporate name.

30        ~~((l))~~ (o) Filing a notice of transfer of a reserved corporate  
31 name.

32        ~~((m))~~ (p) Filing any other statement or report of a domestic or  
33 foreign corporation.

34        ~~((3))~~ (2) Fees ~~((shall be))~~ are adjusted by rule in an amount  
35 that does not exceed the average biennial increase in the cost of  
36 providing service. This ~~((shall))~~ must be determined in a biennial  
37 cost study performed by the secretary.

1       **Sec. 5.** RCW 25.05.500 and 2009 c 437 s 4 are each amended to read  
2 as follows:

3       (1) A partnership which is not a limited liability partnership on  
4 June 11, 1998, may become a limited liability partnership upon the  
5 approval of the terms and conditions upon which it becomes a limited  
6 liability partnership by the vote necessary to amend the partnership  
7 agreement except, in the case of a partnership agreement that expressly  
8 considers obligations to contribute to the partnership, the vote  
9 necessary to amend those provisions, and by filing the applications  
10 required by subsection (2) of this section. A partnership which is a  
11 limited liability partnership on June 11, 1998, continues as a limited  
12 liability partnership under this chapter.

13       (2)(a) To become and to continue as a limited liability  
14 partnership, a partnership (~~shall~~) must file with the secretary of  
15 state an application stating the name of the partnership; the location  
16 of a registered office, which need not be a place of its activity in  
17 this state; the address of its principal office; if the partnership's  
18 principal office is not located in this state, the address of a  
19 registered office and the name and address of a registered agent for  
20 service of process in this state which the partnership will be required  
21 to continuously maintain; the number of partners; a brief statement of  
22 the business in which the partnership engages; any other matters that  
23 the partnership determines to include; and that the partnership thereby  
24 applies for status as a limited liability partnership.

25       (b) A registered agent for service of process under (a) of this  
26 subsection must be an individual who is a resident of this state or  
27 other person authorized to do business in this state.

28       (3) The application (~~shall~~) must be accompanied by a fee (~~of one~~  
29 ~~hundred seventy five dollars~~) for each partnership as established by  
30 the secretary of state in rule.

31       (4) The secretary of state (~~shall~~) must register as a limited  
32 liability partnership any partnership that submits a completed  
33 application with the required fee.

34       (5) A partnership registered under this section (~~shall~~) must pay  
35 an annual fee, in each year following the year in which its application  
36 is filed, on a date and in an amount specified by the secretary of  
37 state. The fee must be accompanied by a notice, on a form provided by

1 the secretary of state, of the number of partners currently in the  
2 partnership and of any material changes in the information contained in  
3 the partnership's application for registration.

4 (6) Registration is effective immediately after the date an  
5 application is filed, and remains effective until:

6 (a) It is voluntarily withdrawn by filing with the secretary of  
7 state a written withdrawal notice executed by a majority of the  
8 partners or by one or more partners or other persons authorized to  
9 execute a withdrawal notice; or

10 (b) Thirty days after receipt by the partnership of a notice from  
11 the secretary of state, which notice (~~shall~~) must be sent by first-  
12 class mail, postage prepaid, that the partnership has failed to make  
13 timely payment of the annual fee specified in subsection (5) of this  
14 section, unless the fee is paid within such a thirty-day period.

15 (7) The status of a partnership as a limited liability partnership,  
16 and the liability of the partners thereof, (~~shall~~) is not (~~be~~)  
17 affected by: (a) Errors in the information stated in an application  
18 under subsection (2) of this section or a notice under subsection (6)  
19 of this section; or (b) changes after the filing of such an application  
20 or notice in the information stated in the application or notice.

21 (8) The secretary of state may provide forms for the application  
22 under subsection (2) of this section or a notice under subsection (6)  
23 of this section.

24 **Sec. 6.** RCW 43.07.120 and 1998 c 103 s 1309 are each amended to  
25 read as follows:

26 (1) The secretary of state (~~shall~~) must establish by rule and  
27 collect the fees in this subsection:

28 (a) For a copy of any law, resolution, record, or other document or  
29 paper on file in the secretary's office;

30 (b) For any certificate under seal;

31 (c) For filing and recording trademark;

32 (d) For each deed or patent of land issued by the governor;

33 (e) For recording miscellaneous records, papers, or other  
34 documents.

35 (2) The secretary of state may adopt rules under chapter 34.05 RCW  
36 establishing reasonable fees for the following services rendered under

1 Title 23B RCW, chapter 18.100, 19.09, 19.34, 19.77, 23.86, 23.90,  
2 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.04, 25.15, 25.10,  
3 (~~(or)~~) 25.05, or 26.60 RCW:

4 (a) Any service rendered in-person at the secretary of state's  
5 office;

6 (b) Any expedited service;

7 (c) The electronic or facsimile transmittal of information from  
8 corporation records or copies of documents;

9 (d) The providing of information by micrographic or other reduced-  
10 format compilation;

11 (e) The handling of checks, drafts, or credit or debit cards upon  
12 adoption of rules authorizing their use for which sufficient funds are  
13 not on deposit; and

14 (f) Special search charges.

15 (3) To facilitate the collection of fees, the secretary of state  
16 may establish accounts for deposits by persons who may frequently be  
17 assessed such fees to pay the fees as they are assessed. The secretary  
18 of state may make whatever arrangements with those persons as may be  
19 necessary to carry out this section.

20 (4) The secretary of state may adopt rules for the use of credit or  
21 debit cards for payment of fees.

22 (5) No member of the legislature, state officer, justice of the  
23 supreme court, judge of the court of appeals, or judge of the superior  
24 court (~~(shall)~~) may be charged for any search relative to matters  
25 pertaining to the duties of his or her office; nor may such official be  
26 charged for a certified copy of any law or resolution passed by the  
27 legislature relative to his or her official duties, if such law has not  
28 been published as a state law.

29 **Sec. 7.** RCW 43.07.130 and 2005 c 518 s 924 are each amended to  
30 read as follows:

31 There is created within the state treasury a revolving fund, to be  
32 known as the "secretary of state's revolving fund," which (~~(shall)~~)  
33 must be used by the office of the secretary of state to defray the  
34 costs of (~~(printing, reprinting, or distributing printed matter)~~)  
35 providing registration and information services authorized by law (~~(to~~  
36 ~~be issued)~~) by the office of the secretary of state, and any other cost  
37 of carrying out the functions of the secretary of state under Title 11,

1 ~~18, 19, 23, 23B, 24, 25, 26, 30, 42, 43, or 64~~ RCW(~~(, or chapters~~  
2 ~~18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36,~~  
3 ~~25.15, or 25.10~~ RCW)).

4 The secretary of state is (~~hereby~~) authorized to charge a fee for  
5 (~~such~~) publications in an amount which will compensate for the costs  
6 of printing, reprinting, and distributing such printed matter. Fees  
7 recovered by the secretary of state under RCW 43.07.120(2), 19.09.305,  
8 19.09.315, 19.09.440, 23B.01.220 (1)(e), (6) and (7), 23B.18.050,  
9 24.03.410, 24.06.455, 25.10.600(6), 25.10.916(1)(e), or 46.64.040, and  
10 such other moneys as are expressly designated for deposit in the  
11 secretary of state's revolving fund (~~shall~~) must be placed in the  
12 secretary of state's revolving fund.

13 During the 2005-2007 fiscal biennium, the legislature may transfer  
14 from the secretary of state's revolving fund to the state general fund  
15 such amounts as reflect the excess fund balance of the fund.

16 **Sec. 8.** RCW 25.15.105 and 2001 c 307 s 2 are each amended to read  
17 as follows:

18 (1) Each domestic limited liability company, and each foreign  
19 limited liability company authorized to transact business in this  
20 state, (~~shall~~) must deliver to the secretary of state for filing,  
21 both initial and annual reports that set forth:

22 (a) The name of the company and the state or country under whose  
23 law it is organized;

24 (b) The street address of its registered office and the name of its  
25 registered agent at that office in this state;

26 (c) In the case of a foreign company, the address of its principal  
27 office in the state or country under the laws of which it is organized;

28 (d) The address of the principal place of business of the company  
29 in this state;

30 (e) The names and addresses of the company's members, or if the  
31 management of the company is vested in a manager or managers, then the  
32 name and address of its manager or managers; and

33 (f) A brief description of the nature of its business.

34 (2) Information in an initial report or an annual report must be  
35 current as of the date the report is executed on behalf of the company.

36 (3) A company's initial report must be delivered to the secretary  
37 of state within one hundred twenty days of the date on which a domestic



1 company's certificate of formation was filed, or on which a foreign  
2 company's application for registration was submitted. Subsequent  
3 annual reports must be delivered to the secretary of state on a date  
4 determined by the secretary of state, and at such additional times as  
5 the company elects.

6 (4)(a) The secretary of state may allow a company to file an  
7 initial or annual report through electronic means. If allowed, the  
8 secretary of state (~~shall~~) must adopt rules detailing the  
9 circumstances under which the electronic filing of (~~such~~) the reports  
10 (~~shall be~~) is permitted and how (~~such~~) the reports may be filed.

11 (b) For purposes of this section only, a person executing an  
12 electronically filed annual report may deliver the report to the office  
13 of the secretary of state without a signature and without an exact or  
14 conformed copy, but the person's name must appear in the electronic  
15 filing as the person executing the filing, and the filing must state  
16 the capacity in which the person is executing the filing.

17 **Sec. 9.** RCW 19.77.030 and 1998 c 39 s 1 are each amended to read  
18 as follows:

19 (1) Subject to the limitations set forth in this chapter, any  
20 person who has adopted and is using a trademark in this state may file  
21 in the office of the secretary of state, on a form to be furnished by  
22 the secretary of state, an application for registration of that  
23 trademark setting forth, but not limited to, the following information:

24 (a) The name and business address of the applicant, and, if the  
25 applicant is a corporation, its state of incorporation;

26 (b) The particular goods or services in connection with which the  
27 trademark is used and the class in which such goods or services fall;

28 (c) The manner in which the trademark is placed on or affixed to  
29 the goods or containers, or displayed in connection with such goods, or  
30 used in connection with the sale or advertising of the services;

31 (d) The date when the trademark was first used with such goods or  
32 services anywhere and the date when it was first used with such goods  
33 or services in this state by the applicant or his predecessor in  
34 business;

35 (e) A statement that the trademark is presently in use in this  
36 state by the applicant;

1 (f) A statement that the applicant believes himself to be the owner  
2 of the trademark and believes that no other person has the right to use  
3 such trademark in connection with the same or similar goods or services  
4 in this state either in the identical form or in such near resemblance  
5 thereto as to be likely, when used on or in connection with the goods  
6 or services of such other person, to cause confusion or mistake or to  
7 deceive; and

8 (g) Such additional information or documents as the secretary of  
9 state may reasonably require.

10 (2) A single application for registration of a trademark may  
11 specify all goods or services in a single class or in multiple classes  
12 for which the trademark is actually being used.

13 (3) The application (~~shall~~) must be signed by the applicant  
14 individual, or by a member of the applicant firm, or by an officer of  
15 the applicant corporation, association, union or other organization.

16 (4) The application (~~shall~~) must be accompanied by three  
17 specimens or facsimiles of the trademark for each of the goods or  
18 services for which its registration is requested, and a filing fee, as  
19 set by rule by the secretary of state, payable to the secretary of  
20 state. The fee established by the secretary may vary based upon the  
21 number of categories listed in the application.

22 (5) An applicant may correct an application previously filed by the  
23 secretary of state, within ninety days of the original filing, if the  
24 application contains an incorrect statement or the application was  
25 defectively executed, signed, or acknowledged. An application is  
26 corrected by filing a form provided by the secretary of state, and  
27 accompanied by a filing fee established by the secretary by rule. The  
28 correction may not change the mark itself. A corrected application is  
29 effective on the effective date of the document it corrects, except  
30 that it is effective on the date the correction is filed as to persons  
31 relying on the uncorrected document and adversely affected by the  
32 correction.

33 (6) An applicant may amend an application previously filed by the  
34 secretary of state if the applicant changes the categories in which it  
35 does business. An application is amended by filing a form provided by  
36 the secretary of state, accompanied by three specimens or facsimiles of  
37 the trademark for any new or additional goods or services for which the

1 amendment is requested, and a filing fee established by the secretary  
2 by rule. The amendment or correction may not change the mark itself.  
3 An amended application is effective on the date it is filed.

4 (7) If the secretary of state determines within ninety days of  
5 issuance, that a certificate of registration was issued in error, then  
6 the secretary may cancel the certificate of registration. The  
7 secretary shall promptly notify the registrant of the cancellation in  
8 writing. The registrant may petition the superior court of Thurston  
9 county for review of the cancellation within sixty days.

10 **Sec. 10.** RCW 23.86.070 and 1993 c 269 s 1 are each amended to read  
11 as follows:

12 For filing articles of incorporation of an association organized  
13 under this chapter or filing application for a certificate of authority  
14 by a foreign corporation, there (~~shall~~) must be paid to the secretary  
15 of state (~~the sum of twenty five dollars~~) a fee as established by the  
16 secretary by rule. Fees for filing an amendment to articles of  
17 incorporation (~~shall~~) must be established by the secretary of state  
18 by rule. For filing other documents with the secretary of state and  
19 issuing certificates, fees (~~shall be~~) are as prescribed in RCW  
20 23B.01.220. Associations subject to this chapter (~~shall~~) are not  
21 (~~be~~) subject to any corporation license fees excepting the fees  
22 hereinabove enumerated.

23 NEW SECTION. **Sec. 11.** A new section is added to chapter 19.09 RCW  
24 to read as follows:

25 The secretary of state shall collect the following fees in  
26 accordance with this chapter:

27 (1) For an application for registration as a charitable  
28 organization, a fee of sixty dollars. Twenty dollars of this fee must  
29 be deposited in the state general fund and the remaining forty dollars  
30 must be deposited in the charitable organization education account  
31 under RCW 19.09.530;

32 (2) For an annual renewal of registration as a charitable  
33 organization, a fee of forty dollars. Ten dollars of this fee must be  
34 deposited in the state general fund and the remaining thirty dollars  
35 must be deposited in the charitable organization education account  
36 under RCW 19.09.530;

1 (3) For an application for registration as a commercial fundraiser,  
2 a fee of three hundred dollars. Two hundred fifty dollars of this fee  
3 must be deposited in the state general fund and the remaining fifty  
4 dollars must be deposited in the charitable organization education  
5 account under RCW 19.09.530;

6 (4) For an annual renewal of registration as a commercial  
7 fundraiser, a fee of two hundred twenty-five dollars. One hundred  
8 seventy-five dollars of this fee must be deposited in the state general  
9 fund and the remaining fifty dollars must be deposited in the  
10 charitable organization education account under RCW 19.09.530;

11 (5) For a registration of a commercial fundraiser service contract,  
12 a fee of twenty dollars. Ten dollars of this fee must be deposited in  
13 the state general fund and the remaining ten dollars must be deposited  
14 in the charitable organization education account under RCW 19.09.530.

15 **Sec. 12.** RCW 19.09.075 and 2007 c 471 s 3 are each amended to read  
16 as follows:

17 An application for registration as a charitable organization shall  
18 be submitted in the form prescribed by rule by the secretary,  
19 containing, but not limited to, the following:

20 (1) The name, address, and telephone number of the charitable  
21 organization;

22 (2) The name(s) under which the organization will solicit  
23 contributions;

24 (3) The name, address, and telephone number of the officers of or  
25 persons accepting responsibility for the organization;

26 (4) The names of the three officers or employees receiving the  
27 greatest amount of compensation from the organization;

28 (5) The purpose of the organization;

29 (6)(a) Whether the organization is exempt from federal income tax;  
30 and if so the organization shall attach to its application a copy of  
31 the letter by which the internal revenue service granted such status;  
32 and

33 (b) The name and address of the entity that prepares, reviews, or  
34 audits the financial statement of the organization;

35 (7) A solicitation report of the organization for the preceding  
36 accounting year including:

37 (a) The types of solicitations conducted;

1 (b) The total dollar value of contributions received from  
2 solicitations and from all other sources received on behalf of the  
3 charitable purpose of the charitable organization;

4 (c) The total amount of money applied to charitable purposes, fund  
5 raising costs, and other expenses; and

6 (d) The name, address, and telephone number of any commercial fund  
7 raiser used by the organization;

8 (8) An irrevocable appointment of the secretary to receive service  
9 of process in noncriminal proceedings as provided in RCW 19.09.305; and

10 (9) The total revenue of the preceding fiscal year.

11 The solicitation report required to be submitted under subsection  
12 (7) of this section shall be in the form prescribed by rule by the  
13 secretary, or as agreed to by the secretary and a charitable  
14 organization. The president, treasurer, or comparable officer of the  
15 organization must sign and date the application. The application shall  
16 be submitted with a nonrefundable filing fee (~~which shall be in an~~  
17 ~~amount to be established by the secretary by rule. In determining the~~  
18 ~~amount of this application fee, the secretary may consider factors such~~  
19 ~~as the entity's annual budget and its federal income tax status))  
20 established in section 11 of this act. If the secretary determines  
21 that the application is complete, the application shall be filed and  
22 the applicant deemed registered.~~

23 **Sec. 13.** RCW 19.09.079 and 2007 c 471 s 5 are each amended to read  
24 as follows:

25 An application for registration as a commercial fund raiser shall  
26 be submitted in the form prescribed by the secretary, containing, but  
27 not limited to, the following:

28 (1) The name, address, and telephone number of the commercial fund-  
29 raising entity;

30 (2) The name(s), address(es), and telephone number(s) of the  
31 owner(s) and principal officer(s) of the commercial fund-raising  
32 entity;

33 (3) The name, address, and telephone number of the individual  
34 responsible for the activities of the commercial fund-raising entity in  
35 Washington;

36 (4) The names of the three officers or employees receiving the

1 greatest amount of compensation from the commercial fund-raising  
2 entity;

3 (5) The name and address of the entity that prepares, reviews, or  
4 audits the financial statement of the organization;

5 (6) A solicitation report of the commercial fund-raising entity for  
6 the preceding accounting year, including:

7 (a) The types of fund raising services conducted;

8 (b) The names of charitable organizations required to register  
9 under RCW 19.09.065 for whom fund raising services have been performed;

10 (c) The total value of contributions received on behalf of  
11 charitable organizations required to register under RCW 19.09.065 by  
12 the commercial fund raiser, affiliate of the commercial fund raiser, or  
13 any entity retained by the commercial fund raiser; and

14 (d) The amount of money disbursed to charitable organizations for  
15 charitable purposes, net of fund raising costs paid by the charitable  
16 organization as stipulated in any agreement between charitable  
17 organizations and the commercial fund raiser;

18 (7) The name, address, and telephone number of any commercial fund  
19 raiser that was retained in the conduct of providing fund raising  
20 services; and

21 (8) An irrevocable appointment of the secretary to receive service  
22 of process in noncriminal proceedings as provided in RCW 19.09.305.

23 The application shall be signed by an officer or owner of the  
24 commercial fund raiser and shall be submitted with a nonrefundable fee  
25 ~~((in an amount to be established by rule of the secretary))~~ established  
26 in section 11 of this act. If the secretary determines that the  
27 application is complete, the application shall be filed and the  
28 applicant deemed registered.

29 **Sec. 14.** RCW 19.09.097 and 2007 c 471 s 7 are each amended to read  
30 as follows:

31 (1) No charitable organization may contract with a commercial fund  
32 raiser for any fund raising service or activity unless its contract  
33 requires that both parties comply with the law and permits officers of  
34 the charity reasonable access to: (a) The fund raisers' financial  
35 records relating to that charitable organization; (b) the fund raisers'  
36 operations including without limitation the right to be present during  
37 any telephone solicitation; and (c) the names of all of the fund

1 raisers' employees or staff who are conducting fund raising or  
2 charitable solicitations on behalf of the charitable organization. In  
3 addition, the contract shall specify the amount of raised funds that  
4 the charitable organization will receive or the method of computing  
5 that amount, the amount of compensation of the commercial fund raiser  
6 or the method of computing that amount, and whether the compensation is  
7 fixed or contingent.

8 (2) Before a charitable organization may contract with a commercial  
9 fund raiser for any fund raising service or activity, the charitable  
10 organization and commercial fund raiser shall complete and file a  
11 registration form with the secretary. The registration shall be filed  
12 by the charitable organization in the form prescribed by the secretary.  
13 The registration shall contain, but not be limited to, the following  
14 information:

15 (a) The name and registration number of the commercial fund raiser;

16 (b) The name of the surety or sureties issuing the bond required by  
17 RCW 19.09.190, the aggregate amount of such bond or bonds, the bond  
18 number(s), original effective date(s), and termination date(s);

19 (c) The name and registration number of the charitable  
20 organization;

21 (d) The name of the representative of the commercial fund raiser  
22 who will be responsible for the conduct of the fund raising;

23 (e) The type(s) of service(s) to be provided by the commercial fund  
24 raiser;

25 (f) The dates such service(s) will begin and end;

26 (g) The terms of the agreement between the charitable organization  
27 and commercial fund raiser relating to:

28 (i) Amount or percentages of amounts to inure to the charitable  
29 organization;

30 (ii) Limitations placed on the maximum amount to be raised by the  
31 fund raiser, if the amount to inure to the charitable organization is  
32 not stated as a percentage of the amount raised;

33 (iii) Costs of fund raising that will be the responsibility of the  
34 charitable organization, regardless of whether paid as a direct  
35 expense, deducted from the amounts disbursed, or otherwise; and

36 (iv) The manner in which contributions received directly by the  
37 charitable organization, not the result of services provided by the

1 commercial fund raiser, will be identified and used in computing the  
2 fee owed to the commercial fund raiser; and

3 (h) The names of any entity to which more than ten percent of the  
4 total anticipated fund raising cost is to be paid, and whether any  
5 principal officer or owner of the commercial fund raiser or relative by  
6 blood or marriage thereof is an owner or officer of any such entity.

7 (3) A correct copy of the contract shall be filed with the  
8 secretary before the commencement of any campaign.

9 (4) The registration form shall be submitted with a nonrefundable  
10 filing fee (~~((in an amount to be established by rule of the secretary))~~)  
11 established in section 11 of this act and shall be signed by an owner  
12 or principal officer of the commercial fund raiser and the president,  
13 treasurer, or comparable officer of the charitable organization.

14 **Sec. 15.** RCW 19.09.355 and 1983 c 265 s 18 are each amended to  
15 read as follows:

16 Except as otherwise provided in this chapter, all fees and other  
17 moneys received by the secretary of state under this chapter shall be  
18 transmitted to the state treasurer for deposit in the state general  
19 fund.

20 **Sec. 16.** RCW 19.09.530 and 2007 c 471 s 14 are each amended to  
21 read as follows:

22 The charitable organization education account is created in  
23 (~~{the}~~) the state treasury. All receipts from the portion of fees  
24 (~~((authorized in RCW 19.09.520(1)))~~) designated in section 11 of this act  
25 must be deposited into the account. Moneys in the account may be spent  
26 only after appropriation. Expenditures from the account may be used  
27 only for the charitable organization education program authorized in  
28 RCW 19.09.510.

29 NEW SECTION. **Sec. 17.** RCW 19.09.520 (Charitable organization  
30 education program--Fees) and 2007 c 471 s 13 are each repealed.

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