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**SUBSTITUTE SENATE BILL 5164**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Schoesler and Delvin)

READ FIRST TIME 02/14/11.

1       AN ACT Relating to charitable solicitations; amending RCW  
2 19.09.010, 19.09.020, 19.09.062, 19.09.065, 19.09.075, 19.09.079,  
3 19.09.085, 19.09.097, 19.09.200, 19.09.210, 19.09.230, 19.09.271,  
4 19.09.275, 19.09.276, 19.09.277, 19.09.279, 19.09.305, 19.09.315,  
5 19.09.340, 19.09.355, 19.09.400, 19.09.430, and 19.09.440; reenacting  
6 and amending RCW 19.09.100; adding new sections to chapter 19.09 RCW;  
7 repealing RCW 19.09.076, 19.09.190, 19.09.240, 19.09.500, and  
8 19.09.540; and prescribing penalties.

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

10       **Sec. 1.** RCW 19.09.010 and 2007 c 471 s 1 are each amended to read  
11 as follows:

12       The purpose of this chapter is to:

13       (1) Provide citizens of the state of Washington with information  
14 relating to (~~persons and organizations who~~) any entity that solicits  
15 funds from the public for public charitable purposes in order to  
16 prevent (a) deceptive and dishonest practices in the conduct of  
17 soliciting funds for or in the name of charity; and (b) improper use of  
18 contributions intended for charitable purposes;

1 (2) Improve the transparency and accountability of organizations  
2 that solicit funds from the public for charitable purposes; and

3 (3) Develop and operate educational programs or partnerships for  
4 charitable organizations, board members, and the general public that  
5 help build public confidence and trust in organizations that solicit  
6 funds from the public for charitable purposes.

7 **Sec. 2.** RCW 19.09.020 and 2007 c 471 s 2 are each amended to read  
8 as follows:

9 When used in this chapter, unless the context otherwise requires:

10 (1) A "bona fide officer or employee" of a charitable organization  
11 is one (a) whose conduct is subject to direct control by such  
12 organization; (b) who does not act in the manner of an independent  
13 contractor in his or her relation with the organization; and (c) whose  
14 compensation is not computed on funds raised or to be raised.

15 (2) "Charitable organization" means any entity that solicits or  
16 collects contributions from the general public where the contribution  
17 is or is purported to be used to support a charitable purpose, but does  
18 not include any commercial fund-raiser, commercial fund-raising entity,  
19 commercial coventurer, or any fund-raising counsel, as defined in this  
20 section. Churches and their integrated auxiliaries, and political  
21 organizations are not charitable organizations, but all are subject to  
22 RCW 19.09.100 (~~((12),~~) (15)(~~, and~~) through (18)).

23 (3) "Charitable purpose" means any religious, charitable,  
24 scientific, testing for public safety, literary, or educational purpose  
25 or any other purpose that is beneficial to the community, including  
26 environmental, humanitarian, patriotic, or civic purposes, the support  
27 of national or international amateur sports competition, the prevention  
28 of cruelty to children or animals, the advancement of social welfare,  
29 or the benefit of law enforcement personnel, firefighters, and other  
30 persons who protect public safety. The term "charitable" is used in  
31 its generally accepted legal sense and includes relief of the poor, the  
32 distressed, or the underprivileged; advancement of religion;  
33 advancement of education or science; erecting or maintaining public  
34 buildings, monuments, or works; lessening the burdens of government;  
35 lessening neighborhood tensions; eliminating prejudice and  
36 discrimination; defending human and civil rights secured by law; and  
37 combating community deterioration and juvenile delinquency.

1 (4) "Commercial coventurer" means any individual or corporation,  
2 partnership, sole proprietorship, limited liability company, limited  
3 partnership, limited liability partnership, or any other legal entity,  
4 that:

5 (a) Is regularly and primarily engaged in making sales of goods or  
6 services for profit directly to the general public;

7 (b) Is not otherwise regularly or primarily engaged in making  
8 (~~charitable~~) solicitations in this state or otherwise raising funds  
9 in this state for one or more charitable organizations;

10 (c) Represents to prospective purchasers that, if they purchase a  
11 good or service from the commercial coventurer, a portion of the sales  
12 price or a sum of money or some other specified thing of value will be  
13 donated to a named charitable organization; and

14 (d) Does not ask purchasers to make checks or other instruments  
15 payable to a named charitable organization or any entity other than the  
16 commercial coventurer itself under its regular commercial name.

17 (5) "Commercial fund-raiser" or "commercial fund-raising entity"  
18 means any entity that for compensation or other consideration (~~within~~  
19 ~~this state~~) directly or indirectly solicits or receives contributions  
20 within this state for or on behalf of any charitable organization or  
21 charitable purpose, or that is engaged in the business of, or (~~is held~~  
22 ~~out~~) represents to persons in this state as independently engaged in  
23 the business of, soliciting or receiving contributions for such  
24 purposes. However, a commercial coventurer, fund-raising counsel, or  
25 consultant is not a commercial fund-raiser or commercial fund-raising  
26 entity.

27 (6) "Compensation" means salaries, wages, fees, commissions, or any  
28 other remuneration or valuable consideration.

29 (7) "Contribution" means the payment, donation, or promise, (~~or~~  
30 ~~grant,~~) for consideration or otherwise, of any money or property of  
31 any kind or value which contribution is wholly or partly induced by a  
32 solicitation. Reference to dollar amounts of "contributions" or  
33 "solicitations" in this chapter means in the case of payments or  
34 promises to pay for merchandise or rights of any description, the value  
35 of the total amount paid or promised to be paid for such merchandise or  
36 rights.

37 (8) "Cost of solicitation" means and includes all direct and

1 indirect costs, expenditures, debts, obligations, salaries, wages,  
2 commissions, fees, or other money or thing of value paid or incurred in  
3 making a solicitation.

4 (9) "Entity" means an individual, organization, group, association,  
5 partnership, corporation, agency or unit of state government, or any  
6 combination thereof.

7 (10) "Fund-raising counsel" or "consultant" means any entity or  
8 individual who is retained by a charitable organization, for a fixed  
9 fee or rate, that is not computed on a percentage of funds raised, or  
10 to be raised, under a written agreement only to plan, advise, consult,  
11 or prepare materials for a solicitation of contributions in this state,  
12 but who does not manage, conduct, or carry on a fund-raising campaign  
13 and who does not solicit contributions or employ, procure, or engage  
14 any compensated person to solicit contributions, and who does not at  
15 any time have custody or control of contributions. A volunteer,  
16 employee, or salaried officer of a charitable organization maintaining  
17 a permanent establishment or office in this state is not a fund-raising  
18 counsel. An attorney, investment counselor, or banker who advises an  
19 individual, corporation, or association to make a charitable  
20 contribution is not a fund-raising counsel as a result of the advice.

21 (11) "General public" or "public" means any individual or entity  
22 located in Washington state without a membership or other official  
23 relationship with a charitable organization before a solicitation by  
24 the charitable organization.

25 (12) "Gross revenue" or "annual gross revenue" means, for any  
26 accounting period, the total value of revenue, excluding unrealized  
27 capital gains, but including noncash contributions of tangible,  
28 personal property received by or on behalf of a charitable organization  
29 from all sources, without subtracting any costs or expenses.

30 (13) "Membership" means that for the payment of fees, dues,  
31 assessments, etc., an organization provides services and confers a bona  
32 fide right, privilege, professional standing, honor, or other direct  
33 benefit, in addition to the right to vote, elect officers, or hold  
34 office. The term "membership" does not include those persons who are  
35 granted a membership upon making a contribution as the result of  
36 solicitation.

37 ((+13)) (14) "Other employee" of a charitable organization means  
38 any person (a) whose conduct is subject to direct control by such

1 organization; (b) who does not act in the manner of any independent  
2 contractor in his or her relation with the organization; and (c) who is  
3 not engaged in the business of or held out to persons in this state as  
4 independently engaged in the business of soliciting contributions for  
5 charitable purposes or religious activities.

6 ~~((14))~~ (15) "Political organization" means those organizations  
7 whose activities are subject to chapter ~~((42.17))~~ 42.17A RCW or the  
8 Federal Elections Campaign Act of 1971, as amended.

9 ~~((15))~~ (16) "Religious organization" means those entities that  
10 are not churches or integrated auxiliaries and includes  
11 nondenominational ministries, interdenominational and ecumenical  
12 organizations, mission organizations, speakers' organizations,  
13 faith-based social agencies, and other entities whose principal purpose  
14 is the study, practice, or advancement of religion.

15 ~~((16))~~ (17) "Secretary" means the secretary of state.

16 ~~((17))~~ (18) "Signed" means hand-written, or, if the secretary  
17 adopts rules facilitating electronic filing that pertain to this  
18 chapter, in the manner prescribed by those rules.

19 ~~((18))~~ (19)(a) "Solicitation" means any oral or written request  
20 for a contribution, including the solicitor's offer or attempt to sell  
21 any property, rights, services, or other thing in connection with  
22 which:

23 (i) Any appeal is made for any charitable purpose;

24 (ii) The name of any charitable organization is used as an  
25 inducement for consummating the sale; or

26 (iii) Any statement is made that implies that the whole or any part  
27 of the proceeds from the sale will be applied toward any charitable  
28 purpose or donated to any charitable organization.

29 (b) The solicitation shall be deemed completed when made, whether  
30 or not the person making it receives any contribution or makes any  
31 sale.

32 (c) "Solicitation" does not include bingo activities, raffles, and  
33 amusement games conducted under chapter 9.46 RCW and applicable rules  
34 of the Washington state gambling commission.

35 (20) "Solicitation report" means the financial information the  
36 secretary requires pursuant to RCW 19.09.075 or 19.09.079.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 19.09 RCW  
2 to read as follows:

3        The application requirements of RCW 19.09.075 do not apply to:

4        (1) Any charitable organization raising less than an amount as set  
5 by rule adopted by the secretary in any accounting year when all the  
6 activities of the organization, including all fund-raising activities,  
7 are carried on by persons who are unpaid for their services and no part  
8 of the charitable organization's assets or income inures to the benefit  
9 of or is paid to any officer, director, member, or trustee of the  
10 organization, other than as part of a charitable class benefited by the  
11 charitable organization.

12        (2) Appeals for funds on behalf of a specific individual named in  
13 the solicitation, but only if all of the proceeds of the solicitation  
14 are given to or expended for the direct benefit of that individual.

15        **Sec. 4.**    RCW 19.09.062 and 2010 1st sp.s. c 29 s 11 are each  
16 amended to read as follows:

17        The secretary of state (~~shall~~) must collect the following fees in  
18 accordance with this chapter:

19        (1) For an application for registration as a charitable  
20 organization, a fee of sixty dollars. Twenty dollars of this fee must  
21 be deposited in the state general fund and the remaining forty dollars  
22 must be deposited in the charitable organization education account  
23 under RCW 19.09.530;

24        (2) For an annual renewal of registration as a charitable  
25 organization, a fee of forty dollars. Ten dollars of this fee must be  
26 deposited in the state general fund and the remaining thirty dollars  
27 must be deposited in the charitable organization education account  
28 under RCW 19.09.530;

29        (3) For an application for registration as a commercial fund-  
30 raiser, a fee of three hundred dollars. Two hundred fifty dollars of  
31 this fee must be deposited in the state general fund and the remaining  
32 fifty dollars must be deposited in the charitable organization  
33 education account under RCW 19.09.530;

34        (4) For an annual renewal of registration as a commercial fund-  
35 raiser, a fee of two hundred twenty-five dollars. One hundred seventy-  
36 five dollars of this fee must be deposited in the state general fund

1 and the remaining fifty dollars must be deposited in the charitable  
2 organization education account under RCW 19.09.530;

3 (5) For a registration of a commercial fund-raiser service  
4 contract, a fee of twenty dollars. Ten dollars of this fee must be  
5 deposited in the state general fund and the remaining ten dollars must  
6 be deposited in the charitable organization education account under RCW  
7 19.09.530.

8 **Sec. 5.** RCW 19.09.065 and 1993 c 471 s 2 are each amended to read  
9 as follows:

10 (1) All charitable organizations and commercial fund-raisers  
11 (~~shall~~) must register with the secretary prior to conducting any  
12 solicitations.

13 (2) Failure to register as required by this chapter is a violation  
14 of this chapter.

15 (3) Information provided to the secretary pursuant to this chapter  
16 (~~shall be~~) is a public record except as (~~otherwise stated in this~~  
17 ~~chapter~~) provided by law. Social security numbers and financial  
18 account numbers are not public information.

19 (4) Registration (~~shall~~) must not be considered or be represented  
20 as an endorsement by the secretary or the state of Washington.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.09 RCW,  
22 to be codified between RCW 19.09.065 and 19.09.075, to read as follows:

23 (1) Entities are deemed registered under RCW 19.09.075 or 19.09.079  
24 twenty days after receipt of the registration or renewal form by the  
25 secretary and may thereafter solicit contributions from the general  
26 public.

27 (2) If the secretary determines that the application for initial  
28 registration or renewal is incomplete, the secretary will notify the  
29 applicant of the information necessary to complete the application.  
30 The secretary may hold the application up to thirty days to allow the  
31 applicant time to provide additional information. If the applicant  
32 fails to provide complete information as requested by the secretary,  
33 the applicant will be deemed unregistered and must cease all  
34 solicitations as defined by this chapter.

35 (3) If an applicant fails to pay a required fee for any filing, the  
36 secretary will notify the applicant of the necessary fee to complete

1 the application. The secretary may hold the application up to thirty  
2 days to allow the applicant time to submit the required payment. If  
3 the applicant fails to provide the required payment as requested by the  
4 secretary, the applicant will be deemed unregistered and must cease all  
5 solicitations as defined by this chapter.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.09 RCW,  
7 to be codified between section 6 of this act and RCW 19.09.075, to read  
8 as follows:

9 Charitable organizations must ensure that the financial information  
10 included in the solicitation report fairly represents, in all material  
11 respects, the financial condition and results of operations of the  
12 organization as of, and for, the period presented to the secretary for  
13 filing. If the financial information submitted to the secretary is  
14 incorrect in any material way, it is a violation of this chapter and  
15 the charitable organization may be subject to penalties as provided  
16 under RCW 19.09.279.

17 **Sec. 8.** RCW 19.09.075 and 2010 1st sp.s. c 29 s 12 are each  
18 amended to read as follows:

19 (1) An application for initial registration and renewal as a  
20 charitable organization (~~(shall)~~) must be submitted (~~(in)~~) on the form  
21 (~~(prescribed by rule)~~) approved by the secretary (~~(, containing, but not~~  
22 ~~limited to, the following)~~) and must contain:

23 ((+1)) (a) The name, address, and telephone number of the  
24 charitable organization;

25 ((+2)) (b) The name(s) under which the charitable organization  
26 will solicit contributions;

27 ((+3)) (c) The name, address, and telephone number of the officers  
28 of or persons accepting responsibility for the charitable organization;

29 ((+4)) (d) The names of the three officers or employees receiving  
30 the greatest amount of compensation from the charitable organization;

31 ((+5)) (e) The purpose of the charitable organization;

32 ((+6)(a)) (f) Whether the organization is exempt from federal  
33 income tax; and if so the organization shall attach to its application  
34 a copy of the letter by which the internal revenue service granted such  
35 status; (~~and~~



1       ~~(b))~~ (g) The name and address of the entity that prepares,  
2 reviews, or audits the financial statement of the charitable  
3 organization;

4       ~~((7))~~ (h) A solicitation report of the charitable organization  
5 for the preceding, completed accounting year including:

6       ~~((a))~~ (i) The types of solicitations conducted;

7       ~~((b))~~ (ii) The ~~((total dollar value of contributions))~~ gross  
8 revenue received from ~~((solicitations and from))~~ all ~~((other))~~ sources  
9 ~~((received on behalf of the charitable purpose))~~ by or on behalf of the  
10 charitable organization before any expenses are paid or deducted;

11       ~~((c))~~ (iii) The total ~~((amount of money applied to charitable~~  
12 ~~purposes, fund raising costs, and other expenses; and~~

13       ~~(d) The name, address, and telephone number of any commercial fund-~~  
14 ~~raiser used by the organization;~~

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

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

18       ~~The solicitation report required to be submitted under subsection~~  
19 ~~(7) of this section shall be in the form prescribed by rule by the~~  
20 ~~secretary, or as agreed to by the secretary and a charitable~~  
21 ~~organization))~~ value of contributions received from all solicitations  
22 for or on behalf of the charitable organization before any expenses are  
23 paid or deducted;

24       (iv) The total value of funds expended for charitable purposes; and

25       (v) Total expenses, including expenditures for charitable purposes,  
26 fund-raising costs, and administrative expenses;

27       (i) The name, address, and telephone number of any commercial fund-  
28 raiser retained by the charitable organization; and

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

31       (k) Such other information the secretary deems necessary by rule.

32       (2) The governing body or committee thereof must review and accept  
33 any financial report that the charitable organization may be required  
34 to file with the office of the secretary.

35       (3) Charitable organizations that are required under federal tax  
36 law to file an annual return in the form 990 series or any successor  
37 series is not required to file a copy of such annual return with the

1 secretary: PROVIDED, That the charitable organization complies with  
2 all federal tax law requirements with respect to public inspection of  
3 such annual return.

4 (4) The president, treasurer, or comparable officer of the  
5 organization must sign and date the application. The application  
6 (~~shall~~) must be submitted with a nonrefundable filing fee established  
7 in RCW 19.09.062. (~~If the secretary determines that the application~~  
8 ~~is complete, the application shall be filed and the applicant deemed~~  
9 ~~registered.~~)

10 (5) Charitable organizations required to register and renew under  
11 this chapter must file a notice of change of information within thirty  
12 days of any change in the information contained in subsection (1)(a)  
13 through (k) of this section.

14 NEW SECTION. Sec. 9. A new section is added to chapter 19.09 RCW  
15 to read as follows:

16 The secretary is authorized to adopt rules, in accordance with  
17 chapter 34.05 RCW, that establish a set of tiered financial reporting  
18 requirements for charitable organizations required to register with the  
19 secretary pursuant to this chapter. Rules adopted under this section  
20 must include, but not be limited to, substantially the following:

21 (1) Tier one. Charitable organizations with one million dollars or  
22 less in annual gross revenue averaged over the three preceding,  
23 completed accounting years must meet the financial reporting  
24 requirements specified in RCW 19.09.075;

25 (2) Tier two. Charitable organizations with more than one million  
26 dollars and up to three million dollars in annual gross revenue  
27 averaged over the three preceding, completed accounting years must, in  
28 addition to the reporting requirements in RCW 19.09.075, make one of  
29 the following financial reporting requirements available to the public  
30 upon request, or accessible to the public on the internet:

31 (a) The federal financial reporting form (990, 990PF, 990EZ, 990T)  
32 the organization normally files with the IRS which must be prepared by  
33 a certified public accountant or other professional who normally  
34 prepares such forms in the ordinary course of their business; or

35 (b) An audited financial statement prepared by an independent  
36 certified public accountant for the preceding accounting year;

1 (3) Tier three. Charitable organizations with more than three  
2 million dollars in annual gross revenue averaged over the three  
3 preceding, completed accounting years must, in addition to the  
4 reporting requirements in RCW 19.09.075, obtain an independent, third-  
5 party audit of its financial records for the preceding accounting year.  
6 This audit report must be made available in paper form to the public  
7 upon request or accessible to the public on the internet.

8 (4) The secretary may waive a tiered reporting requirement as  
9 prescribed in rule.

10 **Sec. 10.** RCW 19.09.079 and 2010 1st sp.s. c 29 s 13 are each  
11 amended to read as follows:

12 An application for registration and renewal as a commercial fund-  
13 raiser (~~shall~~) must be submitted (~~in~~) on the form (~~prescribed~~)  
14 approved by the secretary(~~, containing, but not limited to, the~~  
15 ~~following~~) and must contain:

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

18 (2) The name(s), address(es), and telephone number(s) of the  
19 owner(s) and principal officer(s) of the commercial fund-raising  
20 entity;

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

24 (4) The names of the three officers or employees receiving the  
25 greatest amount of compensation from the commercial fund-raising  
26 entity;

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

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

31 (a) The types of fund-raising services conducted;

32 (b) The names of charitable organizations required to register  
33 under RCW (~~19.09.065~~) 19.09.075 for whom fund-raising services have  
34 been performed;

35 (c) The total value of contributions received on behalf of  
36 charitable organizations required to register under RCW (~~19.09.065~~)

1 19.09.075 by the commercial fund-raiser, affiliate of the commercial  
2 fund-raiser, or any entity retained by the commercial fund-raiser; and

3 (d) The amount of money disbursed to charitable organizations for  
4 charitable purposes, net of fund-raising costs paid by the charitable  
5 organization as stipulated in any agreement between charitable  
6 organizations and the commercial fund-raiser;

7 (7) The name, address, and telephone number of any other commercial  
8 fund-raiser that was retained in the conduct of providing fund-raising  
9 services; ((and))

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

12 (9) Such other information the secretary deems necessary by rule.

13 The application ((shall)) must be signed by an officer or owner of  
14 the commercial fund-raiser and ((shall)) must be submitted with a  
15 nonrefundable fee established in RCW 19.09.062. ((If the secretary  
16 determines that the application is complete, the application shall be  
17 filed and the applicant deemed registered.))

18 Commercial fund-raisers required to register and renew under this  
19 chapter must file a notice of change of information within thirty days  
20 of any change in the information contained in subsections (1) through  
21 (7) and (9) of this section.

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

24 (1) Every commercial fund-raiser must execute a surety bond if it:

25 (a) Directly or indirectly receives contributions from the public  
26 on behalf of any charitable organization;

27 (b) Is compensated based upon funds raised or to be raised, number  
28 of solicitations made or to be made, or any other similar method;

29 (c) Incurs or is authorized to incur expenses on behalf of the  
30 charitable organization; or

31 (d) Has not been registered with the secretary as a commercial  
32 fund-raiser for the preceding accounting year.

33 (2) The surety bond must be executed as principal in the amount  
34 prescribed by the secretary in rule. The issuer of the surety bond  
35 must be licensed to do business in this state, and must promptly notify  
36 the secretary when claims or payments are made against the bond or when  
37 the bond is canceled. The bond must be filed with the secretary in the

1 form prescribed by the secretary. The bond must run to the state and  
2 to any person who may have a cause of action against the obligor of  
3 said bond for any malfeasance, misfeasance, or deceptive practice in  
4 the conduct of solicitations.

5 The secretary may also provide by rule for the reduction and  
6 reinstatement of the bond required by this section.

7 **Sec. 12.** RCW 19.09.085 and 2007 c 471 s 6 are each amended to read  
8 as follows:

9 (1) Registration under this chapter (~~((shall be))~~) is effective for  
10 one year or (~~((longer,))~~) as established by the secretary, for any  
11 charitable organization receiving contributions of one hundred thousand  
12 dollars or more during any accounting year. A registration under this  
13 chapter is effective for two years for any charitable organization  
14 receiving contributions of less than one hundred thousand dollars from  
15 the general public for charitable purposes during any accounting year.  
16 A two-year registration may be renewed annually by an organization on  
17 a voluntary basis to promote the accountability and transparency of the  
18 organization.

19 (2) (~~((Reregistration))~~) Renewals required under RCW 19.09.075 or  
20 19.09.079 (~~((shall))~~) must be submitted to the secretary no later than  
21 the date established by the secretary by rule.

22 (3) (~~((Entities required to register under this chapter shall file~~  
23 ~~a notice of change of information within thirty days of any change in~~  
24 ~~the information contained in RCW 19.09.075 (1) through (9) or 19.09.079~~  
25 ~~(1) through (7)).~~

26 (~~((4))~~) The secretary (~~((shall))~~) must notify entities registered under  
27 this chapter of the need to (~~((reregister))~~) renew upon the expiration of  
28 their current registration. The notification (~~((shall))~~) must be (~~((by~~  
29 ~~mail, sent at least))~~) sixty days prior to the expiration (~~((of their~~  
30 ~~current registration))~~) date and must be made through postal or  
31 electronic means. Failure to (~~((register))~~) renew shall not be excused  
32 by a failure of the secretary to (~~((mail))~~) send the notice or by an  
33 entity's failure to receive the notice.

34 **Sec. 13.** RCW 19.09.097 and 2010 1st sp.s. c 29 s 14 are each  
35 amended to read as follows:

36 (1) No charitable organization may contract with a commercial fund-

1 raiser for any fund-raising service or activity unless its contract  
2 requires that both parties comply with the law and permits officers of  
3 the charity reasonable access to:

4 (a) The fund-raisers' financial records relating to that charitable  
5 organization;

6 (b) The fund-raisers' operations including without limitation the  
7 right to be present during any telephone solicitation; and

8 (c) The names of all of the fund-raisers' employees or staff who  
9 are conducting fund-raising activities or (~~charitable~~) solicitations  
10 on behalf of the charitable organization. In addition, the contract  
11 shall specify the amount of raised funds that the charitable  
12 organization will receive or the method of computing that amount, the  
13 amount of compensation of the commercial fund-raiser or the method of  
14 computing that amount, and whether the compensation is fixed or  
15 contingent.

16 (2) Before a charitable organization may contract with a commercial  
17 fund-raiser for any fund-raising service or activity, the charitable  
18 organization and commercial fund-raiser shall complete and file a  
19 registration form with the secretary. The registration (~~shall~~) must  
20 be filed by the charitable organization (~~in~~) on the form  
21 (~~prescribed~~) approved by the secretary(~~.—The registration shall~~)  
22 and must contain(~~, but not be limited to, the following information~~):

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

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

27 (~~e~~) The name and registration number of the charitable  
28 organization;

29 (~~d~~) (c) The name of the representative of the commercial fund-  
30 raiser who will be responsible for the conduct of the fund-raising;

31 (~~e~~) (d) The type(s) of service(s) to be provided by the  
32 commercial fund-raiser;

33 (~~f~~) (e) The term dates of the contract and the dates such  
34 service(s) will begin and end;

35 (~~g~~) (f) The terms of the (~~agreement~~) contract between the  
36 charitable organization and commercial fund-raiser relating to:

37 (i) Amount or percentages of amounts to inure to the charitable  
38 organization;

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

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

7 (iv) The manner in which contributions received directly by the  
8 charitable organization, not the result of services provided by the  
9 commercial fund-raiser, will be identified and used in computing the  
10 fee owed to the commercial fund-raiser; and

11 ~~((h))~~ (g) The names of any entity, other than the contracting  
12 commercial fund-raiser to which ~~((more than ten percent))~~ any of the  
13 total anticipated fund-raising cost is to be paid, and whether any  
14 principal officer or owner of the commercial fund-raiser or relative by  
15 blood or marriage thereof is an owner or officer of any such entity.

16 (3) The registration form must be submitted with a nonrefundable  
17 filing fee established in RCW 19.09.062 and must be signed by an owner  
18 or principal officer of the commercial fund-raiser and the president,  
19 treasurer, trustee or comparable officer of the charitable  
20 organization.

21 (4) A correct copy of the contract shall be filed with the  
22 secretary before the commencement of any campaign.

23 ~~((4) The registration form shall be submitted with a nonrefundable~~  
24 ~~filing fee established in RCW 19.09.062 and shall be signed by an owner~~  
25 ~~or principal officer of the commercial fund-raiser and the president,~~  
26 ~~treasurer, or comparable officer of the charitable organization.))~~

27 (5) If the secretary determines that the application is incomplete,  
28 the secretary must notify the applicant of the information necessary to  
29 complete the application. The secretary may hold documents up to  
30 thirty days to allow the applicant time to provide additional  
31 information. If the applicant fails to provide complete information as  
32 requested by the secretary, the applicant must be deemed unregistered  
33 and the commercial fund-raiser must cease all solicitations under the  
34 terms of the contract.

35 (6) If an applicant fails to pay the required filing fee, the  
36 secretary must notify the applicant of the necessary fee to complete  
37 the application. The secretary may hold the application up to thirty  
38 days to allow the applicant time to submit the required payment. If

1 the applicant fails to provide the required payment as requested by the  
2 secretary, the applicant must be deemed unregistered and the commercial  
3 fund-raiser must cease all solicitations under the terms of the  
4 contract.

5 **Sec. 14.** RCW 19.09.100 and 2007 c 471 s 8 and 2007 c 218 s 64 are  
6 each reenacted and amended to read as follows:

7 All entities soliciting contributions for charitable purposes must  
8 comply with the requirements of this section except entities exempted  
9 from registration are not required to make the disclosures under  
10 subsections (1)(c), (4)(b) or (c), and (5)(b) of this section. The  
11 following conditions apply to solicitations as defined by RCW  
12 19.09.020:

13 (1) ~~((A charitable organization, whether or not required to~~  
14 ~~register pursuant to this chapter,)) Any entity that directly solicits  
15 contributions from the public in this state ~~((shall))~~ must make the  
16 following clear and conspicuous disclosures at the point of  
17 solicitation:~~

18 (a) The name of the individual making the solicitation;

19 (b) The identity of the charitable organization and the city of the  
20 principal place of business of the charitable organization;

21 (c) ~~((If requested by the solicitee,))~~ The published number ((in))  
22 and web site of the office of the secretary, if requested, for the  
23 donor to obtain additional financial ~~((disclosure))~~ and other  
24 information on file with the secretary. The disclosure must be made  
25 during an oral solicitation of a contribution, and at the same time at  
26 which a written request for a contribution is made.

27 (2) A commercial fund-raiser ~~((shall))~~ must meet the required  
28 disclosures described in subsection (1) of this section clearly and  
29 conspicuously ~~((disclose))~~ at the point of solicitation~~((÷~~

30 ~~(a) The name of the individual making the solicitation;~~

31 ~~(b))~~ and must also disclose the name of the entity for which the  
32 fund-raiser is an agent or employee and the name and city of the  
33 charitable organization for which the solicitation is being  
34 conducted~~((÷and~~

35 ~~(c) If requested by the solicitee, the published number in the~~  
36 ~~office of the secretary for the donor to obtain additional financial~~



1 ~~disclosure information on file with the secretary. The disclosure must~~  
2 ~~be made during an oral solicitation of a contribution, and at the same~~  
3 ~~time at which a written request for a contribution is made)).~~

4 (3) ~~((A person or organization soliciting charitable contributions~~  
5 ~~by)) Telephone ~~((shall make))~~ solicitations must include the  
6 disclosures required under subsection (1) or (2) of this section ~~((in~~  
7 ~~the course of the solicitation but))~~ prior to asking for a ~~((commitment~~  
8 ~~for a))~~ contribution ~~((from the solicitee, and))~~. The required  
9 disclosures must also be provided in writing within five business days  
10 to ~~((any solicitee that))~~ anyone who makes a pledge ~~((within five~~  
11 ~~working days of making the pledge. If the person or organization sends~~  
12 ~~any materials to the person or organization solicited before the~~  
13 ~~receipt of any contribution, those materials shall include the~~  
14 ~~disclosures required in subsection (1) or (2) of this section,~~  
15 ~~whichever is applicable))~~ by telephone to donate.~~

16 (4) In the case of a solicitation by advertisement or mass  
17 distribution, including postal, electronic, posters, leaflets,  
18 automatic dialing machines, publications, and audio or video  
19 broadcasts, it ~~((shall))~~ must be clearly and conspicuously disclosed in  
20 the body of the solicitation material that:

21 (a) The solicitation is conducted by a named commercial fund-  
22 raiser, if it is;

23 (b) The ~~((notice of solicitation))~~ registration required by the  
24 charitable solicitation act is on file with the secretary's office; and

25 (c) The potential donor can obtain additional financial  
26 ~~((disclosure))~~ and other information at a published number ~~((in))~~ or  
27 web site for the office of the secretary.

28 (5) A container or vending machine displaying a solicitation must  
29 ~~((also))~~ display:

30 (a) In a clear and conspicuous manner the name of the charitable  
31 organization for which funds are solicited, the name, business address,  
32 and telephone number of the individual ~~((and))~~ or any commercial fund-  
33 raiser responsible for collecting funds placed in the containers or  
34 vending machines ~~((, and the following))~~;

35 (b) The statement: "This ~~((charity))~~ organization is currently  
36 registered with the secretary's office under the charitable  
37 solicitation act ~~((, registration number . . .))~~ and must include the

1 published phone number for the secretary's office if the charitable  
2 organization for which funds are solicited is required to register  
3 under chapter 19.09 RCW.

4 (6) (~~(A commercial fund-raiser shall not)~~) No entity may represent  
5 that tickets to any fund-raising event will be donated for use by  
6 another person unless all the following requirements are met:

7 (a) The (~~(commercial fund-raiser)~~) entity prior to conducting a  
8 solicitation has written commitments from persons stating that they  
9 will accept donated tickets and specifying the number of tickets they  
10 will accept;

11 (b) The written commitments are kept on file by the (~~(commercial~~  
12 ~~fund-raiser)~~) entity for three years and are made available to the  
13 secretary, attorney general, or county prosecutor on demand;

14 (c) The contributions solicited for donated tickets may not be more  
15 than the amount representing the number of ticket commitments received  
16 from persons and kept on file under (a) of this subsection; and

17 (d) Not later than seven calendar days prior to the date of the  
18 event for which ticket donations are solicited, the (~~(commercial fund-~~  
19 ~~raiser shall)~~) entity must give all donated tickets to the persons who  
20 made the written commitments to accept them.

21 (7) (~~(Each person or organization)~~) Any entity soliciting  
22 charitable contributions (~~(shall)~~) must not (~~(represent)~~) misrepresent  
23 orally or in writing (~~(that)~~):

24 (a) (~~(The charitable contribution is tax deductible unless the~~  
25 ~~charitable organization for which charitable contributions are being~~  
26 ~~solicited or to which tickets for fund-raising events or other services~~  
27 ~~or goods will be donated, has applied for and received from the~~  
28 ~~internal revenue service a letter of determination granting tax~~  
29 ~~deductible status to the charitable organization)~~) The tax  
30 deductibility of a contribution;

31 (b) That the person soliciting the charitable contribution is a  
32 volunteer or words of similar meaning or effect that create the  
33 impression that the person soliciting is not a paid solicitor unless  
34 such person is unpaid for his or her services;

35 (c) That the person soliciting the charitable contribution is a  
36 member, staffer, helper, or employee of the charitable organization or  
37 words of similar meaning or effect that create the impression that the

1 person soliciting is not a paid solicitor if the person soliciting is  
2 employed, contracted, or paid by a commercial fund-raiser.

3 (8) If the charitable organization is associated with, or has a  
4 name that is similar to, any unit of government (~~each person or~~  
5 ~~organization~~) the entity soliciting contributions (~~shall~~) must  
6 disclose to each person solicited whether the charitable organization  
7 is or is not part of any unit of government and the true nature of its  
8 relationship to the unit of government. This subsection does not apply  
9 to a foundation or other charitable organization that is organized,  
10 operated, or controlled by or in connection with a registered public  
11 charity, including any governmental agency or unit, from which it  
12 derives its name.

13 (9) No (~~person~~) entity may, in conducting any solicitation, use  
14 the name "police," "sheriff," (~~"firefighter,"~~) "firefighters," or a  
15 similar name unless properly authorized by (~~a bona fide~~) the police,  
16 sheriff, or firefighter organization or police, sheriff, or fire  
17 department it is representing. (~~A proper~~) Authorization (~~shall~~)  
18 must be in writing and signed by two authorized officials of the  
19 organization or department (~~and shall~~). The written authorization  
20 must be (~~filed with the secretary~~) retained in accordance with RCW  
21 19.09.200.

22 (10) (~~A person~~) An entity may not, in conducting any  
23 solicitation, use the name of a federally chartered or nationally  
24 recognized military veterans' service organization as determined by  
25 the United States veterans' administration unless authorized in writing  
26 by the highest ranking official of that organization in this state.  
27 The written authorization must be retained in accordance with RCW  
28 19.09.200.

29 (11) (~~A charitable organization shall~~) Entities must comply with  
30 all local governmental regulations that apply to soliciting for or on  
31 behalf of charitable organizations.

32 (12) (~~An entity soliciting contributions for a charitable purpose~~  
33 ~~shall not include in any solicitation, or in any advertising material~~  
34 ~~for a solicitation, or in any promotional plan for a solicitation, any~~  
35 ~~statement that is false, misleading, or deceptive. All solicitations,~~  
36 ~~advertising material, and promotional plans must fully and fairly~~  
37 ~~disclose the identity of the entity on whose behalf the solicitation is~~

1 ~~made.))~~ Any entity required to register under this chapter must not  
2 engage in any solicitation for contributions unless it complies with  
3 all provisions of this chapter.

4 (13) Solicitations (~~(shall)~~) must not be conducted by a charitable  
5 organization or commercial fund-raiser that has, or if a corporation,  
6 its officers, directors, or principals have, been convicted of a crime  
7 involving solicitations for or on behalf of a charitable organization  
8 in this state, the United States, or any other state or foreign country  
9 within the past ten years or has been subject to any permanent  
10 injunction or administrative order or judgment under RCW 19.86.080 or  
11 19.86.090, involving a violation or violations of RCW 19.86.020, within  
12 the past ten years, or of restraining a false or misleading promotional  
13 plan involving solicitations for charitable organizations.

14 (14) (~~No charitable organization or commercial fund-raiser~~) Any  
15 entity subject to this chapter (~~(may)~~) must not use or exploit the fact  
16 of registration under this chapter (~~(so as)~~) to lead the public to  
17 believe that registration constitutes an endorsement or approval by the  
18 state, but the use of the following is not deemed prohibited:  
19 "Currently registered with the Washington state secretary of state as  
20 required by law. Registration number . . . ."

21 (~~No entity may engage in any solicitation for contributions~~  
22 ~~for or on behalf of any charitable organization or commercial fund-~~  
23 ~~raiser unless the charitable organization or commercial fund-raiser is~~  
24 ~~currently registered with the secretary.~~

25 (~~No charitable organization or commercial fund-raiser may~~  
26 ~~engage in any solicitation for contributions unless it complies with~~  
27 ~~all provisions of this chapter.~~

28 (~~17~~)) Any entity soliciting contributions for a charitable purpose  
29 must not include in any solicitation, or in any advertising material  
30 for a solicitation, or in any promotional plan for a solicitation, any  
31 statement that is false, misleading, or deceptive. All solicitations,  
32 advertising materials, and promotional plans must fully and fairly  
33 disclose the identity of the entity on whose behalf the solicitation is  
34 made.

35 (16) No entity may place a telephone call to a donor or potential  
36 donor for the purpose of (~~charitable solicitation~~) soliciting  
37 contributions for a charitable purpose, before eight o'clock a.m. or  
38 after nine o'clock p.m. pacific time.

1        ~~((18))~~ (17) No entity may, when contacting a donor or potential  
2 donor for the purpose of ~~((charitable solicitation))~~ soliciting  
3 contributions for a charitable purpose, engage in any conduct the  
4 natural consequence of which is to harass, intimidate, or torment any  
5 person in connection with the contact.

6        (18) Any entity that solicits contributions may not collect or  
7 attempt to collect contributions in person or by courier unless:

8        (a) The contributions are noncash items such as contributions of  
9 tangible personal property; or

10        (b) The solicitations are made in person and the collections, or  
11 attempts to collect, are made at the time of the solicitations; or

12        (c) The contributor has agreed to purchase goods or items in  
13 connection with the solicitation and the collection or attempt to  
14 collect is made at the time of delivery of the goods or items.

15        (19) Failure to comply with subsections (1) through (18) of this  
16 section is a violation of this chapter.

17        **Sec. 15.** RCW 19.09.200 and 1993 c 471 s 11 are each amended to  
18 read as follows:

19        (1) ~~((Charitable organizations and commercial fund-raisers shall))~~  
20 All entities required to register pursuant to this chapter must  
21 maintain accurate, current, and readily available books and records at  
22 their usual business locations until at least three years have elapsed  
23 following the effective period to which they relate. The books and  
24 records must contain, at a minimum, documentation supporting the  
25 information contained in the solicitation report and written  
26 authorization or authorizations required in RCW 19.09.100.

27        (2) All contracts between commercial fund-raisers and charitable  
28 organizations ~~((shall))~~ must be in writing, and true and correct copies  
29 of such contracts or records thereof ~~((shall))~~ must be kept on file in  
30 the various offices of the charitable organization and the commercial  
31 fund-raiser for a three-year period. Such records and contracts shall  
32 be available for inspection and examination by the secretary of state,  
33 attorney general, or by the county prosecuting attorney. A copy of  
34 such contract or record ~~((shall))~~ must be submitted by the charitable  
35 organization or commercial fund-raiser, within ten days, following  
36 receipt of a written demand ~~((therefor))~~ from the secretary of state,  
37 attorney general, or county prosecutor.

1       **Sec. 16.** RCW 19.09.210 and 2007 c 471 s 9 are each amended to read  
2 as follows:

3       Upon the request of the secretary of state, attorney general, or  
4 the county prosecutor, (~~a charitable organization or commercial fund-~~  
5 ~~raiser shall~~) any entity subject to this chapter must submit a  
6 financial statement and all requested records containing, but not  
7 limited to, the following information:

8       (1) The gross amount of the contributions pledged and the gross  
9 amount collected.

10       (2) The amount thereof, given or to be given to charitable purposes  
11 represented together with details as to the manner of distribution as  
12 may be required.

13       (3) The aggregate amount paid and to be paid for the expenses of  
14 such solicitation.

15       (4) The amounts paid to and to be paid to commercial fund-raisers  
16 or charitable organizations.

17       (5) Copies of any annual or periodic reports furnished by the  
18 charitable organization or commercial fund-raiser of its activities  
19 during or for the same (~~fiscal~~) accounting period.

20       **Sec. 17.** RCW 19.09.230 and 1994 c 287 s 3 are each amended to read  
21 as follows:

22       No (~~charitable organization, commercial fund-raiser, or other~~)  
23 entity subject to this chapter may (~~knowingly~~):

24       (1) Use (~~the~~) an identical or deceptively similar name, symbol,  
25 statement, or emblem so closely related or similar that its use would  
26 confuse or mislead the public, of any other entity for the purpose of  
27 soliciting contributions from persons in this state without the written  
28 consent of such other entity. (~~If the official name or the "doing~~  
29 ~~business name" being registered is the same or deceptively similar as~~  
30 ~~that of another entity, the secretary may request that a copy of the~~  
31 ~~written consent from that entity be filed with the registration. Such~~  
32 ~~consent may be deemed to have been given by anyone who is a director,~~  
33 ~~trustee, or other authorized officer of that entity. A copy of the~~  
34 ~~written consent must be kept on file by the charitable organization or~~  
35 ~~commercial fund-raiser and made available to the secretary, attorney~~  
36 ~~general, or county prosecutor upon demand. A person~~) Written consent

1 may be deemed to have been given by anyone who is a director, trustee,  
2 or other authorized officer of that entity.

3 (2) A copy of the written consent must be retained on file by the  
4 charitable organization or commercial fund-raiser and made available to  
5 the secretary, attorney general, or county prosecutor upon demand. The  
6 secretary may revoke or deny an application for registration that  
7 violates this section.

8 (3) An entity may be deemed to have used the name of another  
9 ((person)) entity for the purpose of soliciting contributions if such  
10 latter ((person's)) entity's name is listed on any stationery,  
11 advertisement, brochure, or correspondence of the ((charitable  
12 organization or person)) entity or if such name is listed or  
13 represented to anyone who has contributed to, sponsored, or endorsed  
14 the ((charitable organization or person)) entity, or its ((or his))  
15 activities.

16 ((The secretary may revoke or deny any application for registration  
17 that violates this section.)) This section does not apply to a  
18 foundation or other charitable organization that is organized,  
19 operated, or controlled by or in connection with a registered public  
20 charity, including any governmental agency or unit, from which it  
21 derives its name.

22 **Sec. 18.** RCW 19.09.271 and 1993 c 471 s 8 are each amended to read  
23 as follows:

24 (1) If the secretary or attorney general determines that any entity  
25 is soliciting in this state, directly or indirectly, by any means, and  
26 has not registered with the secretary as required by this chapter, the  
27 secretary may notify the charitable organization or commercial fund-  
28 raiser of its registration requirements by postal or electronic means.

29 (2) The secretary may notify the attorney general of any entity  
30 liable for late filing fees under subsection (1) of this section.

31 (3) Any ((charitable organization or commercial fund-raiser))  
32 entity who, after notification by the secretary, fails to properly  
33 register under this chapter is subject to a late filing fee in an  
34 amount to be established by rule by the end of the first business day  
35 following the issuance of the notice(, is liable for a late filing fee  
36 in an amount to be established by rule of the secretary)). The late

1 filing fee is in addition to any other filing fee provided by this  
2 chapter.

3 ~~((2) The secretary shall notify the attorney general of any entity~~  
4 ~~liable for late filing fees under subsection (1) of this section.)) (4)~~  
5 If the secretary or attorney general determines that any entity is  
6 soliciting in this state, directly or indirectly, by any means, and the  
7 entity has not registered with the secretary as required by this  
8 chapter, the secretary, after five days notice sent by postal or  
9 electronic means to the charitable organization or commercial fund-  
10 raiser, may publish a press release in newspapers or on the internet,  
11 a notice to the public regarding the entity's unregistered status.

12 **Sec. 19.** RCW 19.09.275 and 2003 c 53 s 142 are each amended to  
13 read as follows:

14 (1) Any ~~((person))~~ entity who knowingly violates any provision of  
15 this chapter or who knowingly gives false or incorrect information to  
16 the secretary, attorney general, or county prosecuting attorney in  
17 filing statements required by this chapter, whether or not such  
18 statement or report is verified is guilty of a gross misdemeanor  
19 punishable under chapter 9A.20 RCW.

20 (2) Any ~~((person))~~ entity who violates any provisions of this  
21 chapter or who gives false or incorrect information to the secretary,  
22 attorney general, or county prosecuting attorney in filing statements  
23 required by this chapter, whether or not such statement or report is  
24 verified, is guilty of a misdemeanor punishable under chapter 9A.20  
25 RCW.

26 **Sec. 20.** RCW 19.09.276 and 1994 c 287 s 4 are each amended to read  
27 as follows:

28 The secretary may waive penalties that have been set by rule and  
29 assessed by the secretary due from a registered ~~((charitable~~  
30 ~~organization))~~ entity previously in good standing that would otherwise  
31 be penalized. ~~((A charitable organization))~~ An entity desiring to seek  
32 relief under this section must, within fifteen days of discovery of the  
33 missed filing or lapse by its ~~((corporate officials))~~ officers,  
34 directors, or other ~~((authorized officer of))~~ persons responsible for  
35 the missed filing or lapse, notify the secretary in writing. The  
36 notification must include the name and mailing address of the



1 organization, the organization's officer to whom correspondence should  
2 be sent, and a statement under oath by a responsible officer of the  
3 organization, setting forth the nature of the missed filing or lapse,  
4 the circumstances giving rise to the missed filing or lapse, and the  
5 relief sought. Upon receipt of the notice, the secretary shall  
6 investigate the circumstances of the missed filing or lapse. If the  
7 secretary is satisfied that sufficient exigent or mitigating  
8 circumstances exist, that the ((organization)) entity has demonstrated  
9 good faith and a reasonable attempt to comply with the applicable  
10 ((corporate)) charitable solicitation statute((s)) of this state, the  
11 secretary may issue an order allowing relief from the penalty. If the  
12 secretary determines the request does not comply with the requirements  
13 for relief, the secretary shall deny the relief and state the reasons  
14 for the denial. Notwithstanding chapter 34.05 RCW, a denial of relief  
15 by the secretary is not reviewable.

16 **Sec. 21.** RCW 19.09.277 and 1993 c 471 s 20 are each amended to  
17 read as follows:

18 If it appears to the attorney general that ((a person)) an entity  
19 has engaged or is about to engage in an act or practice constituting a  
20 violation of a provision of this chapter or a rule adopted or order  
21 issued under this chapter, the attorney general may, in the attorney  
22 general's discretion, issue an order directing the ((person)) entity to  
23 cease and desist from continuing the act or practice. Reasonable  
24 notice of and opportunity for a hearing shall be given. The attorney  
25 general may issue a temporary order pending the hearing, which shall  
26 remain in effect until ten days after the hearing is held and which  
27 shall become final if the ((person)) entity to whom the notice is  
28 addressed does not request a hearing within fifteen days after the  
29 receipt of the notice.

30 **Sec. 22.** RCW 19.09.279 and 2002 c 74 s 3 are each amended to read  
31 as follows:

32 (1) The secretary may assess against any ((person or organization  
33 who)) entity that violates this chapter, or any rule adopted under this  
34 chapter, a civil penalty of not more than one thousand dollars for each  
35 violation.

1           (2) (~~Such person or organization shall~~) The entity must be  
2 afforded the opportunity for a hearing, upon request made to the  
3 secretary within thirty days after the date of issuance of the notice  
4 of assessment. The hearing shall be conducted in accordance with  
5 chapter 34.05 RCW.

6           (3) If any (~~person~~) entity fails to pay an assessment after it  
7 has become a final and unappealable order, or after the court has  
8 entered final judgment in favor of the state, the attorney general may  
9 recover the amount assessed by action in the appropriate superior  
10 court. In such action, the validity and appropriateness of the final  
11 order imposing the penalty shall not be subject to review.

12           **Sec. 23.** RCW 19.09.305 and 1993 c 471 s 16 are each amended to  
13 read as follows:

14           When (~~a person or an organization~~) an entity registered under  
15 this chapter, or its president, treasurer, or comparable officers,  
16 cannot be found after reasonably diligent effort, the secretary of  
17 state (~~shall~~) must be an agent of such (~~person or organization~~)  
18 entity upon whom process may be served. Service on the secretary  
19 (~~shall~~) must be made by delivering to the secretary or the  
20 secretary's designee duplicate copies of such process, and a filing fee  
21 to be established by rule of the secretary. Thereupon, the secretary  
22 (~~shall~~) must immediately cause one of the copies (~~thereof~~) to be  
23 forwarded to the registrant at the most current address shown in the  
24 secretary's files. Any service (~~so had~~) on the secretary (~~shall~~)  
25 must be returnable in not less than thirty days.

26           Any fee under this section (~~shall~~) may be taxable as costs in the  
27 action.

28           The secretary (~~shall~~) must maintain a record of all process  
29 served on the secretary under this section, and (~~shall~~) must record  
30 the date of service and the secretary's action (~~with reference~~  
31 ~~thereto~~).

32           Nothing in this section limits or affects the right to serve  
33 process required or permitted to be served on a registrant in any other  
34 manner now or hereafter permitted by law.

35           **Sec. 24.** RCW 19.09.315 and 1993 c 471 s 17 are each amended to  
36 read as follows:

1 (1) The secretary may establish, by rule, standard forms and  
2 procedures for the efficient administration of this chapter.

3 (2) The secretary may provide by rule for the filing of a financial  
4 statement by registered entities.

5 (3) The secretary may issue such publications, reports, or  
6 information from the records as may be useful to the solicited public  
7 and charitable organizations. To defray the costs of any such  
8 publication, the secretary is authorized to charge a reasonable fee to  
9 cover the costs of preparing, printing, and distributing such  
10 publications, in accordance with RCW 43.07.130.

11 **Sec. 25.** RCW 19.09.340 and 1983 c 265 s 12 are each amended to  
12 read as follows:

13 (1) (~~The commission by any person of an act or practice prohibited~~  
14 ~~by this chapter is hereby declared to be an unfair act or practice or~~  
15 ~~unfair method of competition in the conduct of trade or commerce for~~  
16 ~~the purpose of application of the Consumer Protection Act, chapter~~  
17 ~~19.86 RCW.)) The legislature finds that the practices covered by this  
18 chapter are matters vitally affecting the public interest for the  
19 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
20 violation of this chapter is not reasonable in relation to the  
21 development and preservation of business and is an unfair or deceptive  
22 act in trade or commerce and an unfair method of competition for the  
23 purpose of applying the consumer protection act, chapter 19.86 RCW.~~

24 (2) The secretary may refer such evidence, as may be available,  
25 concerning violations of this chapter to the attorney general or the  
26 prosecuting attorney of the county wherein the alleged violation arose.  
27 In addition to any other action they might commence, the attorney  
28 general or the county prosecuting attorney may bring an action in the  
29 name of the state, with or without such reference, against any  
30 ((~~person~~)) entity to restrain and prevent the doing of any act or  
31 practice prohibited by this chapter: PROVIDED, That this chapter shall  
32 be considered in conjunction with chapters 9.04 and 19.86 RCW, as now  
33 or hereafter amended, and the powers and duties of the attorney general  
34 and the prosecuting attorney as they may appear in the aforementioned  
35 chapters, shall apply against all ((~~persons~~)) entities subject to this  
36 chapter.

1       **Sec. 26.** RCW 19.09.355 and 2010 1st sp.s. c 29 s 15 are each  
2 amended to read as follows:

3       Except as otherwise provided in this chapter, all fees and other  
4 moneys received by the secretary of state under this chapter (~~shall~~)  
5 must be transmitted to the state treasurer for deposit in the state  
6 general fund.

7       **Sec. 27.** RCW 19.09.400 and 1993 c 471 s 18 are each amended to  
8 read as follows:

9       The attorney general, in the attorney general's discretion, may:

10       (1) Annually, or more frequently, make such public or private  
11 investigations within or without this state as the attorney general  
12 deems necessary to determine whether any registration should be  
13 granted, denied, revoked, or suspended, or whether any (~~person~~)  
14 entity has violated or is about to violate a provision of this chapter  
15 or any rule adopted or order issued under this chapter, or to aid in  
16 the enforcement of this chapter or in the prescribing of rules and  
17 forms under this chapter; and

18       (2) Publish information concerning a violation of this chapter or  
19 a rule adopted or order issued under this chapter.

20       **Sec. 28.** RCW 19.09.430 and 1993 c 471 s 22 are each amended to  
21 read as follows:

22       The administrative procedure act, chapter 34.05 RCW, (~~shall~~)  
23 wherever applicable governs the rights, remedies, and procedures  
24 respecting the administration of this chapter.

25       **Sec. 29.** RCW 19.09.440 and 2007 c 471 s 10 are each amended to  
26 read as follows:

27       (1) Annually, the secretary of state (~~shall~~) may publish a report  
28 indicating:

29       (a) For each charitable organization registered under RCW 19.09.075  
30 the percentage relationship between (i) the total amount of money  
31 applied to charitable purposes; and (ii) the dollar value of total  
32 expenditures, including the total amount of money applied to charitable  
33 purposes, fund-raising costs, and administrative expenses;

34       (b) For each commercial fund-raiser registered under RCW 19.09.079  
35 the percentage relationship between (i) the amount of money disbursed

1 to charitable organizations for charitable purposes; and (ii) the total  
2 value of contributions received on behalf of charitable organizations  
3 by the commercial fund-raiser; and

4 (c) Such other information as the secretary of state deems  
5 appropriate.

6 (2) The secretary of state may use the latest information obtained  
7 pursuant to RCW 19.09.075, 19.09.079, or otherwise under chapter 19.09  
8 RCW to prepare the report.

9 NEW SECTION. **Sec. 30.** The following acts or parts of acts are  
10 each repealed:

11 (1) RCW 19.09.076 (Charitable organizations--Application for  
12 registration--Exemptions--Soliciting contributions) and 2007 c 471 s 4,  
13 1994 c 287 s 1, 1993 c 471 s 4, & 1986 c 230 s 5;

14 (2) RCW 19.09.190 (Commercial fund-raisers--Surety bond) and 1993  
15 c 471 s 10, 1986 c 230 s 16, 1983 c 265 s 16, 1982 c 227 s 8, 1977  
16 ex.s. c 222 s 9, & 1973 1st ex.s. c 13 s 19;

17 (3) RCW 19.09.240 (Using similar name, symbol, emblem, or  
18 statement) and 1993 c 471 s 14, 1986 c 230 s 15, & 1973 1st ex.s. c 13  
19 s 24;

20 (4) RCW 19.09.500 (Charitable organizations--Financial reports and  
21 information) and 2007 c 471 s 11; and

22 (5) RCW 19.09.540 (Rules--Tiered independent financial reporting)  
23 and 2007 c 471 s 15.

24 NEW SECTION. **Sec. 31.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

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