

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0766.01 Christy Chase x2008

HOUSE BILL 14-1206

HOUSE SPONSORSHIP

Conti,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE "COLORADO CHARITABLE
102 SOLICITATIONS ACT", AND, IN CONNECTION THEREWITH,
103 PROHIBITING CERTAIN CHARITABLE SOLICITATION PRACTICES,
104 MODIFYING THE SECRETARY OF STATE'S FINING AUTHORITY,
105 ADJUSTING REGISTRATION STATEMENT REQUIREMENTS, AND
106 SPECIFYING REQUIREMENTS FOR APPOINTING REGISTERED
107 AGENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill amends the "Colorado Charitable Solicitations Act" (act) as follows:

- ! Modifies the required content of charitable organization registration statements to eliminate unnecessary content;
- ! Prohibits a charitable organization from aiding, abetting, or permitting a person to solicit contributions on its behalf unless the solicitor has complied with the requirements of the act;
- ! Requires registered individuals and organizations to appoint a registered agent to receive notices, process, and other materials for the individual or organization; and
- ! Modifies the fines that may be imposed for failing to timely file required documents with the secretary of state.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-16-104, **amend** (2)

3 (c) and (9) as follows:

4 **6-16-104. Charitable organizations - initial registration -**
5 **annual filing - fees.** (2) The registration statement must be signed and
6 sworn to under oath by an officer of the charitable organization, which
7 may include its chief fiscal officer, and must contain the following
8 information:

9 (c) The names and ~~addresses~~ TITLES of the officers, directors,
10 trustees, and executive personnel of the charitable organization;

11 (9) No charitable organization that is required to register under
12 this ~~chapter~~ ARTICLE shall:

13 (a) Prior to registration, solicit contributions in this state by any
14 means, have contributions solicited in this state on its behalf by any other
15 person or entity, or participate in a charitable sales promotion; OR

16 (b) AID, ABET, OR OTHERWISE PERMIT ANY PERSON TO SOLICIT
17 CONTRIBUTIONS ON ITS BEHALF IN THIS STATE UNLESS THE PERSON

1 SOLICITING CONTRIBUTIONS HAS COMPLIED WITH THE REQUIREMENTS OF
2 THIS ARTICLE.

3 **SECTION 2.** In Colorado Revised Statutes, 6-16-105, **amend** (1)
4 introductory portion and (1) (h) as follows:

5 **6-16-105. Written confirmation of contribution - disclosures.**

6 (1) A paid solicitor who makes an oral solicitation by telephone,
7 door-to-door, or otherwise ~~shall~~ MUST furnish to each contributor, prior
8 to collecting or attempting to collect any contribution, a written
9 confirmation of the expected contribution, which confirmation shall
10 contain the following information clearly and conspicuously:

11 (h) A statement that Colorado residents may obtain copies of
12 registration and financial documents from the office of the secretary of
13 state, with ~~a current telephone number and~~ THE web site address for
14 obtaining such documents from the secretary of state.

15 **SECTION 3.** In Colorado Revised Statutes, 6-16-110.5, **amend**
16 (3) introductory portion and (3) (e) as follows:

17 **6-16-110.5. Secretary of state - dissemination of information**
18 **- cooperation with other agencies - rules.** (3) The secretary of state ~~shall~~
19 ~~have the authority to~~ MAY promulgate rules as needed for the effective
20 implementation of this ~~section~~ ARTICLE, including: ~~but not limited to:~~

21 (e) Setting fines for noncompliance with this article or rules
22 promulgated pursuant to this article. ~~The fine for soliciting while~~
23 ~~unregistered shall not exceed three hundred dollars per year for charities~~
24 ~~or one thousand dollars per year for paid solicitors.~~

25 **SECTION 4.** In Colorado Revised Statutes, **amend** 6-16-112 as
26 follows:

27 **6-16-112. Registered agents - service of process.** (1) ANY

1 PERSON REQUIRED UNDER THIS ARTICLE TO REGISTER WITH THE
2 SECRETARY OF STATE SHALL APPOINT AND CONTINUOUSLY MAINTAIN A
3 REGISTERED AGENT WHO SATISFIES THE REQUIREMENTS OF SECTION
4 7-90-701 (1), C.R.S. A REGISTRATION DOCUMENT FILED IN ACCORDANCE
5 WITH THIS ARTICLE THAT CONTAINS THE NAME AND ADDRESS OF THE
6 PERSON'S REGISTERED AGENT MUST ALSO INCLUDE A STATEMENT BY THE
7 PERSON FILING THE DOCUMENT THAT THE REGISTERED AGENT CONSENTS
8 TO THE APPOINTMENT. THE SECRETARY OF STATE SHALL SEND ANY
9 NOTICES REQUIRED UNDER THIS ARTICLE TO THE REGISTERED AGENT OF
10 THE REGISTERED PERSON.

11 (2) A REGISTERED AGENT OF A PERSON REGISTERED UNDER THIS
12 ARTICLE IS:

13 (a) AUTHORIZED TO RECEIVE SERVICE OF ANY PROCESS, NOTICE,
14 OR DEMAND REQUIRED OR PERMITTED BY LAW TO BE SERVED ON THE
15 PERSON; AND

16 (b) THE PERSON TO WHOM THE SECRETARY OF STATE MAY DELIVER
17 ANY FORM, NOTICE, OR OTHER DOCUMENT UNDER THIS ARTICLE
18 PERTAINING TO THE PERSON REGISTERED UNDER THIS ARTICLE.

19 (3) Any foreign corporation performing ~~any of the acts~~ AN ACT
20 prohibited under this article through ~~any salesman~~ A SALESPERSON or
21 agent is subject to service of process either upon the registered agent
22 specified by ~~said~~ THE corporation or upon the corporation itself if ~~no~~
23 ~~agent is maintained pursuant to part 7 of article 90 of title 7, C.R.S.~~ THE
24 CORPORATION FAILS TO MAINTAIN A REGISTERED AGENT AS REQUIRED BY
25 THIS ARTICLE. Service of process upon any individual outside this state
26 based upon any action arising out of matters prohibited by this article
27 ~~shall~~ MUST be EFFECTED pursuant to section 13-1-125, C.R.S.

1 **SECTION 5.** In Colorado Revised Statutes, **amend** 6-16-114 as
2 follows:

3 **6-16-114. Fines - required notification - rules.** (1) (a) Any
4 charitable organization, professional fundraising consultant, or paid
5 solicitor who, after sufficient notification by the secretary of state, fails
6 to properly register, renew a registration, ~~file a solicitation notice,~~ or file
7 a financial report of a solicitation campaign under this article by the end
8 of the seventh day following the issuance of the final notice, is liable for
9 a fine ~~or late filing fee~~ in an amount to be established by rule promulgated
10 by the secretary of state.

11 (b) THE SECRETARY OF STATE PROVIDES SUFFICIENT NOTIFICATION
12 UNDER THIS SECTION IF THE SECRETARY GIVES AT LEAST TWO NOTICES TO
13 THE ORGANIZATION AND REGISTERED AGENT OF THE CHARITABLE
14 ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID
15 SOLICITOR.

16 (c) The ~~late fee~~ FINE for filing a registration renewal ~~solicitation~~
17 ~~notice,~~ or solicitation campaign financial report late ~~shall~~ MUST not
18 exceed one hundred dollars per year for charities or two hundred dollars
19 per year for paid solicitors. ~~Sufficient notification consists of at least two~~
20 ~~notices given to the organization and registered agent of the charitable~~
21 ~~organization, professional fund-raising consultant, or paid solicitor.~~

22 (d) THE FINE FOR SOLICITING BEFORE REGISTERING MUST NOT
23 EXCEED THREE HUNDRED DOLLARS PER YEAR FOR A CHARITABLE
24 ORGANIZATION OR ONE THOUSAND DOLLARS PER YEAR FOR PAID
25 SOLICITORS.

26 (2) IF A PAID SOLICITOR FAILS TO FILE A SOLICITATION NOTICE AT
27 LEAST FIFTEEN DAYS BEFORE COMMENCING A SOLICITATION CAMPAIGN,

1 THE SECRETARY OF STATE SHALL ASSESS AGAINST THE PAID SOLICITOR, AT
2 THE TIME THE PAID SOLICITOR FILES THE SOLICITATION NOTICE, A FINE IN
3 AN AMOUNT ESTABLISHED IN RULES PROMULGATED BY THE SECRETARY OF
4 STATE.

5 (3) ~~The A fine or late filing fee~~ IMPOSED UNDER THIS SECTION is
6 in addition to any other filing fee provided by this article.

7 **SECTION 6. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2014 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.