

Article - Business Regulation

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§6–509.

(a) The only persons liable under this section are:

- (1) charitable organizations;
- (2) charitable representatives; and
- (3) officers, directors, partners, or trustees of charitable organizations or charitable representatives.

(b) Except as provided in subsection (d) of this section, a person who willfully fails to comply with a requirement of this title as to a charitable contribution made because of a charitable solicitation is liable to the donor of the charitable contribution for:

- (1) actual damages that the donor sustains because of the failure;
- (2) punitive damages that the court allows, not exceeding 3 times the actual damages; and
- (3) reasonable attorney's fees and costs of the action, if damages are awarded.

(c) Except as provided in subsection (d) of this section, a person who is grossly negligent in failing to comply with a requirement of this title as to a charitable contribution made because of a charitable solicitation is liable to the donor of the charitable contribution for:

- (1) actual damages that the donor sustains because of the failure; and
- (2) reasonable attorney's fees and costs of the action, if damages are awarded.

(d) A person is not liable under this section if the person establishes by a preponderance of the evidence that, at the time of the failure to comply with a requirement under this title, the person followed reasonable procedures to comply.

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