
By: **Chairman, Economic Matters Committee (Departmental - Secretary of State)**

Introduced and read first time: February 15, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Solicitations Act**

3 FOR the purpose of defining "public safety contribution", "public safety organization",
4 and "public safety solicitor"; clarifying certain requirements for certain
5 organizations exempt from registration; providing the Secretary of State with
6 certain investigatory powers over certain organizations; establishing a late
7 filing fee for certain charitable organizations; requiring certain organizations,
8 solicitors, and counsel be registered prior to entering into certain fund-raising
9 agreements; requiring the registration of public safety solicitors in a certain
10 manner; establishing certain prohibited acts and penalties; requiring the
11 Governor to include certain funds for a certain program in the annual budget;
12 and generally relating to the Maryland Solicitations Act.

13 BY repealing and reenacting, with amendments,
14 Article - Business Regulation
15 Section 6-101(c), 6-102(b) and (c), 6-205, 6-405(a), 6-603, and 6-701
16 Annotated Code of Maryland
17 (1998 Replacement Volume)

18 BY adding to
19 Article - Business Regulation
20 Section 6-101(j), (k), and (l) and 6-407(c); and 6-5A-01 through 6-5A-11,
21 inclusive, to be under the new subtitle "Subtitle 5A. Public Safety
22 Solicitors"
23 Annotated Code of Maryland
24 (1998 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Business Regulation

2 6-101.

3 (c) (1) "Charitable contribution" means a contribution made on a
4 representation that it will be used for a charitable purpose.

5 (2) "Charitable contribution" includes the payment, transfer, or
6 enforceable pledge of financial help, including money, credit, property, or services.

7 (3) "Charitable contribution" does not include:

8 (i) an unsolicited gift;

9 (ii) a government grant or government money;

10 (iii) membership assessments, dues, or fines; [and]

11 (iv) a payment for property sold or services rendered by a charitable
12 organization, unless the property is sold or the services are rendered in connection
13 with a charitable solicitation; OR

14 (V) A PUBLIC SAFETY CONTRIBUTION.

15 (J) "PUBLIC SAFETY CONTRIBUTION" MEANS A CONTRIBUTION MADE ON A
16 REPRESENTATION THAT IT WILL BE USED FOR THE PURPOSES OF A PUBLIC SAFETY
17 ORGANIZATION.

18 (K) "PUBLIC SAFETY ORGANIZATION" MEANS A PERSON WHO IS OR PURPORTS
19 TO BE A FIRE FIGHTING, AMBULANCE, RESCUE, POLICE, FRATERNAL, OR OTHER LAW
20 ENFORCEMENT ORGANIZATION.

21 (L) (1) "PUBLIC SAFETY SOLICITOR" MEANS A PERSON WHO, FOR PAY,
22 SOLICITS OR RECEIVES PUBLIC SAFETY CONTRIBUTIONS, PERSONALLY OR THROUGH
23 ANOTHER.

24 (2) "PUBLIC SAFETY SOLICITOR" DOES NOT INCLUDE:

25 (I) AN ATTORNEY, INVESTMENT COUNSELOR, OR BANKER
26 BECAUSE OF ADVISING A CLIENT OR CUSTOMER TO MAKE A PUBLIC SAFETY
27 CONTRIBUTION; OR

28 (II) AN INDIVIDUAL WHO IS A MEMBER, SALARIED OFFICER, OR
29 EMPLOYEE OF A PUBLIC SAFETY ORGANIZATION THAT IS AFFILIATED WITH A STATE
30 OR LOCAL AGENCY AND KEEPS A PERMANENT OFFICE IN THE STATE.

31 6-102.

32 (b) (1) [This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
33 SUBSECTION, THIS title does not apply to fund-raising by a volunteer organization of

1 fire fighters or rescue or ambulance personnel for its ambulance, fire fighting, or
2 rescue operations.

3 (2) THIS TITLE APPLIES TO A PUBLIC SAFETY SOLICITOR WHO IS
4 EMPLOYED BY A VOLUNTEER ORGANIZATION OF FIREFIGHTERS OR RESCUE OR
5 AMBULANCE PERSONNEL.

6 (c) (1) Except as provided in paragraph (2) of this subsection, a charitable
7 organization is exempt from the REGISTRATION AND DISCLOSURE requirements of
8 this title if the charitable organization:

9 (i) does not employ a professional solicitor; and

10 (ii) 1. solicits charitable contributions for a named individual
11 and the gross amount is delivered to the individual;

12 2. A. is a religious organization, a parent organization of a
13 religious organization, or a school affiliated with a religious organization; and

14 B. has in effect a declaration of tax-exempt status from the
15 government of the United States;

16 3. solicits charitable contributions only from its members;

17 4. does not receive more than \$25,000 in charitable
18 contributions from the public during the year for which a registration statement and
19 annual report otherwise would be required; or

20 5. only receives contributions from for-profit corporations
21 and organizations determined to be private foundations by the government of the
22 United States.

23 (2) (i) A charitable organization claiming exemption under paragraph
24 (1) of this subsection shall submit evidence of its entitlement to an exemption upon
25 request of the Secretary of State.

26 (ii) A charitable organization that fails to submit evidence
27 satisfactory to the Secretary of State under subparagraph (i) of this paragraph is not
28 exempt from the requirements of this title.

29 6-205.

30 (a) (1) The Secretary of State or the Secretary's designee may investigate an
31 alleged violation of this title.

32 (2) (i) In the course of any examination, investigation, or hearing, the
33 Secretary of State may subpoena witnesses, administer oaths, examine an individual
34 under oath, and compel production of records, books, papers, and other documents.

1 (ii) In the course of any examination, investigation, or hearing, the
2 legal counsel for the Office of the Secretary of State may administer oaths and
3 examine an individual under oath.

4 (iii) Information obtained under this subsection is not admissible in
5 a subsequent criminal proceeding against the person who provided the information.

6 (b) If the Secretary of State finds or has reasonable grounds to believe that a
7 charitable organization, [or] charitable representative, OR PUBLIC SAFETY
8 SOLICITOR has violated this title, the Secretary of State may take 1 or more of the
9 following actions:

10 (1) by mediation with the apparent violators and any representatives
11 they may choose to assist them, enter into a written assurance of discontinuance,
12 written assurance of voluntary compliance, or other settlement agreement with the
13 apparent violators, in accordance with subsection (c) of this section;

14 (2) summarily issue a cease and desist order to the violator, if the
15 Secretary of State:

16 (i) finds that this title has been violated and that the public health,
17 safety, or welfare requires emergency action; and

18 (ii) gives the violator written notice of the order, the reasons for the
19 order, and the right of the violator to request a hearing under subsection (g) of this
20 section; or

21 (3) refer the matter to:

22 (i) the Attorney General for civil enforcement; or

23 (ii) the appropriate State's Attorney for prosecution.

24 (c) A settlement agreement under subsection (b)(1) may include one or more of
25 the following stipulations or conditions:

26 (1) payment by the apparent violator of the cost of the investigation;

27 (2) payment by the apparent violator of civil penalties a court could order
28 under this title;

29 (3) payment by the apparent violator of refunds to donors a court could
30 order under this title;

31 (4) payment by the apparent violator of contributions received to
32 charitable OR PUBLIC SAFETY beneficiaries or for charitable OR PUBLIC SAFETY
33 purposes consistent with the beneficiaries named or purposes represented in the
34 charitable OR PUBLIC SAFETY solicitations which generated the contributions; or

35 (5) any other stipulation, condition, or remedy that will correct a
36 violation of this title.

1 (d) An agreement under this section is for conciliation purposes only and does
2 not constitute an admission by any party that the law has been violated.

3 (e) (1) It is a violation of this title to fail to adhere to any provision
4 contained in a settlement agreement.

5 (2) A failure of the Secretary of State to enforce a violation of any
6 provision of a settlement agreement does not constitute a waiver of that or any other
7 provision, or of any right of the Secretary of State.

8 (f) On referral by the Secretary of State, the Attorney General may sue in the
9 Circuit Court for Anne Arundel County for an order that:

10 (1) restrains further violation of this title;

11 (2) restrains the defendant from making further charitable OR PUBLIC
12 SAFETY solicitations in the State;

13 (3) EXCEPT UNDER § 6-5A-11 OF THIS TITLE, recovers for the State a civil
14 penalty not to exceed \$5,000 for each willful violation of the Act;

15 (4) EXCEPT UNDER § 6-5A-11 OF THIS TITLE, recovers for the State a civil
16 penalty not to exceed \$3,000 for each grossly negligent violation of the Act;

17 (5) enforces compliance with this title; or

18 (6) secures any other appropriate relief, including:

19 (i) refunds to donors; and

20 (ii) payment of the charitable OR PUBLIC SAFETY contributions
21 received by the solicitor to charitable OR PUBLIC SAFETY purposes or beneficiaries
22 consistent with the purposes represented or beneficiaries named in the charitable OR
23 PUBLIC SAFETY solicitations which generated the contributions.

24 (g) (1) If the Secretary of State issues a cease and desist order to a person,
25 the person may request a hearing from the Secretary of State.

26 (2) Within 30 days after a request is submitted, the Secretary of State
27 shall hold a hearing in accordance with Title 10, Subtitle 2 of the State Government
28 Article.

29 6-405.

30 (a) Except for parent-teacher organizations and youth sports organizations
31 soliciting charitable contributions for programs for minors, a person exempt under §
32 6-102(c)(1)(ii)1 [and] OR 4 of this title shall submit a fund-raising notice to the
33 Secretary of State on the form that the Secretary requires before starting a public
34 solicitation.

1 6-407.

2 (C) (1) A CHARITABLE ORGANIZATION THAT FAILS TO FILE AN ANNUAL
3 REPORT BY EITHER THE END OF THE 6-MONTH PERIOD AFTER THE END OF THE
4 CHARITABLE ORGANIZATION'S FISCAL YEAR OR WITHIN ANY PERIOD OF EXTENSION
5 GRANTED SHALL PAY, IN ADDITION TO THE ANNUAL FEE, \$25 FOR EACH MONTH OR
6 PART OF A MONTH AFTER THE DATE ON WHICH THE ANNUAL REPORT WAS DUE TO
7 BE FILED OR AFTER THE PERIOD OF EXTENSION GRANTED FOR THE FILING.

8 (2) THE LATE FEE MAY NOT BE ASSESSED UNTIL 60 DAYS AFTER:

9 (I) THE END OF THE SIXTH MONTH AFTER THE END OF THE
10 FISCAL YEAR; OR

11 (II) THE END OF THE PERIOD OF EXTENSION.

12 (3) FAILURE TO REMIT AN ASSESSED LATE FEE IS A VIOLATION OF THIS
13 TITLE.

14 SUBTITLE 5A. PUBLIC SAFETY SOLICITORS.

15 6-5A-01.

16 A PERSON IS PROHIBITED FROM ACTING AS A PUBLIC SAFETY SOLICITOR
17 UNLESS THE PERSON HAS APPLIED TO REGISTER WITH THE SECRETARY OF STATE.

18 6-5A-02.

19 (A) AN APPLICANT FOR REGISTRATION AS A PUBLIC SAFETY SOLICITOR
20 SHALL:

21 (1) SUBMIT TO THE SECRETARY OF STATE AN APPLICATION UNDER
22 OATH ON THE FORM THAT THE SECRETARY OF STATE PROVIDES FOR EACH PUBLIC
23 SAFETY ORGANIZATION ON WHOSE BEHALF THE APPLICANT IS SOLICITING IN THE
24 STATE;

25 (2) CONSENT IN WRITING TO THE JURISDICTION AND VENUE OF THE
26 CIRCUIT COURT FOR ANNE ARUNDEL COUNTY IN ACTIONS BROUGHT UNDER THIS
27 TITLE;

28 (3) PAY TO THE SECRETARY OF STATE AN APPLICATION FEE OF \$100 FOR
29 REGISTRATION AS A PUBLIC SAFETY SOLICITOR;

30 (4) (I) CERTIFY THAT ALL TAXES DUE FROM THE APPLICANT TO THE
31 STATE OR TO BALTIMORE CITY OR A COUNTY OF THE STATE DURING THE PRECEDING
32 FISCAL YEAR HAVE BEEN PAID, AND ALL TAXES THE APPLICANT WAS REQUIRED TO
33 COLLECT AND PAY OVER TO THE STATE OR TO BALTIMORE CITY OR A COUNTY OF
34 THE STATE DURING THE PRECEDING FISCAL YEAR HAVE BEEN COLLECTED AND
35 PAID OVER; OR

1 (II) CERTIFY THAT THE TAXES DUE FROM THE APPLICANT TO THE
2 STATE OR TO BALTIMORE CITY OR A COUNTY ARE UNDER DISPUTE AND THE DISPUTE
3 HAS NOT BEEN FINALLY RESOLVED; AND

4 (5) PROVIDE ANY OTHER INFORMATION THAT THE SECRETARY OF
5 STATE REQUIRES.

6 6-5A-03.

7 (A) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (F) OF THIS SECTION,
8 ON APPLYING FOR REGISTRATION AS A PUBLIC SAFETY SOLICITOR, AN APPLICANT
9 SHALL EXECUTE AND SUBMIT TO THE SECRETARY OF STATE A BOND IN THE SUM OF
10 \$25,000, WITH SURETY THAT THE SECRETARY OF STATE APPROVES.

11 (2) THE BOND SHALL RUN TO THE STATE FOR THE USE OF THE STATE
12 AND EACH PERSON WHO MAY HAVE A CAUSE OF ACTION AGAINST THE APPLICANT
13 FOR LOSS RESULTING FROM MALFEASANCE, NONFEASANCE, OR MISFEASANCE IN
14 THE APPLICANT'S PUBLIC SAFETY SOLICITATION.

15 (B) AN APPLICANT FOR REGISTRATION AS A PUBLIC SAFETY SOLICITOR
16 SHALL SUBMIT A CONSOLIDATED BOND FOR ALL OF THE OFFICERS, AGENTS,
17 MEMBERS, SUBCONTRACTORS, AND EMPLOYEES OF THE PUBLIC SAFETY SOLICITOR.

18 (C) AN APPLICANT FOR REGISTRATION AS A PUBLIC SAFETY SOLICITOR THAT
19 SUBMITS A \$25,000 IRREVOCABLE LETTER OF CREDIT TO THE SECRETARY OF STATE
20 IS NOT REQUIRED TO SUBMIT A SURETY BOND UNDER SUBSECTION (A) OF THIS
21 SECTION.

22 (D) THE SECRETARY OF STATE MAY RETURN A BOND OR IRREVOCABLE
23 LETTER OF CREDIT FILED UNDER THIS SECTION ONLY IF:

24 (1) 3 YEARS HAVE PASSED SINCE THE REGISTRATION PERIOD TO WHICH
25 THE BOND OR LETTER APPLIES, AND THERE IS NO PENDING CLAIM AGAINST THE
26 BOND OR LETTER; OR

27 (2) THE REGISTRATION PERIOD TO WHICH THE BOND OR LETTER
28 APPLIES EXPIRES AND IT APPEARS TO THE SATISFACTION OF THE SECRETARY OF
29 STATE THAT THE PERSON IS NOT IN VIOLATION OF THIS SUBTITLE.

30 (E) THE SECRETARY OF STATE SHALL INCLUDE WITH AN APPLICATION FOR
31 REGISTRATION AS A PUBLIC SAFETY SOLICITOR A NOTICE THAT A PERSON MAY
32 APPLY FOR RETURN OF A BOND OR IRREVOCABLE LETTER OF CREDIT AFTER THE
33 REGISTRATION PERIOD TO WHICH THE BOND OR LETTER APPLIES.

34 (F) A PUBLIC SAFETY SOLICITOR WITH A CURRENT REGISTRATION IS NOT
35 REQUIRED TO EXECUTE AND SUBMIT TO THE SECRETARY OF STATE AN ADDITIONAL
36 BOND OR IRREVOCABLE LETTER OF CREDIT FOR EACH PUBLIC SAFETY
37 ORGANIZATION ON WHOSE BEHALF PUBLIC SAFETY CONTRIBUTIONS WILL BE
38 SOLICITED, IF THE PUBLIC SAFETY SOLICITOR SUBMITS A SEPARATE APPLICATION
39 FOR EACH PUBLIC SAFETY ORGANIZATION.

1 6-5A-04.

2 (A) IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT FOR
3 REGISTRATION HAS COMPLIED WITH THIS TITLE AND THE REGULATIONS ADOPTED
4 UNDER IT, THE SECRETARY OF STATE SHALL APPROVE THE APPLICATION.

5 (B) IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT FOR
6 REGISTRATION HAS NOT COMPLIED WITH THIS TITLE AND THE REGULATIONS
7 ADOPTED UNDER IT APPLICABLE TO REGISTRATION, THE SECRETARY OF STATE
8 SHALL NOTIFY THE APPLICANT OF THE REASONS THE APPLICANT IS NOT IN
9 COMPLIANCE.

10 6-5A-05.

11 EACH REGISTRATION EXPIRES ON THE FIRST ANNIVERSARY OF ITS APPROVAL
12 DATE.

13 6-5A-06.

14 A PUBLIC SAFETY SOLICITOR SHALL INCLUDE IN ALL WRITTEN SOLICITATIONS
15 AND RECEIPTS FOR PUBLIC SAFETY CONTRIBUTIONS:

16 (1) A TOLL-FREE TELEPHONE NUMBER OF THE PUBLIC SAFETY
17 SOLICITOR WITHIN THE LOCAL AREA CODE IN WHICH THE PUBLIC SAFETY
18 CONTRIBUTION IS SOLICITED FOR INDIVIDUALS OR BUSINESSES SOLICITED TO
19 OBTAIN VERIFICATION OF AUTHENTICITY OR MAKE COMPLAINTS;

20 (2) A STATEMENT THAT, FOR THE COST OF COPYING AND POSTAGE,
21 INFORMATION SUBMITTED UNDER THIS SUBTITLE IS AVAILABLE FROM THE
22 SECRETARY OF STATE; AND

23 (3) THE ADDRESS AND TELEPHONE NUMBER OF THE SECRETARY OF
24 STATE.

25 6-5A-07.

26 (A) (1) A PUBLIC SAFETY SOLICITOR MAY NOT SOLICIT PUBLIC SAFETY
27 CONTRIBUTIONS UNLESS THE SCRIPT OF AN ORAL SOLICITATION AND A COPY OF A
28 WRITTEN SOLICITATION HAVE BEEN APPROVED BY THE PUBLIC SAFETY
29 ORGANIZATION ON WHOSE BEHALF THE PUBLIC SAFETY CONTRIBUTION IS
30 SOLICITED.

31 (2) THE SCRIPT SHALL INCLUDE:

32 (I) THE SPECIFIC PURPOSE THAT IS TO BE ADVANCED WITH
33 PUBLIC SAFETY CONTRIBUTIONS; AND

34 (II) A STATEMENT THAT THE PERSON WHO SOLICITS PUBLIC
35 SAFETY CONTRIBUTIONS IS A PAID FUND-RAISER.

1 (B) A COPY OF THE APPROVED SCRIPT OF AN ORAL SOLICITATION AND A COPY
2 OF A WRITTEN SOLICITATION SHALL BE MADE AVAILABLE TO THE SECRETARY OF
3 STATE UPON REQUEST.

4 6-5A-08.

5 A PUBLIC SAFETY SOLICITOR MAY NOT:

6 (1) FALSELY STATE, IMPLY, OR MISLEAD, DIRECTLY OR INDIRECTLY, THE
7 PERSON SOLICITED FOR A PUBLIC SAFETY CONTRIBUTION THAT THE PUBLIC SAFETY
8 SOLICITOR IS A FIRE FIGHTING, AMBULANCE, RESCUE, POLICE, FRATERNAL, OR
9 OTHER LAW ENFORCEMENT EMPLOYEE OR MEMBER;

10 (2) SEND A COURIER OR MESSENGER TO PERSONALLY PICK UP A PUBLIC
11 SAFETY CONTRIBUTION FROM A PRIVATE RESIDENCE, BUSINESS, OR ANY OTHER
12 LOCATION UNLESS:

13 (I) THE SOLICITATION IS MADE IN PERSON AND THE COLLECTION
14 OR ATTEMPT TO COLLECT IS MADE AT THE TIME OF SOLICITATION; OR

15 (II) THE CONTRIBUTOR HAS AGREED TO PURCHASE GOODS OR
16 ITEMS IN CONNECTION WITH THE SOLICITATION AND THE COLLECTION OR ATTEMPT
17 TO COLLECT IS MADE AT THE TIME OF DELIVERY OF THE GOODS OR ITEMS;

18 (3) SOLICIT IN THE STATE USING AN ALIAS, FICTITIOUS NAME, FALSE
19 NAME, OR NAME OTHER THAN THE FULL LEGAL NAME OF THE PUBLIC SAFETY
20 ORGANIZATION ON WHOSE BEHALF THE PUBLIC SAFETY CONTRIBUTION IS
21 SOLICITED AS STATED IN THE APPLICATION FOR REGISTRATION AS A PUBLIC SAFETY
22 SOLICITOR; OR

23 (4) PROMISE, DIRECTLY OR INDIRECTLY, OR IMPLY THAT THE
24 INDIVIDUAL OR BUSINESS BEING SOLICITED WILL RECEIVE ANY ADDITIONAL OR
25 DIFFERENT LAW ENFORCEMENT SERVICES OR TREATMENT BY A FIRE FIGHTING,
26 AMBULANCE, RESCUE, POLICE, FRATERNAL, OR OTHER LAW ENFORCEMENT
27 ORGANIZATION OR EMPLOYEE AS A RESULT OF A PLEDGE OR REFUSAL TO MAKE A
28 PUBLIC SAFETY CONTRIBUTION.

29 6-5A-09.

30 (A) AN APPLICANT FOR REGISTRATION AS A PUBLIC SAFETY SOLICITOR OR A
31 REGISTERED PUBLIC SAFETY SOLICITOR MAY NOT WILLFULLY OR IN A GROSSLY
32 NEGLIGENT WAY:

33 (1) SUBMIT TO THE SECRETARY OF STATE A REGISTRATION STATEMENT
34 OR OTHER INFORMATION THAT IS MATERIALLY FALSE; OR

35 (2) COMMIT OR CAUSE TO BE COMMITTED A VIOLATION OF THIS
36 SUBTITLE.

1 (B) A PRINCIPAL OWNER OR EMPLOYEE OF THE PUBLIC SAFETY SOLICITOR
2 MAY NOT WILLFULLY OR IN A GROSSLY NEGLIGENT WAY COMMIT OR CAUSE TO BE
3 COMMITTED A VIOLATION OF THIS SUBTITLE.

4 6-5A-10.

5 (A) A PERSON THAT ENGAGES IN SOLICITING PUBLIC SAFETY
6 CONTRIBUTIONS WITHOUT PRIOR APPLICATION FOR REGISTRATION AS A PUBLIC
7 SAFETY SOLICITOR IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
8 TO A FINE NOT EXCEEDING 10 TIMES THE VALUE OF THE TOTAL AMOUNT OF FUNDS
9 IMPROPERLY SOLICITED OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

10 (B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION:

11 (1) IS PROHIBITED FROM ACTING AS A PUBLIC SAFETY SOLICITOR FOR A
12 PERIOD OF 10 YEARS BEGINNING ON THE DATE OF THE CONVICTION; AND

13 (2) SHALL REFUND ALL IMPROPERLY SOLICITED PUBLIC SAFETY
14 CONTRIBUTIONS TO THE DONORS WHO MADE THE PUBLIC SAFETY CONTRIBUTIONS.

15 6-5A-11.

16 (A) (1) A PERSON WHO COMMITS A WILLFUL VIOLATION OF THIS SUBTITLE
17 IS GUILTY OF A MISDEMEANOR AND IS SUBJECT ON CONVICTION TO A FINE NOT
18 EXCEEDING 3 TIMES THE VALUE OF THE TOTAL GROSS AMOUNT OF FUNDS
19 SOLICITED BY THE PUBLIC SAFETY SOLICITOR OR IMPRISONMENT NOT EXCEEDING 1
20 YEAR OR BOTH.

21 (2) A PERSON CONVICTED OF A WILLFUL VIOLATION OF THIS SUBTITLE
22 SHALL FORFEIT TO THE SECRETARY OF STATE THE BOND REQUIRED IN § 6-5A-03 OF
23 THIS SUBTITLE.

24 (B) (1) A PERSON WHO COMMITS A GROSSLY NEGLIGENT VIOLATION OF
25 THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND IS SUBJECT ON CONVICTION TO
26 A FINE NOT EXCEEDING THE GROSS AMOUNT OF FUNDS SOLICITED BY THE PUBLIC
27 SAFETY SOLICITOR OR LIABILITY FOR RESTITUTION THAT THE COURT DETERMINES
28 OR BOTH.

29 (2) A PERSON CONVICTED OF A GROSSLY NEGLIGENT VIOLATION OF
30 THIS SUBTITLE SHALL FORFEIT TO THE SECRETARY OF STATE THE BOND REQUIRED
31 IN § 6-5A-03 OF THIS SUBTITLE.

32 6-603.

33 (A) A professional solicitor OR FUND-RAISING COUNSEL may not make an
34 agreement with a charitable organization to raise money on its behalf unless the
35 charitable organization has applied to register with the Secretary of State.

36 (B) A CHARITABLE ORGANIZATION MAY NOT MAKE AN AGREEMENT WITH A
37 PROFESSIONAL SOLICITOR OR FUND-RAISING COUNSEL UNLESS THE

1 PROFESSIONAL SOLICITOR OR FUND-RAISING COUNSEL HAS APPLIED TO REGISTER
2 WITH THE SECRETARY OF STATE.

3 6-701.

4 This title is the Maryland [Charitable] Solicitations Act.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, beginning with the
6 fiscal year 2001 budget and annually thereafter, the Governor shall include in the
7 budget funds for the Charitable Giving Information Program, which are equal to or
8 greater than one-half of the amount of fees collected during the preceding fiscal year
9 under § 6-407(c) of the Business Regulation Article, as added by this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 1999.