

HOUSE BILL 239

C2

(PRE-FILED)

5lr0166
CF SB 184

By: **Chair, Economic Matters Committee (By Request – Departmental – Secretary of State)**

Requested: September 18, 2024

Introduced and read first time: January 8, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Charitable Organizations – Late Fees and Registration – Suspension and**
3 **Cancellation Requirements**

4 FOR the purpose of authorizing the Secretary of State to suspend payment of certain late
5 fees assessed to certain charitable organizations under certain circumstances;
6 authorizing the Secretary of State to cancel a charitable organization's registration
7 or reinstate a charitable organization's canceled registration under certain
8 circumstances; and generally relating to the regulation of charitable organizations
9 by the Secretary of State.

10 BY repealing and reenacting, with amendments,
11 Article – Business Regulation
12 Section 6–407
13 Annotated Code of Maryland
14 (2024 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article – Business Regulation
17 Section 6–417
18 Annotated Code of Maryland
19 (2024 Replacement Volume)

20 BY adding to
21 Article – Business Regulation
22 Section 6–418
23 Annotated Code of Maryland
24 (2024 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Regulation**

4 6–407.

5 (a) A charitable organization that collects less than \$25,000 in charitable
6 contributions from the public in a year need not pay an annual fee, except that, if the
7 charitable organization uses a professional solicitor, it shall pay an annual fee of \$50.

8 (b) (1) Each charitable organization that submits a separate registration
9 statement and collects at least \$25,000 in charitable contributions from the public in a year
10 shall pay an annual fee based on the charitable contributions collected.

11 (2) The annual fee shall be:

12 (i) \$50, if charitable contributions from the public are at least
13 \$25,000 but less than \$50,001;

14 (ii) \$75, if charitable contributions from the public are at least
15 \$50,001 but less than \$75,001;

16 (iii) \$100, if charitable contributions from the public are at least
17 \$75,001 but less than \$100,001;

18 (iv) \$200, if charitable contributions from the public are at least
19 \$100,001 but less than \$500,001; and

20 (v) \$300, if charitable contributions from the public are at least
21 \$500,001.

22 (c) (1) [An] A CHARITABLE organization failing to file an annual report
23 either by the end of the 6–month period after the end of the charitable organization’s fiscal
24 year or within any period of extension granted shall pay, in addition to the annual fee, \$25
25 for each month or part thereof after the date on which the annual report was due to be filed
26 or after the period of extension granted for such filing.

27 (2) The late fee shall be assessed 60 days after:

28 (i) the end of the 6th month after the end of the fiscal year; or

29 (ii) the period of extension.

30 (3) Failure to remit an assessed late fee is a violation of this title.

1 **(4) THE SECRETARY OF STATE MAY SUSPEND OR WAIVE LATE FEES**
2 **IN ACCORDANCE WITH:**

3 **(I) REGULATIONS ADOPTED UNDER SUBSECTION (F) OF THIS**
4 **SECTION; OR**

5 **(II) A SETTLEMENT AGREEMENT MADE UNDER § 6-205(B) AND**
6 **(C) OF THIS TITLE.**

7 (d) The following revenues shall be distributed to the Charitable Enforcement
8 Fund under Subtitle 2A of this title, to be used only to support the actions of the Secretary
9 of State and the Attorney General in carrying out the duties of the Secretary of State and
10 the Attorney General under this title and Title 6.5 of this article:

11 (1) \$100 of the annual fee paid by each charitable organization under
12 subsection (b)(2)(v) of this section; and

13 (2) the late fees collected under subsection (c) of this section.

14 **(E) A LATE FEE ASSESSED UNDER THIS SECTION MAY NOT BE CONSIDERED**
15 **A DELINQUENT ACCOUNT OR DEBT REQUIRING REFERRAL TO THE CENTRAL**
16 **COLLECTION UNIT FOR COLLECTION PURPOSES UNDER § 3-302 OF THE STATE**
17 **FINANCE AND PROCUREMENT ARTICLE.**

18 **(F) THE SECRETARY OF STATE MAY ADOPT REGULATIONS REGARDING THE**
19 **SUSPENSION OR WAIVER OF THE IMPOSITION OR COLLECTION OF LATE FEES FOR**
20 **CHARITABLE ORGANIZATIONS THAT FAIL TO FILE AN ANNUAL REPORT UNDER**
21 **SUBSECTION (C) OF THIS SECTION.**

22 6-417.

23 A charitable organization that intends to end soliciting shall submit to the Secretary
24 of State:

25 (1) a statement of its intent; and

26 (2) a final annual report within 6 months after the end of its fiscal year.

27 **6-418.**

28 **(A) THE SECRETARY OF STATE MAY CANCEL THE REGISTRATION OF A**
29 **CHARITABLE ORGANIZATION IF:**

30 **(1) THE ORGANIZATION FAILED TO SUBMIT:**

1 **(I) A STATEMENT OF INTENT AND FINAL ANNUAL REPORT**
2 **UNDER § 6-417 OF THIS SUBTITLE WITHIN 3 YEARS AFTER THE DATE THE**
3 **STATEMENT OF INTENT AND FINAL ANNUAL REPORT WERE DUE; OR**

4 **(II) ANY ANNUAL REPORT OR UPDATES REQUIRED UNDER §**
5 **6-408 OF THIS SUBTITLE FOR A 3-YEAR PERIOD; AND**

6 **(2) THE SECRETARY OF STATE SENDS A NOTICE OF CANCELLATION**
7 **TO THE LAST KNOWN ADDRESS AND E-MAIL ADDRESS OF THE ORGANIZATION.**

8 **(B) A CHARITABLE ORGANIZATION MAY REQUEST THAT THE SECRETARY OF**
9 **STATE REINSTATE A REGISTRATION CANCELED UNDER SUBSECTION (A) OF THIS**
10 **SECTION IF THE ORGANIZATION:**

11 **(1) SUBMITS TO THE SECRETARY OF STATE ANY OUTSTANDING OR**
12 **MISSING ANNUAL REPORTS, SUPPORTING MATERIALS, AND ANNUAL FEES**
13 **REQUIRED UNDER THIS TITLE;**

14 **(2) (I) REMITS ALL UNPAID LATE FEES; OR**

15 **(II) HAD LATE FEES SUSPENDED OR WAIVED IN ACCORDANCE**
16 **WITH § 6-407(C) OF THIS SUBTITLE;**

17 **(3) IS IN GOOD STANDING WITH THE STATE DEPARTMENT OF**
18 **ASSESSMENTS AND TAXATION, IF APPLICABLE;**

19 **(4) HAS A CURRENT TAX-EXEMPT STATUS UNDER § 501(C)(3) OF THE**
20 **INTERNAL REVENUE CODE, IF APPLICABLE; AND**

21 **(5) PROVIDES ANY OTHER INFORMATION THAT THE SECRETARY OF**
22 **STATE REQUIRES.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
24 **1, 2025.**