

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 99 Session of 2017

INTRODUCED BY GREENLEAF, TARTAGLIONE, GORDNER AND BROWNE, JANUARY 13, 2017

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, OCTOBER 17, 2017

AN ACT

1 Amending the act of December 19, 1990 (P.L.1200, No.202),
2 entitled "An act providing for the registration and
3 regulation of solicitations by charitable organizations,
4 professional fundraisers and other solicitors; imposing
5 additional powers on the Department of State and the Office
6 of Attorney General; prescribing civil and criminal
7 penalties; and making a repeal," providing for the regulation
8 of collection receptacles and disclosure requirements; and
9 further providing for criminal penalties.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of December 19, 1990 (P.L.1200, No.202),
13 known as the Solicitation of Funds for Charitable Purposes Act,
14 is amended by adding a section to read:

15 Section 13.1. Collection receptacle; disclosure requirements.

16 (a) Charitable organization disclosure.--A person who is a
17 charitable organization and places or maintains a collection
18 receptacle in public view for the purpose of collecting donated
19 clothing, household items or similar goods shall clearly and
20 conspicuously display on the front and one side of the
21 collection receptacle a permanent sign or label with the

1 charitable organization's name, address, telephone number,  
2 electronic mail address and a statement expressing the  
3 charitable purpose for which the charitable organization exists.

4 IF THE CHARITABLE ORGANIZATION IS REGISTERED WITH THE <--  
5 DEPARTMENT, THE NOTICE REQUIRED UNDER SECTION 13(C) SHALL BE  
6 DISPLAYED IN THE SAME MANNER.

7 (b) For-profit disclosure.--A person who is not a charitable  
8 organization and places or maintains a collection receptacle in  
9 public view for the purpose of collecting donated clothing,  
10 household items or similar goods for resale for the purpose of  
11 retaining the proceeds of the sale of the items shall clearly  
12 and conspicuously display on the front and one side of the  
13 collection receptacle a permanent sign or label with the  
14 person's name, address, telephone number, electronic mail  
15 address and the following statement:

16 THIS IS NOT A CHARITY. DONATIONS MADE HERE WILL BE SOLD  
17 BY A FOR-PROFIT BUSINESS AND ARE NOT TAX-DEDUCTIBLE.

18 (c) Professional solicitor disclosure.--A person who is not  
19 a charitable organization and places or maintains a collection  
20 receptacle in public view for the purpose of collecting donated  
21 clothing, household items or similar goods for resale for the  
22 purpose of paying over all or a portion of the proceeds from the  
23 sales to a charitable organization shall display on the front  
24 and one side of the collection receptacle a permanent sign or  
25 label with the following statement:

26 DONATIONS MADE HERE WILL BE SOLD BY A FOR-PROFIT BUSINESS  
27 AND A PORTION OF THE PROCEEDS WILL BE PAID TO (NAME OF  
28 CHARITABLE ORGANIZATION). FURTHER INFORMATION ABOUT THESE  
29 PAYMENTS CAN BE OBTAINED FROM (NAME OF PERSON OPERATING  
30 COLLECTION RECEPTACLE) AT (TELEPHONE NUMBER AND

1 ELECTRONIC MAIL ADDRESS) AND FROM (NAME OF CHARITABLE  
2 ORGANIZATION) AT (TELEPHONE NUMBER AND ELECTRONIC MAIL  
3 ADDRESS).

4 (d) Applicability.--The provisions of sections 8 and 9 apply  
5 to any person subject to subsection (c).

6 (e) Signage.--The information on signs or labels required by  
7 this section shall be printed in letters that are at least two  
8 inches in height or as large as the largest letter on the box,  
9 whichever is greater, and in a color that contrasts with the  
10 color of the collection receptacle so that the sign or label is  
11 clearly visible.

12 (f) Notarized written permission.--

13 (1) Prior to placing a collection receptacle that is  
14 subject to this section, the person placing the collection  
15 receptacle shall obtain notarized written permission to place  
16 and operate the collection receptacle from the owner or all  
17 leaseholders of the property where the collection receptacle  
18 is to be placed.

19 (2) A copy of the notarized written permission shall be  
20 maintained by the person and provided to the owner or any  
21 leaseholder of the property at any time upon request.

22 (3) If the notarized written permission to place and  
23 operate the collection receptacle is obtained from the  
24 property owner, the person shall notify all leaseholders,  
25 tenants or other occupants of the property owner's consent to  
26 the placement of the collection receptacle on the property.

27 (g) Signature of parties.--The notarized written permission  
28 required by subsection (f) shall include the signature of the  
29 person placing the collection receptacle, or the person's  
30 authorized agent, and of the owner or all leaseholders of the

1 property who have the authority to permit or allow structures,  
2 including collection receptacles, to be placed on the property.

3 (h) Maintenance of collection receptacles.--The person  
4 placing the collection receptacle shall:

5 (1) Maintain the collection receptacle in a structurally  
6 sound, clean and sanitary condition and regularly empty the  
7 collection receptacle at least every two weeks.

8 (2) Ensure that no donations are present on the ground  
9 area surrounding the collection receptacle for a time period  
10 exceeding 24 hours.

11 (i) Written request for removal.--The owner or any one  
12 leaseholder of the property may request removal of a collection  
13 receptacle by submitting a written request and sending it to the  
14 address listed on the collection receptacle under subsection  
15 (a), (b) or (c), as applicable. The owner or leaseholder of the <--  
16 property shall also send a copy of the written request to the  
17 Secretary of the Commonwealth. THE OWNER OR LEASEHOLDER OF THE <--  
18 PROPERTY SHALL NOTIFY THE BUREAU IF THE COLLECTION RECEPTACLE IS  
19 NOT REMOVED AS REQUESTED.

20 (j) Removal of collection receptacles.--The person placing  
21 the collection receptacle shall remove the collection receptacle  
22 as well as any contents left in and around the collection  
23 receptacle within 30 days of receiving written notification of  
24 removal from the owner or any one leaseholder of the property.

25 (k) Failure to remove.--

26 (1) If the person placing the collection receptacle  
27 fails to remove the collection receptacle following the  
28 expiration of the 30-day period, the owner or any one  
29 leaseholder of the property shall have the right, without  
30 providing additional notice to the person, to take possession

1 of, remove and dispose of the collection receptacle and the  
2 contents thereof without incurring any civil or criminal  
3 liability for such actions.

4 (2) Charges incurred in the removal and disposal of the  
5 collection receptacle by the owner or leaseholder of the  
6 property shall be invoiced to and paid by the person who  
7 placed the collection receptacle on the property.

8 (l) Immediate removal.--Notwithstanding subsections (i), (j)  
9 and (k), the owner or any one leaseholder of the property may  
10 request immediate removal of a collection receptacle if the  
11 person who placed the collection receptacle on the property  
12 failed to receive notarized written permission under subsection  
13 (f).

14 (m) Prohibited act.--A violation of subsection (a), (b),  
15 (c), (d), (e) or (f) constitutes a prohibited act under section  
16 15(a) (2) and may be investigated under section 16.

17 (n) Right of action.--

18 (1) Notwithstanding any other provision of this act, an  
19 owner or leaseholder of property who suffers loss of money  
20 removing or disposing of any collection receptacle or its  
21 contents following the expiration of the 30-day period  
22 specified in subsection (j), or for any violation of  
23 subsection (h), may bring an action individually to recover  
24 actual damages.

25 (2) The action may be brought in a court of competent  
26 jurisdiction in:

27 (i) the county where the collection receptacle was  
28 removed;

29 (ii) the county in which the person who placed the  
30 collection receptacle conducts, transacts or has

1           transacted business; or  
2           (iii) if the person who placed the collection  
3           receptacle cannot be found in any of the locations  
4           specified in subparagraphs (i) and (ii), the county in  
5           which the person who placed the collection receptacle can  
6           be found.

7           Section 2. Section 18 of the act is amended by adding a  
8 subsection to read:

9 Section 18. Criminal penalties.

10           \* \* \*

11           (d) Inapplicability.--This section does not apply to a  
12 violation or offense under section 13.1.

13           Section 3. This act shall apply to conduct that occurs after  
14 the effective date of this section.

15           Section 4. This act shall take effect in ~~60~~ 180 days.                   <--