

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1179 Session of 2015

INTRODUCED BY GREENLEAF, DINNIMAN AND TARTAGLIONE, MAY 2, 2016

REFERRED TO STATE GOVERNMENT, MAY 2, 2016

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.--Any 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  
 22 charitable organization's name, address, telephone number,

1 electronic mail address and a statement expressing the  
2 charitable purpose for which the charitable organization exists.

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

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

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

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

30 (d) Applicability.--The provisions of sections 8 and 9 apply

1 to any person subject to subsection (c).

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

8 (f) Notarized written permission.--

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

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

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

23 (g) Signature of parties.--The notarized written permission  
24 required by subsection (f) shall include the signature of the  
25 person placing the collection receptacle, or the person's  
26 authorized agent, and of the owner or all leaseholders of the  
27 property who have the authority to permit or allow structures,  
28 including collection receptacles, to be placed on the property.

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

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

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

7       (i) Written request for removal.--The owner or any one  
8 leaseholder of the property may request removal of a collection  
9 receptacle by submitting a written request and sending it to the  
10 address listed on the collection receptacle pursuant to  
11 subsection (a), (b) or (c), as applicable. The owner or  
12 leaseholder of the property shall also send a copy of the  
13 written request to the Secretary of the Commonwealth.

14       (j) Removal of collection receptacles.--The person placing  
15 the collection receptacle shall remove the collection receptacle  
16 as well as any contents left in and around the collection  
17 receptacle within 30 days of receiving written notification of  
18 removal from the owner or any one leaseholder of the property.

19       (k) Failure to remove.--

20       (1) If the person placing the collection receptacle  
21 fails to remove the collection receptacle following the  
22 expiration of the 30-day period, the owner or any one  
23 leaseholder of the property shall have the right, without  
24 providing additional notice to the person, to take possession  
25 of, remove and dispose of the collection receptacle and the  
26 contents thereof without incurring any civil or criminal  
27 liability for such actions.

28       (2) Any charges incurred in the removal and disposal of  
29 the collection receptacle by the owner or leaseholder of the  
30 property shall be invoiced to and paid by the person who

1 placed the collection receptacle on the property.

2 (l) Immediate removal.--Notwithstanding subsections (i), (j)  
3 and (k), the owner or any one leaseholder of the property may  
4 request immediate removal of a collection receptacle if the  
5 person who placed the collection receptacle on the property  
6 failed to receive notarized written permission pursuant to  
7 subsection (f).

8 (m) Prohibited act.--Any violation of subsection (a), (b),  
9 (c), (d), (e) or (f) constitutes a prohibited act under section  
10 15(a) (2) and may be investigated under section 16.

11 (n) Right of action.--

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

19 (2) The action may be brought in a court of competent  
20 jurisdiction in:

21 (i) the county where the collection receptacle was  
22 removed;

23 (ii) the county in which the person who placed the  
24 collection receptacle conducts, transacts or has  
25 transacted business; or

26 (iii) if the person who placed the collection  
27 receptacle cannot be found in any of the locations  
28 specified in subparagraphs (i) and (ii), the county in  
29 which the person who placed the collection receptacle can  
30 be found.

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

3 Section 18. Criminal penalties.

4 \* \* \*

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

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

9 Section 4. This act shall take effect in 60 days.