

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 99 Session of 2017

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

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

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

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

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

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

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

9 (f) Notarized written permission.--

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

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

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

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

30 (h) Maintenance of collection receptacles.--The person

1 placing the collection receptacle shall:

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

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

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

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

20 (k) Failure to remove.--

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

29 (2) Charges incurred in the removal and disposal of the
30 collection receptacle by the owner or leaseholder of the

1 property shall be invoiced to and paid by the person who
2 placed the collection receptacle on the property.

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

9 (m) Prohibited act.--A violation of subsection (a), (b),
10 (c), (d), (e) or (f) constitutes a prohibited act under section
11 15(a)(2) and may be investigated under section 16.

12 (n) Right of action.--

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

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

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

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

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

1 be found.

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

4 Section 18. Criminal penalties.

5 * * *

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

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

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