

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Hardin**

# A Bill

**ACT 910 OF 1993**  
**SENATE BILL 775**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 4, CHAPTER 88,  
9 SUBCHAPTER 1 REQUIRING ADDITIONAL DISCLOSURE BY  
10 PROFESSIONAL FUND RAISERS; AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE TITLE 4, CHAPTER 88,  
14 SUBCHAPTER 1 REQUIRING ADDITIONAL DISCLOSURE BY  
15 PROFESSIONAL FUND RAISERS."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code § 4-88-110 is hereby amended to read as  
20 follows:

21 "4-88-110. Solicitations for charitable organizations.

22 (a) It is an unlawful practice for any person to solicit or request  
23 contributions or to sell goods, tickets of admission, advertising, or any  
24 other thing of value or offer to do the same when any part of the proceeds is  
25 pledged to be given to a charitable organization or solicited for a charitable  
26 purpose unless:

27 (1) Prior to accepting funds, the person discloses to each party  
28 solicited and every purchaser prior to accepting funds, the identity of the  
29 person responsible for soliciting the funds and whether any compensation is  
30 received for these services;

31 (2) Whether soliciting by telephone, by mail or any other means,  
32 the person clearly and unambiguously discloses to each party and every  
33 purchaser at the time or point of solicitation, their professional status;

34 (3) Upon request by a solicited party, the person truthfully and  
35 accurately discloses the percentage of funds raised which is being paid to the  
36 solicitor and what percentage will be applied to the charitable purpose; and

1           (4) Upon request by a solicited party, the person truthfully and  
2 accurately discloses the percentages of funds that are to be received by  
3 either or both the professional fund raiser and the charitable organization as  
4 reflected in the written contract between the professional fund raiser and  
5 charitable organization.

6           (b) It is an unlawful practice for any person to solicit contributions  
7 of anything of value or to sell or offer to sell tickets of admission,  
8 advertising, or any other tangible thing of value upon the representation,  
9 direct or by implication, that any part of the funds or other items received  
10 shall be given or contributed to any charitable organization when the  
11 organization has not agreed or consented in writing to the use of its name  
12 prior to the promotion and solicitation.

13           (c) It is an unlawful practice for any person to sell or offer to sell  
14 passes or tickets of admission when a greater number of tickets will be  
15 offered for sale than the capacity of the facility for the number of shows  
16 contracted to be performed without disclosing, orally and in writing, prior to  
17 receipt of payment for the passes or tickets, the total seating capacity, the  
18 total number of seats for which tickets or passes will be sold, and the total  
19 number of persons expected to attend the production or event.

20           (d) It is an unlawful practice for a person to make any  
21 misrepresentation, either expressed or implied, in the course of soliciting  
22 funds for a charitable organization.

23           (e) The provisions of this section shall not apply to any bona fide  
24 full-time employee of the charitable organization, or to any person who  
25 donates or gives all of the gross proceeds from sales or all contributions to  
26 the organizations for which the funds or things of value were solicited.  
27 However, this exemption shall not apply to any person who directly or  
28 indirectly receives commission as compensation for services in relation to  
29 fund-raising activities performed for the charitable organization."  
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31           SECTION 2. Subchapter 1 of Chapter 88 of Title 4 of the Arkansas Code  
32 is amended by adding the following section at the end to read as follows:

33           "4-88-115. Statue of limitations.

34           Any civil action brought to enforce the provisions of this chapter may  
35 be brought in any court of competent jurisdiction in this state during a

1 period of five (5) years commencing on the date of occurrence of the violation  
2 or the date upon which the cause of action arises."

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4 SECTION 3. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 4. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 5. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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APPROVED: 4/6/93

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