

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/10/05

A Bill

SENATE BILL 156

5 By: Senator Bryles
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For An Act To Be Entitled

9 AN ACT TO REQUIRE A CHARITABLE ORGANIZATION
10 SOLICITING FUNDS TO DISCLOSE ITS ADDRESS; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REQUIRE A CHARITABLE
14 ORGANIZATION SOLICITING FUNDS TO
15 DISCLOSE ITS ADDRESS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 4-28-412 is amended to read as follows:
22 4-28-412. Prohibited acts.

23 It shall be a violation of this section for:

24 (1) Any person to make any misrepresentation, either express or
25 implied, during the course of soliciting funds for a charitable organization;

26 (2) Any charitable organization to engage in any financial
27 transaction which knowingly jeopardizes or interferes with the ability of the
28 charitable organization to accomplish its charitable purpose;

29 (3) Any person to knowingly use or exploit the fact of
30 registration so as to lead the public to believe that such registration
31 constitutes an endorsement or approval by the state;

32 (4) Any person to knowingly misrepresent that any other person
33 sponsors or endorses a solicitation;

34 (5) Any person to knowingly either use the name of a charitable
35 organization or display any emblem, device, or printed matter belonging to or
36 associated with a charitable organization without the express written



1 permission of the charitable organization;

2 (6) Any charitable organization to knowingly use a name which is
3 the same as or confusingly similar to the name of another charitable
4 organization unless the latter organization shall consent in writing to its
5 use;

6 (7) Any charitable organization to represent itself as being
7 associated with another charitable organization without the express written
8 acknowledgment and endorsement of the other charitable organization;

9 (8) Any person to knowingly make any false or misleading
10 statements on any document required to be filed with the Attorney General;

11 (9) Any person to fail to substantially comply with the
12 requirements of this subchapter;

13 (10) Any charitable organization to use the services of an
14 unregistered paid solicitor who is required to register pursuant to this
15 subchapter; ~~and~~

16 (11) Any paid solicitor to solicit contributions from citizens
17 or entities located in this state on behalf of an unregistered charitable
18 organization; and

19 (12) Any person to use an Arkansas address, including a return
20 address, in any solicitation unless:

21 (A) the charitable organization maintains and staffs an
22 office at that address;

23 (B) the solicitation discloses in writing immediately
24 proximate to the address located in this state, both the address of the
25 charitable organization's actual headquarters and the fact that the address
26 is that of a mail drop box or located in a mail-handling facility; or

27 (C) the person, if soliciting by phone, discloses the
28 address of the organization's actual headquarters in addition to any address
29 maintained in this state.

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31 /s/ Bryles
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