WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
Committee Substitute for
SENATE BILL NO. 484

(By Mr. [Signature, original sponsor.])

PASSED March 7, 1978
In Effect July 1, 1978
AN ACT to amend and reenact section two, article nineteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to solicitation of charitable funds; adding to definition of “charitable organization” any person who employs an appeal for contributions which may be interpreted to suggest that contributions will be used for charitable purposes.

Be it enacted by the Legislature of West Virginia:

That section two, article nineteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 19. SOLICITATION OF CHARITABLE FUNDS ACT.


1. As used in this article:
2. (1) “Charitable organization” means a person which is
3. or holds itself out to be a benevolent, educational, philan-
4. thrropic, humane, patriotic, religious or eleemosynary
5. organization, or any person which solicits or obtains con-
6. tributions solicited from the public for charitable purposes
7. or any person who in any manner employs any appeal
8. for contributions which may be reasonably interpreted
9. to suggest that such contributions will be used for chari-
10. table purposes. A chapter, branch, area, office or similar
11. affiliate or any person soliciting contributions within the
12. state for a charitable organization which has its principal
place of business outside the state is a charitable organi-

zation for the purposes of this article. This definition shall

not be deemed to include religious organizations or any

group affiliated with and forming an integral part of said

organization no part of the net income of which inures to
direct benefit of any individual and which have received
a declaration of current tax exempt status from the gov-

ernment of the United States nor shall this definition
include any single church congregation located in the
county or local congregation of any religious affiliation or
any municipal-wide or county-wide little league or simi-
lar youth athletic organization or any service club. No
such affiliated group may be required to obtain such
declaration if the parent or principal organization shall
have obtained same.

(2) “Contributions” means the promise or grant of any
money or property of any kind or value.

(3) “Federated fund-raising organization” means a
federation of independent charitable organizations which
have voluntarily joined together, including, but not
limited to, a united fund or community chest, for purposes
of raising and distributing money for and among them-
selves and where membership does not confer operating
authority and control of the individual agencies upon the
federated group organization.

(4) “Parent organization” is that part of a charitable
organization which coordinates, supervises or exercises
control over policy, fund raising and expenditures, or
assists or advises one or more chapters, branches or
affiliates in the state.

(5) “Person” means any individual, organization, trust,
foundation, group, association, partnership, corporation,
society or any combination of them.

(6) “Professional fund-raising counsel” means any
person who for a flat fixed fee under a written agreement
plans, conducts, manages, carries on, advises or acts as a
consultant, whether directly or indirectly, in connection
with soliciting contributions for, or on behalf of any
charitable organization but who actually solicits no con-
tributions as a part of such services. A bona fide salaried
officer or employee of a charitable organization maintain-
ing a permanent establishment within the state shall not be deemed to be a professional fund-raising counsel.

(7) "Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of a charitable organization, whether such solicitation is performed personally or through their agents, servants or employees specially employed by, or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such person, or a person who plans, conducts, manages, carries on, advises or acts as a consultant to a charitable organization in connection with the solicitation of contributions but does not qualify as "professional fund-raising counsel" within the meaning of this act. A bona fide salaried officer or employee of a charitable organization maintaining a permanent establishment within the state shall not be deemed to be a professional solicitor.

No attorney, investment counselor or banker, who advises any person to make a contribution to a charitable organization, shall be deemed, as the result of such advice, to be a professional fund-raising counsel or a professional solicitor.

(8) "Commission" means the commission on charitable organizations herein created.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ______________________ this the ________ day of March, 1978.

Governor