

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 57-60 of the Code of Virginia, relating to solicitation of contributions;*  
3 *exemption from registration, fee, and reporting requirements.*

4 [H 1955]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 57-60 of the Code of Virginia is amended and reenacted as follows:**

## 8 § 57-60. Exemptions.

9 (a) The following persons shall be exempt from the registration requirements of § 57-49 and the  
10 requirements of § 57-53, but shall otherwise be subject to the provisions of this chapter:

11 (1) Educational institutions that are accredited by the Board of Education, by a regional accrediting  
12 association or by an organization affiliated with the National Commission on Accrediting, the  
13 Association Montessori Internationale, the American Montessori Society, or the Virginia Association of  
14 Independent Schools, any foundation having an established identity with any of the aforementioned  
15 educational institutions, and any other educational institution confining its solicitation of contributions to  
16 its student body, alumni, faculty and trustees, and their families.

17 (2) Persons requesting contributions for the relief of any individual specified by name at the time of  
18 the solicitation when all of the contributions collected without any deductions whatsoever are turned  
19 over to the named beneficiary for his use.

20 (3) Charitable organizations which do not intend to solicit and receive, during a calendar year, and  
21 have not actually raised or received, during any of the three next preceding calendar years, contributions  
22 from the public in excess of \$5,000, if all of their functions, including fund-raising activities, are carried  
23 on by persons who are unpaid for their services and if no part of their assets or income inures to the  
24 benefit of or is paid to any officer or member. Nevertheless, if the contributions raised from the public,  
25 whether all of such is or is not received by any charitable organization during any calendar year, shall  
26 be in excess of \$5,000, it shall, within thirty days after the date it has received total contributions in  
27 excess of \$5,000, register with and report to the Commissioner as required by this chapter.

28 (4) Organizations which solicit only within the membership of the organization by the members  
29 thereof.

30 (5) Organizations which have no office within the Commonwealth, which solicit in the  
31 Commonwealth from without the Commonwealth solely by means of telephone or telegraph, direct mail  
32 or advertising in national media, and which have a chapter, branch, or affiliate within the  
33 Commonwealth which has registered with the Commissioner.

34 (6) Health care institutions which have been granted tax-exempt status under § 501 (c) (3) of the  
35 Internal Revenue Code and any supporting organization which exists solely to support any such health  
36 care institutions.

37 (7) Civic organizations as defined herein.

38 (8) Nonprofit debt counseling agencies licensed pursuant to § 6.1-363.1.

39 (9) *Agencies designated by the Virginia Department for the Aging pursuant to § 2.1-373 (a) (7) as*  
40 *area agencies on aging.*

41 (b) A charitable organization shall be subject to the provisions of §§ 57-57 and 57-59, but shall  
42 otherwise be exempt from the provisions of this chapter for any year in which it confines its  
43 solicitations in this Commonwealth to five or fewer contiguous cities and counties, and in which it has  
44 registered under the charitable solicitations ordinance, if any, of each such city and county. No  
45 organization shall be exempt under this subsection if, during its next preceding fiscal year, more than  
46 ten percent of its gross receipts were paid to any person or combination of persons, located outside the  
47 boundaries of such cities and counties, other than for the purchase of real property, or tangible personal  
48 property or personal services to be used within such localities. An organization which is otherwise  
49 qualified for exemption under this subsection which solicits by means of a local publication, or radio or  
50 television station, shall not be disqualified solely because the circulation or range of such medium  
51 extends beyond the boundaries of such cities or counties.

52 (c) No charitable or civic organization shall be exempt under this section unless it submits to the  
53 Commissioner, who in his discretion may extend such filing deadline prospectively or retrospectively for  
54 good cause shown, on forms to be prescribed by him, the name, address and purpose of the organization  
55 and a statement setting forth the reason for the claim for exemption. Parent organizations may file  
56 consolidated applications for exemptions for any chapters, branches, or affiliates which they believe to

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57 be exempt from the registration provisions of this chapter. If the organization is exempted, the  
58 Commissioner shall issue a letter of exemption which may be exhibited to the public. A registration fee  
59 of ten dollars shall be required of every organization requesting an exemption after June 30, 1984. The  
60 letter of exemption shall remain in effect as long as the organization continues to solicit in accordance  
61 with its claim for exemption.

62 (d) Nothing in this chapter shall be construed as being applicable to the American Red Cross or any  
63 of its local chapters.