
SENATE BILL 5237

State of Washington

53rd Legislature

1993 Regular Session

By Senators M. Rasmussen, A. Smith, Nelson, Winsley, Haugen, von Reichbauer, Oke, Roach and Spanel; by request of Attorney General and Secretary of State

Read first time 01/18/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to charitable solicitations; amending RCW
2 19.09.020, 19.09.065, 19.09.075, 19.09.076, 19.09.079, 19.09.085,
3 19.09.097, 19.09.271, 19.09.100, 19.09.190, 19.09.200, 19.09.210,
4 19.09.230, 19.09.240, 19.09.275, 19.09.305, 19.09.315, 43.07.130,
5 11.110.010, 11.110.040, 11.110.050, 11.110.060, 11.110.070, 11.110.075,
6 11.110.080, 11.110.125, and 11.110.130; adding a new section to chapter
7 43.07 RCW; adding new sections to chapter 19.09 RCW; creating new
8 sections; repealing RCW 19.09.078; prescribing penalties; providing an
9 effective date; and declaring an emergency.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **Sec. 1.** RCW 19.09.020 and 1986 c 230 s 2 are each amended to read
12 as follows:

13 When used in this chapter, unless the context otherwise requires:

14 (1) A "bona fide officer or employee" of a charitable organization
15 is one (a) whose conduct is subject to direct control by such
16 organization; (b) who does not act in the manner of an independent
17 contractor in his or her relation with the organization; and (c) whose
18 compensation is not computed on funds raised or to be raised.

1 (2) "Charitable organization" means any entity that solicits or
2 collects contributions from the general public where the contribution
3 is or is purported to be used to support a charitable activity, but
4 does not include any commercial fund raiser or commercial fund-raising
5 entity as defined in this section. "Charitable" (a) is not limited to
6 its common law meaning unless the context clearly requires a narrower
7 meaning; (b) does not include religious or political activities; and
8 (c) includes, but is not limited to, educational, recreational, social,
9 patriotic, legal defense, benevolent, ~~((or))~~ and health causes;
10 however, a bona fide institution of higher education located in the
11 state of Washington, whether public or private, or a separate
12 foundation whose purpose is to raise funds solely for such an
13 institution, is not a charitable organization.

14 (3) "Compensation" means salaries, wages, fees, commissions, or any
15 other remuneration or valuable consideration.

16 (4) "Contribution" means the payment, donation, promise or grant,
17 for consideration or otherwise, of any money or property of any kind or
18 value which contribution is wholly or partly induced by a solicitation.
19 Reference to dollar amounts of "contributions" or "solicitations" in
20 this chapter means in the case of payments or promises to pay for
21 merchandise or rights of any description, the value of the total amount
22 paid or promised to be paid for such merchandise or rights less the
23 reasonable purchase price to the charitable organization of any such
24 tangible merchandise, rights, or services resold by the organization,
25 and not merely that portion of the purchase price to be applied to a
26 charitable purpose.

27 (5) "Cost of solicitation" means and includes all direct and
28 indirect costs, expenditures, debts, obligations, salaries, wages,
29 commissions, fees, or other money or thing of value paid or incurred in
30 making a solicitation. Cost of solicitation does not include the
31 reasonable purchase price to the charitable organization of any
32 tangible goods or services resold by the organization as a part of its
33 fund raising activities.

34 (6) "Entity" means an individual, organization, group, association,
35 partnership, corporation, agency or unit of state government, or any
36 combination thereof.

37 (7) "General public" or "public" means any individual located in
38 Washington state without a membership or other official relationship

1 with a charitable organization before a solicitation by the charitable
2 organization.

3 (8) "~~((Independent))~~ Commercial fund raiser" or "~~((independent))~~
4 commercial fund-raising entity" means any entity that for compensation
5 or other consideration, plans, conducts, manages, or administers any
6 drive or campaign in this state for the purpose of soliciting
7 contributions for or on behalf of any charitable organization or
8 charitable or religious purpose, or that is engaged in the business of
9 or is held out to persons in this state as independently engaged in the
10 business of soliciting contributions for such purposes, or the business
11 of planning, conducting, managing, or carrying on any drive or campaign
12 in this state for such solicitations. However, a ~~((nonprofit fund~~
13 ~~raiser or))~~ bona fide officer or other employee of a charitable
14 organization shall not be deemed ~~((an independent))~~ a commercial fund
15 raiser.

16 (9) "Membership" means that for the payment of fees, dues,
17 assessments, etc., an organization provides services and confers a bona
18 fide right, privilege, professional standing, honor, or other direct
19 benefit, in addition to the right to vote, elect officers, or hold
20 office. The term "membership" does not include those persons who are
21 granted a membership upon making a contribution as the result of
22 solicitation.

23 ~~((("Nonprofit fund raiser" means an entity registered as a~~
24 ~~nonprofit corporation under Title 24 RCW, or any entity exempt from~~
25 ~~federal income tax under section 501(c) of the Internal Revenue Code,~~
26 ~~that solicits and receives contributions exceeding five thousand~~
27 ~~dollars in any accounting year on behalf of a charitable or religious~~
28 ~~organization other than the nonprofit corporation.~~

29 ~~((11))~~ "Other employee" of a charitable organization means any
30 person (a) whose conduct is subject to direct control by such
31 organization; (b) who does not act in the manner of any independent
32 contractor in his or her relation with the organization; and (c) who is
33 not engaged in the business of or held out to persons in this state as
34 independently engaged in the business of soliciting contributions for
35 charitable or religious purposes.

36 ~~((12))~~ (11) "Parent organization" means that part of a charitable
37 organization that coordinates, supervises, or exercises control over
38 policy, fund raising, or expenditures, or assists or advises one or

1 more chapters, branches, or affiliates of such organization in the
2 state of Washington.

3 ~~((13))~~ (12) "Political activities" means those activities subject
4 to chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as
5 amended.

6 ~~((14))~~ (13) "Religious activities" means those religious,
7 evangelical, or missionary activities under the direction of a
8 religious organization duly organized and operating in good faith that
9 are entitled to receive a declaration of current tax exempt status for
10 religious purposes from the United States government and the duly
11 organized branches or chapters of those organizations.

12 ~~((15))~~ (14) "Secretary" means the secretary of state.

13 ~~((16))~~ (15) "Solicitation" means any oral or written request for
14 a contribution, including the solicitor's offer or attempt to sell any
15 property, rights, services, or other thing in connection with which:

16 (a) Any appeal is made for any charitable purpose; or

17 (b) The name of any charitable organization is used as an
18 inducement for consummating the sale; or

19 (c) Any statement is made that implies that the whole or any part
20 of the proceeds from the sale will be applied toward any charitable
21 purpose or donated to any charitable organization.

22 The solicitation shall be deemed completed when made, whether or
23 not the person making it receives any contribution or makes any sale.

24 Bingo activities, raffles, and amusement games conducted under
25 chapter 9.46 RCW and applicable rules of the Washington state gambling
26 commission are specifically excluded and shall not be deemed a
27 solicitation under this chapter.

28 **Sec. 2.** RCW 19.09.065 and 1986 c 230 s 3 are each amended to read
29 as follows:

30 (1) All charitable organizations(~~(, independent))~~ and commercial
31 fund raisers(~~(, and nonprofit fund raisers, as defined in RCW~~
32 ~~19.09.020,)) shall register with the secretary prior to conducting any
33 solicitations.~~

34 (2) Failure to register as required by this chapter is a violation
35 of this chapter.

36 (3) Information provided to the secretary pursuant to this chapter
37 shall be a public record except as otherwise stated in this chapter.

1 (4) Registration shall not be considered or be represented as an
2 endorsement by the secretary or the state of Washington.

3 **Sec. 3.** RCW 19.09.075 and 1986 c 230 s 4 are each amended to read
4 as follows:

5 An application for registration as a charitable organization shall
6 be submitted in the form prescribed by rule by the secretary,
7 containing, but not limited to, the following:

8 (1) The name, address, and telephone number of the charitable
9 organization;

10 (2) The name(s) under which the organization will solicit
11 contributions;

12 (3) The name, address, and telephone number of the officers of or
13 persons accepting responsibility for the organization;

14 (4) The names of the three officers or employees receiving the
15 greatest amount of compensation from the organization;

16 (5) The purpose of the organization;

17 (6)(a) Whether the organization is exempt from federal income tax;
18 and if so the organization shall attach to its application a copy of
19 the letter by which the internal revenue service granted such status;
20 and

21 ~~(b) ((Whether the financial affairs of the organization are audited~~
22 ~~by an independent entity and, if so,))~~ The name and address of the
23 entity that prepares, reviews, or audits the financial statement of the
24 organization;

25 (7) A solicitation report of the organization for the preceding
26 accounting year including:

27 (a) The number and types of solicitations conducted;

28 (b) The total dollar value of support received from solicitations
29 and from all other sources received on behalf of the charitable purpose
30 of the charitable organization;

31 (c) The total amount of money applied to charitable purposes, fund
32 raising costs, and other expenses;

33 (d) The name, address, and telephone number of any ~~((independent))~~
34 commercial fund raiser used by the organization; ((and))

35 (8) An irrevocable appointment of the secretary to receive service
36 of process in noncriminal proceedings as provided in RCW 19.09.305; and

37 (9) The total revenue of the preceding fiscal year.

1 (~~The requirements of subsection (7) (b) and (c) of this section~~
2 ~~may be satisfied by the submission of such federal tax forms as may be~~
3 ~~approved by rule of the secretary.~~)

4 The application shall be signed by the president, treasurer, or
5 comparable officer of the organization (~~and~~) whose signature shall be
6 notarized. The application shall be submitted with a nonrefundable(~~7~~
7 ~~ten-dollar~~) filing fee which shall be in an amount to be established
8 by the secretary by rule may be based on the entity's preceding fiscal
9 year revenue total. If the secretary determines that the application
10 is complete, the application shall be filed and the applicant deemed
11 registered.

12 The secretary shall notify the director of veterans' affairs upon
13 receipt of an application for registration as a charitable organization
14 from an entity that purports to raise funds to benefit veterans of the
15 United States military services. The director of veterans' affairs may
16 advise the secretary and the attorney general of any information,
17 reports, or complaints regarding such an organization.

18 **Sec. 4.** RCW 19.09.076 and 1986 c 230 s 5 are each amended to read
19 as follows:

20 The application requirements of RCW 19.09.075 do not apply to the
21 following:

22 (1) Any charitable organization raising less than five thousand
23 dollars in any accounting year when all the activities of the
24 organization, including all fund raising activities, are carried on by
25 persons who are unpaid for their services and no part of the charitable
26 organization's assets or income inures to the benefit of or is paid to
27 any officer or member of the organization;

28 (2) Any charitable organization located outside of the state of
29 Washington if the organization files the following with the secretary:

30 (a) The registration documents required under the charitable
31 solicitation laws of the state in which the charitable organization is
32 located;

33 (b) The registration required under the charitable solicitation
34 laws of the state of California and the state of New York; and

35 (c) Such federal income tax forms as may be required by rule of the
36 secretary.

37 All entities soliciting charitable donations shall comply with the
38 requirements of RCW 19.09.100.

1 **Sec. 5.** RCW 19.09.079 and 1986 c 230 s 7 are each amended to read
2 as follows:

3 An application for registration as ~~((an independent))~~ a commercial
4 fund raiser shall be submitted in the form prescribed by the secretary,
5 containing, but not limited to, the following:

6 (1) The name, address, and telephone number of the ~~((independent))~~
7 commercial fund-raising entity;

8 (2) The name(s), address(es), and telephone number(s) of the
9 owner(s) and principal officer(s) of the ~~((independent))~~ commercial
10 fund-raising entity;

11 (3) The name, address, and telephone number of the individual
12 responsible for the activities of the ~~((independent))~~ commercial fund-
13 raising entity in Washington;

14 (4) A list of states and Canadian provinces in which fund raising
15 has been performed;

16 (5) The names of the three officers or employees receiving the
17 greatest amount of compensation from the ~~((independent))~~ commercial
18 fund-raising entity;

19 (6) ~~((Whether the financial affairs of the independent fund raiser
20 are audited by an independent entity, and, if so,))~~ The name and
21 address of the entity that prepares, reviews, or audits the financial
22 statement of the organization;

23 (7) A solicitation report of the ~~((independent))~~ commercial fund-
24 raising entity for the preceding accounting year, including:

25 (a) The number and types of fund raising services conducted;

26 (b) The names of charitable organizations required to register
27 under RCW 19.09.065 for whom fund raising services have been performed;

28 (c) The total value of contributions received on behalf of
29 charitable organizations required to register under RCW 19.09.065 by
30 the ~~((independent))~~ commercial fund raiser, affiliate of the
31 ~~((independent))~~ commercial fund raiser, or any entity retained by the
32 ~~((independent))~~ commercial fund raiser; and

33 (d) The amount of money disbursed to charitable organizations for
34 charitable purposes, net of fund raising costs paid by the charitable
35 organization as stipulated in any agreement between charitable
36 organizations and the ~~((independent))~~ commercial fund raiser;

37 (8) The name, address, and telephone number of any ~~((independent))~~
38 commercial fund raiser that was retained in the conduct of providing
39 fund raising services; and

1 (9) An irrevocable appointment of the secretary to receive service
2 of process in noncriminal proceedings as provided in RCW 19.09.305.

3 The application shall be signed by an officer or owner of the
4 (~~independent~~) commercial fund raiser and shall be submitted with a
5 nonrefundable(~~(, fifty dollar filing)~~) fee in an amount to be
6 established by rule of the secretary. If the secretary determines that
7 the application is complete, the application shall be filed and the
8 applicant deemed registered.

9 **Sec. 6.** RCW 19.09.085 and 1986 c 230 s 8 are each amended to read
10 as follows:

11 (1) Registration under this chapter shall be effective for one
12 year(~~(, or the end of the organization's accounting year, whichever~~
13 ~~comes first)~~) or longer, as established by the secretary.

14 (2) Reregistration required under RCW 19.09.075 (~~(and 19.09.078)~~)
15 or 19.09.079 shall be (~~received by~~) submitted to the secretary no
16 later than the (~~fifteenth day of the fifth month after the~~
17 ~~organization's accounting period ends~~) date established by the
18 secretary by rule.

19 (~~(3) (Reregistration required under RCW 19.09.079 shall be received~~
20 ~~by the secretary no later than the fifteenth day of the third month~~
21 ~~after the organization's accounting period ends.~~

22 (~~4~~) Entities required to register under this chapter shall file
23 a notice of change of information within thirty days of any change in
24 the information contained in RCW 19.09.075 (1) through (6)(~~(7)~~) or
25 19.09.079 (1) through (6)(~~(, or 19.09.078 (1) through (4)~~)).

26 (~~(5)~~) (4) The secretary (~~may~~) shall notify entities registered
27 under this chapter of the need to reregister upon the expiration of
28 their current registration. The notification shall be by mail, sent at
29 least sixty days prior to the expiration of their current registration.
30 Failure to register shall not be excused by a failure of the secretary
31 to mail the notice or by an entity's failure to receive the notice.

32 **Sec. 7.** RCW 19.09.097 and 1986 c 230 s 10 are each amended to read
33 as follows:

34 (1) No charitable organization may contract with a commercial fund
35 raiser for any fund raising service or activity unless its contract
36 requires that both parties comply with the law and permits officers of
37 the charity reasonable access to: (a) The fund raisers' financial

1 records relating to that charitable organization; and (b) the fund
2 raisers' operations including without limitation the right to be
3 present during any telephone solicitation. In addition, the contract
4 shall specify the amount of raised funds that the charitable
5 organization will receive or the method of computing that amount, the
6 amount of compensation of the commercial fund raiser or the method of
7 computing that amount, and whether the compensation is fixed or
8 contingent.

9 (2) Before (~~contracting~~) a charitable organization may contract
10 with a commercial fund raiser for any fund raising service or activity,
11 the charitable organization and (~~independent~~) commercial fund raiser
12 shall complete a registration form. The registration shall be filed by
13 the charitable organization with the secretary, in the form prescribed
14 by the secretary, within five working days of the execution of the
15 contract containing, but not limited to the following information:

16 (~~(1)~~) (a) The name and registration number of the (~~independent~~)
17 commercial fund raiser;

18 (~~(2)~~) (b) The name of the surety or sureties issuing the bond
19 required by RCW 19.09.190, the aggregate amount of such bond or bonds,
20 the bond number(s), original effective date(s), and termination
21 date(s);

22 (~~(3)~~) (c) The name and registration number of the charitable
23 organization;

24 (~~(4)~~) (d) The name of the representative of the (~~independent~~)
25 commercial fund raiser who will be responsible for the conduct of the
26 fund raising;

27 (~~(5)~~) (e) The type(s) of service(s) to be provided by the
28 (~~independent~~) commercial fund raiser;

29 (~~(6)~~) (f) The dates such service(s) will begin and end;

30 (~~(7)~~) (g) The terms of the agreement between the charitable
31 organization and (~~independent~~) commercial fund raiser relating to:

32 (~~(a)~~) (i) Amount or percentages of amounts to inure to the
33 charitable organization;

34 (~~(b)~~) (ii) Limitations placed on the maximum amount to be raised
35 by the fund raiser, if the amount to inure to the charitable
36 organization is not stated as a percentage of the amount raised;

37 (~~(c)~~) (iii) Costs of fund raising that will be the responsibility
38 of the charitable organization, regardless of whether paid as a direct
39 expense, deducted from the amounts disbursed, or otherwise; and

1 ~~((d))~~ (iv) The manner in which contributions received directly by
2 the charitable organization, not the result of services provided by the
3 ~~((independent))~~ commercial fund raiser, will be identified and used in
4 computing the fee owed to the ~~((independent))~~ commercial fund raiser;
5 and

6 ~~((8))~~ (h) The names of any entity to which more than ten percent
7 of the total anticipated fund raising cost is to be paid, and whether
8 any principal officer or owner of the ~~((independent))~~ commercial fund
9 raiser or relative by blood or marriage thereof is an owner or officer
10 of any such entity.

11 (3) A correct copy of the contract shall be filed with the
12 secretary before the commencement of any campaign.

13 (4) The registration form shall be submitted with a
14 nonrefundable(~~(, five dollar))~~ filing fee in an amount to be
15 established by rule of the secretary and shall be signed by an owner or
16 principal officer of the ~~((independent))~~ commercial fund raiser and the
17 president, treasurer, or comparable officer of the charitable
18 organization.

19 **Sec. 8.** RCW 19.09.271 and 1986 c 230 s 17 are each amended to read
20 as follows:

21 (1) Any charitable organization(~~(, nonprofit fund raiser,))~~ or
22 ~~((independent))~~ commercial fund raiser who, after notification by the
23 secretary, fails to properly register under this chapter by the end of
24 the first business day following the issuance of the notice, is liable
25 for a late filing fee (~~(of five dollars per day from the date of the~~
26 ~~notice until the registration is properly completed and filed))~~ in an
27 amount to be established by rule of the secretary. The late filing fee
28 is in addition to any other filing fee provided by this chapter.

29 (2) The secretary shall notify the attorney general of any entity
30 liable for late filing fees under subsection (1) of this section.

31 **Sec. 9.** RCW 19.09.100 and 1986 c 230 s 11 are each amended to read
32 as follows:

33 The following conditions apply to solicitations as defined by RCW
34 19.09.020:

35 (1) ~~((Each person or organization soliciting charitable~~
36 ~~contributions shall disclose orally or in writing to each person or~~
37 ~~organization solicited:~~

1 ~~(a) The name of the individual making the solicitation;~~
2 ~~(b) The name of the charitable organization;~~
3 ~~(c) The purpose of the solicitation, and the name of the~~
4 ~~organization that will receive the funds contributed; and~~
5 ~~(d) Whether the charitable organization is or is not properly~~
6 ~~registered under this chapter, and if registered, that information~~
7 ~~relating to its financial affairs is available by contacting the office~~
8 ~~of the secretary of state, giving the secretary's toll-free telephone~~
9 ~~number, if available.~~

10 ~~(2) Each person or organization soliciting charitable contributions~~
11 ~~shall conspicuously disclose in writing to each person or organization~~
12 ~~solicited:~~

13 ~~(a) If the solicitation is conducted by a charitable organization,~~
14 ~~the percentage relationship between (i) the total amount of money~~
15 ~~applied to charitable purposes; and (ii) the dollar value of support~~
16 ~~received from solicitations and from all other sources received on~~
17 ~~behalf of the charitable purpose of the organization, as contained in~~
18 ~~the organization's most recent solicitation report filed in accordance~~
19 ~~with RCW 19.09.075(7);~~

20 ~~(b) If the solicitation is conducted by an independent or nonprofit~~
21 ~~fund raiser, the percentage relationship between (i) the amount of~~
22 ~~money disbursed to charitable organizations for charitable purposes;~~
23 ~~and (ii) the total value of contributions received on behalf of~~
24 ~~charitable organizations by the independent or nonprofit fund raiser,~~
25 ~~as contained in the fund raiser's most recent solicitation report filed~~
26 ~~in accordance with RCW 19.09.079(7) or 19.09.078.~~

27 ~~(3) Each person or organization soliciting charitable contributions~~
28 ~~by telephone shall make the disclosures required by RCW 19.09.100(2)~~
29 ~~(a) or (b) in writing within five days of the receipt of any~~
30 ~~contribution. If the person or organization sends any materials to the~~
31 ~~person or organization solicited before the receipt of any~~
32 ~~contribution, those materials shall include the disclosures required in~~
33 ~~RCW 19.09.100(1)(d), and 19.09.100 (2) (a) or (b), whichever is~~
34 ~~applicable.~~

35 ~~(4))~~ A charitable organization, whether or not required to
36 register pursuant to this chapter, that directly solicits contributions
37 from the public in this state shall make the following clear and
38 conspicuous disclosures at the point of solicitation:

39 (a) The name of the individual making the solicitation;

1 (b) The identity of the charitable organization and the city of the
2 principal place of business of the charitable organization;

3 (c) If requested by the solicitee, the toll-free number for the
4 donor to obtain additional financial disclosure information on file
5 with the secretary.

6 (2) A commercial fund raiser shall clearly and conspicuously
7 disclose at the point of solicitation:

8 (a) The name of the individual making the solicitation;

9 (b) The name of the entity for which the fund raiser is an agent or
10 employee and the name and city of the charitable organization for which
11 the solicitation is being conducted; and

12 (c) If requested by the solicitee, the toll-free number for the
13 donor to obtain additional financial disclosure information on file
14 with the secretary. The disclosure must be made during an oral
15 solicitation of a contribution, and at the same time at which a written
16 request for a contribution is made.

17 (3) A person or organization soliciting charitable contributions by
18 telephone shall make the disclosures required under subsection (1) or
19 (2) of this section in the course of the solicitation but prior to
20 asking for a commitment for a contribution from the solicitee, and in
21 writing to any solicitee that makes a pledge within five days of making
22 the pledge. If the person or organization sends any materials to the
23 person or organization solicited before the receipt of any
24 contribution, those materials shall include the disclosures required in
25 subsection (1) or (2) of this section, whichever is applicable.

26 (4) In the case of a solicitation by advertisement or mass
27 distribution, including posters, leaflets, automatic dialing machines,
28 publication, and audio or video broadcasts, it shall be clearly and
29 conspicuously disclosed in the body of the solicitation material that:

30 (a) The solicitation is conducted by a named commercial fund
31 raiser, if it is;

32 (b) The notice of solicitation required by the charitable
33 solicitation act is on file with the secretary's office; and

34 (c) The potential donor can obtain additional information at a
35 toll-free number.

36 (5) A container or vending machine displaying a solicitation must
37 also display in a clear and conspicuous manner the name of the
38 charitable organization for which funds are solicited, the name,
39 residence address, and telephone number of the individual and any

1 commercial fund raiser responsible for collecting funds placed in the
2 containers or vending machines, and the following statement: "This
3 charity is registered with the secretary's office under the charitable
4 solicitation act, registration number"

5 (6) A commercial fund raiser shall not represent that tickets to
6 any fund raising event will be donated for use by another person unless
7 all the following requirements are met:

8 (a) The commercial fund raiser prior to conducting a solicitation
9 has written commitments from persons stating that they will accept
10 donated tickets and specifying the number of tickets they will accept;

11 (b) The written commitments are kept on file by the commercial fund
12 raiser for three years and are made available to the attorney general
13 on demand;

14 (c) The contributions solicited for donated tickets may not be more
15 than the amount representing the number of ticket commitments received
16 from persons and kept on file under (a) of this subsection; and

17 (d) Not later than seven calendar days prior to the date of the
18 event for which ticket donations are solicited, the commercial fund
19 raiser shall give all donated tickets to the persons who made the
20 written commitments to accept them.

21 (7) Each person or organization soliciting charitable contributions
22 shall not represent orally or in writing that:

23 (a) The charitable contribution is tax deductible unless the
24 charitable organization for which charitable contributions are being
25 solicited or to which tickets for fund raising events or other services
26 or goods will be donated, has applied for and received from the
27 internal revenue service a letter of determination granting tax
28 deductible status to the charitable organization;

29 (b) The person soliciting the charitable contribution is a
30 volunteer or words of similar meaning or effect that create the
31 impression that the person soliciting is not a paid solicitor unless
32 such person is unpaid for his or her services;

33 (c) The person soliciting the charitable contribution is a member,
34 staffer, helper, or employee of the charitable organization or words of
35 similar meaning or effect that create the impression that the person
36 soliciting is not a paid solicitor if the person soliciting is
37 employed, contracted, or paid by ((an independent)) a commercial fund
38 raiser.

1 ~~((5))~~ (8) If the charitable organization is associated with, or
2 has a name that is similar to, any unit of government each person or
3 organization soliciting contributions shall disclose to each person
4 solicited whether the charitable organization is or is not part of any
5 unit of government and the true nature of its relationship to the unit
6 of government.

7 ~~((6))~~ (9) No person may, in connection with the solicitation of
8 contributions or the sale of goods, magazine, newspaper advertising, or
9 any other service, use the name "police," "sheriff," "fire fighter,"
10 "firemen," or a similar name unless properly authorized by a bona fide
11 police, sheriff, or fire fighter organization or police, sheriff, or
12 fire department. A proper authorization shall be in writing and signed
13 by two authorized officials of the organization or department and shall
14 be filed with the secretary.

15 (10) A person may not, in connection with the solicitation of
16 contributions or the sale of goods, magazines, or newspaper
17 advertising, or any other service, use the name of a federally
18 chartered military veterans' service organization unless authorized in
19 writing by the highest ranking official of that organization in this
20 state.

21 (11) A charitable organization shall comply with all local
22 governmental regulations that apply to soliciting for or on behalf of
23 charitable organizations.

24 ~~((7))~~ (12) The advertising material and the general promotional
25 plan for a solicitation shall not be false, misleading, or deceptive,
26 and shall afford full and fair disclosure.

27 ~~((8))~~ (13) Solicitations shall not be conducted by a charitable
28 organization or ~~((independent))~~ commercial fund raiser that has, or if
29 a corporation, its officers, directors, or principals have, been
30 convicted of a crime involving solicitations for or on behalf of a
31 charitable organization in this state, the United States, or any other
32 state or foreign country within the past ten years or has been subject
33 to any permanent injunction or administrative order or judgment under
34 RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW
35 19.86.020, within the past ten years, or of restraining a false or
36 misleading promotional plan involving solicitations for charitable
37 organizations.

38 (14) No charitable organization or commercial fund raiser subject
39 to this chapter may use or exploit the fact of registration under this

1 chapter so as to lead the public to believe that registration
2 constitutes an endorsement or approval by the state, but the use of the
3 following is not deemed prohibited: "Registered with the Washington
4 state secretary of state as required by law. Registration number"

5 (15) No entity may engage in any solicitation for contributions for
6 or on behalf of any charitable organization or commercial fund raiser
7 unless the charitable organization or commercial fund raiser is
8 registered with the secretary.

9 (16) No entity may engage in any solicitation for contributions
10 unless it complies with all provisions of this chapter.

11 (17)(a) No entity may place a telephone call for the purpose of
12 charitable solicitation that will be received by the solicitee before
13 eight o'clock a.m. or after nine o'clock p.m.

14 (b) No entity may, while placing a telephone call for the purpose
15 of charitable solicitation, engage in any conduct the natural
16 consequence of which is to harass, intimidate, or torment any person in
17 connection with the telephone call.

18 (18) Failure to comply with subsections (1) through ((+8)) (17) of
19 this section is a violation of this chapter.

20 **Sec. 10.** RCW 19.09.190 and 1986 c 230 s 16 are each amended to
21 read as follows:

22 Every ((independent)) commercial fund raiser who (1) directly or
23 indirectly receives contributions from the public on behalf of any
24 charitable organization; or (2) is compensated based upon funds raised
25 or to be raised, number of solicitations made or to be made, or any
26 other similar method; or (3) incurs or is authorized to incur expenses
27 on behalf of the charitable organization; or (4) has not been
28 registered with the secretary as ((an independent)) a commercial fund
29 raiser for the preceding accounting year shall execute a surety bond as
30 principal with one or more sureties whose liability in the aggregate as
31 such sureties will equal at least fifteen thousand dollars. The
32 secretary may, by rule, provide for the reduction and reinstatement of
33 the bond required by this section.

34 The issuer of the surety bond shall be licensed to do business in
35 this state, and shall promptly notify the secretary when claims or
36 payments are made against the bond or when the bond is canceled. The
37 bond shall be filed with the secretary in the form prescribed by the
38 secretary. The bond shall run to the state and to any person who may

1 have a cause of action against the obligor of said bond for any
2 malfeasance, misfeasance, or deceptive practice in the conduct of such
3 solicitation.

4 **Sec. 11.** RCW 19.09.200 and 1986 c 230 s 12 are each amended to
5 read as follows:

6 (1) Charitable organizations and (~~independent~~) commercial fund
7 raisers shall maintain accurate, current, and readily available books
8 and records at their usual business locations until at least three
9 years have elapsed following the effective period to which they relate.

10 (2) Each commercial fund raiser and charitable organization shall
11 maintain a record of the names of those persons who make a donation or
12 purchase in response to a charitable solicitation, their addresses, and
13 the date the donations were received for one year after a solicitation
14 campaign has been completed. The secretary may, by rule, exempt
15 certain donations or purchases made in response to a charitable
16 solicitation. No donor list, information, or documentation required to
17 be maintained under this subsection that is obtained by the attorney
18 general under this chapter, unless otherwise ordered by a court for
19 good cause shown, may be a public record.

20 (3) All contracts between (~~independent~~) commercial fund raisers
21 and charitable organizations shall be in writing, and true and correct
22 copies of such contracts or records thereof shall be kept on file in
23 the various offices of the charitable organization and the
24 (~~independent~~) commercial fund raiser for a three-year period. Such
25 records and contracts shall be available for inspection and examination
26 by the attorney general or by the county prosecuting attorney. A copy
27 of such contract or record shall be submitted by the charitable
28 organization or (~~independent~~) commercial fund raiser, within ten
29 days, following receipt of a written demand therefor from the attorney
30 general or county prosecutor.

31 **Sec. 12.** RCW 19.09.210 and 1986 c 230 s 13 are each amended to
32 read as follows:

33 Upon the request of the attorney general or the county prosecutor,
34 a charitable organization or commercial fund raiser shall submit a
35 financial statement containing, but not limited to, the following
36 information:

1 (1) The gross amount of the contributions pledged and the gross
2 amount collected.

3 (2) The amount thereof, given or to be given to charitable purposes
4 represented together with details as to the manner of distribution as
5 may be required.

6 (3) The aggregate amount paid and to be paid for the expenses of
7 such solicitation.

8 (4) The amounts paid to and to be paid to (~~independent~~)
9 commercial fund raisers or charitable organizations.

10 (5) Copies of any annual or periodic reports furnished by the
11 charitable organization, of its activities during or for the same
12 fiscal period, to its parent organization, subsidiaries, or affiliates,
13 if any.

14 **Sec. 13.** RCW 19.09.230 and 1986 c 230 s 14 are each amended to
15 read as follows:

16 No charitable organization, (~~independent~~) commercial fund raiser,
17 or other entity may knowingly use the name, symbol, or emblem of any
18 other (~~person~~) entity for the purpose of soliciting contributions
19 from persons in this state without the written consent of such other
20 (~~person~~) entity. Such consent may be deemed to have been given by
21 anyone who is a director, trustee, or other authorized officer,
22 employee, agent, or (~~independent~~) commercial fund raiser of the
23 charitable organization, and a copy of the written consent must be kept
24 on file by the charitable organization or commercial fund raiser and
25 made available to the attorney general upon demand.

26 A person may be deemed to have used the name of another person for
27 the purpose of soliciting contributions if such latter person's name is
28 listed on any stationery, advertisement, brochure, or correspondence of
29 the charitable organization or person or if such name is listed or
30 represented to any one who has contributed to, sponsored, or endorsed
31 the charitable organization or person, or its or his activities.

32 The secretary may revoke or deny any application for registration
33 that violates this section.

34 **Sec. 14.** RCW 19.09.240 and 1986 c 230 s 15 are each amended to
35 read as follows:

36 No charitable organization, (~~independent~~) commercial fund raiser,
37 or other person soliciting contributions for or on behalf of a

1 charitable organization may use a name, symbol, emblem, or statement so
2 closely related or similar to that used by another charitable
3 organization or governmental agency that the use thereof would tend to
4 confuse or mislead the public. The secretary may revoke or deny any
5 application for registration that violates this section.

6 **Sec. 15.** RCW 19.09.275 and 1986 c 230 s 18 are each amended to
7 read as follows:

8 Any person who willfully and knowingly violates any provision of
9 this chapter or who willfully and knowingly gives false or incorrect
10 information to the secretary, attorney general, or county prosecuting
11 attorney in filing statements required by this chapter, whether or not
12 such statement or report is verified is guilty of a gross misdemeanor
13 punishable under chapter 9A.20 RCW.

14 Any person who violates any provisions of this chapter or who gives
15 false or incorrect information to the secretary, attorney general, or
16 county prosecuting attorney in filing statements required by this
17 chapter, whether or not such statement or report is verified, is guilty
18 of a misdemeanor punishable under chapter 9A.20 RCW.

19 Any person who willfully and knowingly violates RCW 19.09.100(9) or
20 who falsely claims, in the course of a charitable solicitation, to be
21 a law enforcement officer, is guilty of a class C felony punishable
22 under chapter 9A.20 RCW.

23 **Sec. 16.** RCW 19.09.305 and 1983 c 265 s 7 are each amended to read
24 as follows:

25 When a person or an organization registered under this chapter, or
26 its president, treasurer, or comparable officers, cannot be found after
27 reasonably diligent effort, the secretary of state shall be an agent of
28 such person or organization upon whom process may be served. Service
29 on the secretary shall be made by delivering to the secretary or the
30 secretary's designee duplicate copies of such process, and a (~~twenty-~~
31 ~~five-dollar~~) filing fee to be established by rule of the secretary.
32 Thereupon, the secretary shall immediately cause one of the copies
33 thereof to be forwarded to the registrant at the most current address
34 shown in the secretary's files. Any service so had on the secretary
35 shall be returnable in not less than thirty days.

36 Any fee under this section shall be taxable as costs in the action.

1 The secretary shall maintain a record of all process served on the
2 secretary under this section, and shall record the date of service and
3 the secretary's action with reference thereto.

4 Nothing in this section limits or affects the right to serve
5 process required or permitted to be served on a registrant in any other
6 manner now or hereafter permitted by law.

7 **Sec. 17.** RCW 19.09.315 and 1983 c 265 s 17 are each amended to
8 read as follows:

9 (1) The secretary may establish, by rule, standard forms and
10 procedures for the efficient administration of this chapter.

11 (2) The secretary may provide by rule for the filing of a financial
12 statement by registered entities.

13 (3) The secretary may issue such publications, reports, or
14 information from the records as may be useful to the solicited public
15 and charitable organizations. To defray the costs of any such
16 publication, the secretary is authorized to charge a reasonable fee to
17 cover the costs of preparing, printing, and distributing such
18 publications.

19 NEW SECTION. **Sec. 18.** The attorney general, in the attorney
20 general's discretion, may:

21 (1) Annually, or more frequently, make such public or private
22 investigations within or without this state as the attorney general
23 deems necessary to determine whether any registration should be
24 granted, denied, revoked, or suspended, or whether any person has
25 violated or is about to violate a provision of this chapter or any rule
26 adopted or order issued under this chapter, or to aid in the
27 enforcement of this chapter or in the prescribing of rules and forms
28 under this chapter; and

29 (2) Publish information concerning a violation of this chapter or
30 a rule adopted or order issued under this chapter.

31 NEW SECTION. **Sec. 19.** For the purpose of any investigation or
32 proceeding under this chapter, the attorney general or any officer
33 designated by the attorney general may administer oaths and
34 affirmations, subpoena witnesses, compel their attendance, take
35 evidence, and require the production of any books, papers,

1 correspondence, memoranda, agreements, or other documents or records
2 which the attorney general deems relevant or material to the inquiry.

3 In case of willful failure on the part of a person to comply with
4 a subpoena lawfully issued by the attorney general or on the refusal of
5 a witness to testify to matters regarding which the witness may be
6 lawfully interrogated, the superior court of a county, on application
7 of the attorney general and after satisfactory evidence of willful
8 disobedience, may compel obedience by proceedings for contempt, as in
9 the case of disobedience of a subpoena issued from the court or a
10 refusal to testify therein.

11 NEW SECTION. **Sec. 20.** If it appears to the attorney general that
12 a person has engaged or is about to engage in an act or practice
13 constituting a violation of a provision of this chapter or a rule
14 adopted or order issued under this chapter, the attorney general may,
15 in the attorney general's discretion, issue an order directing the
16 person to cease and desist from continuing the act or practice.
17 Reasonable notice of and opportunity for a hearing shall be given. The
18 attorney general may issue a temporary order pending the hearing, which
19 shall remain in effect until ten days after the hearing is held and
20 which shall become final if the person to whom the notice is addressed
21 does not request a hearing within fifteen days after the receipt of the
22 notice.

23 NEW SECTION. **Sec. 21.** (1) The attorney general may assess against
24 any person or organization who violates this chapter, or any rule
25 adopted under this chapter, a civil penalty of not more than one
26 thousand dollars for each violation.

27 (2) Such person or organization shall be afforded the opportunity
28 for a hearing, upon request made to the attorney general within thirty
29 days after the date of issuance of the notice of assessment. The
30 hearing shall be conducted in accordance with chapter 34.05 RCW.

31 (3) If any person fails to pay an assessment after it has become a
32 final and unappealable order, or after the court has entered final
33 judgment in favor of the state, the attorney general may recover the
34 amount assessed by action in the appropriate superior court. In such
35 action, the validity and appropriateness of the final order imposing
36 the penalty shall not be subject to review.

1 NEW SECTION. **Sec. 22.** The administrative procedure act, chapter
2 34.05 RCW, shall wherever applicable govern the rights, remedies, and
3 procedures respecting the administration of this chapter.

4 NEW SECTION. **Sec. 23.** The secretary shall provide the attorney
5 general with copies of or direct electronic access to all
6 registrations, reports, or other information filed under this chapter.

7 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.07 RCW
8 to read as follows:

9 The secretary of state may adopt rules under chapter 34.05 RCW
10 establishing reasonable fees for the following services rendered under
11 chapter 11.110 or 19.09 RCW:

12 (1) Any service rendered in-person at the secretary of state's
13 office;

14 (2) Any expedited service;

15 (3) The electronic transmittal of documents;

16 (4) The providing of information by microfiche or other reduced-
17 format compilation;

18 (5) The handling of checks or drafts for which sufficient funds are
19 not on deposit;

20 (6) The resubmission of documents previously submitted to the
21 secretary of state where the documents have been returned to the
22 submittor to make such documents conform to the requirements of the
23 applicable statute;

24 (7) The handling of telephone requests for information; and

25 (8) Special search charges.

26 **Sec. 25.** RCW 43.07.130 and 1991 c 72 s 54 are each amended to read
27 as follows:

28 There is created within the state treasury a revolving fund, to be
29 known as the "secretary of state's revolving fund((~~7~~))." (~~(which shall~~
30 ~~be used by the office of the secretary of state to defray the costs of~~
31 ~~printing, reprinting, or distributing printed matter authorized by law~~
32 ~~to be issued by the office of the secretary of state, and any other~~
33 ~~cost of carrying out the functions of the secretary of state under~~
34 ~~Title 23B RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12,~~
35 ~~24.20, 24.24, 24.28, 24.36, or 25.10 RCW.~~

1 ~~The secretary of state is hereby authorized to charge a fee for~~
2 ~~such publications in an amount which will compensate for the costs of~~
3 ~~printing, reprinting, and distributing such printed matter.))~~

4 (1) Fees ((recovered)) received by the secretary of state under RCW
5 43.07.120(2), 23B.01.220(1)(e), (3), and (4), 23B.18.050, 24.03.410,
6 24.06.455, or 46.64.040((, and such other moneys as are expressly
7 designated for deposit in the secretary of state's revolving fund))
8 shall be ((placed)) deposited in the secretary of state's revolving
9 fund to be used by the office of the secretary of state for the
10 administration of these statutes and enhancement of related services.

11 (2) Fees received by the secretary of state under chapters 11.110
12 and 19.09 RCW shall be deposited in the secretary of state's revolving
13 fund to be used by the office of the secretary of state to defray the
14 cost of administering these chapters.

15 NEW SECTION. Sec. 26. Except as provided otherwise, all powers,
16 duties, and functions of the attorney general pertaining to charitable
17 trust registration except for those powers and duties remaining with
18 the attorney general pursuant to this act are transferred to the
19 secretary of state. All references to the attorney general in the
20 Revised Code of Washington shall be construed to mean the secretary of
21 state when referring to the functions transferred in this section.

22 NEW SECTION. Sec. 27. All reports, documents, surveys, books,
23 records, files, papers, or written material in the possession of the
24 attorney general pertaining to the powers, functions, and duties
25 transferred shall be delivered to the custody of the secretary of
26 state. All cabinets, furniture, office equipment, motor vehicles, and
27 other tangible property employed by the attorney general in carrying
28 out the powers, functions, and duties transferred shall be made
29 available to the secretary of state. All funds, credits, or other
30 assets held in connection with the powers, functions, and duties
31 transferred shall be assigned to the secretary of state.

32 Any appropriations made to the attorney general for carrying out
33 the powers, functions, and duties transferred shall, on the effective
34 date of this section, be transferred and credited to the secretary of
35 state.

36 Whenever any question arises as to the transfer of any personnel,
37 funds, books, documents, records, papers, files, equipment, or other

1 tangible property used or held in the exercise of the powers and the
2 performance of the duties and functions transferred, the director of
3 financial management shall make a determination as to the proper
4 allocation and certify the same to the state agencies concerned.

5 NEW SECTION. **Sec. 28.** All employees of the attorney general
6 engaged in performing the powers, functions, and duties transferred are
7 transferred to the jurisdiction of the secretary of state. All
8 employees classified under chapter 41.06 RCW, the state civil service
9 law, are assigned to the secretary of state to perform their usual
10 duties upon the same terms as formerly, without any loss of rights,
11 subject to any action that may be appropriate thereafter in accordance
12 with the laws and rules governing state civil service.

13 NEW SECTION. **Sec. 29.** All rules and all pending business before
14 the attorney general pertaining to the powers, functions, and duties
15 transferred shall be continued and acted upon by the secretary of
16 state. All existing contracts and obligations shall remain in full
17 force and shall be performed by the secretary of state.

18 NEW SECTION. **Sec. 30.** The transfer of the powers, duties,
19 functions, and personnel of the attorney general shall not affect the
20 validity of any act performed prior to the effective date of this
21 section.

22 NEW SECTION. **Sec. 31.** If apportionments of budgeted funds are
23 required because of the transfers directed by sections 27 through 30 of
24 this act, the director of financial management shall certify the
25 apportionments to the agencies affected, the state auditor, and the
26 state treasurer. Each of these shall make the appropriate transfer and
27 adjustments in funds and appropriation accounts and equipment records
28 in accordance with the certification.

29 NEW SECTION. **Sec. 32.** Nothing contained in sections 26 through 31
30 of this act may be construed to alter any existing collective
31 bargaining unit or the provisions of any existing collective bargaining

1 agreement until the agreement has expired or until the bargaining unit
2 has been modified by action of the personnel board as provided by law.

3 **Sec. 33.** RCW 11.110.010 and 1985 c 30 s 113 are each amended to
4 read as follows:

5 The purpose of this chapter is to facilitate public supervision
6 over the administration of public charitable trusts and similar
7 relationships and to clarify and implement the powers and duties of the
8 attorney general and the secretary of state with relation thereto.

9 **Sec. 34.** RCW 11.110.040 and 1985 c 30 s 115 are each amended to
10 read as follows:

11 All information, documents, and reports filed with the ((attorney
12 general)) secretary of state under this chapter are matters of public
13 record and shall be open to public inspection, subject to reasonable
14 regulation: PROVIDED, That the ((attorney general)) secretary of state
15 shall withhold from public inspection any trust instrument so filed
16 whose content is not exclusively for charitable purposes. The
17 ((attorney general)) secretary of state may publish, on a periodic or
18 other basis, such information as may be necessary or appropriate in the
19 public interest concerning the registration, reports, and information
20 filed with ((him)) the secretary of state or any other matters relevant
21 to the administration and enforcement of this chapter.

22 **Sec. 35.** RCW 11.110.050 and 1985 c 30 s 116 are each amended to
23 read as follows:

24 The ((attorney general)) secretary of state shall establish and
25 maintain a register of trustees as defined in RCW 11.110.020 and, to
26 that end, shall conduct whatever investigation is necessary, and shall
27 obtain from public records, court officers, taxing authorities,
28 trustees, and other sources whatever information, copies of
29 instruments, reports, and records are needed, for the establishment and
30 maintenance of the register.

31 **Sec. 36.** RCW 11.110.060 and 1985 c 30 s 117 are each amended to
32 read as follows:

33 Every trustee shall file with the ((attorney general)) secretary of
34 state within two months after receiving possession or control of the
35 trust corpus a copy of the instrument establishing his or her title,

1 powers, or duties, and an inventory of the assets of such charitable
2 trust. In addition, trustees exempted from the provisions of RCW
3 11.110.070 by RCW 11.110.073 shall file with the (~~attorney general~~)
4 secretary of state a copy of the declaration of the tax-exempt status
5 or other basis of the claim for such exemption; a copy of the
6 instrument establishing the trustee's title, powers or duties; an
7 inventory of the assets of such trust; and, annually, a copy of each
8 publicly available United States tax or information return or report of
9 the trust which the trustee files with the internal revenue service.
10 The trustees of charitable trusts existing at the time this chapter
11 takes effect or on August 9, 1971, shall comply with this section
12 within six months thereafter.

13 **Sec. 37.** RCW 11.110.070 and 1985 c 30 s 118 are each amended to
14 read as follows:

15 Except as otherwise provided every trustee subject to this chapter
16 shall file with the (~~attorney general~~) secretary of state annual
17 reports, under oath, setting forth information as to the nature of the
18 assets held for charitable purposes and the administration thereof by
19 the trustee, in accordance with rules (~~and regulations~~) of the
20 (~~attorney general~~) secretary of state.

21 The (~~attorney general~~) secretary of state shall make rules (~~and~~
22 ~~regulations~~) as to the time for filing reports, the contents thereof,
23 and the manner of executing and filing them. ((He)) The secretary of
24 state may classify trusts and other relationships concerning property
25 held for a charitable purpose as to purpose, nature of assets, duration
26 of the trust or other relationship, amount of assets, amounts to be
27 devoted to charitable purposes, nature of trustee, or otherwise, and
28 may establish different rules for the different classes as to time and
29 nature of the reports required, to the ends (1) that ((he)) the
30 secretary of state shall receive reasonably current, periodic reports
31 as to all charitable trusts or other relationships of a similar nature
32 which will enable ((him)) the secretary of state to ascertain whether
33 they are being properly administered, and (2) that periodic reports
34 shall not unreasonably add to the expense of the administration of
35 charitable trusts and similar relationships. The (~~attorney general~~)
36 secretary of state may suspend the filing of reports as to a particular
37 charitable trust or relationship for a reasonable, specifically
38 designated time upon written application of the trustee filed with the

1 (~~attorney general~~) secretary of state after the (~~attorney general~~)
2 secretary of state has filed in the register of charitable trusts a
3 written statement that the interests of the beneficiaries will not be
4 prejudiced thereby and that periodic reports are not required for
5 proper supervision by (~~his~~) the secretary of state's office.

6 A copy of an account filed by the trustee in any court having
7 jurisdiction of the trust or other relationship, if the account
8 substantially complies with the rules (~~and regulations~~) of the
9 (~~attorney general~~) secretary of state, may be filed as a report
10 required by this section.

11 The first report for a trust or similar relationship hereafter
12 established, unless the filing thereof is suspended as herein provided,
13 shall be filed not later than one year after any part of the income or
14 principal is authorized or required to be applied to a charitable
15 purpose. If any part of the income or principal of a trust previously
16 established is authorized or required to be applied to a charitable
17 purpose at the time this act takes effect, the first report, unless the
18 filing thereof is suspended, shall be filed within six months after
19 July 30, 1967.

20 **Sec. 38.** RCW 11.110.075 and 1985 c 30 s 120 are each amended to
21 read as follows:

22 A trust is not exclusively for charitable purposes, within the
23 meaning of RCW 11.110.040, when the instrument creating it contains a
24 trust for several or mixed purposes, and any one or more of such
25 purposes is not charitable within the meaning of RCW 11.110.020, as
26 enacted or hereafter amended. Such instrument shall be withheld from
27 public inspection by the (~~attorney general~~) secretary of state and no
28 information as to such noncharitable purpose shall be made public. The
29 attorney general shall have free access to such information.

30 Annual reporting of such trusts to the (~~attorney general~~)
31 secretary of state, as required by RCW 11.110.060 or 11.110.070, shall
32 commence within one year after trust income or principal is authorized
33 or required to be used for a charitable purpose.

34 When a trust consists of a vested charitable remainder preceded by
35 a life estate, a copy of the instrument shall be filed by the trustee
36 or by the life tenant, within two months after commencement of the life
37 estate.

1 If the trust instrument contains only contingent gifts or
2 remainders to charitable purposes, no charitable trust shall be deemed
3 created until a charitable gift or remainder is legally vested. The
4 first registration or report of such trust shall be filed within two
5 months after trust income or principal is authorized or required to be
6 used for a charitable purpose.

7 **Sec. 39.** RCW 11.110.080 and 1985 c 30 s 121 are each amended to
8 read as follows:

9 The custodian of the records of a court having jurisdiction of
10 probate matters or of charitable trusts shall furnish within two months
11 after receiving possession or control thereof such copies of papers,
12 records, and files of ~~((his))~~ the custodian's office relating to the
13 subject of this chapter as the ~~((attorney general))~~ secretary of state
14 shall require.

15 Every officer, agency, board or commission of this state receiving
16 applications for exemption from taxation of any charitable trust or
17 similar relationship in which the trustee is subject to this chapter
18 shall annually file with the ~~((attorney general))~~ secretary of state a
19 list of all applications received during the year.

20 **Sec. 40.** RCW 11.110.125 and 1985 c 30 s 126 are each amended to
21 read as follows:

22 The willful refusal by a trustee to make or file any report or to
23 perform any other duties expressly required by this chapter, or to
24 comply with any valid rule ~~((or regulation promulgated))~~ adopted by the
25 ~~((attorney general))~~ secretary of state under this chapter, shall
26 constitute a breach of trust and a violation of this chapter.

27 **Sec. 41.** RCW 11.110.130 and 1985 c 30 s 127 are each amended to
28 read as follows:

29 A civil action for a violation of this chapter may be prosecuted by
30 the attorney general or by a prosecuting attorney ~~((designated by the~~
31 ~~attorney general))~~.

32 NEW SECTION. **Sec. 42.** RCW 19.09.078 and 1986 c 230 s 6 are each
33 repealed.

1 NEW SECTION. **Sec. 43.** Sections 18 through 23 of this act are each
2 added to chapter 19.09 RCW.

3 NEW SECTION. **Sec. 44.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 45.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect July 1, 1993.

--- END ---