SENATE DOCKET, NO. 916 FILED ON: 1/17/2013

SENATE . . . . . No. 140

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to professional solicitors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Colleen M. Garry	*36th Middlesex*

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SENATE . . . . . No. 140

By Mr. Ross, a petition (accompanied by bill, Senate, No. 140) of Richard J. Ross and Colleen M. Garry for legislation relative to professional solicitors. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

An Act relative to professional solicitors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 23 of Chapter 68 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out section 23 and inserting in place thereof the following section :-

Section 23. (a) All solicitations by professional solicitors and all solicitations by commercial co-venturers must, prior to orally requesting a contribution, and at the same time at which a written request for a contribution is made, clearly and conspicuously disclose the following information to the person being solicited: (1) the true name of the individual making the solicitation; (2) the statement that the solicitation is being conducted by a “paid fund-raiser”; (3) the true name of the person who is employing and compensating the individual making the solicitation if the individual is employed for compensation to make the solicitation; (4) the true name, address and telephone number of the charitable organization for whom the solicitation is being made; (5) a description of how the contributions raised by the solicitation will be utilized for charitable purposes, or if there is no charitable organization, the name, address and telephone number of the professional solicitor or commercial co-venturer and a description of how the contributions raised by the solicitation will be utilized for charitable purposes; (6) the guaranteed minimum percentage of the gross receipts from fund-raising that will be utilized exclusively for the charitable purposes described in the solicitation and the percentage of the funds solicited that are spent on the cost of fundraising; (7) such other disclosures as required by relevant rules and regulations promulgated under section twenty-nine. For purposes of this section, costs of fundraising shall include all money directly expended on fundraising and that portion of all administrative expenses and salaries of the charitable organization to fundraising activities.

(b) No more than fifty percent of charitable donations shall be spent on professional solicitors or solicitations by commercial co-venturers.

25 (c) A violation of this section shall constitute a violation of chapter 93A and any
26 aggrieved person may bring a civil action for injunctive relief or damages in a court of competent
27 jurisdiction for such violation.