

CHAPTER NO. 97

SENATE BILL NO. 229

By Crutchfield

Substituted for: House Bill No. 279

By Davidson

AN ACT To amend Tennessee Code Annotated, Title 48, Chapter 101, Part 5, relative to charitable solicitations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 48-101-506(b), is amended by deleting subdivision (2) in its entirety and substituting instead the following language:

(2) The annual report of every charitable organization which received in excess of three hundred thousand dollars (\$300,000) in gross revenue during the most recently completed fiscal year shall be accompanied by:

(A) An audited financial statement, presented in accordance with generally accepted accounting principles which has been examined by an independent certified public accountant for the purpose of expressing an opinion thereon; and,

(B) Any and all forms required to be filed by a charitable organization with the United States Internal Revenue Service.

For the purpose of determining gross revenue for this subsection only, grants received from government agencies and private foundations, designated by the Internal Revenue Service as 501(c)(3) organizations, shall be excluded.

SECTION 2. Tennessee Code Annotated, Section 48-101-507(a), is amended by adding the following as a new subdivision (4) and by appropriately redesignating the current subdivision (4) and remaining subdivisions:

(4) Applications received after December 31st shall be assessed a late fee of twenty-five dollars (\$25.00) for each month, or portion thereof, that the report is late filed. The late filing fee shall accompany every late-filed application. In addition to the late fee provided for herein, any organization which files a late application is also subject to the imposition of civil penalties for violation of any portion of this act.

SECTION 3. Tennessee Code Annotated, Section 48-101-507(d), is amended by adding the following as a new subdivision (2) and by redesignating the current subdivision (2) as subdivision (3):

(2) Financial reports for solicitation campaigns shall be assessed a late fee of twenty-five dollars (\$25.00) for each month, or portion thereof, that the report is late filed. The late filing fee shall accompany every late-filed campaign report. In addition to the

late fee provided for herein, any person who files a late financial report is also subject to the imposition of civil penalties for violation of any portion of this act.

SECTION 4. Tennessee Code Annotated, Section 48-101-507(c), is amended by adding the following as a new subdivision (4) and by redesignating the current subdivision (4) as subdivision (5):

(4) Applications received after December 31st shall be assessed a late fee of twenty-five dollars (\$25.00) for each month, or portion thereof, that the application is late filed. The late filing fee shall accompany every late-filed application. In addition to the late fee provided for herein, any person who files a late application is also subject to the imposition of civil penalties for violation of any portion of this act.

SECTION 5. Tennessee Code Annotated, Section 48-101-521(a), is amended by deleting the following language:

Each vendor shall register annually with the Secretary of State on forms prescribed by the secretary of state. Each vendor shall as part of its registration pay an annual filing fee of one hundred dollars (\$100) plus one additional dollar (\$1.00) for each vending device to the Secretary of State. The registration period shall expire each year on the last day of the third month following the close of a vendor's fiscal year. The filing fee shall cover all vending devices placed within Tennessee but the vendor shall also be subject to the following provisions:

and substituting instead the following language:

Each vendor shall register annually with the Secretary of State on forms prescribed by the Secretary of State. Each vendor shall as a part of its registration pay an annual filing fee of one hundred dollars (\$100) plus one additional dollar for each vending device to the secretary of state. The registration period shall expire each year on the last day of the third month following the close of a vendor's fiscal year. Applications received after the expiration of the current registration period shall be assessed a late fee of twenty-five dollars (\$25.00) for each month, or portion thereof, that the report is late filed. The late filing fee shall accompany every late-filed application. In addition to the late fee provided for herein, any person who files a late application is also subject to the imposition of civil penalties for violation of any portion of this act. The filing fee shall cover all vending devices placed within Tennessee but the vendor shall also be subject to the following provisions:

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 16, 2001

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 18<sup>th</sup> day of April 2001

  
DON S. QUIGLEY, GOVERNOR