

§5004. Licensure of charitable organizations

1. Initial licensure as a charitable organization. The following provisions govern license applications by charitable organizations.

A. Unless it has received an exemption pursuant to section 5006, a charitable organization that intends to solicit, accept or obtain contributions in this State or to have contributions solicited, accepted or obtained on its behalf within this State shall file a license application with the director and pay the application and license fees as set under section 5015-A at least 30 days before soliciting, accepting or obtaining contributions. Before it is issued a license by the director, a charitable organization that is required to file an initial license application may not solicit, accept or obtain contributions or have contributions solicited, accepted or obtained on its behalf by any other person, charitable organization or professional solicitor. The charitable organization shall identify any affiliate organizations or chapters on its license application. [PL 2013, c. 313, §9 (AMD).]

B. A parent organization may file a consolidated license application for its affiliates, chapters and branches in this State and shall pay a single fee for such a consolidated license application. [PL 2007, c. 402, Pt. A, §3 (AMD).]

C. [PL 2013, c. 313, §9 (RP).]
[PL 2013, c. 313, §9 (AMD).]

2. Fee for registration statement.
[PL 1977, c. 654, §2 (RP).]

2-A. Fee for license application.
[PL 2013, c. 313, §9 (RP).]

3. Content of application for initial licensure. A license application must be sworn to or affirmed by the principal officer of the charitable organization and must contain the following information:

A. The name of the organization and the purpose for which it was organized; [PL 1977, c. 488, §1 (NEW).]

B. The principal mailing address of the organization and the mailing address of any offices in this State, or, if the organization does not maintain an office, the name and mailing address of the person having custody of its financial records; [PL 2013, c. 313, §9 (AMD).]

C. The names and mailing addresses of any chapters, branches or affiliates in this State; [PL 2013, c. 313, §9 (AMD).]

D. The place where and the date when the organization was legally established, the form of its organization and a copy of its certificate of existence or other organizing document; [PL 2013, c. 313, §9 (AMD).]

E. The names and mailing addresses of the officers, directors or trustees and the principal salaried executive staff officer; [PL 2013, c. 313, §9 (AMD).]

F. A statement as to whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others; [PL 1977, c. 488, §1 (NEW).]

G. The name, mailing address and license number of any professional solicitor who acts or will act on behalf of the charitable organization in connection with fund-raising campaigns for contributions from the State's residents; [PL 2013, c. 539, §5 (AMD).]

H. A list of all jurisdictions in which the organization is authorized to solicit contributions; [PL 2013, c. 313, §9 (AMD).]

- I. The purpose or purposes for which the contributions to be solicited will be used; [PL 2007, c. 402, Pt. A, §3 (AMD).]
 - J. [PL 1999, c. 386, Pt. A, §11 (RP).]
 - K. [PL 2013, c. 313, §9 (RP).]
 - L. The names of the individuals or officers of the organizations who will have final responsibility for the custody of the contributions; [PL 1977, c. 488, §1 (NEW).]
 - M. The names of the individuals or officers of the organization responsible for the final distribution of the contributions; [PL 1977, c. 488, §1 (NEW).]
 - N. [PL 2013, c. 313, §9 (RP).]
 - O. [PL 2007, c. 402, Pt. A, §3 (RP).]
 - P. [PL 2013, c. 539, §6 (RP).]
 - Q. Disclosure of, and the final disposition document pertaining to, any disciplinary action taken against the applicant by a licensing, registration or regulatory authority in any jurisdiction; [PL 2013, c. 313, §9 (AMD).]
 - R. Disclosure of, and the final disposition document pertaining to, any court action taken against the applicant by a licensing, registration or regulatory authority or law enforcement agency in any jurisdiction that resulted in a restraining order, injunction, civil judgment, criminal conviction, consent judgment, consent agreement, agreement to pay restitution or investigative costs or any other type of negotiated disposition; and [PL 2013, c. 313, §9 (NEW).]
 - S. Other information as the director may require, including but not limited to documentation as to the current federal tax-exempt status of the charitable organization. [PL 2013, c. 313, §9 (NEW).]
- [PL 2013, c. 539, §§5,6 (AMD).]

4. Renewal of licensure as a charitable organization. A license issued by the director to a charitable organization expires on November 30th annually or such other time as the director may designate. A charitable organization shall apply for renewal by filing a renewal application with the director prior to the expiration date and paying the license fee as set under section 5015-A.

- A. [PL 2013, c. 313, §9 (RP).]
 - B. [PL 2013, c. 313, §9 (RP).]
 - C. [PL 2013, c. 313, §9 (RP).]
 - D. [PL 2013, c. 313, §9 (RP).]
- [PL 2013, c. 313, §9 (AMD).]

5. Content of renewal application. A renewal application pursuant to subsection 4 must contain the following information:

- A. The annual fund-raising activity report required by section 5005-B; [PL 2013, c. 313, §9 (NEW).]
- B. Disclosure of, and the final disposition document pertaining to, any disciplinary action taken against the licensee by a licensing, registration or regulatory authority in any jurisdiction since the date of the most recent application submitted by the charitable organization; [PL 2013, c. 313, §9 (NEW).]
- C. Disclosure of, and the final disposition document pertaining to, any court action taken against the licensee by a licensing, registration or regulatory authority or law enforcement agency in any jurisdiction that resulted in a restraining order, injunction, civil judgment, criminal conviction, consent judgment, consent agreement, agreement to pay restitution or investigative costs or any

other type of negotiated disposition since the date of the most recent application submitted by the charitable organization; [PL 2013, c. 313, §9 (NEW).]

D. Any changes to the information contained in the licensee's application for initial licensure or the most recent renewal application; and [PL 2013, c. 313, §9 (NEW).]

E. Other information as the director may require. [PL 2013, c. 313, §9 (NEW).]
[PL 2013, c. 313, §9 (NEW).]

6. Late renewal. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 5015-A.
[PL 2013, c. 313, §9 (NEW).]

7. Change of information. As an ongoing condition of licensure, a charitable organization shall notify the director of any material change to the information contained in the organization's application for initial or renewal licensure, including any additional disciplinary or court action taken against the organization, within 10 days of the change.
[PL 2013, c. 313, §9 (NEW).]

SECTION HISTORY

PL 1977, c. 488, §1 (NEW). PL 1977, c. 654, §2 (AMD). PL 1979, c. 678, §§3-5 (AMD). PL 1981, c. 456, §§A24,A25 (AMD). PL 1989, c. 55, §1 (AMD). PL 1991, c. 77, §1 (AMD). PL 1991, c. 714, §1 (AMD). PL 1999, c. 386, §§A9-12 (AMD). PL 2001, c. 323, §§1-3 (AMD). PL 2003, c. 541, §§5-8 (AMD). PL 2005, c. 497, §§6-8 (AMD). PL 2007, c. 402, Pt. A, §3 (AMD). PL 2009, c. 112, Pt. A, §1 (AMD). PL 2011, c. 286, Pt. A, §§3-6 (AMD). PL 2013, c. 313, §9 (AMD). PL 2013, c. 539, §§5, 6 (AMD).

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