

Effective 5/10/2016

13-22-8 Exemptions.

- (1) Section 13-22-5 does not apply to:
- (a) a solicitation that an organization conducts among the organization's own established and bona fide membership exclusively through the voluntarily donated efforts of other members or officers of the organization;
 - (b) a bona fide religious, ecclesiastical, or denominational organization if:
 - (i) the solicitation is made for a church, missionary, religious, or humanitarian purpose; and
 - (ii) the organization is either:
 - (A) a lawfully organized corporation, institution, society, church, or established physical place of worship, at which nonprofit religious services and activities are regularly conducted and carried on;
 - (B) a bona fide religious group:
 - (I) that does not maintain specific places of worship;
 - (II) that is not subject to federal income tax; and
 - (III) not required to file an IRS Form 990 under any circumstance; or
 - (C) a separate group or corporation that is an integral part of an institution that is an income tax exempt organization under 26 U.S.C. Sec. 501(c)(3) and is not primarily supported by funds solicited outside the group's or corporation's own membership or congregation;
 - (c) a solicitation by a broadcast media owned or operated by an educational institution or governmental entity, or any entity organized solely for the support of that broadcast media;
 - (d) except as provided in Subsection 13-22-21(1), a solicitation for the relief of any person sustaining a life-threatening illness or injury specified by name at the time of solicitation if the entire amount collected without any deduction is turned over to the named person;
 - (e) a political party authorized to transact the political party's affairs within this state and any candidate and campaign worker of the political party if the content and manner of any solicitation make clear that the solicitation is for the benefit of the political party or candidate;
 - (f) a political action committee or group soliciting funds relating to issues or candidates on the ballot if the committee or group is required to file financial information with a federal or state election commission;
 - (g)
 - (i) a public school;
 - (ii) a public institution of higher learning;
 - (iii) a school accredited by an accreditation body recognized within the state or the United States;
 - (iv) an institution of higher learning accredited by an accreditation body recognized within the state or the United States;
 - (v) an organization within, and authorized by, an entity described in Subsections (1)(g)(i) through (iv); or
 - (vi) a parent organization, teacher organization, or student organization authorized by an entity described in Subsection (1)(g)(i) or (iii) if:
 - (A) the parent organization, teacher organization, or student organization is a branch of, or is affiliated with, a central organization;
 - (B) the parent organization, teacher organization, or student organization is subject to the central organization's general control and supervision;
 - (C) the central organization holds a United States Internal Revenue Service group tax exemption that covers the parent organization, teacher organization, or student organization; and

- (D) the central organization is registered with the division under this chapter;
- (h) a public or higher education foundation established under Title 53A, State System of Public Education, or Title 53B, State System of Higher Education;
- (i) a television station, radio station, or newspaper of general circulation that donates air time or print space for no consideration as part of a cooperative solicitation effort on behalf of a charitable organization, whether or not that organization is required to register under this chapter;
- (j) a volunteer fire department, rescue squad, or local civil defense organization whose financial oversight is under the control of a local governmental entity;
- (k) any governmental unit of any state or the United States;
- (l) any corporation:
 - (i) established by an act of the United States Congress; and
 - (ii) that is required by federal law to submit an annual report:
 - (A) on the activities of the corporation, including an itemized report of all receipts and expenditures of the corporation; and
 - (B) to the United States Secretary of Defense to be:
 - (I) audited; and
 - (II) submitted to the United States Congress; and
- (m) a solicitation by an applicant for a grant offered by a state agency if:
 - (i) the terms of the grant provide that the state agency monitors a grant recipient to ensure that grant funds are used in accordance with the grant's purpose; and
 - (ii) the sum of the amount available to the applicant under grants offered by a state agency that the applicant applies for in a calendar year is less than or equal to \$1,500.
- (2) Any organization claiming an exemption under this section bears the burden of proving its eligibility for, or the applicability of, the exemption claimed.
- (3) Each organization exempt from registration pursuant to this section that makes a material change in the organization's legal status, officers, address, or similar changes shall file a report informing the division of the organization's current legal status, business address, business phone, officers, and primary contact person within 30 days of the change.
- (4) The division may by rule:
 - (a) require an organization that is exempt from registration under this section to:
 - (i) file a notice of claim of exemption; and
 - (ii) file a renewal of a notice of claim of exemption;
 - (b) prescribe the contents of a notice of claim of exemption and a renewal of a notice of claim of exemption; and
 - (c) require a filing fee for a notice of claim of exemption and a renewal of a notice of claim of exemption as determined under Section 63J-1-504.

Amended by Chapter 377, 2016 General Session