

Information for Pennsylvania volunteer fire companies,
ambulance associations and rescue squad associations
about fundraising

Under the Pennsylvania Solicitation of Funds for Charitable Purposes Act (10 P.S. § 162.1 et seq.), the **general rule** is that charitable organizations that are soliciting charitable contributions from Pennsylvania residents must register with the Department of State *unless* they are excluded or exempt from the Act.

There are ten exclusions/exceptions to registration under the Act. See 10 P.S. § 162.6 for exemptions from registration.

One of the most frequent exemptions is that any charitable organization which receives **gross national contributions of \$25,000 or less annually**, without compensating any person who conducts solicitations on the organization's behalf, is not required to register. This covers a lot of smaller, newer charities and also applies to volunteer fire companies. But once the charity exceeds \$25,000 in annual contributions from all sources *or* compensates persons who solicit for the charity (see below for definition of solicitation), a charity must file the appropriate registration statement with the Department of State within 30 days of going over \$25,000.

A second exemption under this section of the Act is that a local post, camp, chapter or similarly designated element or a county unit of a **bona fide organization of volunteer firemen** may be exempt from the registration requirements of the Act for all levels of contributions *if*:

- 1) **all fundraising activities of the organization or association are carried on by volunteers, members or an auxiliary or affiliate thereof, and**
- 2) **those volunteers, members or affiliates receive no compensation directly or indirectly for the fundraising activities.**

[This exemption also applies to ambulance associations, rescue squad associations, and their auxiliaries or affiliates.]

If a volunteer fire company pays someone inside or outside the organization to fundraise (a part time staff person, a marketing firm, etc.), the fire company loses this second exemption and must annually register with the Department. There is no limit to the amount of contributions a volunteer fire company may receive under this second exemption, as long as all fundraising activities are carried on by volunteers, members or an auxiliary or affiliates, *and* those volunteers, members or affiliates receive no compensation directly or indirectly for the fundraising activities.

“Fundraising activities” include (but are not limited to) the following:

- Mailing or emailing requests for donations (this includes a “donate now” link on a website)
- Writing solicitations or grant requests (requests for contributions/donations)
- Writing or editing newsletters

- Providing layout or design services for newsletters or solicitations
- Copying, printing, addressing, folding and otherwise preparing mailings that request contributions/donations
- Acquiring and maintaining address lists of prospective donors
- Maintaining and updating a database of donor addresses
- Preparing reports on results of direct mailings or other fundraising campaigns
- Making phone calls requesting contributions or donations
- Preparing reports on results of phone campaign or other fundraising events

If any of the above fundraising activities are done by anyone other than volunteers or members, the volunteer fire company/ambulance/rescue squad does not meet the limited exemption and must register with the Pennsylvania Department of State as a charity. Such registrations must be renewed annually.

A volunteer fire company may apply to the Department recognition and approval of either exemption by submitting a [Request for Approval of Exemption/Exclusion Form \(BCO-9\)](#).

If applying for the under \$25,000 exemption, the volunteer fire company should check the box for “receives gross national contributions of \$25,000 or less annually” and provide all of the following:

- Articles of incorporation/charter
- Bylaws
- Statement that organization does not compensate any person who conducts solicitations
- Proof of gross national contributions such as recent 990 or financial reports (BCO-23 may be submitted if there is no 990 or financial reports)

If applying for the second exemption, the volunteer fire company should check the box for “Veterans’ organization chartered under federal law, volunteer fire company, ambulance association, rescue squad association and any auxiliary or affiliate thereof” and provide all of the following:

- Articles of incorporation/charter
- Bylaws
- Signed statement that all fundraising activities of the organization or association are carried on by volunteers, members or an auxiliary or affiliate thereof, who receive no compensation, directly or indirectly, for the fundraising activities

See below for the relevant definitions from the Solicitation of Funds for Charitable Purposes Act (the Act).

SOLICITATION. Any direct or indirect request for a contribution on the representation that such contribution will be used in whole or in part for a charitable purpose, including, but not limited to, any of the following:

(1) Any oral request that is made in person, by telephone, radio or television or other advertising or communication media.

(2) Any written or otherwise recorded or published request that is mailed, sent, delivered, circulated, distributed, posted in a public place or advertised or communicated by press, telegraph, television or any other media.

(3) Any sale of, offer or attempt to sell any advertisement, advertising space, sponsorship, book, card, chance, coupon, device, food, magazine, merchandise, newspaper, subscription, ticket or other service or tangible good, thing or item of value.

(4) Any announcement requesting the public to attend an appeal, assemblage, athletic or competitive event, carnival, circus, concert, contest, dance, entertainment, exhibition, exposition, game, lecture, meal, party, show, social gathering or other performance or event of any kind.

Section 162.6 of the Act, 10 P.S. § 162.6 (relating to exemptions from registration), reads:

(a) General rule. The following charitable organizations shall be exempt from the registration requirements of this act:

(3) A local post, camp, chapter or similarly designated element or a county unit of such elements of:

(ii) a bona fide organization of volunteer firemen;

provided that all fundraising activities of an organization or association under subparagraph...(ii)...are carried on by volunteers, members of an auxiliary or affiliate thereof, and those volunteers, members or affiliates receive no compensation directly or indirectly for the fundraising activities.

(8) Any charitable organization which receives contributions of \$25,000 or less annually, provided that such organization does not compensate any person who conducts solicitations. Charitable organizations which receive more than \$25,000 in contributions shall file the appropriate registration statement within 30 days after the contributions are received.