

### **367.650 Definitions for KRS 367.650 to 367.670.**

As used in KRS 367.650 to 367.670 unless the context requires otherwise:

- (1) "Charitable or civic purpose" means any purpose or activity which holds itself out to be benevolent, educational, philanthropic, humane, patriotic, religious, eleemosynary or fraternal, or to be established for a social welfare or advocacy, public health, environmental conservation, or civic purpose, or is designed to serve the welfare of society generally, or any class or group to which society is morally obligated, or a specific community or to preserve or improve the culture thereof or environment enjoyed thereby.
- (2) "Charitable organization" means any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or a person who is or holds himself out to be established for a charitable or civic purpose; or a person who employs a charitable or civic appeal as the basis of a solicitation, or employs an appeal that suggests there is a charitable or civic purpose to a solicitation.
- (3) "Contribution" means the grant, promise, or pledge of money, credit, property, financial assistance, or other thing of any kind or value in response to a solicitation for a charitable or civic purpose. It does not include:
  - (a) Bona fide fees, dues, or assessments paid by members, if that membership is not conferred solely as consideration for making a contribution in response to a solicitation; or
  - (b) Money, property, or compensated services received from any governmental authority.
- (4) "Solicit" and "solicitation" mean, respectively, to engage in, and the act of, requesting, directly or indirectly, that an addressed person or limited audience or the public generally make a contribution. Solicitation shall be deemed to have taken place when the request is made, whether or not the requested contribution is made.
- (5) "Person" means any individual, corporation, trust, partnership, organization, foundation, society, or other legal entity.
- (6) "Professional solicitor" means a person who for compensation or other financial consideration solicits contributions in this state, directly or indirectly, for or on behalf of a charitable organization. A person qualifies as a professional solicitor if he is hired on a fee, commission, or percentage basis and the work is performed by him or his agents or the employees or volunteers of the benefitting charitable organization under the direction, supervision, or instruction of the solicitor. A professional solicitor conducts or supervises specific fundraising activities or events in which gifts are solicited, received, and deposited by the professional solicitor or his agents, expenses are paid, and net proceeds delivered to the charitable organization. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a professional solicitor, unless he is employed or engaged as a fundraising consultant or a professional solicitor by another charitable organization.
- (7) "Fundraising consultant" means any person who, for compensation, plans, manages, advises, consults, or develops material for or with respect to the

solicitation for any charitable organization. A fundraising consultant shall not, at any time, have custody of contributions from a solicitation or solicit contributions, directly or indirectly. If a fundraising consultant's fee is related to the amount of contributions received from a solicitation in which he took part, the consultant is considered a professional solicitor. A fundraising consultant shall not employ, procure, or otherwise engage any compensated person to solicit contributions. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a fundraising consultant, unless he is employed or engaged as a fundraising consultant or a professional solicitor by another charitable organization.

- (8) "Religious organization" means any organization, the activity of which is protected by Section 1(2) of the Constitution of Kentucky and the First Amendment to the Constitution of the United States.
- (9) "Solicitor" means a natural person who, by personal contact, transmitted oral communication or writing which identifies that person, requests a specific person to make a contribution for charitable or civic purposes.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 151, sec. 1, effective July 15, 1994. --  
Created 1976 Ky. Acts ch. 216, sec. 1.