

SENATE BILL 1017

By Dickerson

AN ACT to amend Tennessee Code Annotated, Title 48,
Chapter 101, relative to collection receptacles.

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

SECTION 1. Tennessee Code Annotated, Section 48-101-513, is amended by adding the following language as a new subsection:

(m)

(1) Any charitable organization that places or maintains a collection receptacle in public view for the purpose of collecting donated clothing, household items, or similar goods shall display on all sides of each collection receptacle a permanent sign or label with the charitable organization's name, address, phone number, and electronic mail address, and a statement expressing the charitable purpose for which the charitable organization exists.

(2) Any person who is not a charitable organization and who places or maintains a collection receptacle in public view for the purpose of collecting donated clothing, household items, or similar goods, for resale for the purpose of retaining the proceeds of the sale of the items, shall display on all sides of each collection receptacle a permanent sign or label with the person's name, address, phone number, and electronic mail address, and the following statement:

THIS IS NOT A CHARITY. DONATIONS MADE HERE WILL BE SOLD
BY A FOR-PROFIT BUSINESS AND ARE NOT TAX-DEDUCTIBLE.

(3)

(A) Any person who is not a charitable organization and who places or maintains a collection receptacle in public view for the purpose

of collecting donated clothing, household items, or similar goods, for resale for the purpose of paying over all or a portion of the proceeds from the sales to a charitable organization, shall display on all sides of each collection receptacle a permanent sign or label with the person's name, address, phone number, and electronic mail address, and the following statement:

DONATIONS MADE HERE WILL BE SOLD BY A FOR-PROFIT BUSINESS, AND A PORTION OF THE PROCEEDS WILL BE PAID TO [NAME OF CHARITABLE ORGANIZATION]. FURTHER INFORMATION ABOUT THESE PAYMENTS CAN BE OBTAINED FROM [NAME OF PERSON OPERATING RECEPTACLE BIN] AT [PHONE NUMBER AND ELECTRONIC MAIL ADDRESS] AND FROM [NAME OF CHARITABLE ORGANIZATION] AT [PHONE NUMBER AND ELECTRONIC MAIL ADDRESS].

(B) Any person who places or maintains a collection receptacle pursuant to this subdivision (m)(3) shall comply with the requirements of § 48-101-507.

(C) Any person who places or maintains a collection receptacle pursuant to this subdivision (m)(3) is not required to comply with the recordkeeping requirements of § 48-101-513(i)(2).

(4) The sign or labels required by this subsection (m) shall be placed on all sides of the collection receptacle, with the required information printed in letters that are at least one-half inch (1/2") in height and in a color that contrasts with the color of the collection receptacle so that the sign or label is clearly visible.

(5)

(A) Prior to placing any collection receptacle that is subject to this subsection (m), the person placing the collection receptacle shall obtain written permission to place and operate the collection receptacle from the owner or leaseholder of the property where the collection receptacle is located. If written permission is not obtained from the property owner or leaseholder, the property owner or leaseholder may remove and dispose of the collection receptacle, and any charges incurred in the removal and disposal of the collection receptacle shall be the responsibility of the person who placed the collection receptacle.

(B) The written permission required by this subdivision (m)(5) shall include the signature of the person placing the collection receptacle, or that person's authorized agent, and of a lessee or property owner who has the authority to permit or allow structures such as collection receptacles to be placed on the property.

(6)

(A) Any violation of this subsection (m) constitutes a solicitation of contributions by unfair, false, misleading, or deceptive means or manner, and may be investigated under § 48-101-514.

(B) The secretary of state, or the secretary of state's authorized representative, may impose a civil penalty of not more than five thousand dollars (\$5,000) for any violation of this subsection (m).

(C) Any person who is sanctioned by the secretary of state for a violation of this subsection (m) may seek review of the secretary of state's decision by requesting a contested case hearing, which shall be

conducted pursuant to the Uniform Administrative Procedures Act,
compiled in title 4, chapter 5.

(D) Civil penalties imposed under this subsection (m) shall be
enforced in the manner prescribed by § 48-101-514.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.