

**CHAPTER 48**  
**CHARITABLE FUND RAISING**

**Authority**

N.J.S.A. 45:17A-18 et seq., specifically 45:17A-21b.

**Source and Effective Date**

R.2011 d.061, effective January 25, 2011.  
See: 42 N.J.R. 1676(a), 43 N.J.R. 439(a).

**Chapter Expiration Date**

Chapter 48, Charitable Fund Raising, expires on January 25, 2016.

**Chapter Historical Note**

Chapter 48, Charitable Fund Raising, was adopted as R.1979 d.311, effective August 13, 1979. See: 11 N.J.R. 257(a), 11 N.J.R. 466(a). Pursuant to Executive Order No. 66(1978), Chapter 48 expired on August 13, 1984. New fund raising rules were adopted as R.1985 d.698 effective January 21, 1986. See: 17 N.J.R. 1244(a), 18 N.J.R. 205(b).

Pursuant to Executive Order No. 66(1978), Chapter 48 was readopted as R.1991 d.64, effective January 17, 1991. See: 22 N.J.R. 3108(b), 23 N.J.R. 608(b).

Chapter 48 was repealed and new Chapter 48, Charitable Fund Raising was adopted as R.1994 d.494, effective September 19, 1994. See: 26 N.J.R. 2746(a), 26 N.J.R. 3882(a).

Pursuant to Executive Order No. 66(1978), Chapter 48, Charitable Fund Raising, was readopted as R.1999 d.339, effective September 9, 1999. See: 31 N.J.R. 1899(a), 31 N.J.R. 2892(a).

Subchapters 4 through 15 were adopted as new rules by R.1999 d.385, effective November 15, 1999. See: 30 N.J.R. 4115(a), 31 N.J.R. 3751(b).

Chapter 48, Charitable Fund Raising, was readopted as R.2005 d.70, effective January 21, 2005. See: 36 N.J.R. 4370(a), 37 N.J.R. 618(a).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from January 21, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 42 N.J.R. 1676(a).

Chapter 48, Charitable Fund Raising, was readopted as R.2011 d.061, effective January 25, 2011. As a part of R.2011 d.061, Subchapter 6, Registration of Charitable Organizations—Registration of Local Units By Parent Organizations, was renamed Registration of Local Units By Parent Organizations, effective February 22, 2011. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. GENERAL PROVISIONS

**13:48-1.1 Director**

The Director of the Division of Consumer Affairs shall be the person charged with the administration and enforcement of the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq.

Amended by R.2011 d.061, effective February 22, 2011.

See: 42 N.J.R. 1676(a), 43 N.J.R. 439(a).

Deleted designation (a); and substituted "N.J.S.A. 45:17A-18 et seq" for "P.L. 1994, c.16".

**Case Notes**

The Charities Registration and Investigation Section of the Division of Consumer Affairs is entrusted with the administration and enforcement of the Charitable Fund Raising Act of 1971. *Degnan v. Nordmark & Hood Presentations, Inc.*, 177 N.J.Super. 186, 425 A.2d 1091 (App.Div.1981) appeal dismissed 87 N.J. 427, 434 A.2d 1098.

**13:48-1.2 Applicability**

(a) These rules shall govern the registration and charitable fund raising activities of charitable organizations, federated fund raising organizations, professional fund raisers, solicitors and commercial co-venturers, pursuant to the Act.

(b) These rules shall apply to any person engaging within this State in any of the activities regulated by the Act, including persons whose principal place of business is located outside this State.

(c) Upon initial request by a potential registrant, or as the result of independent information received by the Attorney General, a determination form, to determine the applicability of the Act, will be supplied. There is no fee for this form, which may be requested by telephone, facsimile, letter sent to the address set forth in N.J.A.C. 13:48-1.4 or by e-mail sent to [AskConsumerAffairs@dca.lps.state.nj.us](mailto:AskConsumerAffairs@dca.lps.state.nj.us).

Amended by R.2011 d.061, effective February 22, 2011.

See: 42 N.J.R. 1676(a), 43 N.J.R. 439(a).

In (a), deleted a comma following "solicitors", and substituted "Act" for "Charitable Registration and Investigation Act of 1994"; and in (c), deleted "or" preceding "letter", and inserted "or by e-mail sent to [AskConsumerAffairs@dca.lps.state.nj.us](mailto:AskConsumerAffairs@dca.lps.state.nj.us)".

**Case Notes**

Contract whereby defendants agreed to put on a circus for a registered charity for costs plus 50 percent of profits fell within the statutory proscription in that it involved use of an unrequested professional fundraiser and provided for compensation beyond amount permitted by statute; Appellate Division of Superior Court has exclusive review of administrative decisions. *Degnan v. Nordmark & Hood Presentations, Inc.*, 177 N.J.Super. 186, 425 A.2d 1091 (App.Div.1981) appeal dismissed 87 N.J. 427, 434 A.2d 1098.

**13:48-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings:

"Act" means the Charitable Registration and Investigation Act N.J.S.A. 45:17A-18 et seq.

"Address" means the principal street address where a person or organization is most reasonably likely to receive actual notice of a mailing.

"Attorney General" means the Attorney General of the State of New Jersey or, as applicable, the Attorney General's designee, the Director of the Division of Consumer Affairs.

"Caging agent" means the person, firm or company responsible for retrieving responses to solicitations from a return post office box, processing contributions and reporting the amount of contributions and non-contributions from the responses.

"Campaign" means an operation or plan organized to solicit a contribution to further a charitable organization's stated or implied purpose.

"Certified public accountant" includes an individual licensed by the New Jersey Board of Accountancy to practice as a certified public accountant or its equivalent in another jurisdiction; an individual licensed as a public accountant by the New Jersey Board of Accountancy to practice as a public accountant or its equivalent in another jurisdiction; or an individual licensed to practice as a registered municipal accountant by the New Jersey Board of Accountancy.

"Charitable organization" means:

1. Any person determined by the Federal Internal Revenue Service to be a tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3); or

2. Any person who is, or holds himself or herself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest there is a charitable purpose to any such solicitation.