

18 NCAC 11 .0305 PERSONS SUBJECT TO LICENSURE

- (a) Any person subject to licensure under G.S. 131F-5, 131F-15, or 131F-16 shall file an application with the Department on forms provided by the Department prior to soliciting.
- (b) If the Department identifies a person who has failed to comply with Paragraph (a) of this Rule, the Department shall send, by certified mail, to such person all forms relevant to licensure and a notice which advises the person of the unlawful solicitation.
- (c) Upon receipt of an application to solicit charitable funds in North Carolina, the Department shall examine all submitted information. The Department shall retain the right to investigate any application to assure that true and full disclosure has been made.
- (d) Any license issued to a charitable organization or a sponsor shall indicate the type of organization as defined by the IRS through its various exempt determination codes as follows:
- (1) 501(c)(1) - Congressional organization or federal credit union
 - (2) 501(c)(3) - Charitable organization
 - (3) 501(c)(4) - Civic organization
 - (4) 501(c)(5) - Labor organization, union
 - (5) 501(c)(6) - Business league
 - (6) 501(c)(7) - Social club
 - (7) 501(c)(8) - Fraternal beneficiary
 - (8) 501(c)(10) - Domestic fraternal organization
 - (9) 501(c)(19) - Armed forces organization; or, any other designation by the IRS.
- (e) A charitable organization or sponsor which elects not to file for IRS Tax Exempt Determination may be licensed as a "Non Tax Exempt Entity" provided it meets all other requirements for licensure. In addition, the charitable organization or sponsor shall provide disclosure in its solicitations that the charitable organization or sponsor is a non tax exempt entity and that donations are not tax deductible.
- (f) At least 65 days prior to the expiration of a license, the Department shall send each licensee a renewal application form.
- (g) Any charitable organization or sponsor which fails to file the renewal information by the due date shall be assessed a late filing fee of twenty five dollars (\$25.00) for each month or part of a month after the due date on which the renewal information was due to be filed or after the period of extension granted for the filing.

*History Note: Authority G.S. 131F-5; 131F-6; 131F-8; 131F-15; 131F-16; 131F-33;
Eff. January 1, 1982;
Amended Eff. November 1, 1989;
Temporary Amendment Eff. January 1, 1995 for a period of 180 days or until the permanent rule becomes effective whichever is sooner;
Amended Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*