

Defined terms: "Charitable contribution" § 6-101

"Charitable organization" § 6-101

"Charitable representative" § 6-101

6-509. FAILURE TO COMPLY WITH CHARITABLE CONTRIBUTION REQUIREMENTS.

(A) SCOPE OF SECTION.

THE ONLY PERSONS LIABLE UNDER THIS SECTION ARE:

- (1) CHARITABLE ORGANIZATIONS;
- (2) CHARITABLE REPRESENTATIVES; AND
- (3) OFFICERS, DIRECTORS, PARTNERS, OR TRUSTEES OF CHARITABLE ORGANIZATIONS OR CHARITABLE REPRESENTATIVES.

(B) WILLFUL FAILURE.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON WHO WILLFULLY FAILS TO COMPLY WITH A REQUIREMENT OF THIS TITLE AS TO A CHARITABLE CONTRIBUTION MADE BECAUSE OF A CHARITABLE SOLICITATION IS LIABLE TO THE DONOR OF THE CHARITABLE CONTRIBUTION FOR:

(1) ACTUAL DAMAGES THAT THE DONOR SUSTAINS BECAUSE OF THE FAILURE;

(2) PUNITIVE DAMAGES THAT THE COURT ALLOWS, NOT EXCEEDING 3 TIMES THE ACTUAL DAMAGES; AND

(3) REASONABLE ATTORNEY'S FEES AND COSTS OF THE ACTION, IF DAMAGES ARE AWARDED.

(C) GROSSLY NEGLIGENT FAILURE.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON WHO IS GROSSLY NEGLIGENT IN FAILING TO COMPLY WITH A REQUIREMENT OF THIS TITLE AS TO A CHARITABLE CONTRIBUTION MADE BECAUSE OF A CHARITABLE SOLICITATION IS LIABLE TO THE DONOR OF THE CHARITABLE CONTRIBUTION FOR:

(1) ACTUAL DAMAGES THAT THE DONOR SUSTAINS BECAUSE OF THE FAILURE; AND

(2) REASONABLE ATTORNEY'S FEES AND COSTS OF THE ACTION, IF DAMAGES ARE AWARDED.

(D) DEFENSE AGAINST LIABILITY.