

CHAPTER 210. RETROACTIVE REGISTRATION

Sec.
210.010. Retroactive registration.

Authority

The provisions of this Chapter 210 issued under sections 203(d), (o) and (p), 205, 206, 207(n), 210, 301, 303, 504, 603(a) and (c), 606(d) and 609 of the Pennsylvania Securities Act of 1972 (70 P. S. §§ 1-203(d), (o) and (p), 1-205, 1-206, 1-207(n), 1-210, 1-301, 1-303, 1-504, 1-603(a) and (c), 1-606(d) and 1-609); and section 4 of the Takeover Disclosure Law (70 P. S. § 74).

Source

The provisions of this Chapter 210 adopted September 22, 1995, effective September 23, 1995, 25 Pa.B. 3994; amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7456; transferred and renumbered from 64 Pa. Code § 210.010, December 14, 2012, effective December 15, 2012, 42 Pa.B. 7533. Immediately preceding text appears at serial page (324445).

§ 210.010. Retroactive registration.

(a) Either of the following may apply to the Department on Form 210 in accordance with the General Instructions to register the securities retroactive to the date of the initial registration or to amend the notice filing retroactive to the date of the initial notice filing:

(1) An issuer that has an effective registration statement under section 205 or 206 of the act (70 P.S. §§ 1-205 and 1-206) and has an effective registration statement on file with the Securities and Exchange Commission for the same securities sold in this Commonwealth in excess of the aggregate amount registered for sale in this Commonwealth under section 205 or 206 of the act.

(2) An open-end or closed-end investment company, face amount certificate company or unit investment trust, as those persons are classified in sections 1—21 of the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-21), which, during the effective period of registration under section 205 or 206 of the act or the effective period of a notice filing sold securities in this Commonwealth in excess of the aggregate amount registered for sale in this Commonwealth under section 205 or 206 of the act or covered by the notice filing.

(b) The Department will not grant an application filed on Form 210 if, at the time the application is filed with the Department, either of the following conditions exist:

(1) A civil, criminal or administrative proceeding is pending alleging violations of section 201 of the act (70 P.S. § 1-201) for the sale of securities in this Commonwealth.

(2) The securities were sold more than 24 months before the date Form 210 was filed with the Department.

(c) An application filed on Form 210 shall be accompanied by a check made payable to the “Commonwealth of Pennsylvania” in an amount which equals the applicable oversale assessment in section 602.1(d) of the act (70 P.S. § 1-602.1(d)).

Authority

The provisions of this § 210.010 amended under section 202.C of the Department of Banking and Securities Code (71 P.S. § 733-202.C); section 609(a) of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-609(a)); and section 9(b) of the Takeover Disclosure Law (70 P.S. § 79(b)).

Source

The provisions of this § 210.010 transferred and renumbered from 64 Pa. Code § 210.010, December 14, 2012, effective December 15, 2012, 42 Pa.B. 7533; amended January 12, 2018, effective January 13, 2018, 48 Pa.B. 389. Immediately preceding text appears at serial page (364723).

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