

CHAPTER 211. FEDERALLY COVERED SECURITIES

Sec.
211.010. Notice filings for Federally covered securities.

Authority

The provisions of this Chapter 211 adopted under sections 202(g) and (i), 203(d), (i.1), (j) and (n)—(t), 204(a), 205(b), 207(g), (j.1) and (n), 209(b), 211(a) and (b), 504(d), 513, 603(a), 606(d) and 609(a) of the Pennsylvania Securities Act of 1972 (70 P. S. §§ 1-202(g) and (i), 1-203(d), (i.1), (j) and (n)—(t), 1-204(a), 1-205(b), 1-207(g), (j.1) and (n), 1-209(b), 1-211(a) and (b), 1-504(d), 1-513, 1-603(a), 1-606(d) and 1-609(a)), unless otherwise noted.

Source

The provisions of this Chapter 211 adopted December 30, 1999, effective January 1, 2000, 30 Pa.B. 18; transferred and renumbered from 64 Pa. Code Chapter 211, December 14, 2012, effective December 15, 2012, 42 Pa.B. 7533, unless otherwise noted. Immediately preceding text appears at serial page (315081).

§ 211.010. Notice filings for Federally covered securities.

(a) *211(a) notice.* The notices required under section 211(a) of the act (70 P.S. § 211(a)) to be filed by an open-end or closed-end investment company, unit investment trust or face amount certificate company, as those persons are classified in the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64) (investment companies) must be:

(1) Completed by using the Uniform Investment Company Notice Filing Form (Form NF).

(2) Accompanied by the applicable filing fees and administrative assessments in sections 602(b.1)(iv) and 602.1(a)(5) of the act (70 P.S. §§ 1-602(b.1)(iv) and 1-602.1(a)(5)).

(b) *Exceptions.*

(1) The documents filed by an investment company with the Securities and Exchange Commission do not need to be filed with the notice described in subsection (a) except for those documents filed with the Securities and Exchange Commission relating to mergers, acquisitions or reorganizations.

(2) If paragraph (1) requires the filing of documents, then an investment company shall file copies of the registration statements, prospectuses or post-effective amendments filed with the Securities and Exchange Commission with the Department at the time the notice required under subsection (a) is filed.

(c) *211(b) notice.* The notice required under section 211(b) of the act must be:

(1) Filed with the Department on Form D promulgated by the Securities and Exchange Commission.

(2) Filed not later than 15 calendar days after the first sale of the Federally covered security in this Commonwealth.

(3) Accompanied by the filing fee in section 602(b.1)(vii) of the act.

(d) *Department orders.* With respect to a Federally covered security under section 18(b)(3) of the Securities Act of 1933 (15 U.S.C.A. § 77r(b)(3)), the Department may issue an order requiring the filing of documents filed with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa) or any notice filing form that has been adopted by the Department that does not require any information or documents in addition to that required by the Securities and Exchange Commission.

Authority

The provisions of this § 211.010 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 § 211.010 transferred and renumbered from 64 Pa. Code § 211.010, 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 (364725).

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