

§16302. Notice filing

1. Notice filings for federal covered securities under Section 18(b)(2) of the federal Securities Act of 1933. A federal covered security, as defined in Section 18(b)(2) of the federal Securities Act of 1933, 15 United States Code, Section 77r(b)(2), that is not otherwise exempt under sections 16201 to 16203 may not be offered or sold in this State unless before the initial offer in this State the following are filed with the administrator:

- A. The uniform investment company notice filing form; [PL 2005, c. 65, Pt. A, §2 (NEW).]
 - B. A consent to service of process complying with section 16611 signed by the issuer; and [PL 2005, c. 65, Pt. A, §2 (NEW).]
 - C. The payment of a nonrefundable fee of \$1,000 for each type or class of security offered. [PL 2005, c. 65, Pt. A, §2 (NEW).]
- [PL 2005, c. 65, Pt. A, §2 (NEW).]

2. Notice filing effectiveness and renewal. A notice filing under subsection 1 is effective for one year commencing on the date of the notice filing, the date of effectiveness of the offering filed with the Securities and Exchange Commission or a date selected by the filer, whichever date is latest. On or before expiration, a notice filing may be renewed by filing the uniform investment company notice filing form and by paying a nonrefundable renewal fee of \$1,000 for each type or class of security offered. A previously filed consent to service of process complying with section 16611 may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

[PL 2005, c. 65, Pt. A, §2 (NEW).]

3. Notice filings for federal covered securities under Section 18(b)(4)(D). A security that is a federal covered security under Section 18(b)(4)(D) of the federal Securities Act of 1933, 15 United States Code, Section 77r(b)(4)(D) that is not otherwise exempt under sections 16201 to 16203 may not be sold in this State unless the following records are filed with the administrator no later than 15 days after the first sale in this State:

- A. A notice on "Form D," as promulgated by the Securities and Exchange Commission; [PL 2009, c. 500, §2 (AMD).]
- B. A consent to service of process complying with section 16611, signed by the issuer, except that if the Form D includes a consent to service of process, a separate document need not be filed for this purpose, and if the consent to service of process on the Form D is executed in a manner accepted by the Securities and Exchange Commission, it is deemed to comply with the requirement in this section and in section 16611, subsection 1 that the consent be signed; and [PL 2009, c. 500, §3 (AMD).]
- C. The payment of a nonrefundable fee of \$300 per type or class of security sold.

A notice filer making a filing 16 or more days after the first sale in this State shall pay an additional nonrefundable late filing fee of \$500. [PL 2019, c. 252, Pt. A, §2 (AMD).]

[PL 2019, c. 252, Pt. A, §2 (AMD).]

4. Stop orders. Except with respect to a federal covered security under Section 18(b)(1) of the federal Securities Act of 1933, 15 United States Code, Section 77r(b)(1), if the administrator finds that there is a failure to comply with a notice or fee requirement of this section or any rule adopted under this section, the administrator may issue a stop order suspending the offer and sale of a federal covered security in this State. If the deficiency is corrected, the stop order is void as of the time of its issuance and no penalty may be imposed by the administrator.

[PL 2005, c. 65, Pt. A, §2 (NEW).]

5. Other federal covered securities. Unless the administrator provides otherwise by rule, any other federal covered security may be offered and sold in this State in reliance on its being a federal covered security without the filing of a notice or the payment of a fee.
[PL 2005, c. 65, Pt. A, §2 (NEW).]

6. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2005, c. 65, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 65, §A2 (NEW). PL 2009, c. 500, §§2, 3 (AMD). PL 2019, c. 252, Pt. A, §2 (AMD).

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