

tion, and actions or proceedings at law or in equity may be instituted and maintained on any such contract. No such action, however, shall be instituted or recovery had by any such corporation on any such contract, either expressed or implied, in any of the courts of this Commonwealth, or before any justice of the peace or magistrate thereof, until such corporation shall obtain a certificate of authority, and shall pay to the Department of State a fine of two hundred fifty dollars (\$250.00).

Paragraph B, section 915, act of May 5, 1933, P. L. 289, amended.

Section 7. Paragraph B of section nine hundred fifteen of said act is hereby amended to read as follows:

Section 915. Surrender of Certificate of Authority.—

* * * * *

B. A foreign nonprofit corporation shall, before making application for a certificate of withdrawal, advertise its intention to withdraw from doing business in this Commonwealth in a manner similar to that hereinafter required by this act in the case of the voluntary dissolution of a domestic nonprofit corporation. *The advertisement shall set forth briefly:*

- (1) *The name of the corporation and of the state or country under the laws of which it is formed.*
- (2) *The address including street and number, if any, of its principal office in the state or country under the laws of which it is incorporated.*
- (3) *The address including street and number, if any, of its present registered office in this Commonwealth.*
- (4) *The date when its application for a certificate of withdrawal will be presented to the Department of State.*

Article IX, act of May 5, 1933, P. L. 289, further amended by adding section 916.

Section 8. Article IX of said act is hereby further amended by adding thereto after section nine hundred fifteen the following new section to be known as section nine hundred sixteen:

Section 916. *Revocation of Certificate of Authority Upon Receipt of Notice of Cancellation of Charter.—On receipt of a certificate of the proper officer of the state or country under the laws of which it is incorporated, certifying that the charter of any foreign nonprofit corporation authorized to do business within the Commonwealth has been revoked or declared null and void, it shall be the duty of the Secretary of the Commonwealth, forthwith, to revoke and cancel the certificate of authority previously granted to such corporation by the Department of State.*

Act effective immediately.

Section 9. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 24th day of May, A. D. 1945.

EDWARD MARTIN

No. 380

AN ACT

Making it unlawful for any individual or individuals to carry on any business under an assumed or fictitious name, style or designation, unless upon advertisement and the filing of an application to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring nonresident applicants to have a resident agent; prescribing the effect of failure to file such application; providing that certificates of the Secretary of the Commonwealth shall be admitted in evidence; requiring county commissioners, at the expense of the county, to provide books or other means of reproduction for the entry of such applications; requiring the cancellation of such application or* the withdrawal from the business; providing methods therefor; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Fictitious names.

Section 1. No individual or individuals shall hereafter carry on or conduct any business in this Commonwealth under any assumed or fictitious name, style or designation unless the person or persons conducting or carrying on the same shall have first filed in the office of the Secretary of the Commonwealth and in the office of the prothonotary in the county, wherein the principal place of business is located, to be entered in a book provided for that purpose, or to be entered or recorded by microfilming or other photographic process, an application, under oath, and signed by such person or persons, setting forth the real name or names and the residences, including number and street, if any, of all the persons owning or interested in said business, the name, style or designation under which said business is being or will be carried on or conducted, a brief statement concerning the character or nature of said business and the location of the principal office or place of business, including number and street, if any.

Application to Secretary of Commonwealth and prothonotary.

Section 2. Where all of the owners of said business live outside the Commonwealth of Pennsylvania and desire to carry on or conduct any such business within the Commonwealth, then such business shall be conducted through a resident agent, such application shall also show the name and residence address, including number and street, if any, of such agent.

Resident agent if owners outside Commonwealth.

Section 3. Before any such application shall be filed in the office of the Secretary of the Commonwealth or in the office of the prothonotary of the county aforesaid, notice of intention so to file the same shall be given by publication once in a newspaper of general circulation, published in the political subdivision of said county wherein the principal office or place of business is located, (or if no newspaper is there published then in a

Publication of notice to file.

* "on" in original.

newspaper of general circulation published in the county), and also in the legal newspaper if any published in said county. Such advertisement shall set forth notice of intention to register in the office of the Secretary of the Commonwealth and in the office of the prothonotary of the said county, and the date when such application will be filed, the name or names, and residence address or addresses, including number and street, if any, of all persons owning or interested in said business, the name, style or designation under which said business is being or will be carried on or conducted, and the location of its principal place of business, including number and street, if any. Proofs of publication of such notice shall be submitted with such application to the Secretary of the Commonwealth and to the office of the prothonotary. Upon the filing of said application with proofs of publication and payment of the proper fees the Secretary of the Commonwealth shall forthwith issue a certificate of registration.

Section 4. The failure of any such person or persons to file the applications aforesaid in the office of the Secretary of the Commonwealth or in the office of the prothonotary shall not impair or affect the validity of any contract with such person or persons, and actions or proceedings at law or in equity may be instituted and maintained on any such contract, but no such action shall be instituted or recovery had by any such persons on any such contract, either expressed or implied, in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof, until such person or persons comply with the provisions of this act: And provided further, Before any such person or persons may institute any action in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof, on any cause of action arising prior to the filing of the application provided for in this section, such person or persons shall pay to the Secretary of the Commonwealth for the use of the Commonwealth a license fee or fine of twenty-five dollars (\$25.00). This act shall apply to all actions pending at the date of the passage of this act: Provided, That the plaintiff in any such suit shall pay all costs accrued prior to compliance with the provisions of this act: Provided, That this act shall not apply to any cases adjudicated at the date of the passage of this act.

Section 5. A certification by the Secretary of the Commonwealth under the great seal of the Commonwealth showing the filing of the application or statements, and the payment of fees and fines, or the failure to file such application and statements, or to pay the fees and fines, as provided for and required by this act, shall

Certificate of registration.

Validity of contracts not affected by failure to register name.

Fine.

Records legal evidence.

be competent and legal evidence and shall be admitted in evidence in any judicial proceedings in any court where the same may be material.

Section 6. The book or other means of reproduction, hereinbefore required to be kept by the prothonotary, shall be provided by the county commissioners at the expense of the respective counties. The fees of the prothonotary and the Secretary of the Commonwealth for the entry or reproduction of such application shall be the same as now provided by law for similar services.

Section 7. Any person or persons conducting or carrying on any business in this Commonwealth who in compliance with the provisions of this act have or may hereafter file an application, as herein provided, in the office of the Secretary of the Commonwealth and in the office of the prothonotary shall, upon the dissolution of any such business, or upon his or their withdrawal from such business, file a statement of cancellation or withdrawal, as the case may be, and shall thereupon have the right to require the Secretary of the Commonwealth and the prothonotary in whose office such application was filed to cancel such application, if the business has been dissolved, or to make a notation on the margin of the book in which such application was entered to the effect that he or they are no longer connected with or interested in such business, if he or they have withdrawn from the business: Provided, however, That if the entry or recording of such application be by microfilming or other photographic process then the statement of cancellation or withdrawal shall be entered or recorded in like manner as a separate instrument. The Secretary of the Commonwealth shall forthwith issue a certificate of cancellation or withdrawal.

Section 8. The statements of cancellation or withdrawal required to be filed by this act shall be under oath signed by such person or persons and shall set forth that such business has been dissolved, or that such person or persons (giving the name or names and addresses) have withdrawn therefrom, that the business no longer exists, or that the person or persons desiring the notation or the entry or recording to be made are no longer connected with or interested in the business, the date when such business was dissolved, or when such person or persons withdrew therefrom, and a request that the application be cancelled, or that the notation or entry or recording, as aforesaid, be made. Thereupon it shall be the duty of the Secretary of the Commonwealth and the prothonotary, upon the payment of the same fee as charged for the entry of the application, to cancel such application, or to make the notation as requested, or to enter or record the filing of the same as heretofore provided.

Fees.

Dissolution or withdrawal.

Statements of cancellation or withdrawal.

Failure to file certificate of cancellation.

Section 9. In case a statement of cancellation required under this act is not filed, then upon satisfactory determination by the Secretary of the Commonwealth that such assumed or fictitious name, style or designation has ceased to be used in the business operations of the registrants, he may, at any time subsequent to ten (10) days written notice to the last address of record, revoke or cancel the certificate filed under the provisions of section one (1) of the act.

Applications to be kept one year.

Section 10. All applications for registration of assumed or fictitious names, statements of cancellation or withdrawal, henceforth or heretofore filed, shall, after entry or recording by microfilming or other photographic process, be retained by the Secretary of the Commonwealth for a period of one year from the date of registration and may thereafter be destroyed together with proofs of publication upon the approval of the Executive Board.

False statements.

Section 11. If any application or statement provided for by this act shall be in any respect false, any person signing or swearing to the same shall be guilty of a misdemeanor, and upon conviction, shall be punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both, in the discretion of the court.

Violations of act.

Section 12. Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court.

Information.

Section 13. Information against any person or persons violating any of these provisions of this act may be made before any justice of the peace, magistrate or alderman by any aggrieved citizen of the Commonwealth, by the Attorney General thereof, or by the district attorney of the county in which the offense was committed.

Act effective immediately.

Section 14. This act shall become effective immediately upon final enactment.

Acts specifically repealed.

Section 15. The following acts are hereby specifically repealed.

Act of June 28, 1917, P. L. 645, repealed.

The act, approved the twenty-eighth day of June, one thousand nine hundred seventeen (Pamphlet Laws, six hundred forty-five), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to

provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties."

The act, approved the twentieth day of June, one thousand nine hundred nineteen (Pamphlet Laws, five hundred forty-two), entitled "A supplement to an act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and forty-five), entitled* 'An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties'; permitting the cancellation of such certificate or an entry to be made on the margin of the book in which such certificate was entered showing who have withdrawn from the business; providing a method therefor; and prescribing a penalty."

Act of June 20, 1919, P. L. 542, repealed.

The act, approved the tenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, four hundred sixty-five), entitled "An act to amend section one of an act, entitled 'An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties,' approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred forty-five)."

Act of May 10, 1921, P. L. 465, repealed.

The act, approved the twenty-ninth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred seventy-nine), entitled "An act to amend section one of the act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred forty-five), entitled 'An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary;

Act of June 29, 1923, P. L. 979, repealed.

* "A supplement to an act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and forty-five), entitled" omitted in original.

requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fee of the Secretary of the Commonwealth and prothonotary; and providing penalties,' authorizing the Secretary of the Commonwealth to grant certificates to be received in evidence."

The act, approved the twenty-eighth day of May, one thousand nine hundred forty-three (Pamphlet Laws, seven hundred eighty-one), entitled "An act to further amend section one of the act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred forty-five), entitled* 'An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or** designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties,' by requiring notice of intention to file such certificates to be given by advertisement and the filing of proofs of such publication."

APPROVED—The 24th day of May, A. D. 1945.

EDWARD MARTIN

No. 381

AN ACT

To amend sections eight, nine and thirteen of the act, approved the twenty-first day of May, one thousand nine hundred thirty-seven (Pamphlet Laws, seven hundred seventy-four), entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall

* "An act to further amend section one of the act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred forty-five), entitled" omitted in original.
** "or" omitted in original.

become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds," by providing additional purposes for which turnpike revenue bonds may be issued; regulating the sale and use of the proceeds thereof; and regulating the issuance of turnpike revenue refunding bonds.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections eight, nine and thirteen of the act, approved the twenty-first day of May, one thousand nine hundred thirty-seven (Pamphlet Laws, seven hundred seventy-four), entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds," are hereby amended to read as follows:

Section 8. The commission is hereby authorized to provide, by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike, which resolution shall cite an estimate of such cost. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum, payable semi-annually, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices, and under such terms and conditions as may be fixed by the commission prior to the issuance of

Highways.

Sections 8, 9 and 13, act of May 21, 1937, P. L. 774, amended.

Turnpike revenue bonds.