

Subsection (a), section 2577, and sections 2578, 2579 and 2580 of the act, added March 22, 1956, P. L. 1315, further amended.

Section 8. Subsection (a) of section 2577 and sections 2578, 2579 and 2580 of the act, added March 22, 1956 (P. L. 1315), are amended to read:

Section 2577. Limitations on Approval of Projects for Reimbursement Purposes.—(a) The Superintendent of Public Instruction shall not give his approval for reimbursement purposes to any phase of any project or any project to be undertaken by the State Public School Building Authority or by any municipality authority or nonprofit corporation *under section 758 of this act or any profit or nonprofit corporation, partnership, association or person under section 791 of this act* or by any school district, that would cause the approved reimbursable costs of projects to exceed six hundred and twenty-five million dollars (\$625,000,000) during the school year 1955-1956, seven hundred and twenty-five million dollars (\$725,000,000) during the school year 1956-1957, eight hundred and twenty-five million dollars (\$825,000,000) during the school year 1957-1958, and nine hundred and twenty-five million dollars (\$925,000,000) during the school year 1958-1959 in the aggregate for all the authorities, nonprofit corporations, *profit or nonprofit corporations, partnerships, associations or persons* and school districts combined for projects already undertaken and to be undertaken.

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Section 2578. Payments.—(a) Payments to a school district shall be determined and approved by the Department of Public Instruction. The amount so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction.

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority, sinking fund charges, or rentals under leases with municipality authorities, *nonprofit corporations or profit or nonprofit corporations, partnerships, associations or persons* for building or educational equipment for area technical schools, shall be paid to the county board of school directors operating the school. School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority, *a nonprofit corporation or a profit or nonprofit corporation, partnership, association or person* for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as

though they had originally been parties to the agreement or lease. The amount thereof shall be paid to the county board of school directors. No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to county-wide plans prepared by the county board of school directors and approved by the State Board of Vocational Education.

Section 2579. Inspection of Projects by Department of Public Instruction.—The Department of Public Instruction shall inspect, during construction, the work performed by or under contract with a municipality authority, nonprofit corporation, *profit or nonprofit corporation, partnership, association or person* or school *district, on all projects for the rental or sinking fund charge of which the Commonwealth will make reimbursement, and shall compel compliance with approved plans.

Section 2580. Changes in the Amount of Lease Rentals.—Reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the State Public School Building Authority or any municipality authority or nonprofit corporation *or profit or nonprofit corporation, partnership, association or person* or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental.

Section 9. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 11th day of July, A. D. 1957.

GEORGE M. LEADER.

No. 374

AN ACT

Making it unlawful for any corporation to carry on any business under an assumed or fictitious name, style or designation other than its proper corporate name, unless an application is filed with the Secretary of the Commonwealth and the prothonotary; providing for the amendment of such application; fixing the fees of the Secretary of the Commonwealth and the prothonotary; providing penalties; and providing for the cancellation of such application by the registrant or the Secretary of the Commonwealth under certain circumstances.

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

Fictitious Corporate Name Act.

Section 1. Short Title.—This act shall be known and may be cited as the "Fictitious Corporate Name Act."

* "district" in original.

Section 2. Definitions.—The following words and phrases, when used in this act, shall, for the purpose of this act, have the meanings, respectively, ascribed to them in this section:

(1) "Business." Any commercial or professional activity.

(2) "Corporation." Any profit or nonprofit corporation organized under the laws of the Commonwealth of Pennsylvania or of any other jurisdiction.

(3) "Document." Any application, statement or other instrument required to be filed or otherwise provided for by this act.

(4) "Domestic Corporation." A corporation organized under or by virtue of any law of this Commonwealth.

(5) "Entity." Any natural person, corporation, association, partnership, joint-stock company, business trust, syndicate, joint adventureship or other combination or group of persons.

(6) "Fictitious Name." Any assumed or fictitious name, style or designation other than the proper corporate name of the corporation using such name.

(7) "Foreign Corporation." A corporation other than a domestic corporation.

Section 3. Execution of documents by Corporations.—Whenever any corporation is required by this act to execute any document, such document shall be signed by the president or vice-president and secretary or treasurer and the corporate seal shall be affixed thereto.

Section 4. Verification.—All documents filed pursuant to the provisions of this act shall be executed under oath.

Section 5. Registration.—No corporation alone, or in combination with any other entity, shall hereafter conduct any business in this Commonwealth under any fictitious name unless such corporation shall have first registered the fictitious name by filing in the office of the Secretary of the Commonwealth, and in the office of the prothonotary of the county wherein the registered office of such corporation is located, an application on a form supplied or approved by the Secretary of the Commonwealth, containing the following information:

(1) The fictitious name under which the business is being or will be carried on or conducted.

(2) A brief statement concerning the character or nature of the business to be conducted under the fictitious name.

(3) The corporate name, state and date of incorporation and location, including number and street, if any, of the principal place of business and the registered office in this Commonwealth of the registrant.

(4) The name and residence including number and street of any other entity in combination with which the registering corporation seek to conduct the business under the fictitious name.

Section 6. Documents to be Recorded.—The Secretary of the Commonwealth and the prothonotary shall either bind in a book provided for that purpose, or enter or record by microfilming or other photographic process, all documents filed under this act.

Section 7. Retention of Records.—All documents filed pursuant to this act shall, if entered or recorded by microfilming or other photographic process, be retained by the Secretary of the Commonwealth for a period of at least one year from the date of registration and may thereafter be destroyed: Provided, That the microfilm or other photographic record thereof shall be maintained as the official record.

Section 8. Certificates of Registration.—Upon filing of the application for registration in proper form and payment of the requisite fees, the Secretary of the Commonwealth and the prothonotary shall, each, forthwith, issue one certificate of registration without payment of an additional fee.

Section 9. Certificate of Registration or Non-Registration as Evidence.—A certificate of the Secretary of the Commonwealth, under the great seal of the Commonwealth, showing the filing of an application or other document and the payment of fees or a civil penalty, or the failure to file an application or other document, or to pay fees or a civil penalty, as provided for or required by this act, shall be competent and legal evidence, and shall be admitted in evidence in any judicial proceeding in any court where the same may be material. The Secretary shall charge a fee of three dollars (\$3) for each such certificate issued, except when the certificate is issued pursuant to section 7.

Section 10. Foreign Corporations.—If the registrant is a foreign corporation, such registrant must, prior to the filing of the application required by this act, be duly authorized to carry on or conduct such business under the laws of this Commonwealth, and the application required by this act shall show the date when, and by what official, a certificate of authority to do business in this Commonwealth was issued, or shall state that no certificate is required by law.

Section 11. Change of Address.—In all cases where the location of the principal place of business or the registered office of a registrant is changed subsequent to the filing of any document under this act, such registrant shall notify the Secretary of the Commonwealth and the prothonotary of the change by filing with them a supplemental statement setting forth the character and date of filing of the document or documents to be amended and the new address. The Secretary of the Commonwealth shall receive a fee of ten dollars (\$10) for filing such supplemental statement and the prothonotary shall receive a fee of one dollar and fifty cents (\$1.50). Upon filing of the supplemental statement, the Secretary of the Commonwealth and the prothonotary shall each forthwith issue certificates of amendment.

Section 12. Amendments.—Any registrant may amend its original application in any manner not otherwise provided for by this act by filing with the Secretary of the Commonwealth and the prothonotary an application for an amended certificate: Provided, That a certificate may not be amended by changing the fictitious name as registered. The secretary shall charge a fee of fifteen dollars (\$15) for his services in amending the certificate while the fee of the prothonotary shall be three dollars (\$3). Upon filing of such application for amendment, both, the Secretary of the Commonwealth and the prothonotary shall forthwith issue certificates setting forth the character of the amendment.

Section 13. Contracts Entered into by Unregistered Corporation Using Fictitious Name.—The failure of any corporation to file an application in the office of the Secretary of the Commonwealth or in the office of the prothonotary, when required to do so under the provisions of this act, shall not impair or affect the validity of any contract which such corporation shall be a party to. Actions at law or in equity may be instituted and maintained on any such contract, but no action shall be instituted or recovery had in any court of this Commonwealth or before any justice of the peace or magistrate when such contract shall arise out of a transaction with respect to which such corporation used such fictitious name on behalf of any such corporation on any contract, be it either expressed or implied, until the corporation complies with the provisions of this act. Before any corporation may institute any action in any court of this Commonwealth, or before any justice of the peace or magistrate, on any cause of action arising out of any transaction in respect to which such corporation used a fictitious name prior to the date of the registration of such fictitious name, the corporation shall pay to the Secretary of the Commonwealth, for the use of the Com-

monwealth, a civil penalty of three hundred dollars (\$300). This section shall not apply to any action or adjudication pending prior to the effective date of this act.

Section 14. Affidavits of Compliance Required Upon Suit.—An affidavit of compliance with the provisions of this act shall be filed by all corporations subject to provisions hereof, when instituting court action arising from any transaction with respect to which such corporation used a fictitious name. If an action is begun by complaint, the affidavit may be set forth therein as a separate paragraph.

Section 15. Fees for Filing Application for Registration.—The fee of the Secretary of the Commonwealth for filing the application for registration shall be thirty dollars (\$30) and that of the prothonotary shall be ten dollars (\$10).

Section 16. Statement of Cancellation.—If, subsequent to registration under this act, the registrant is dissolved or is no longer authorized to do business in this Commonwealth or otherwise ceases to do business in this Commonwealth under the registered fictitious name, such registrant must file a statement of cancellation. Thereupon, the Secretary of the Commonwealth and the prothonotary, in whose office the application was filed, shall cancel the registration and issue certificates of cancellation. If the entry or recording of the application was by microfilming or other photographic process, the statement of cancellation shall be entered or recorded in like manner as a separate instrument. The fee of the Secretary of the Commonwealth for filing such statement of cancellation shall be one dollar (\$1.00) and that of the prothonotary shall also be one dollar (\$1.00).

Section 17. Cancellation by Secretary of the Commonwealth.—If no statement of cancellation has been filed, the Secretary of the Commonwealth, upon satisfactory determination that the registered fictitious name is no longer being used and has been abandoned by the registrant, may, at any time subsequent to thirty days' notice by certified or registered mail, return receipt requested, to the registrant at the address set forth in its application or amendments thereto, cancel the certificate of registration issued under the provisions of this act.

Section 18. Cancellation after Five Years.—(a) Certificates of registration of a fictitious name, or amendments thereto, in accordance with the provisions of this

act, shall be cancelled by the Secretary of the Commonwealth after five years have elapsed from the date of issuance, or in the case of an amendment five years from the date of the amendment, or five years from the date of the last renewal of a certificate. Such cancellation shall be made only upon sixty days' notice by registered or certified mail, return receipt requested, sent to the registrant at its registered office as set forth in the application.

(b) The registrant may at any time prior to such cancellation apply to the Secretary of the Commonwealth for a renewal of its registration upon payment of a ten dollar (\$10) fee. The secretary shall upon renewal forthwith issue a certificate of renewal.

(c) The Secretary of the Commonwealth shall, upon a cancellation being made pursuant to this section, send a notification thereof by regular mail to both the prothonotary and the registrant.

(d) No corporation shall, after the cancellation of a certificate of registration, do business under the fictitious name for which such certificate was issued, unless such name shall be the corporation's proper corporate name, or unless such corporation shall reregister such name.

Section 19. Penalty for False Documents.—If any document filed pursuant to this act shall be, in any respect, false any person executing the same shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment not exceeding six months, or both, in the discretion of the court.

Section 20. Penalties.—Any person, or any officer of a corporation, violating any of the provisions of this act other than filing a false document, shall be guilty of a summary offense, and upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300), or in default thereof, to serve ten days in prison.

Section 21. Information To Be Filed.—Proceedings against any corporation or person violating any provision of this act may be brought before any justice of the peace, magistrate or alderman by any aggrieved person, or by the Attorney General, or by the district attorney of the county in which the offense was committed.

Section 22. Noncorporate Entities Must Register Under Other Acts.—The provisions of this act shall not be construed as relieving any noncorporate entity using a fictitious name in combination with a corporation, or otherwise, from registering under such other laws of this Commonwealth as require the registration of such fictitious name.

Section 23. Corporations Not Relieved From Other Acts.—The registration required under this law is in addition to all other acts required of a corporation prerequisite to its doing business in this Commonwealth, and no provision of this act shall be construed as relieving a corporation of any duty under any other law.

Section 24. Effect of Registration.—Registration under this act imparts no legal right to the registering corporation other than that the conducting of business by it under a fictitious name shall not be violation of this act when such name is properly registered hereunder.

Section 25. Effective Date.—This act shall take effect September 1, 1957.

APPROVED—The 11th day of July, A. D. 1957.

GEORGE M. LEADER

No. 375

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to grant and convey to the City of Harrisburg a portion of Forster Island, situate in the City of Harrisburg, Dauphin County.

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

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the City of Harrisburg, County of Dauphin and Commonwealth of Pennsylvania, certain real property as follows:

All that tract of land being a portion of Forster Island in the Susquehanna River in the City of Harrisburg, County of Dauphin and Commonwealth of Pennsylvania,

Real property.

Department of Property and Supplies, with approval of Governor, authorized to convey certain land in Dauphin County to the City of Harrisburg.

Description.