**Section 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act**

a) Filing requirements

1) Application for registration of investment fund shares pursuant to Section 7.A of the Act shall be made by filing the following documents with the Securities Department in Springfield in the form required by Section 7.A(2) of the Act:

A) One copy of the registration statement (without exhibits) which sets forth the title of the investment fund shares, price or proposed offering price, and the aggregate number of units to be offered by the registration statement on file with the SEC in its most recent form as of the date of the initial filing under Section 7.A of the Act;

B) A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by a general partner, if the applicant is a partnership; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of the investment fund shares to be offered in this State and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC as its "effective date" as defined in Section 2.13 of the Act, specifying such date as the "effective date" for purposes of paragraph 6 of the Application;

C) If the applicant is not a registered dealer, the name of at least one registered dealer for the investment fund shares being registered, or if no registered dealer is participating in the offering, a description of the method by which the investment fund shares being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and

D) The filing fee required by Section 7.C of the Act in the form and amount required by Section 130.110 of this Part.

2) The completed Application to Register Securities on Form U-1 shall constitute the application and the undertaking called for by Sections 7.A(2)(c) and(d), respectively, of the Act, except that:

A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven calendar days after the forwarding thereof to the SEC;

B) Only amendments to the federal registration statement which amend or supplement the registration statement need be filed pursuant to paragraph 9(b)(i) of the Application; and

C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.

b) If, prior to the effective date, there shall have been filed with the Securities Department all of the documents and fees specified in subsection (a) of this Section, registration of Investment Fund Shares under Section 7.A of the Act shall become effective automatically on the effective date, provided that:

1) The application for registration is not then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

2) At least one of the following events shall have occurred on or before the effective date:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) At least ten business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with or paid to the Securities Department.

c) If, prior to the effective date, all of the documents specified in subsection (a) of this Section shall not have been filed with the Securities Department, the registration under Section 7.A of the Act shall take effect on the date that all of the following conditions are satisfied:

1) All of the documents and fees specified in subsection (a) of this Section shall have been filed with or paid to the Securities Department;

2) The application for registration is not then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

3) There shall have been filed with the Securities Department a statement from the applicant in writing (which may be by telegraphic, electronic or facsimile transmission), which either:

A) States that no investment fund shares which are a part of the offering being registered have been sold in this State; or

B) If investment fund shares which are a part of the offering have been sold in this State, that sets forth the name and address of each purchaser of such investment fund shares, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making such sale.

4) At least one of the following events shall have occurred:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) At least ten business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with the Securities Department; and

5) There shall have been filed with the Securities Department in Springfield a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), dated not earlier than the first business day preceding the date on which the registration statement under Section 7.A of the Act is to take effect, stating that:

A) The registration statement filed under the Federal 1933 Act as defined in Section 130.200 of this Part, is then in effect; and

B) The registration statement, including any amendments or supplements thereto, then on file with the Securities Department satisfies the requirements of Section 10(a)(3) of the Federal 1933 Act as defined in Section 130.200 of this Part.

d) The applicant shall file notice with the Securities Department, in writing (which may be by telegraphic, electronic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 7.A of the Act shall take effect, of the date and time that the registration statement, or if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act as defined in Section 130.200 of this Part.

e) Any amendment to a registration under Section 7.A of the Act to add any series, class or portfolio of shares of the same rank, general description and characteristics of the investment fund shares previously registered shall be filed with the Securities Department in Springfield prior to the offer or sale of the additional series, class or portfolio of investment fund shares in this State. Such amendment shall be accompanied by the additional registration fee required by Section 7.D of the Act in the form and amount specified in Section 130.110 of this Part.

f) The issuer, controlling person or registered dealer who filed the application may petition the Securities Department in writing prior to the effectiveness of the registration of the investment fund shares under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of the investment fund shares under the Act if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of the investment fund shares shall become effective automatically on such date as shall be designated in writing by the issuer, controlling person or registered dealer who filed the application, provided that such person has satisfied all of the requirements of the Act and this Section.

(Source: Amended at 20 Ill. Reg. 14185, effective October 21, 1996)