

**CHAPTER 3. FEES AND CHARGES**

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**Cross References**

This chapter cited in 19 Pa. Code § 13.1 (relating to applicability of general rules); 19 Pa. Code § 13.3 (relating to communications and filings generally); and 19 Pa. Code § 13.31 (relating to searches and information; telephone inquiries).

**Subchapter A. FEES AND CHARGES GENERALLY**

**GENERAL PROVISIONS**

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**Cross References**

This subchapter cited in 19 Pa. Code § 3.101 (relating to general); and 19 Pa. Code § 3.105 (relating to credit card payment of fees).

**GENERAL PROVISIONS****§ 3.1. Filing fees required.**

(a) A document for which a filing is required to be charged will be received, but will not be deemed to be filed, until the filing fee required by statute or regulation has been paid.

(b) Subsection (a) supersedes 1 Pa. Code § 33.21(a) (relating to filing fees).

**Source**

The provisions of this § 3.1 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial pages (141751) to (141752).

**§ 3.2. Date of deposit as filing date.**

(a) If the Department rejects a document because of the lack of fees or if it fails to conform with § 11.11 (relating to requirements to be met by filed documents), the Department will notify the person who deposited the document of the rejection. If the person resubmits the complete document and filing fee, including a fee required by § 3.24 (relating to invoicing fee), within 30 days of the mailing of the notice, the Department will file the document as of the day the document was originally deposited if the following apply:

(1) One of the following applies:

(i) There has been no definitive filing or interim filing utilizing the association name.

(ii) Evidence of reservation of an involved association name accompanies the document. See § 17.31 (relating to availability and reservation of name).

(2) The dates on the documents or certificates which are needed to support the original submittal are operative or effective on or as of the original date of submission.

(b) Subsection (a) supersedes 1 Pa. Code § 33.21(b) (relating to filing fees).

**Source**

The provisions of this § 3.2 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141752).

**§ 3.3. Mode of payment of fees.**

(a) A fee or charge shall be paid as provided by Subchapter B (relating to method of payment).

(b) Subsection (a) supersedes 1 Pa. Code § 33.22 (relating to mode of payment of fees).

**Source**

The provisions of this § 3.3 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141752).

**FEES****§ 3.21. Copy fees.**

- (a) An uncertified copy of a document filed in the Department will be furnished at a charge of \$2 per page.
- (b) Subsection (a) supersedes 1 Pa. Code § 33.23 (relating to copy fees).

**Source**

The provisions of this § 3.21 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141752).

**Cross References**

This section cited in 19 Pa. Code § 3.22 (relating to certification fees); and 19 Pa. Code § 3.23 (relating to search fees).

**§ 3.22. Certification fees.**

- (a) The fee for certifying copies of a document or paper on file in the Department shall be the fee in § 3.21(a) (relating to copy fees), if the Department furnished the copy, and the fee in § 3.23(b) (relating to search fees), if the Department conducted the search for the document, plus \$28.
- (b) The fee for issuing other certificates of the Secretary of the Commonwealth or the Department, except for the immediate certified copy in subsection (c) and the engrossed certificate in subsection (d), is \$28.
- (c) The fee for issuing an immediate certified copy under section 136(b)(2) of the code (relating to processing of documents by Department of State) is \$52. See § 3.27 (relating to immediate certified copy fee).
- (d) The fee for issuing or certifying an engrossed certificate under section 133(e) of the code (relating to powers of Department of State) is \$52. See § 11.9 (relating to engrossed certificates).

**Source**

The provisions of this § 3.22 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141752).

**Cross References**

This section cited in 19 Pa. Code § 11.9 (relating to engrossed certificates).

**§ 3.23. Search fees.**

(a) *Uniform Commercial Code.* The fee for making a search of *Uniform Commercial Code* records is \$12 per debtor name plus \$1 for each financing statement found and for each statement of assignment reported therein.

(b) *Other written searches.* The fee for preparing and providing a written or photocopy, or both, report of another record search, including a search of the availability of, not to exceed three corporate names, is the fee specified in § 3.21(a) (relating to copy fees), plus \$12.

(c) *Counter searches.* There is no fee for making available at the offices of the Department, upon request, public records of the Department for personal inspection. The records may not be removed from the Department. This service is subject to restriction whenever necessary to avoid undue interference with the primary responsibilities of the Department.

(d) *Telephone searches.* The following apply to telephone searches:

(1) Except as provided in paragraph (2), there is no fee for responding by telephone within this Commonwealth to a telephone inquiry concerning matters that the Department may at the time be able to handle by telephone communication.

(2) The fee for responding by telephone within this Commonwealth to a telephone inquiry concerning the availability of, not to exceed three corporate names, is \$5.

**Source**

The provisions of this § 3.23 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141753).

**Cross References**

This section cited in 19 Pa. Code § 3.22 (relating to certification fees).

**§ 3.24. Invoicing fee.**

(a) The fee for invoicing unpaid fees, when the fee specified in this section is required by Subchapter B (relating to method of payment), is \$5 per filing.

(b) The fee for providing monthly statements is \$5 per monthly statement.

**Source**

The provisions of this § 3.24 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial pages (141753) to (141754).

**Cross References**

This section cited in 19 Pa. Code § 3.2 (relating to date of deposit as filing date); 19 Pa. Code § 3.103 (relating to extension of credit by the Department); 19 Pa. Code § 3.104 (relating to returned checks; effect on filing); and 19 Pa. Code § 11.12 (relating to processing of documents by Department).

**§ 3.25. Daily filing lists.**

The fee for providing listings or copies, or both, of microfilm of complete daily filings of a class of documents or papers is 25¢ per filing listed or set forth therein.

**Source**

The provisions of this § 3.25 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141754).

**§ 3.26. Facsimile fee.**

(a) There is no charge for filing documents or requesting services by facsimile machine with the Department.

(b) If the submitter or applicant requesting services has requested that the document or services be transmitted or returned by the Department by facsimile machine, the fee is \$2 per single sided page.

**Source**

The provisions of this § 3.26 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141754).

**Cross References**

This section cited in 19 Pa. Code § 13.3 (relating to communications and filings generally).

**§ 3.27. Immediate certified copy fee.**

If the submitter requests an immediate certified copy within 4 hours of filing under § 11.13 (relating to immediate certified copy) and the Department either files the document and provides an immediate certified copy within the 4-hour period or rejects the document due to failure to comply with § 11.11 (relating to requirements to be met by filed documents), there is an additional fee of \$52.

**Source**

The provisions of this § 3.27 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141754).

**Cross References**

This section cited in 19 Pa. Code § 3.22 (relating to certification fees); and 19 Pa. Code § 11.13 (relating to immediate certified copy).

**§ 3.28. Cooperative contract filing fees.**

(a) The fee for filing a cooperative contract is \$100.

(b) The fee for amending the cooperative contract or for another ancillary transaction is \$52.

**Source**

The provisions of this § 3.28 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial pages (141754) to (141755).

**§ 3.29. Service of process.**

The fee for receiving service of process is \$52 for each defendant named or served.

**Source**

The provisions of this § 3.29 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141755).

**§ 3.30. Uniform Commercial Code.**

(a) The fee for filing a financing statement with the Department of State under 13 Pa.C.S. (relating to the Uniform Commercial Code) is \$84 regardless of the number of debtors or pages.

(b) The fee for filing a financing statement with the county recorder of deeds offices under 13 Pa.C.S. (relating to Uniform Commercial Code) is \$95 regardless of the number of debtors or pages.

**Authority**

The provisions of this § 3.30 amended under the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9525.

**Source**

The provisions of this § 3.30 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993; amended August 10, 2001, effective August 11, 2001, 31 Pa.B. 4405. Immediately preceding text appears at serial page (278572).

**§ 3.31. Fictitious names.**

(a) The fee for filing a fictitious name registration or performing a service in connection with an ancillary transaction is \$52.

(b) As used in this section, the term “ancillary transaction” includes preclearance of document, applications of amendment, cancellation and withdrawal and decennial report.

**Source**

The provisions of this § 3.31 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial pages (141755) to (141756).

**§ 3.32. Marks, insignia and the like.**

(a) The fee for filing the registration of trademarks, service marks, insignia or marks used with articles or supplies, or performing a service in connection with an ancillary transaction is \$52.

(b) As used in this section, the term “ancillary transaction” includes preclearance of document, application for renewal, application for amendment, application for cancellation, statement of cancellation, assignment of registration, decennial report and petition for cancellation.

**Source**

The provisions of this § 3.32 adopted March 19, 1976, effective March 20, 1976, 6 Pa.B. 571; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141757).

**§ 3.33. Association filings generally.**

The fee for performing the following services are as follows:

<i>Service</i>	<i>Fee (in dollars)</i>
Reservation and Registration of Names	
Reservation of association name	\$ 52
Registration of foreign or other corporation name	\$ 52
Domestic Corporations	
Articles of incorporation, letters, patent or like instrument incorporating a corporation or association	\$100
Articles or agreement or like instrument of merger, consolidation or division	\$ 52
Additional fee for each association which is a party to a merger or consolidation	\$ 28
Additional fee for each new corporation resulting from a division	\$100
Articles of conversion or like instrument	\$ 52
Each ancillary transaction	\$ 52
Foreign Corporations	
Certificates of authority or like qualification to do business	\$180
Amended certificate of authority or like change in qualification to do business	\$180
Domestication	\$100

<i>Service</i>	<i>Fee (in dollars)</i>
Statement of merger or consolidation or like instrument reporting occurrence of merger or consolidation not effected by a filing in the Department	\$ 52
Additional fee for each qualified foreign corporation which is named in a statement of merger or consolidation or like instrument	\$ 28
Each ancillary transaction	\$ 52
<b>Partnerships</b>	
Certificate of limited partnership or like instrument forming a limited partnership	\$100
Certificate of merger or consolidation	\$ 52
Additional fee for each association which is a party to a merger or consolidation	\$ 28
Application for registration of foreign limited partnership	\$180
Certificate of amendment of registration of foreign limited partnership	\$180
Statement of election as an electing partnership	\$100
Each ancillary transaction	\$ 52
<b>Business Trusts</b>	
Deed of trust or other initial instrument for a business trust	\$100
Each ancillary transaction	\$ 52

**Source**

The provisions of this § 3.33 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**§ 3.34. Association ancillary transactions.**

- (a) The fee for performing services relating to each ancillary transaction is \$52.
- (b) As used in this section, the term “ancillary transaction” includes the following:
- (1) Preclearance of document.
  - (2) Amendment of articles or charter or certificate or other organic document.
  - (3) Restatement of articles or charter or certificate or other organic document.



(4) Change in registered or principal office. The fee for filing Form DSCB: 15-108 (Statement of Change of Registered Office by Agent) by a person engaged in the business of maintaining registered offices for associations is \$4.

(5) Change in share structure.

(6) Dissolution, cancellation or termination.

(7) Reorganization.

(8) Withdrawal by foreign associations.

(9) Withdrawal by partner or similar transaction.

(10) A transaction similar to those in paragraphs (1)—(9).

(11) The deposit in the Department for filing in, by, or with the Department or the Secretary of the Commonwealth of articles, statements, proceedings, agreements or like papers affecting associations under the statutes of the Commonwealth.

**Source**

The provisions of this § 3.34 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**§ 3.35. Unincorporated association name transactions.**

(a) The fee for filing an unincorporated association name registration or performing a service in connection with an ancillary transaction is \$52.

(b) As used in this section, the term “ancillary transaction” includes preclearance of document, statement of termination of registration and decennial report.

**Source**

The provisions of this § 3.35 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**§ 3.36. Contingent domestication.**

(a) The fee for filing a statement of contingent domestication is \$100 plus \$1,200 for each year, or portion thereof, during which a contingent domestication or temporary domiciliary status is in effect.

(b) The fee for providing a service in connection with an ancillary transaction is \$52.

(c) As used in this section, the term “ancillary transaction” includes preclearance of document, statement of consummation of domestication and statement of termination of domestication.

**Source**

The provisions of this § 3.36 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**Subchapter B. METHOD OF PAYMENT****METHOD**

- Sec.  
3.101. General.  
3.102. Method of payment.  
3.103. Extension of credit by the Department.  
3.104. Returned checks; effect on filing.  
3.105. Credit card payment of fees.

**FORMS**

- 3.111. Official forms.

**Cross References**

This subchapter cited in 19 Pa. Code § 3.3 (relating to mode of payment of fees); 19 Pa. Code § 3.24 (relating to invoicing fee); and 19 Pa. Code § 13.3 (relating to communications and filings generally).

**METHOD****§ 3.101. General.**

The fees and charges in Subchapter A (relating to fees and charges generally) shall be paid in a manner specified in this subchapter.

**Source**

The provisions of this § 3.101 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141757).

**§ 3.102. Method of payment.**

- (a) Fees, charges and Departmental invoices shall be paid, and deposit account deposits established by money order, certified check, bank cashier's check or personal check, made payable to the Department of State. Cash payment will not be accepted.
- (b) Personal checks will not be accepted if the drawer has previously tendered a check to the Department which has not been honored.
- (c) One check shall be submitted per document filed.
- (d) An entity may establish a deposit account with the Department from which the required filing fees will be deducted. The minimum amount needed to establish an account will be \$500. It is the responsibility of the depositor to insure that the deposit account maintains a positive balance to cover the fees or other debits charged to the account.

**Source**

The provisions of this § 3.102 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial pages (141757) to (141758).

**Cross References**

This section cited in 19 Pa. Code § 3.103 (relating to extension of credit by the Department); and 19 Pa. Code § 3.104 (relating to returned checks; effect on filing).

**§ 3.103. Extension of credit by the Department.**

- (a) Credit will not be extended by the Department for filing fees.
- (b) A person eligible for credit under subsection (e) for other fees or charges may effect services on a credit basis, in whole or in part. The Department will prepare and transmit to the person an invoice showing the amount of balance due the Department for fees and charges incurred.
- (c) The invoice of the Department prepared and transmitted under subsection (b) will include, as an additional fee, the fee specified in § 3.24(a) (relating to invoicing fee) unless the Department determines, that by reason of the circumstances, such as a request for copies or a request for *Uniform Commercial Code* search, the amount or the fee is not readily ascertainable in advance.
- (d) Under section 154(b) of the code (relating to enforcement and collection), if an invoice transmitted under this section is not paid within 60 days after mailing in the manner provided by § 3.102 (relating to method of payment), the debtor shall pay to the Commonwealth, in addition to the principal amount of the invoice and interest thereon, liquidated damages in the amount of \$500.
- (e) The Department will extend credit, other than for the filing fee, under this section to the following:
  - (1) A public officer communicating with the Department on official business and on official letterhead.
  - (2) Another person who has applied to and been granted credit by the Department prior to the transaction.
- (f) The Department reserves the following rights:
  - (1) To refuse to extend credit to a person due to a poor credit rating or previous record of default.
  - (2) To terminate the credit privileges of a person for failure to make timely payment of amounts invoiced by the Department or for other proper cause.
  - (3) To terminate existing deposit accounts and to refund to the holder the unexpended balances upon the activation of a billing system or if the holder has failed to maintain a proper balance in the account.

**Source**

The provisions of this § 3.103 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial pages (141758) to (141759).

**§ 3.104. Returned checks; effect on filing.**

(a) An entity which issues a check not honored by the institution on which it is drawn will be charged an additional \$20 processing fee.

(b) The Department will prepare and transmit to the entity an invoice showing the amount or balance due the Department for fees and charges incurred.

(c) The invoice of the Department prepared and transmitted under subsection (b) will include the filing fee, the fee specified in § 3.24(a) (relating to invoicing fee) and the fee specified in subsection (a).

(d) If an invoice transmitted under this section is not paid within 30 days after mailing in the manner set forth in § 3.102 (relating to method of payment), the Department will prepare and file with itself a Form DS: 3.104 (Statement of Unpaid Fee), whereupon filings to which the fee relates become void.

(e) Under section 154(b) of the code (relating to enforcement and collection), if an invoice transmitted under this section is not paid within 60 days after mailing in the manner provided by § 3.102, the debtor shall pay to the Commonwealth, in addition to the principal amount of the invoice and interest thereon, liquidated damages in the amount of \$500.

**Source**

The provisions of this § 3.104 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial page (141759).

**§ 3.105. Credit card payment of fees.**

A credit card may be used in payment of the fees and charges in Subchapter A (relating to fees and charges generally). This service will not be available to the public until after the Department publishes notice in the *Pennsylvania Bulletin* that the service is available.

**Source**

The provisions of this § 3.105 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**FORMS****§ 3.111. Official forms.**

The following official form has been promulgated under this subchapter and appears in Appendix A:

Form DS: 3.104 (Statement of Unpaid Fee).

**Source**

The provisions of this § 3.111 adopted June 22, 1973, effective June 23, 1973, 3 Pa.B. 1164; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993. Immediately preceding text appears at serial pages (141759) to (141761).

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