HOUSE BILL NO. 158

Introduced: 01/11/83

Referred to Committee on Business & Industry: 01/11/83

Hearing: 1/20/83

Report: 01/21/83, Do Pass, As Amended

2nd Reading: 01/24/83, Do Pass 3rd Reading: 01/26/83, Do Pass

Transmitted to Senate: 1/26/83

Referred to Committee on Business & Industry: 01/27/83

Hearing: 3/7/83

Report: 03/08/83, Be Not Concurred In. Report Adopted.

Bill Killed

1	INTRODUCED BY BURGENE Sole
2	INTRODUCED BY BURGENE Sole
3	BY REQUEST OF THE SECRETARY OF STATE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
6	FEES COLLECTED FOR FILING OF DOCUMENTS RELATING TO ASSUMED
7	BUSINESS NAMES, TRADEMARKS, AND NONPROFIT CORPORATIONS BE
8	ESTABLISHED BY THE SECRETARY OF STATE COMMENSURATE WITH
9	COSTS; AMENDING SECTIONS 30-13-217, 30-13-311, 30-13-313,
.0	30-13-315, AND 35-2-1001, MCA."
1	
2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.3	Section 1. Section 30-13-217, MCA, is amended to read:
4	#30-13-217• Fees forfilingdocumentsandissuing
.5	certificates and charges to be collected by secretary of
6	state. The-secretory-of-state-shall-collect-fort
7	{1}filingapplicationforregistrationof-assumed
18	business-nome-and-issuing-certificate-thereony-6154
9	{2}filing-application-for-renewal-of-registrationof
20	assumedbusiness-name-and-issuing-wertificate-thereony-\$10;
1	{3}filingamendmenttoregistrationofassumed
22	business-mame-and-issuing-certificate-thereony-\$10;
:3	{+}filingapplicationforreservationofessumed
24	business-neme-ond-issuing-certificate-thereony-415;-and
:5	(5)filing-eny-other-instrument-notprovidedforin

2	collect. in accordance with the provisions of this parts
3	411 fees for filing documents and issuing
4	certificates: and
5	121 miscellaneous charges."
6	NEW SECTION. Section 2. Secretary of state to
7	establish fees commensurate with costs. The secretary of
8	state shall by rule establish fees and miscellaneous charges
9	for filing documents and issuing certificates as required by
10	this part. The fees must be reasonably related to the costs
11	of processing the documents and certificates. The secretary
12	of state shall maintain records sufficient to support the
13	fees and miscellaneous charges established under this part.
14	Section 3. Section 30-13-311, MCA, is amended to read:
15	"30-13-311. Application for registration. (1) Subject
16	to the limitations set forth in this part, a person who
17	adopts and uses a mark in this state may file in the office
18	of secretary of state, on a form to be furnished by the
19	secretary of state, an application for registration of that
20	mark setting forth information including but not limited to
21	the following:
22	(a) the name and business address of the person

applying for such registration and, if a corporation, the

(b) the essential feature of the mark to be

23

24

25

state of incorporation;

this-sectiony--- 1he secretary of state shall charge and

3

5

7

9

10

13

14

15

16

17

18

19

20

21

22

23

24

25

r	ea	ĭ	st	•	ed:	

1

2

3

4

5

7

a

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

- (c) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall;
- 6 (d) the date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business:
 - (e) a statement that the mark is presently in use in this state by the applicant; and
 - (f) a statement that the applicant is the owner of the mark and that no other person has the right to use the mark in this state either in the identical form thereof or in a form that so nearly resembles it that it might be calculated to deceive or might be mistaken for it.
 - (2) The application must be signed and werified by affidavit of the applicant or a member of the firm or an officer of the corporation or association applying.
 - (3) The application must be accompanied by a specimen or facsimile of such mark in duplicate.
 - (4) The application for registration accompanied by a filing fee of-\$20, payable-to-the-sucretary of-state as provided for in [sections 6 and 7]."
- 24 Section 4. Section 30-13-313, MCA, is amended to read: #30-13-313. Duration and renewal. (1) Registration of 25

- a mark under this part is effective for a term of 10 years 1 from the date of registration and, upon application filed within 6 months prior to the expiration of such term, the registration may be renewed for another 10 years.
 - (2) An application for renewal of mark registration must be delivered to the secretary of state and shall set forth information including but not limited to the following:
 - (a) the name and business address of the applicant;
 - (b) a description of the mark; and
- 11 (c) a statement that the mark is still in use by the 12 applicant in this state.
 - (3) The application for renewal of mark registration must be signed and verified by affidavit of the applicant.
 - (4) The application for renewal of mark registration must be accompanied by a filing fee of-\$20y-payable--to--the secretary-of-state as provided for in [sections 6 and 7]."

Section 5. Section 30-13-315, MCA, is amended to read: #30-13-315. Assignment. (1) Any mark and its registration under this part may be assigned in conjunction with the good will of the business in which the mark is used or with that part of the good will of the business connected with the use of and symbolized by the mark for the remainder of the term of the current registration. An assignment of any registration under this part is void as against any

-3-

- subsequent purchaser for valuable consideration without notice unless it is recorded with the secretary of state within 3 months after the data of the assignment or prior to such subsequent purchase.
- (2) Duplicate originals of an assignment of a mark must be delivered to the secretary of state and shall set forth information including but not limited to the following:
- 9 (a) the name and address of the assignor;
- 10 (b) the name and address of the assignee;
- 11 (c) the registration number of the mark; and
 - (d) the date of registration.

3

5

7

- 13 (3) The assignment of a mark must be signed and 14 verified by the assignor.
- 15 (4) The assignment of a mark must be accompanied by a
 16 filing fee of-#20y-payable-to-the-secretary-of-state as
 17 provided for in [sections 6 and 7].**
- NEW SECTION. Section 6. Fees and charges to be collected by secretary of state. The secretary of state shall charge and collect, in accordance with the provisions of this part:
- 22 (1) fees for filing documents and issuing
 23 certificates; and
- 24 (2) miscellaneous charges.
- 25 NEW SECTION. Section 7. Secretary of state t

1	establish fees commensurate with costs. The secretary of
2	state shall by rule establish fees and miscellaneous charges
3	for filing documents and issuing certificates as required by
4	this part. The fees must be reasonably related to the cost:
5	of processing the documents and certificates. The secretary
6	of state shall maintain records sufficient to support the
7	fees and miscellaneous charges established under this part.
8	Section 8. Section 35-2-1001, MCA. is amended to read:
9	#35-2-1001. Fees forfilingdocumentsondissuing
lo	certificates and charges to be collected by secretary of
11	<u>Staig</u> . The secretory of state-shall-charge and collect - for
12	tt)filingarticlesofincorporationand-isswing-
13	certificate-of-incorporationy-\$20;
l 4	(2)fifingarticlesofamendmentandisautng
15	certificate-of-amendmenty-\$201
16	(3)filingrestatedarticlesofincorporationand
17	issuing-restated-certificate-of-incorporationy-\$20;
8	{4}filing-articles-ofmargarorconsolidationand
9	isswing-a-certificate-of-merger-or-consolidationy-\$20;
20	t5}filing-an-application-to-reserve-a-corporate-name
21	\$21
22	(6)filinganoticeoftransforofareserved
23	corporate-namey-\$2;
24	(7)filingastatementofchangeofaddresse
) E	

ı	141
2	to-filing-articles-of-discolution-and-iscuing-
3	certificate-of-dissolutions-951
4	†9}f iling-an-application-of-a-foreign-corparation-fo
5	seertificate-of-outhority-to-conduct-offairs-in-this-stat
6	and-issuing-a-certificate-of-sutherity+-620+
7	(18)-filing-an-application-of-a-foreign-corperation-fo
8	an-emended-certificate-ef-authority-toconductaffairsi
9	thisstate-and-is suing-an-amended-cortificate-of-authority
0	\$ 207
1	(11)-filing-a-copy-of-an-amondment-to-thearticles
2	incorporation-of-a-foreign-corporation-holding-a-eartificat
3	of-authority-to-conduct-affeirs-in-this-statey-818;
4	(12)-filingacopy-of-articles-af-merger-of-a-foreig
5	corporation-holding-a-certificate-ofauthoritytoconduc
6	affairs-in-this-states— \$285
7	(13)-filingan-application-for-withdrawal-of-a-foreig
8	corporation-and-issuing-a-certificate-ef-withdrawsty-#5;
9	(14)-filing-an-annual-reporty-\$57
G	(15)-filing-any-other-statement-orreportyexcepta
1	annual-reporty-of-a-domestic-or-foreign-corporationy-#2# <u>Ih</u>
2	secretary of state shall charge and collect. In accordance
3	with the provisions of this chapters
4.	(1) fees for filing documents and feeting
5.	certificates: and

2	NEW SECTION: Section 9. Secretary of state to
3	establish fees commensurate with costs. The secretary of
4	state shall by rule establish fees and miscellaneous charges
5	for filing documents and issuing certificates as required by
6	this chapter. The fees must be reasonably related to the
7	costs of processing the documents and certificates. The
8	secretary of state shall maintain records sufficient to
9	support the fees established under this section.

NEW_SECTIONs. Section 10. Codification instructions.

(1) Section 2 is intended to be codified as an integral part of Title 30, chapter 13, part 2, and the provisions of Title

(2) #1scellaneous charges."

1

10 11

12

17

sections 6 and 7.

30, chapter 13, part 2, apply to section 2.

14 (2) Sections 6 and 7 are intended to be codified as an integral part of Title 30, chapter 13, part 3, and the provisions of Title 30, chapter 13, part 3, apply to

18 (3) Section 9 is intended to be codified as an 19 integral part of Title 35, chapter 2, and the provisions of 20 Title 35, chapter 2, apply to section 9.

-End-

Approved by Committee on Business and Industry

1	HOUSE BILL NO. 158
2	INTRODUCED BY BERGENE: SALES
3	BY REQUEST OF THE SECRETARY OF STATE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
6	FEES AND MISCELLANEOUS CHARGES COLLECTED FOR FILING OF
7	DOCUMENTS RELATING TO ASSUMED BUSINESS NAMES, TRADEMARKS,
9	AND NUMPROFIT CORPORATIONS BE ESTABLISHED BY THE SECRETARY
9	OF STATE COMMENSURATE WITH COSTS; AMENDING SECTIONS
า	30-13-217, 30-13-311, 30-13-313, 30-13-315, AND 35-2-1001,
ı	MCA-"
2	
3	BF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Section 30-13-217, MCA, is amended to reag:
5	#30-13-217. Fees forfilingdocumentsandissuing
6	eertificates and charges to be collected by secretary of
7	<pre>state. The-secretary-of-state-shall-collect-for:</pre>
8	{}}filing-applicationforregistrationofassumed
9	business-name-and-issuing-certificate-thereony-515;
e	{2}filingapplication-for-renewal-of-registration-of
1	assumed-business-name-and-issuing-certificate-thereony\$10+
2	(3)filingamendmenttoregistrationofassumed
3	business-name-and-issuing-certificate-thereony-\$10;
4	f+}filingapplicationforreser∀ationofossumed
·	business number is a wing contribute the team - \$15. and

1	(5)filinganyotherinstrument-not-provided-for-in
2	this-section,-\$5* The secretary of state shall charge and
3	collect. in accordance with the provisions of this part:
4	(1) fees for filing documents and issuing
5	certificates:_and
6	(2)_miscellaneous_charges.*
7	NEW SECIION. Section 2. Secretary of state to
8	establish fees commensurate with costs. The secretary of
9	state shall by rule establish fees and miscellaneous charges
10	for filing documents and issuing certificates. COMMENSURATE
11	MIIHCOSIS: as required by this part. The fees must be
12	reasonably related to the costs of processing the documents
13	and certificates. The secretary of state shall maintain
14	records sufficient to support the fees and miscellaneous
15	charges established under this part.
16	Section 3. Section 30-13-311, MCA, is amended to read:
17	"30-13-311. Application for registration. (1) Subject
18	to the limitations set forth in this part, a person who
19	adopts and uses a mark in this state may file in the office
20	of secretary of state, on a form to be furnished by the
21	secretary of state, an application for registration of that
22	mark setting forth information including but not limited to
23	the following:
24	(a) the name and pusiness address of the person

applying for such registration and, if a corporation, the

HB 0158/02

state of incorporation:

1

5

6

7

13

14

15

16

17

18

19

20

21

22

- 2 (b) the essential feature of the mark to be
 3 registered;
 - (c) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall:
- 8 (d) the date when the mark was first used anywhere and 9 the date when it was first used in this state by the 10 applicant or his predecessor in business;
- 11 (e) a statement that the mark is presently in use in 12 this state by the applicant; and
 - (f) a statement that the applicant is the owner of the mark and that no other person has the right to use the mark in this state either in the identical form thereof or in a form that so nearly resembles it that it might be calculated to deceive or might be mistaken for it.
 - (2) The application must be signed and verified by affidavit of the applicant or a member of the firm or an officer of the corporation or association applying.
 - (3) The application must be accompanied by a specimen or facsimile of such mark in duplicate.
- 23 (4) The application for registration must be
 24 accompanied by a filing fee of-\$20, payable-to-the-secretary
 25 of-state as provided for in isections a and 71."

- Section 4. Section 30-13-313, MCA, is amended to read:

 "30-13-313. Duration and renewal. (1) Registration of

 a mark under this part is effective for a term of 10 years

 from the date of registration and, upon application filed

 within 6 months prior to the expiration of such term, the

 registration may be renewed for another 10 years.
 - (2) An application for renewal of mark registration must be delivered to the secretary of state and shall set forth information including but not limited to the following:
- (a) the name and business address of the applicant;
- 12 (b) a description of the mark; and

7

10

17

18

- (c) a statement that the mark is still in use by the applicant in this state.
- 15 (3) The application for renewal of mark registration
 16 must be signed and verified by affidavit of the applicant.
 - (4) The application for renewal of mark registration must be accompanied by a filing fee of-\$20,-payable--to--the secretary--of--state as provided for in I sections 6 and 7].
- Section 5. Section 30-13-315, MCA, is amended to read:

 "30-13-315. Assignment. (1) Any mark and its

 registration under this part may be assigned in conjunction

 with the good will of the business in which the mark is used

 or with that part of the good will of the business connected

 with the use of and symbolized by the mark for the remainder

- of the term of the current registration. An assignment of
 any registration under this part is void as against any
 subsequent purchaser for valuable consideration without
 notice unless it is recorded with the secretary of state
 within 3 months after the date of the assignment or prior to
 such subsequent purchase.
- 7 (2) Duplicate originals of an assignment of a mark 8 must be delivered to the secretary of state and shall set 9 forth information including but not limited to the 10 following:
 - (a) the name and address of the assignor;
 - (b) the name and address of the assignee;
 - [c] the registration number of the mark; and
 - (d) the date of registration.

12

13

4

17

18

19

- 15 (3) The assignment of a mark must be signed and
 16 verified by the assignor.
 - (4) The assignment of a mark must be accompanied by a filing fee of--\$28v--peyable--to-the-secretary-of-state as provided for in [sections 6 and I].*
- 20 NEW_SECTION: Section 6. Fees and charges to be
 21 collected by secretary of state. The secretary of state
 22 shall charge and collect, in accordance with the provisions
 23 of this part AND COMMENSURATE NITH_COSIS:
- 24 (1) fees for filing documents and issuing 25 certificates; and

(2) miscellaneous charges.

NEW SECTION. Section 7. Secretary of state to
establish fees AND MISCELLANEOUS CHARGES commensurate with
costs. The secretary of state shall by rule establish fees
and miscellaneous charges for filing documents and issuing
certificates as required by this part. The fees must be
reasonably related to the costs of processing the documents
and certificates. The secretary of state shall maintain
records sufficient to support the fees and miscellaneous
charges established under this part.

Section 8. Section 35-2-1001, MCA, is amended to read:

"35-2-1001. Fees for--filing--documents--and--isauing
certificates and charges to be collected by secretary of

state. The-secretary-of-state-shall-charge-and-collect--fort

(1)--filing--articles--of--incorporation--and-isauing-s

15 (1)--filing--orticles--of--incorporation--and-issuing-to16 certificate-of-incorporationy-520;

(2)--filing--articles--of--amendment--and---issuing---a
certificate-of-amendmenty-\$20;

t+}--fifing-articles-of-merger--or--consolidation--and
issuing-a-certificate-of-merger-or-consolidationy-\$20;

23 (5)--filing-an-application-to-reserve-a-corporate-name,
24 52+

CT #E9

1

11

12

13

14

17

18

21

22

25 (b)--filing---a---notice--of--transfer--of--a--reserved

HB 158

1	corporate-namey-42f
2	(7)filingastatementofchangeofoddressof
3	registeredofficeorchange-of-registered-agenty-or-bothy
4	\$2 ₁
5	(8)filingorticlesofdissolutionandissuinga
6	certificate-of-diasolutiony-15;
7	(9)filing-an-application-of-a-foreign-corporation-for
8	aceftificate-of-authority-to-conduct-affairs-in-this-state
9	and-issuing-s-certificate-of-authority-s20;
10	(±0)-filing-an-application-of-a-foreign-corporation-for
11	an-amended-certificate-of-authority-toconductaffairsin
12	thisstate-and-issuing-an-amended-certificate-of-authorityv
13	9201
14	(11)-filing-a-copy-af-an-amendment-to-thearticlesof
15	incorporation-of-a-foreign-corporation-holding-a-certificate
16	of-authority-to-conduct-affairs-in-this-state,-\$10;
17	(12)-filingacopy-of-articles-of-merger-of-a-foreign
18	corporation-holding-a-certificate-ofauthoritytoconduct
19	affairs-in-this-statey-\$20;
20	(13)-filingan-application-for-withdrawal-of-a-foreign
21	corporation-and-issuing-a-certificate-of-withdrawaly-\$5†
22	(14)-filing-an-annual-reporty-\$5+
23	(15)-filing-any-other-statement-orreportyexceptan
24	annual-reporty-of-a-domestic-or-foreign-corporationy-\$2* Ibg
25	secretary of state small charge and collect. in accordance

1	with the provisions of this chapter AND COMMENSURATE WITH
2	CDSIS:
3	(1) fees for filing documents and issuing
4	certificates: and
5	(2)_miscellaneous_charges.*
6	NEW SECIION. Section 9. Secretary of state to
7	establish fees <u>AND_MISCELLANEOUS_CHARGES</u> commensurate with
8	costs. The secretary of state shall by rule establish fees
9	and miscellaneous charges for filing documents and issuing
10	certificates as required by this chapter. The fees must be
11	reasonably related to the costs of processing the documents
12	and certificates. The secretary of state shall maintain
13	records sufficient to support the fees established under
14	this section.
15	NEW_SECTION: Section 10. Codification instructions.
16	(1) Section 2 is intended to be codified as an integral part
17	of Title 30, chapter 13, part 2, and the provisions of Title
18	30, chapter 13, part 2, apply to section 2.
19	(2) Sections 6 and 7 are intended to be codified as an
20	integral part of Title 30, chapter 13, part 3, and the
21	provisions of Title 30, chapter 13, part 3, apply to
22	sections 6 and 7.
23	(3) Section 9 is intended to be codified as an
24	integral part of Title 35, chapter 2, and the provisions of
25	Title 35, chapter 2, apply to section 9.

48th Legislature H8 0158

1	STATEMENT OF INTENT
2	HOUSE BILL 158
3	Business and Industry Committee

A statement of intent is required for this bill because sections 2, 7, and 9 grant the Secretary of State authority to establish fees and miscellaneous charges commensurate with costs for filling documents and issuing certificates required by Title 30, chapter 13, parts 2 and 3, and by Title 35, chapter 2. The fees are to be established by rules to be adopted under the Montana Administrative Procedure Act. The documents and certificates for which filling fees may be charged under those rules include those specifically mentioned in 30-13-217, 30-13-311, 30-13-313, 30-13-315, and 35-2-1001, MCA, prior to amendment by this bill, and any others required under Title 30, chapter 13, parts 2 and 3, and Title 35, chapter 2. These rules must allow the filling and billing for filling fees to be accomplished by mail.

. 9

HB 0158

1	STATEMENT OF INTENT
2	HOUSE BILL 158
3	Business and Industry Committee

A statement of intent is required for this bill because sections 2, 7, and 9 grant the Secretary of State authority to establish fees and miscellaneous charges commensurate with costs for filing documents and issuing certificates required by Title 30, chapter 13, parts 2 and 3, and by Title 35, chapter 2. The fees are to be established by rules to be adopted under the Montana Administrative Procedure Act. The documents and certificates for which filing fees may be charged under those rules include those specifically mentioned in 30-13-217, 30-13-311, 30-13-313, 30-13-315, and 35-2-1001, MCA, prior to amendment by this bill, and any others required under Title 30, chapter 13, parts 2 and 3, and Title 35, chapter 2. These rules must allow the filing and billing for filing fees to be accomplished by mail.

1	HOUSE BILL NO. 158
2	INTRODUCED BY BERGENE, SALES
3	BY REQUEST OF THE SECRETARY OF STATE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
5	FEES AND MISCELLANEOUS CHARGES COLLECTED FOR FILING OF
7	DOCUMENTS RELATING TO ASSUMED BUSINESS NAMES. TRADEHARKS.
9	AND NONPROFIT CORPORATIONS BE ESTABLISHED BY THE SECRETARY
9	OF STATE COMMENSURATE WITH COSTS; AMENDING SECTIONS
מ	30-13-217, 30-13-311, 30-13-313, 30-13-315, AND 35-2-1001,
1	MCA. M
2	
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Section 30-13-217: MCA: is amended to read:
5	#30-13-217. Fees forfilingdocumentsandissuing
6	certificates and charges to be collected by secretary of
7	State. The-secretary-of-state-shall-collect-for+
8	(1)filing-applicationforregistrationofassumed
9	business-name-and-issuing-certificate-thereony-\$15;
0	(2)filingapplication-for-renewal-of-registration-of
1	assumed-business-name-and-issuing-certificate-thereony\$18;
2	+3}filingamendmenttoregistrationafassumed
3	business-name-and-issuing-certificate-thereony-\$10;
4	- {+}filingapplicationforreservationafassumed
	- · · · · · · · · · · · · · · · · · · ·

business-name-and-issuing-certificate-thereony-\$15;-and

1	(5)filinganyotherinstrument-not-provided-for-in
2	this-sectiony-\$5. The secretary of state shall charge and
3	collect. in accordance with the provisions of this part:
4	(1) fees for filing documents and issuing
5	certificates: and
6	(2) miscellaneous charges."
7	NEW SECTION. Section 2. Secretary of state to
8	establish fees commensurate with costs. The secretary of
9	state shall by rule establish fees and miscellaneous charges
10	for filing documents and issuing certificates. COMMENSURATE
11	MIN_COSIS: as required by this part. The fees must be
12	reasonably related to the costs of processing the documents
13	and certificates. The secretary of state shall maintain
14	records sufficient to support the fees and miscellaneous
15	charges established under this part.
16	Section 3. Section 30-13-311, MCA, is amended to read:
17	#30-13-311. Application for registration. (1) Subject
18	to the limitations set forth in this part, a person who
19	adopts and uses a mark in this state may file in the office
20	of secretary of state, on a form to be furnished by the
21	secretary of state, an application for registration of that
22	mark setting forth information including but not limited to
23	the following:
24	(a) the name and business address of the person
25	applying for such registration and, if a corporation, the

	- 6	incorporation;
state	OT	incorporationi

3

10

13

14

15

16

17

18

19

20

21

22

23

24

25

- 2 (b) the essential feature the mark to be registered:
 - (c) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall;
 - (d) the date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business:
- 11 (e) a statement that the mark is presently in use in 12 this state by the applicant; and
 - (f) a Statement that the applicant is the owner of the mark and that no other person has the right to use the mark in this state either in the identical form thereof or in a form that so nearly resembles it that it might be calculated to deceive or might be mistaken for it.
 - (2) The application must be signed and verified by affidavit of the applicant or a member of the firm or an officer of the corporation or association applying.
 - (3) The application must be accompanied by a specimen or facsimile of such mark in duplicate.
 - application for registration accompanied by a filing fee of-\$20y-payable-to-the-secretary ef-state as provided for in [sections 6 and 7]."

	Section 4. Section 30-13-313, MCA, is amended to read:
!	#30-13-313. Duration and renewal. (1) Registration of
ì	a mark under this part is effective for a term of 10 years
·	from the date of registration and, upon application filed
;	within 6 months prior to the expiration of such term, the
,	registration may be renewed for another 10 years.

- (2) An application for renewal of mark registration must be delivered to the secretary of state and shall set forth information including but not limited to the following:
- (a) the name and business address of the applicant;
- 12 (b) a description of the mark; and

7

10

11

15

16

17

18

19

20

21

22

23

24

- 13 (c) a statement that the mark is still in use by the 14 applicant in this state.
 - (3) The application for renewal of mark registration must be signed and verified by affidavit of the applicant.
 - (4) The application for renewal of mark registration must be accompanied by a filing fee of-\$20g-payable--to--the secretary--of--state as provided for in (sections 6 and 71."
 - Section 5. Section 30-13-315, MCA, is amended to read: *30-13-315. Assignment. (1) Any mark and registration under this part may be assigned in conjunction with the good will of the business in which the mark is used or with that part of the good will of the business connected with the use of and symbolized by the mark for the remainder

23

24

25

424

- of the term of the current registration. An assignment of any registration under this part is void as against any subsequent purchaser for valuable consideration without notice unless it is recorded with the secretary of state within 3 months after the date of the assignment or prior to such subsequent purchase.
- (2) Duplicate originals of an assignment of a mark must be delivered to the secretary of state and shall set forth information including but not limited to the following:
 - (a) the name and address of the assignor;
- (b) the name and address of the assignee;
 - (c) the registration number of the mark; and
- (d) the date of registration.

1

3

7

10

11

12

13

14

20

21

22

23

- 15 (3) The assignment of a mark must be signed and 16 verified by the assignor.
- 17 (4) The assignment of a mark must be accompanied by a
 18 filing fee of--s20v--payable--to-the-secretary-of-state as
 19 provided for in [sections 6 and 11."
 - NEW_SECTION: Section 6. Fees and charges to be collected by secretary of state. The secretary of state shall charge and collect, in accordance with the provisions of this part AND_COMMENSURATE_WITH_COSIS:
- 24 (1) fees for filing documents and issuing 25 certificates; and

_	
3	establish fees <u>AND_MISCELLANEOUS_CHARGES</u> commensurate wit
4	costs. The secretary of state shall by rule establish fee
5	and miscellaneous charges for filing documents and issuin
6	certificates as required by this part. The fees must b
7	reasonably related to the costs of processing the document
8	and certificates. The secretary of state shall maintai
9	records sufficient to support the fees and miscellaneou
10	charges established under this part.
11	Section 8. Section 35-2-1001, MCA, is amended to read
12	#35-2-1001. Fees forfilingdocumentsandissuin
13	certificates and charges to be collected by secretary o
14	<pre>state. The-secretary-of-state-shall-charge-and-collectfor</pre>
15	(1)filingarticlesofincorporationand-issuing-
16	certificate-of-incorporationy-\$28†
17	t2)fitingarticlesofamendmentandissuing
18	certificate-of-amendmenty-\$20;
19	t3}f+++ngrestatedart+clesaf+ncorporat+onan
20	issuing-restated-certificate-of-incorporation;-\$20;
21	t4)filing-articlas-ofmergerorconsolidationan
22	issuing-a-certificate-of-merger-or-consolidationy-\$20;

(2) miscellaneous charges.

†5}--filing-an-application-to-reserve-a-corporate-names

to)--filing---s---notice--of--transfer--of--a--reserved

1	eofpofate-namey-\$2;
2	{7}f+1+ngastatementofchangeofaddressof
3	registeredofficeorchange-of-registered-agenty-or-bothy
4	\$ 2 †
5	te}filingarticlesefdissolutionandissuinga
6	cartificate-of-dissolutiony-\$5;
7	(9)filing-an-application-of-a-foreign-corporation-for
8	ocertificate-of-authority-to-conduct-offairs-in-this-state
9	and-issuing-a-certificate-of-authority;-\$20;
10	(±8)-filing-an-application-of-s-foreign-corporation-for
11	an-amended-certificate-of-authority-toconductaffairsin
12	thisstate-and-issuing-an-amended-certificate-of-authority+
13	\$20 †
14	{11}-filing-a-copy-af-an-amendment-to-thearticlesof
15	incorporation-of-a-foreign-corporation-holding-a-certificate
16	of-muthority-to-conduct-offairs-in-this-statey-\$18;
17	(12)-filingacopy-of-articles-of-merger-of-a-foreign
18	corporation-holding-a-cortificate-ofauthoritytoconduct
19	affairs-in-this-statey-\$20;
20	(±3;-f÷1÷ngen-app†÷cation-for-withdrawa)-of-a-foreign
21	corporation-and-issuing-a-certificate-of-withdrawaly-\$5t
22	(14)-filing-an-annual-reports-\$5;
23	(15)-filing-mny-other-statement-orreportyexceptan
24	annual-reporty-of-a-domestic-or-foreign-corporationy-\$2* Ing
25	secretary of state shall charge and collects in accordance

-7-

1	with the provisions of this chapter AND COMMENSURATE WITH
2	cosis:
3	(1) fees for filing documents and issuing
4	<u>certificatesi</u> and
5	(2) miscellaneous charges."
6	NEW SECTION. Section 9. Secretary of state to
7	establish fees AND MISCELLANEOUS CHARGES commensurate with
в	costs. The secretary of state shall by rule establish fees
9	and miscellaneous charges for filing documents and issuing
0	certificates as required by this chapter. The fees must be
1	reasonably related to the costs of processing the documents
12	and certificates. The secretary of state shall maintain
13	records sufficient to support the fees established under
14	this section.
15	NEW SECTION. Section 10. Codification instructions.
16	(1) Section 2 is intended to be codified as an integral part
17	of Title 30, chapter 13, part 2, and the provisions of Title
8	30, chapter 13, part 2, apply to section 2.
9	(2) Sections 6 and 7 are intended to be codified as an
20	integral part of Title 30+ chapter 13+ part 3+ and the
1	provisions of Title 30, chapter 13, part 3, apply to
2	sections 6 and 7.
:3	(3) Section 9 is intended to be codified as an
4	integral part of Title 35, chapter Z, and the provisions of
:5	Title 35, chapter 2, apply to section 9.

SENATE STANDING COMMITTEE REPORT (Business & Industry)

That House Bill No. 158 be amended as follows:

1. Title, line 6.

Strike: "AND MISCELLANEOUS CHARGES"

2. Page 6, line 13.

Strike: "and charges"

3. Page 8, line 2.

Strike: ":"

4. Page 8, line 3. Strike: "(1)"

5. Page 8, line 4.

Following: "certificates"
Strike: remainder of line 4 through "charges" on line 5.

6. Page 8, line 7. Strike: "AND MISCELLANEOUS CHARGES"

7. Page 8, line 9.
Strike: "and miscellaneous charges"