

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 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 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,
 10 30-13-315, AND 35-2-1001, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 30-13-217, MCA, is amended to read:

14 "30-13-217. Fees ~~for filing documents and issuing~~
 15 ~~certificates and charges to be collected by secretary of~~
 16 ~~state. The secretary of state shall collect for:~~

17 ~~(1) filing application for registration of assumed~~
 18 ~~business name and issuing certificate thereon, \$15;~~

19 ~~(2) filing application for renewal of registration of~~
 20 ~~assumed business name and issuing certificate thereon, \$10;~~

21 ~~(3) filing amendment to registration of assumed~~
 22 ~~business name and issuing certificate thereon, \$10;~~

23 ~~(4) filing application for reservation of assumed~~
 24 ~~business name and issuing certificate thereon, \$15; and~~

25 ~~(5) filing any other instrument not provided for in~~

1 ~~this section.~~ 25. The secretary of state shall charge and
 2 collect, in accordance with the provisions of this part:

3 ~~(1) fees for filing documents and issuing~~
 4 ~~certificates; and~~

5 ~~(2) 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
 23 applying for such registration and, if a corporation, the
 24 state of incorporation;

25 (b) the essential feature of the mark to be

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1 registered;

2 (c) the goods or services in connection with which the
3 mark is used and the mode or manner in which the mark is
4 used in connection with such goods or services and the class
5 in which such goods or services fall;

6 (d) the date when the mark was first used anywhere and
7 the date when it was first used in this state by the
8 applicant or his predecessor in business;

9 (e) a statement that the mark is presently in use in
10 this state by the applicant; and

11 (f) a statement that the applicant is the owner of the
12 mark and that no other person has the right to use the mark
13 in this state either in the identical form thereof or in a
14 form that so nearly resembles it that it might be calculated
15 to deceive or might be mistaken for it.

16 (2) The application must be signed and verified by
17 affidavit of the applicant or a member of the firm or an
18 officer of the corporation or association applying.

19 (3) The application must be accompanied by a specimen
20 or facsimile of such mark in duplicate.

21 (4) The application for registration must be
22 accompanied by a filing fee of ~~\$20, payable to the secretary~~
23 ~~of state as provided for in [sections 6 and 7].~~"

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

25 "30-13-313. Duration and renewal. (1) Registration of

1 a mark under this part is effective for a term of 10 years
2 from the date of registration and, upon application filed
3 within 6 months prior to the expiration of such term, the
4 registration may be renewed for another 10 years.

5 (2) An application for renewal of mark registration
6 must be delivered to the secretary of state and shall set
7 forth information including but not limited to the
8 following:

9 (a) the name and business address of the applicant;

10 (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.

13 (3) The application for renewal of mark registration
14 must be signed and verified by affidavit of the applicant.

15 (4) The application for renewal of mark registration
16 must be accompanied by a filing fee of ~~\$20, payable to the~~
17 ~~secretary of state as provided for in [sections 6 and 7].~~"

18 Section 5. Section 30-13-315, MCA, is amended to read:

19 "30-13-315. Assignment. (1) Any mark and its
20 registration under this part may be assigned in conjunction
21 with the good will of the business in which the mark is used
22 or with that part of the good will of the business connected
23 with the use of and symbolized by the mark for the remainder
24 of the term of the current registration. An assignment of
25 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.

(3) The assignment of a mark must be signed and verified by the assignor.

(4) The assignment of a mark must be accompanied by a filing fee of ~~of \$20 payable to the secretary of state as provided for in [sections 6 and 7].~~

NEW SECTION. Section 5. 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:

- (1) fees for filing documents and issuing certificates; and
- (2) miscellaneous charges.

NEW SECTION. Section 7. Secretary of state to

establish fees 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 issuing certificates and charges to be collected by secretary of state. The secretary of state shall charge and collect for~~
~~(1) filing articles of incorporation and issuing a certificate of incorporation \$20;~~

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

~~(3) filing restated articles of incorporation and issuing restated certificate of incorporation \$20;~~

~~(4) filing articles of merger or consolidation and issuing a certificate of merger or consolidation \$20;~~

~~(5) filing an application to reserve a corporate name \$20;~~

~~(6) filing a notice of transfer of a reserved corporate name \$20;~~

~~(7) filing a statement of change of address of registered office or change of registered agent or both~~

1 ~~§2;~~
 2 ~~(6) filing articles of dissolution and issuing a~~
 3 ~~certificate of dissolution, \$5;~~
 4 ~~(9) filing an application of a foreign corporation for~~
 5 ~~a certificate of authority to conduct affairs in this state~~
 6 ~~and issuing a certificate of authority, \$20;~~
 7 ~~(10) filing an application of a foreign corporation for~~
 8 ~~an amended certificate of authority to conduct affairs in~~
 9 ~~this state and issuing an amended certificate of authority,~~
 10 ~~\$20;~~
 11 ~~(11) filing a copy of an amendment to the articles of~~
 12 ~~incorporation of a foreign corporation holding a certificate~~
 13 ~~of authority to conduct affairs in this state, \$10;~~
 14 ~~(12) filing a copy of articles of merger of a foreign~~
 15 ~~corporation holding a certificate of authority to conduct~~
 16 ~~affairs in this state, \$20;~~
 17 ~~(13) filing an application for withdrawal of a foreign~~
 18 ~~corporation and issuing a certificate of withdrawal, \$5;~~
 19 ~~(14) filing an annual report, \$5;~~
 20 ~~(15) filing any other statement or report except an~~
 21 ~~annual report of a domestic or foreign corporation, \$2. The~~
 22 ~~secretary of state shall charge and collect in accordance~~
 23 ~~with the provisions of this chapter;~~
 24 all fees for filing documents and issuing
 25 certificates; and

1 (2) miscellaneous charges."
 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.
 10 NEW SECTION. Section 10. Codification instructions.
 11 (1) Section 2 is intended to be codified as an integral part
 12 of Title 30, chapter 13, part 2, and the provisions of Title
 13 30, chapter 13, part 2, apply to section 2.
 14 (2) Sections 6 and 7 are intended to be codified as an
 15 integral part of Title 30, chapter 13, part 3, and the
 16 provisions of Title 30, chapter 13, part 3, apply to
 17 sections 6 and 7.
 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

HOUSE BILL NO. 158

INTRODUCED BY BERGENE, SALES

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE FEES AND MISCELLANEOUS CHARGES COLLECTED FOR FILING OF DOCUMENTS RELATING TO ASSUMED BUSINESS NAMES, TRADEMARKS, AND NONPROFIT CORPORATIONS BE ESTABLISHED BY THE SECRETARY OF STATE COMMENSURATE WITH COSTS; AMENDING SECTIONS 30-13-217, 30-13-311, 30-13-313, 30-13-315, AND 35-2-1001, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-13-217, MCA, is amended to read:

"30-13-217. Fees for--filing--documents--and--issuing certificates and charges to be collected by secretary of state. The secretary of state shall collect for:

(1)--filing application for--registration--of--assumed business name and issuing certificate thereon--\$15;

(2)--filing application for renewal of registration of assumed business name and issuing certificate thereon--\$10;

(3)--filing amendment to--registration--of--assumed business name and issuing certificate thereon--\$10;

(4)--filing application for--reservation--of--assumed business name and issuing certificate thereon--\$15; and

(5)--filing any other instrument not provided for in this section--\$5. The secretary of state shall charge and collect, in accordance with the provisions of this part:

(1) fees for filing documents and issuing certificates; and

(2) miscellaneous charges."

NEW SECTION. Section 2. Secretary of state to establish fees commensurate with costs. The secretary of state shall by rule establish fees and miscellaneous charges for filing documents and issuing certificates, COMMENSURATE WITH COSTS, 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 3. Section 30-13-311, MCA, is amended to read:

"30-13-311. Application for registration. (1) Subject to the limitations set forth in this part, a person who adopts and uses a mark in this state may file in the office of secretary of state, on a form to be furnished by the secretary of state, an application for registration of that mark setting forth information including but not limited to the following:

(a) the name and business address of the person applying for such registration and, if a corporation, the

1 state of incorporation;

2 (b) the essential feature of the mark to be

3 registered;

4 (c) the goods or services in connection with which the

5 mark is used and the mode or manner in which the mark is

6 used in connection with such goods or services and the class

7 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

13 (f) a statement that the applicant is the owner of the

14 mark and that no other person has the right to use the mark

15 in this state either in the identical form thereof or in a

16 form that so nearly resembles it that it might be calculated

17 to deceive or might be mistaken for it.

18 (2) The application must be signed and verified by

19 affidavit of the applicant or a member of the firm or an

20 officer of the corporation or association applying.

21 (3) The application must be accompanied by a specimen

22 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 Sections 6 and 7.~~"

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

2 "30-13-313. Duration and renewal. (1) Registration of

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

4 from the date of registration and, upon application filed

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

6 registration may be renewed for another 10 years.

7 (2) An application for renewal of mark registration

8 must be delivered to the secretary of state and shall set

9 forth information including but not limited to the

10 following:

11 (a) the name and business address of the applicant;

12 (b) a description of the mark; and

13 (c) a statement that the mark is still in use by the

14 applicant in this state.

15 (3) The application for renewal of mark registration

16 must be signed and verified by affidavit of the applicant.

17 (4) The application for renewal of mark registration

18 must be accompanied by a filing fee ~~of \$20, payable to the~~

19 ~~secretary of state as provided for in Sections 6 and 7.~~"

20 Section 5. Section 30-13-315, MCA, is amended to read:

21 "30-13-315. Assignment. (1) Any mark and its

22 registration under this part may be assigned in conjunction

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

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

25 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.

(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.

(3) The assignment of a mark must be signed and verified by the assignor.

(4) The assignment of a mark must be accompanied by a filing fee of ~~of--\$20--payable--to--the--secretary--of--state~~ as 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 COSTS:

(1) fees for filing documents and issuing 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--issuing certificates and charges to be collected by secretary of state. The secretary of state shall charge and collect--for--~~
~~(1)--filing--articles--of--incorporation--and--issuing-a certificate-of-incorporation--\$20+~~

~~(2)--filing--articles--of--amendment--and--issuing--a certificate-of-amendment--\$20+~~

~~(3)--filing--restated--articles--of--incorporation--and issuing--restated--certificate-of-incorporation--\$20+~~

~~(4)--filing--articles--of--merger--or--consolidation--and issuing-a-certificate-of-merger-or-consolidation--\$20+~~

~~(5)--filing--an--application--to--reserve--a--corporate--name--\$20+~~

~~(6)--filing--a--notice--of--transfer--of--a--reserved~~

1 corporate-name- \$2†
 2 {7}-filing-a-statement-of-change-of-address-of
 3 registered-office-or-change-of-registered-agent-or-both-
 4 \$2†
 5 {8}-filing-articles-of-dissolution-and-issuing-a
 6 certificate-of-dissolution- \$5†
 7 {9}-filing-an-application-of-a-foreign-corporation-for
 8 a-certificate-of-authority-to-conduct-affairs-in-this-state
 9 and-issuing-a-certificate-of-authority- \$20†
 10 {10}-filing-an-application-of-a-foreign-corporation-for
 11 an-amended-certificate-of-authority-to-conduct-affairs-in
 12 this-state-and-issuing-an-amended-certificate-of-authority-
 13 \$20†
 14 {11}-filing-a-copy-of-an-amendment-to-the-articles-of
 15 incorporation-of-a-foreign-corporation-holding-a-certificate
 16 of-authority-to-conduct-affairs-in-this-state- \$10†
 17 {12}-filing-a-copy-of-articles-of-merger-of-a-foreign
 18 corporation-holding-a-certificate-of-authority-to-conduct
 19 affairs-in-this-state- \$20†
 20 {13}-filing-an-application-for-withdrawal-of-a-foreign
 21 corporation-and-issuing-a-certificate-of-withdrawal- \$5†
 22 {14}-filing-an-annual-report- \$5†
 23 {15}-filing-any-other-statement-or-report-except-an
 24 annual-report-of-a-domestic-or-foreign-corporation- \$2. The
 25 secretary of state shall charge and collect in accordance

1 with the provisions of this chapter AND COMMENSURATE WITH
 2 COSTS:
 3 (1) fees for filing documents and issuing
 4 certificates; and
 5 (2) miscellaneous charges."
 6 NEW SECTION. Section 9. Secretary of state to
 7 establish fees AND MISCELLANEOUS CHARGES 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.

1 STATEMENT OF INTENT

2 HOUSE BILL 158

3 Business and Industry Committee
4

5 A statement of intent is required for this bill because
6 sections 2, 7, and 9 grant the Secretary of State authority
7 to establish fees and miscellaneous charges commensurate
8 with costs for filing documents and issuing certificates
9 required by Title 30, chapter 13, parts 2 and 3, and by
10 Title 35, chapter 2. The fees are to be established by rules
11 to be adopted under the Montana Administrative Procedure
12 Act. The documents and certificates for which filing fees
13 may be charged under those rules include those specifically
14 mentioned in 30-13-217, 30-13-311, 30-13-313, 30-13-315, and
15 35-2-1001, MCA, prior to amendment by this bill, and any
16 others required under Title 30, chapter 13, parts 2 and 3,
17 and Title 35, chapter 2. These rules must allow the filing
18 and billing for filing fees to be accomplished by mail.

1 STATEMENT OF INTENT

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6 sections 2, 7, and 9 grant the Secretary of State authority
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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE FEES AND MISCELLANEOUS CHARGES COLLECTED FOR FILING OF DOCUMENTS RELATING TO ASSUMED BUSINESS NAMES, TRADEMARKS, AND NONPROFIT CORPORATIONS BE ESTABLISHED BY THE SECRETARY OF STATE COMMENSURATE WITH COSTS; AMENDING SECTIONS 30-13-217, 30-13-311, 30-13-313, 30-13-315, AND 35-2-1001, MCA."

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~~(1) filing application for registration of assumed business name and issuing certificate thereon \$15;~~

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~~(5) filing any other instrument not provided for in this section. \$5. The secretary of state shall charge and collect, in accordance with the provisions of this part:~~

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NEW SECTION. Section 2. Secretary of state to establish fees commensurate with costs. The secretary of state shall by rule establish fees and miscellaneous charges for filing documents and issuing certificates, COMMENSURATE WITH COSTS, 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 3. Section 30-13-311, MCA, is amended to read:

"30-13-311. Application for registration. (1) Subject to the limitations set forth in this part, a person who adopts and uses a mark in this state may file in the office of secretary of state, on a form to be furnished by the secretary of state, an application for registration of that mark setting forth information including but not limited to the following:

(a) the name and business address of the person applying for such registration and, if a corporation, the

1 state of incorporation;

2 (b) the essential feature of the mark to be

3 registered;

4 (c) the goods or services in connection with which the

5 mark is used and the mode or manner in which the mark is

6 used in connection with such goods or services and the class

7 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

13 (f) a statement that the applicant is the owner of the

14 mark and that no other person has the right to use the mark

15 in this state either in the identical form thereof or in a

16 form that so nearly resembles it that it might be calculated

17 to deceive or might be mistaken for it.

18 (2) The application must be signed and verified by

19 affidavit of the applicant or a member of the firm or an

20 officer of the corporation or association applying.

21 (3) The application must be accompanied by a specimen

22 or facsimile of such mark in duplicate.

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24 accompanied by a filing fee of ~~\$20~~ payable to the secretary

25 of state as provided for in [sections 6 and 7]."

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4 from the date of registration and, upon application filed

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8 must be delivered to the secretary of state and shall set

9 forth information including but not limited to the

10 following:

11 (a) the name and business address of the applicant;

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13 (c) a statement that the mark is still in use by the

14 applicant in this state.

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16 must be signed and verified by affidavit of the applicant.

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19 secretary of state as provided for in [sections 6 and 7]."

20 Section 5. Section 30-13-315, MCA, is amended to read:

21 "30-13-315. Assignment. (1) Any mark and its

22 registration under this part may be assigned in conjunction

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

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

25 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.

(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.

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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 COSTS~~:

(1) fees for filing documents and issuing certificates; and

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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--issuing certificates and charges to be collected by secretary of state. The secretary of state shall charge and collect--for--~~

~~(1)--filing--articles--of--incorporation--and--issuing--a certificate-of-incorporation--\$20;~~

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

~~(3)--filing--restated--articles--of--incorporation--and issuing--restated--certificate-of-incorporation--\$20;~~

~~(4)--filing--articles--of--merger--or--consolidation--and issuing--a--certificate--of--merger--or--consolidation--\$20;~~

~~(5)--filing--an--application--to--reserve--a--corporate--name--\$20;~~

~~(6)--filing--a--notice--of--transfer--of--a--reserved~~

1 corporate-name; §2;
 2 {7}--filing-a--statement--of--change--of--address--of
 3 registered--office--or--change-of-registered-agent; or both;
 4 §2;
 5 {8}--filing--articles--of--dissolution--and--issuing--a
 6 certificate-of-dissolution; §5;
 7 {9}--filing-an-application-of-a-foreign-corporation-for
 8 a--certificate-of-authority-to-conduct-affairs-in-this-state
 9 and-issuing-a-certificate-of-authority; §20;
 10 {10}--filing-an-application-of-a-foreign-corporation-for
 11 an-amended-certificate-of-authority-to-conduct--affairs--in
 12 this--state-and-issuing-an-amended-certificate-of-authority;
 13 §20;
 14 {11}--filing-a-copy-of-an-amendment-to-the--articles--of
 15 incorporation-of-a-foreign-corporation-holding-a-certificate
 16 of-authority-to-conduct-affairs-in-this-state; §10;
 17 {12}--filing--a--copy-of-articles-of-merger-of-a-foreign
 18 corporation-holding-a-certificate-of--authority--to--conduct
 19 affairs-in-this-state; §20;
 20 {13}--filing--an-application-for-withdrawal-of-a-foreign
 21 corporation-and-issuing-a-certificate-of-withdrawal; §5;
 22 {14}--filing-an-annual-report; §5;
 23 {15}--filing-any-other-statement-or--report--except--an
 24 annual-report-of-a-domestic-or-foreign-corporation; §2. In
 25 secretary of state shall charge and collect, in accordance

1 with the provisions of this chapter AND COMMENSURATE WITH
 2 COSTS:
 3 (1) fees for filing documents and issuing
 4 certificates; and
 5 (2) miscellaneous charges."
 6 NEW SECTION. Section 9. Secretary of state to
 7 establish fees AND MISCELLANEOUS CHARGES 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.

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"