

HOUSE BILL NO. 219

INTRODUCED BY HANNAH, R. JENSEN

BY REQUEST OF THE SECRETARY OF STATE

IN THE HOUSE

January 13, 1983	Introduced and referred to Committee on Business and Industry.
January 21, 1983	Committee recommend bill do pass. Report adopted.
January 22, 1983	Bill printed and placed on members' desks.
January 25, 1983	Second reading, do pass.
January 26, 1983	Considered correctly engrossed.
January 27, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 28, 1983	Introduced and referred to Committee on Business and Industry.
March 10, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1983	Second reading, pass consideration.
March 14, 1983	Second reading, concurred in as amended.
March 16, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 16, 1983

Returned to House with
amendments.

March 30, 1983

Second reading, amendments
concurred in.

March 31, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 219
2 INTRODUCED BY Harold Jensen
3 BY REQUEST OF THE SECRETARY OF STATE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
6 30-13-202 AND 30-13-205, MCA, RELATING TO WHEN REGISTRATION
7 OF AN ASSUMED BUSINESS NAME IS PROHIBITED; AND PROVIDING AN
8 EFFECTIVE DATE."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 30-13-202, MCA, is amended to read:
12 "30-13-202. Registration of assumed business name
13 ~~similar to reserved or registered name or mark -- when~~
14 prohibited. (1) When an application for registration or
15 amendment to the registration of an assumed business name
16 contains an assumed business name which is the same as or
17 deceptively similar to an assumed business name already
18 registered or to any corporate name, limited partnership
19 name, trademark, or service mark registered or reserved with
20 the secretary of state, the secretary of state may not
21 register the assumed business name for which application is
22 made.
23 (2) When the applicant is a corporation, the secretary
24 of state may not register the assumed business name for
25 which application is made unless the name applied for

1 contains the word "corporation", "company", "incorporated",
2 or "limited" or an abbreviation of one of such words.
3 (3) When the applicant is a limited partnership, the
4 secretary of state may not register the assumed business
5 name for which application is made unless the name applied
6 for contains the words "limited partnership" in full.
7 (4) When the applicant is other than a corporation or
8 limited partnership, the secretary of state may not register
9 the assumed business name for which application is made if
10 the name applied for contains the word "corporation",
11 "company", "incorporated", or "limited" or an abbreviation
12 of one of such words."
13 Section 2. Section 30-13-205, MCA, is amended to read:
14 "30-13-205. When registration of assumed business name
15 by foreign corporation or foreign limited partnership
16 prohibited. No foreign corporation or foreign limited
17 partnership which does not have an effective certificate of
18 authority or certificate of registration to transact
19 business in this state may register an assumed business name
20 as provided for in this part."
21 NEW SECTION. Section 3. Effective date. This act is
22 effective May 1, 1983.

-End-

INTRODUCED BILL

Approved by Committee
on Business and Industry

House BILL NO. 219
INTRODUCED BY Harold Jensen
BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
30-13-202 AND 30-13-205, MCA, RELATING TO WHEN REGISTRATION
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amendment to the registration of an assumed business name
contains an assumed business name which is the same as or
deceptively similar to an assumed business name already
registered or to any corporate name, limited partnership
name, trademark, or service mark registered or reserved with
the secretary of state, the secretary of state may not
register the assumed business name for which application is
made.

(2) When the applicant is a corporation, the secretary
of state may not register the assumed business name for
which application is made unless the name applied for

1 contains the word "corporation", "company", "incorporated",
2 or "limited" or an abbreviation of one of such words.

3 (3) When the applicant is a limited partnership, the
4 secretary of state may not register the assumed business
5 name for which application is made unless the name applied
6 for contains the words "limited partnership" in full.

7 (4) When the applicant is other than a corporation or
8 limited partnership, the secretary of state may not register
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-End-

SECOND READING

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18 registered or to any corporate name, limited partnership
19 name, trademark, or service mark registered or reserved with
20 the secretary of state, the secretary of state may not
21 register the assumed business name for which application is
22 made.

23 ~~(2) When the applicant is a corporation, the secretary~~
24 ~~of state may not register the assumed business name for~~
25 ~~which application is made unless the name applied for~~

1 ~~contains the word "corporation", "company", "incorporated",~~
2 ~~or "limited" or an abbreviation of one of such words.~~

3 ~~(3) When the applicant is a limited partnership, the~~
4 ~~secretary of state may not register the assumed business~~
5 ~~name for which application is made unless the name applied~~
6 ~~for contains the words "limited partnership" in full.~~

7 ~~(4) When the applicant is other than a corporation or~~
8 ~~limited partnership, the secretary of state may not register~~
9 ~~the assumed business name for which application is made if~~
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19 business in this state may register an assumed business name
20 as provided for in this part."

21 NEW SECTION. Section 3. Effective date. This act is
22 effective May 1, 1983.

-End-

THIRD READING

March 10, 1983

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

That House Bill No. 219 be amended as follows:

1. Page 2, line 1.

Following: "contains"

Insert: "~~, or there is~~ added at the end of the name,"

2. Page 2, line 6.

Following: "contains"

Insert: "~~, or there is~~ added at the end of the name,"

3. Page 2, line 10.

Following: "contains"

Insert: "~~, or there is~~ added at the end of the name,"

March 14, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 219 be amended as follows:

1. Page 1, line 23.

Strike: Subsections 2 and 3 in their entirety

Renumber: Subsequent subsection

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~~(2) When the applicant is a corporation, the secretary of state may not register the assumed business name for which application is made unless the name applied for~~

~~contains OR THERE IS ADDED AT THE END OF THE NAME the word "corporation", "company", "incorporated", or "limited" or an abbreviation of one of such words.~~

~~(3) When the applicant is a limited partnership, the secretary of state may not register the assumed business name for which application is made unless the name applied for contains OR THERE IS ADDED AT THE END OF THE NAME the words "limited partnership" in full.~~

~~(4) (2) When the applicant is other than a corporation or limited partnership, the secretary of state may not register the assumed business name for which application is made if the name applied for contains OR THERE IS ADDED AT THE END OF THE NAME the word "corporation", "company", "incorporated", or "limited" or an abbreviation of one of such words."~~

Section 2. Section 30-13-205, MCA, is amended to read:

"30-13-205. When registration of assumed business name by foreign corporation ~~or foreign limited partnership~~ prohibited. No foreign corporation ~~or foreign limited partnership~~ which does not have an effective certificate of authority ~~or certificate of registration~~ to transact business in this state may register an assumed business name as provided for in this part."

NEW SECTION. Section 3. Effective date. This act is effective May 1, 1983.

-End-

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HB 219