#### 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,		Second reading, amendments concurred in.

March 31, 1983 Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 2/9
2 INTRODUCED BY House BILL NO. 5/9
3 BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: PAN ACT AMENDING SECTIONS
30-13-202 AND 30-13-205, MCA, RELATING TO WHEN REGISTRATION
OF AN ASSUMED BUSINESS NAME IS PROHIBITED; AND PROVIDING AN

EFFECTIVE DATE.\*

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

(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 the word "corporation". "company". "incorporated".

or "limited" or an abbreviation of one of such words.

3 (3) When the applicant is a limited partnerships 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 partnerships in full.

7 14) When the applicant is other than a corporation or
8 limited pertnerships 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"s
11 "company"s "incorporated"s or "limited" of an abbreviation
12 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."

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

-End-

LC 0779/01

Approved by Committee on Business and Industry

INTRODUCED BY Harmal James

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 OF AN ASSUMED BUSINESS NAME IS PROHIBITED; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 30-13-202, MCA, is amended to read:

"30-13-202. Registration of assumed business name

similar-to-reserved-or-registered-name-or-mark \_\_\_\_\_when

prohibited. [1] When an application for registration or

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.

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". or "limited" or an abbreviation of one of such words. 2 3 (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 the words "limited partnership" in full. 7 (4) 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 the word "corporation". 10 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 prohibited. No foreign corporation or foreign limited 16 17 partnershin which does not have an effective certificate of 18 authority or certificate of registration to transact business in this state may register an assumed business name 19 20 as provided for in this part." NEW\_SECTION. Section 3. Effective date. This act is 21

-End-

22

effective May 1, 1983.

SECOND READING

LC 0779/01

1	House BILL NO. 219
2	INTRODUCED BY Hamal
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 AM
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	einitar-to-reserved-orregisterednameormark
14	prohibited. (1) When an application for registration of
15	amendment to the registration of an assumed business name
16	contains an assumed business name which is the same as o
17	deceptively similar to an assumed business name already
18	registered or to any corporate name, limited partnershi
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

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 busines
5	name for which application is made unless the name applie
6	for contains the words "limited partnership" in full.
7	(4) When the applicant is other than a corporation o
8	limited partnership. the secretary of state may not registe
9	the assumed business name for which application is made i
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-

# 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 COMMITTE 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

48th Legislature HB 0219/02 HB 0219/02

1

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6	30-13-202 AND 30-13-205. MCA. RELATING TO WHEN REGISTRATION
7	OF AN ASSUMED BUSINESS NAME IS PROHIBITED; AND PROVIDING AN
9	EFFECTIVE DATE."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 3%-13-202, MCA, is amended to read:
12	#30-13-202. Registration of assumed business name
13	stmiler-to-reserved-orregisterednameormark <u>wben</u>
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	<u>12)==Wben=the:applicoot:is=n=cocpocotion==the=secretacy</u>
24	of-atote-moy-not-register==bb==dsaumed==buaideaa==nonme==for
25	which-repolication==is==medewoleas==the=-numeepolicafor

2 <u> ProrparationSy=#componyEx=#incomponentedSy=qr=#limited#-or-on</u> obbrevistion:sf-one-of-such:wardsv <u> {3}--When--the-conditeent-is-o-limited-partnerships-the</u> accretory-of-state:may-not--register-the--gasumed--business comparison-which-opplication-is-mode-voless-the-none-opplied for-contains DR-IMERE-IS-ADDED-AT-IME-END-DE--IME--NAME the words:"limited-portograpio":in-fulls 9 t41(2) When the applicant is other than a corporation 10 or limited partnership. the secretary of state may not 11 register the assumed business name for which application is 12 made if the name applied for contains OR THERE IS ADDED AT THE FND OF THE NAME the word "corporation", "company", 13 "incorporated" or "limited" or an abbreviation of one of 14 15 such words." Section 2. Section 30-13-205, MCA. is amended to read: 16 17 \*30-13-205. When registration of assumed business name by foreign corporation or foreign limited partnership 18 19 prohibited. No foreign corporation or foreign limited 20 partnership which does not have an effective certificate of 21 authority or certificate of registration to transact business in this state may register an assumed business name 23 as provided for in this part." 24 NEW SECTION. Section 3. Effective date. This act is 25 effective May 1, 1983.

-End-

HB 219

contains OR=IHERE-IS-ADDED-AT-IHE-END-SE-IHE-WAME the-word