

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 346, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, line 19, delete "JANUARY 1, 1999" and insert "JULY 1,
2 1998".
- 3 Page 8, between lines 34 and 35, begin a new paragraph and
4 insert:
- 5 "SECTION 9. IC 23-15-1-1, AS AMENDED BY P.L.230-1995,
6 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 1998]: Sec. 1. (a) Except as otherwise provided in section 2
8 of this chapter:
- 9 (1) a person conducting or transacting business in Indiana under
10 a name, designation, or title other than the real name of the
11 person conducting or transacting such business;
- 12 (2) a corporation conducting business in Indiana under a name,
13 designation, or title other than the name of the corporation as
14 shown by its articles of incorporation;
- 15 (3) a foreign corporation conducting business in Indiana under
16 a name, designation, or title other than the name of the foreign
17 corporation as shown by its application for certificate of
18 authority to transact business in Indiana;

- 1 (4) a limited partnership conducting business in Indiana under a
 2 name, designation, or title other than the name of the limited
 3 partnership as shown by its certificate of limited partnership;
 4 (5) a foreign limited partnership conducting business in Indiana
 5 under a name, designation, or title other than the name of the
 6 limited partnership as shown by its application for registration;
 7 (6) a limited liability company conducting business in Indiana
 8 under a name, designation, or title other than as shown by its
 9 articles of organization;
 10 (7) a foreign limited liability company conducting business in
 11 Indiana under a name, designation, or title other than the name
 12 of the limited liability company as shown by its application for
 13 registration;
 14 (8) a limited liability partnership conducting business in Indiana
 15 under a name, designation, or title other than the name of the
 16 limited liability partnership as shown by its application for
 17 registration; and
 18 (9) a foreign limited liability partnership conducting business in
 19 Indiana under a name, designation, or title other than the name
 20 of the limited liability partnership as shown by its application for
 21 registration;
- 22 shall file for record, in the office of the recorder of each county in
 23 which a place of business or an office of the person, limited
 24 partnership, foreign limited partnership, limited liability company,
 25 foreign limited liability company, corporation, or foreign corporation
 26 is situated, a certificate stating the assumed name to be used, and, in
 27 the case of a person, the full name and address of the person engaged
 28 in or transacting business, or, in the case of a corporation, foreign
 29 corporation, limited liability company, foreign limited liability
 30 company, limited partnership, or foreign limited partnership, the full
 31 name and the address of the corporation's, limited liability company's,
 32 or limited partnership's principal office in Indiana.
- 33 (b) The recorder shall keep a record of the certificates filed under
 34 this section and shall keep an index of the certificates showing, in
 35 alphabetical order, the names of the persons, the names of the
 36 partnerships, the names of the limited liability companies, the corporate
 37 names of the corporations having such certificates on file in the
 38 recorder's office, and the assumed names which they intend to use in

1 carrying on their businesses as shown by the certificates.

2 (c) Before the dissolution of any business for which a certificate
3 is on file with the recorder, the person, limited liability company,
4 partnership, or corporation to which the certificate appertains shall file
5 a notice of dissolution for record in the recorder's office.

6 (d) The county recorder shall charge a fee in accordance with
7 IC 36-2-7-10 for each certificate, notice of dissolution, and notice of
8 discontinuance of use filed with the recorder's office and recorded
9 under this chapter. The funds received shall be receipted as county
10 funds the same as other money received by the recorders.

11 (e) A corporation, limited liability company, or limited partnership
12 subject to this chapter shall, in addition to filing the certificate provided
13 for in subsection (a), file with the secretary of state a copy of each
14 certificate.

15 (f) A person, partnership, limited liability company, or corporation
16 that has filed a certificate of assumed business name under subsection
17 (a) or (e) may file a notice of discontinuance of use of assumed
18 business name with the secretary of state and with the recorder's office
19 in which the certificate was filed or transferred. The secretary of state
20 and the recorder shall keep a record of notices filed under this
21 subsection.

22 (g) A corporation or limited partnership, domestic or foreign, that
23 is subject to this chapter and that does not have a place of business or
24 an office in Indiana, shall file the certificate required under subsection
25 (a) in the office of the recorder of the county where the corporation's or
26 limited partnership's registered office is located. The certificate must
27 state the assumed name to be used, the name of the registered agent,
28 and the address of the registered office. The corporation or limited
29 partnership must comply with the requirements in subsection (e).

30 (h) The secretary of state shall collect the following fees when a
31 copy of a certificate is filed with the secretary of state under subsection
32 (e):

33 (1) A fee of ~~thirty~~ **fifteen** dollars (~~\$30~~) (**\$15**) from a corporation
34 (other than a nonprofit corporation), limited liability company,
35 or a limited partnership.

36 (2) A fee of ~~twenty-six~~ **fifteen** dollars (~~\$26~~) (**\$15**) from a
37 nonprofit corporation."

38 Page 8, line 39, strike "or a foreign limited liability company".

- 1 Renumber all SECTIONS consecutively.
(Reference is to SB 346 as introduced.)

and when so amended that said Bill do pass and be reassigned to the Senate Committee on Finance.

Committee Vote: Yeas 10, Nays 0.

Senator Mills, Chairperson