

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 394** HLS 15RS 545

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 13, 2015 9:23 AM	Author: MILLER
Dept./Agy.: Secretary of State	Analyst: Zachary Rau
Subject: Provides relative to names of business entities, trade	

TRADEMARKS/TRADE NAMES OR NO IMPACT See Note Page 1 of 1
Provides relative to names of business entities, trade names, trademarks, and service marks

Proposed law authorizes persons to specify names of partnerships and nonprofit corporations by filing a signed application with the Secretary of State, who is required to reserve specified names available for use for a nonrenewable period of 120 days. Proposed law also provides the right to transfer specified, reserved names to a transferee through a signed application with the Secretary of State. Proposed law prohibits names of corporations generally, foreign corporations, and limited liability companies from containing language that consists of or comprises immoral, deceptive, or scandalous matter. Present law requires the Secretary of State to reserve a specified name available for use for a domestic or foreign limited liability company, or a a specified trade name, trademark, or service mark for 60 days or less, and authorizes the Secretary of State to extend the reservation, not more than twice, for an additional 30 days for good cause shown. Proposed law repeals the extension and reservation periods of present law and requires a nonrenewable reservation period of 120 days, as well as antiquated language allowing the Secretary of State to collect a \$5 fee to reserve a trade name, trademark, or service mark.

EXPENDITURES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. The proposed legislation removes antiquated language from current law that requires persons wishing to reserve a trade name, trademark, or service mark to remit a fee of \$5 to the Secretary of State. The Secretary of State currently collects a \$25 fee for this purpose as set forth in RS 49:222, and therefore repealing the \$5 fee has no revenue impact. The department does not currently collect the \$5 fee.

- Senate Dual Referral Rules House
- 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
 - 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}
 - 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 - 6.8(F)(2) >= \$500,000 Rev. Red. to State {H & S}
 - 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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