

CONFERENCE COMMITTEE REPORT

HB 394

2015 Regular Session

Miller

June 8, 2015

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 394 by Representative Miller, recommend the following concerning the Engrossed bill:

1. That Senate Floor Amendments Nos. 1, 5, and 6 proposed by Senator Gallot and adopted by the Senate on May 26, 2015, be rejected.
2. That Senate Floor Amendments Nos. 2 through 4 proposed by Senator Gallot and adopted by the Senate on May 26, 2015, be adopted.
3. That Senate Floor Amendments Nos. 1, 2, and 5 through 8 proposed by Senator Brown and adopted by the Senate on May 26, 2015, be rejected.
4. That Senate Floor Amendments Nos. 3, 4, and 9 through 12 proposed by Senator Brown and adopted by the Senate on May 26, 2015, be adopted.
5. That the following amendments to the Engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, delete the comma "," and "204.1(A), 303(A)," and on line 3, delete "1306(A)(3) and (4)," and at the end the line, insert a comma ","

AMENDMENT NO. 2

On page 1, line 4, delete "and R.S. 12:1-401(A)(3)(e), 204(G), and 1306(A)(5)" and insert in lieu thereof "R.S. 12:204(G), and R.S. 51:216(F)"

AMENDMENT NO. 3

On page 2, line 14, delete the comma "," and "204.1(A), 303(A), 1306(A)(3)" and on line 15, delete "and (4)," and at the end of the line, delete "R.S. 12:1-401(A)(3)(e),"

AMENDMENT NO. 4

On page 2, line 16, delete "204(G), and 1306(A)(5) are" and insert in lieu thereof "R.S. 12:204(G) is"

Respectfully submitted,

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Representative Gregory Miller

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Senator Daniel "Danny" Martiny

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Representative Erich E. Ponti

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Senator Troy E. Brown

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Representative Blake Miguez

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Senator Dan Claitor

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 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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**CONFERENCE COMMITTEE REPORT DIGEST**
**HB 394**
**2015 Regular Session**
**Miller**
**Keyword and oneliner of the instrument as it left the House**

TRADEMARKS/TRADE NAMES: Provides relative to names of business entities, trade names, trademarks, and service marks

**Report adopts Senate amendments to:**

1. Remove provisions of proposed law that prohibit the use of certain language in the names of business entities generally.
2. Authorize a person to renew at any time a previously registered trademark or trade name that becomes expired pursuant to present law.
3. Require any other person who wants to register an expired trademark or trade name to provide certain notice to the previous person who registered the trademark or trade name.

**Report rejects Senate amendments which would have:**

1. Made incorrect technical changes to statutory citations.

**Report amends the bill to:**

1. Make necessary technical changes to statutory citations.

**Digest of the bill as proposed by the Conference Committee**

Proposed law authorizes persons to specify names of partnerships and nonprofit corporations by filing a signed application with the secretary of state.

Proposed law requires the secretary of state to reserve specified names of partnerships and nonprofit corporations available for use for a nonrenewable period of 120 days.

Proposed law provides the right to transfer specified, reserved names to a transferee through a signed application with the secretary of state.

Present law requires the secretary of state to reserve a specified name available for use for a domestic or foreign limited liability company for 60 days or less as may be requested by the applicant. Present law 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.

Present law requires the secretary of state to reserve a specified trade name, trademark, or service mark available for use for 60 days or less as may be requested by the applicant. Present law 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.

Present law requires a \$5 reservation fee to be paid to the secretary of state by the person, firm, corporation, association, partnership, or other entity making the reservation for a trade name, trademark, or service mark. Proposed law repeals present law.

Proposed law authorizes a person who previously registered a trademark or trade name to renew an expired trademark or trade name at any time. Further requires any other person seeking to register an expired trademark or trade name to provide a 60-day notice, by certified mail, to the previous person who registered the expired trademark or trade name.

(Amends R.S. 12:204(B)(intro. para.) and 1307(B)(2) and R.S. 51:213(B)(2); Adds R.S. 9:3401(C), R.S. 12:204(G), and R.S. 51:216(F); Repeals R.S. 12:1307(B)(3))