

BILL ANALYSIS

Senate Research Center
86R6814 TSR-F

H.B. 3609
By: Martinez Fischer (Hancock)
Business & Commerce
5/20/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3609 amends current law relating to the filing of an assumed name certificate by certain business entities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 71.103(a), Business & Commerce Code, as follows:

(a) Requires a corporation, limited partnership, limited liability partnership, limited liability company, or foreign filing entity required to file a certificate under Section 71.101 (Certificate For Incorporated Business or Profession, Limited Partnership, Limited Liability Partnership, Limited Liability Company, or Foreign Filing Entity) to file the certificate in the office of the secretary of state, rather than in the Office of Secretary of State (SOS), rather than in the Office of the SOS and in the office or offices of each county clerk as specified by Subsection (b) or (c).

SECTION 2. Repealer: Section 71.103(b) (relating to the requirement that an entity that maintains a registered office in this state file the certificate in the office of the county clerk), Business & Commerce Code.

Repealer: Section 71.103(c) (relating to the requirement that an entity that does not maintain a registered office in this state file the certificate in one of certain offices), Business & Commerce Code.

Repealer: Section 71.104(b) (relating to the requirement that a certificate filed in a county clerk's office be executed and acknowledged in the manner provided by Section 71.053 (Execution of Certificate) for a certificate filed under that section), Business & Commerce Code.

SECTION 3. Makes application of the repeal by this Act of Sections 71.103(b) and (c) and 71.104(b), Business & Commerce Code, and the changes in law made by this Act to Section 71.103(a), Business & Commerce Code, prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: September 1, 2019.