

By: Riddle

H.B. No. 1581

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the designation of an agent or office for service of  
3 process, notice, or demand by a person doing business under an  
4 assumed name.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 71.052, Business & Commerce Code, is  
7 amended to read as follows:

8 Sec. 71.052. CONTENTS OF CERTIFICATE. The certificate must  
9 state:

10 (1) the assumed name under which the business is or is  
11 to be conducted or the professional service is or is to be rendered;

12 (2) if the registrant is:

13 (A) an individual, the individual's full name and  
14 an office or residence address where the individual may be served  
15 with process, notice, or demand;

16 (B) a partnership:

17 (i) the venture or partnership name;

18 (ii) the venture or partnership office  
19 address;

20 (iii) the full name of each joint venturer  
21 or general partner; and

22 (iv) each joint venturer's or general  
23 partner's residence address if the venturer or partner is an  
24 individual or the joint venturer's or general partner's office

1 address if the venturer or partner is not an individual;

2 (C) an estate:

3 (i) the name of the estate;

4 (ii) the estate's office address, if any;

5 (iii) the full name of each representative  
6 of the estate; and

7 (iv) each representative's residence  
8 address if the representative is an individual or the  
9 representative's office address if the representative is not an  
10 individual;

11 (D) a real estate investment trust:

12 (i) the name of the trust;

13 (ii) the address of the trust;

14 (iii) the full name of each trustee  
15 manager; and

16 (iv) each trustee manager's residence  
17 address if the trustee manager is an individual or the trustee  
18 manager's office address if the trustee manager is not an  
19 individual; or

20 (E) a company, other than a real estate  
21 investment trust:

22 (i) the name of the company;

23 (ii) the state, country, or other  
24 jurisdiction under the laws of which the company was organized; and

25 (iii) the company's office address;

26 (3) the period, not to exceed 10 years, during which  
27 the registrant will use the assumed name; and

1           (4) a statement specifying that the business that is  
2 or will be conducted or the professional service that is or will be  
3 rendered in the county under the assumed name is being or will be  
4 conducted or rendered as a proprietorship, sole practitioner,  
5 partnership, real estate investment trust, joint-stock company, or  
6 other form of unincorporated business or professional association  
7 or entity other than a limited partnership, limited liability  
8 company, limited liability partnership, or foreign filing entity.

9           SECTION 2. Subchapter B, Chapter 71, Business & Commerce  
10 Code, is amended by adding Section 71.0531 to read as follows:

11           Sec. 71.0531. CHANGE BY REGISTRANT TO AGENT FOR SERVICE OF  
12 PROCESS. If a registrant changes the registrant's agent for  
13 service of process included in the certificate filed under this  
14 subchapter, the registrant shall file a statement of the change in  
15 the office of the county clerk in each county in which the  
16 registrant filed the certificate.

17           SECTION 3. This Act takes effect September 1, 2013.