

By: Villalba

H.B. No. 2753

A BILL TO BE ENTITLED

AN ACT

relating to the names of certain businesses.

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

SECTION 1. Section 5.051, Business Organizations Code, is amended to read as follows:

Sec. 5.051. ASSUMED NAME. A domestic entity or a foreign entity having authority to transact business in this state may transact business under an assumed name by filing an assumed name certificate in accordance with Chapter 71, Business & Commerce Code. Except as provided by Section 9.004(b)(1), the [The] requirements of this subchapter do not apply to an assumed name set forth in an assumed name certificate filed under that chapter.

SECTION 2. Section 5.053, Business Organizations Code, is amended to read as follows:

Sec. 5.053. DISTINGUISHABLE [~~IDENTICAL AND DECEPTIVELY SIMILAR~~] NAMES REQUIRED [~~PROHIBITED~~]. (a) The name of a [A] filing entity or the name under which [~~may not have a name, and~~] a foreign filing entity registers [~~may not register~~] to transact business in this state must be distinguishable in the records of the secretary of state from [~~under a name, that is the same as, or that the secretary of state determines to be deceptively similar or similar to~~]:

(1) the name of another existing filing entity;

(2) the name of a foreign filing entity that is

1 registered under Chapter 9;

2           (3) the assumed name under which a foreign filing  
3 entity is registered to transact business in this state because its  
4 name is not available;

5           (4) a name that is reserved under Subchapter C; or

6           (5) [~~(4)~~] a name that is registered under Subchapter  
7 D.

8           (b) Subsection (a) does not apply if:

9           (1) the other entity or the person for whom the name is  
10 reserved or registered, as appropriate, consents in writing to the  
11 use of the [~~similar~~] name and files with the secretary of state a  
12 filing instrument that changes the entity's name or withdraws the  
13 reservation or registration of the name, as appropriate; or

14           (2) the applicant delivers to the secretary of state a  
15 certified copy of the final judgment of a court of competent  
16 jurisdiction establishing the entity's right to have the name.

17           SECTION 3. This Act takes effect June 1, 2016.