

By: Menéndez

S.B. No. 2160

A BILL TO BE ENTITLED

AN ACT

relating to the filing of an assumed name certificate by certain business entities.

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

SECTION 1. Section 71.103, Business & Commerce Code, is amended to read as follows:

Sec. 71.103. PLACE OF FILING. (a) A corporation, limited partnership, limited liability partnership, limited liability company, or foreign filing entity required to file a certificate under Section 71.101:

(1) shall file the certificate in the office of the secretary of state; and

(2) may file the certificate in the office or offices of each county clerk as specified by Subsection (b) or (c).

(b) An entity that maintains a registered office in this state may file the certificate in the office of the county clerk of the county in which the entity's:

(1) registered office is located, if the entity's principal office is not located in this state; or

(2) principal office is located, if the entity's principal office is located in this state.

(c) An entity that does not maintain a registered office in this state may file the certificate:

(1) in the office of the county clerk of the county in

1 which the entity's office in this state is located; or

2 (2) in the office of the county clerk of the county in  
3 which the entity's principal place of business in this state is  
4 located, if:

5 (A) the entity is not incorporated, formed, or  
6 organized under the laws of this state; and

7 (B) the county in which the entity's principal  
8 place of business in this state is located is not the same county in  
9 which the entity's office is located.

10 SECTION 2. Section 71.104, Business & Commerce Code, is  
11 amended by adding Subsection (b) to read as follows:

12 (b) A certificate filed in a county clerk's office must be  
13 executed and acknowledged in the manner provided by Section 71.053  
14 for a certificate filed under that section.

15 SECTION 3. Section 71.104(b), Business & Commerce Code, as  
16 added by this Act, applies only to a certificate filed on or after  
17 the effective date of this Act. A certificate filed before the  
18 effective date of this Act is governed by the law in effect on the  
19 date the certificate was filed, and the former law is continued in  
20 effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2021.