

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 3

Representatives Derickson, Romanchuk

A BILL

To amend sections 111.16 and 1329.01 and to enact 1
section 6301.16 of the Revised Code to reduce 2
certain business filing fees charged and 3
collected by the Secretary of State and to 4
specify that Ohio-based companies are to have 5
access to appropriate features of the 6
OhioMeansJobs web site. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 111.16 and 1329.01 be amended and 8
section 6301.16 of the Revised Code be enacted to read as 9
follows: 10

Sec. 111.16. The secretary of state shall charge and 11
collect, for the benefit of the state, the following fees: 12

(A) For filing and recording articles of incorporation of 13
a domestic corporation, including designation of agent: 14

(1) Wherein the corporation shall not be authorized to 15
issue any shares of capital stock, ~~one hundred twenty five~~ 16
ninety-nine dollars; 17

(2) Wherein the corporation shall be authorized to issue 18

shares of capital stock, with or without par value:	19
(a) Ten cents for each share authorized up to and including one thousand shares;	20 21
(b) Five cents for each share authorized in excess of one thousand shares up to and including ten thousand shares;	22 23
(c) Two cents for each share authorized in excess of ten thousand shares up to and including fifty thousand shares;	24 25
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	26 27
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	28 29 30
(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than one hundred twenty five <u>ninety-nine</u> dollars or greater than one hundred thousand dollars.	31 32 33 34
(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:	35 36 37 38 39
(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;	40 41
(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A) (2) of this section less a credit computed in the	42 43 44 45 46

same manner for the number of shares previously authorized to be 47
issued by the corporation; provided no fee under division (B) (2) 48
of this section shall be greater than one hundred thousand 49
dollars; 50

(3) If the foreign corporation is not authorized to issue 51
any shares of capital stock, fifty dollars; 52

(4) If the foreign corporation is authorized to issue 53
shares of capital stock, fifty dollars. 54

(C) For filing and recording articles of incorporation of 55
a savings and loan association, ~~one hundred twenty five~~ ninety- 56
nine dollars; and for filing and recording a certificate of 57
amendment to or amended articles of incorporation of a savings 58
and loan association, fifty dollars; 59

(D) For filing and recording a certificate of conversion, 60
including a designation of agent, a certificate of merger, or a 61
certificate of consolidation, ~~one hundred twenty five~~ ninety- 62
nine dollars and, in the case of any new corporation resulting 63
from a consolidation or any surviving corporation that has an 64
increased number of shares authorized to be issued resulting 65
from a merger, an additional sum computed in accordance with the 66
schedule set forth in division (A) (2) of this section less a 67
credit computed in the same manner for the number of shares 68
previously authorized to be issued or represented in this state 69
by each of the corporations for which a consolidation or merger 70
is effected by the certificate; 71

(E) For filing and recording articles of incorporation of 72
a credit union or the American credit union guaranty 73
association, ~~one hundred twenty five~~ ninety-nine dollars, and 74
for filing and recording a certificate of increase in capital 75

stock or any other amendment of the articles of incorporation of	76
a credit union or the association, fifty dollars;	77
(F) For filing and recording articles of organization of a	78
limited liability company, for filing and recording an	79
application to become a registered foreign limited liability	80
company, for filing and recording a registration application to	81
become a domestic limited liability partnership, or for filing	82
and recording an application to become a registered foreign	83
limited liability partnership, one hundred twenty five <u>ninety-</u>	84
<u>nine</u> dollars;	85
(G) For filing and recording a certificate of limited	86
partnership or an application for registration as a foreign	87
limited partnership, or for filing an initial statement of	88
partnership authority pursuant to section 1776.33 of the Revised	89
Code, one hundred twenty five <u>ninety-nine</u> dollars.;	90
(H) For filing a copy of papers evidencing the	91
incorporation of a municipal corporation or of annexation of	92
territory by a municipal corporation, five dollars, to be paid	93
by the municipal corporation, the petitioners therefor, or their	94
agent;	95
(I) For filing and recording any of the following:	96
(1) A license to transact business in this state by a	97
foreign corporation for profit pursuant to section 1703.04 of	98
the Revised Code or a foreign nonprofit corporation pursuant to	99
section 1703.27 of the Revised Code, one hundred twenty five	100
<u>ninety-nine</u> dollars;	101
(2) A biennial report or biennial statement pursuant to	102
section 1775.63, 1776.83, or 1785.06 of the Revised Code,	103
twenty-five dollars;	104

(3) Except as otherwise provided in this section or any other section of the Revised Code, any other certificate or paper that is required to be filed and recorded or is permitted to be filed and recorded by any provision of the Revised Code with the secretary of state, twenty-five dollars.

(J) For filing any certificate or paper not required to be recorded, five dollars;

(K) (1) For making copies of any certificate or other paper filed in the office of the secretary of state, a fee not to exceed one dollar per page, except as otherwise provided in the Revised Code, and for creating and affixing the seal of the office of the secretary of state to any good standing or other certificate, five dollars. For copies of certificates or papers required by state officers for official purpose, no charge shall be made.

(2) For creating and affixing the seal of the office of the secretary of state to the certificates described in division (E) of section 1701.81, division (E) of section 1701.811, division (E) of section 1705.38, division (E) of section 1705.381, division (D) of section 1702.43, division (E) of section 1775.47, division (E) of section 1775.55, division (E) of section 1776.70, division (E) of section 1776.74, division (E) of section 1782.433, or division (E) of section 1782.4310 of the Revised Code, twenty-five dollars.

(L) For a minister's license to solemnize marriages, ten dollars;

(M) For examining documents to be filed at a later date for the purpose of advising as to the acceptability of the proposed filing, fifty dollars;

(N) Fifty dollars for filing and recording any of the following:	134 135
(1) A certificate of dissolution and accompanying documents, or a certificate of cancellation, under section 1701.86, 1702.47, 1705.43, 1776.65, or 1782.10 of the Revised Code;	136 137 138 139
(2) A notice of dissolution of a foreign licensed corporation or a certificate of surrender of license by a foreign licensed corporation under section 1703.17 of the Revised Code;	140 141 142 143
(3) The withdrawal of registration of a foreign or domestic limited liability partnership under section 1775.61, 1775.64, 1776.81, or 1776.86 of the Revised Code, or the certificate of cancellation of registration of a foreign limited liability company under section 1705.57 of the Revised Code;	144 145 146 147 148
(4) The filing of a statement of denial under section 1776.34 of the Revised Code, a statement of dissociation under section 1776.57 of the Revised Code, a statement of disclaimer of general partner status under Chapter 1782. of the Revised Code, or a cancellation of disclaimer of general partner status under Chapter 1782. of the Revised Code.	149 150 151 152 153 154
(O) For filing a statement of continued existence by a nonprofit corporation, twenty-five dollars;	155 156
(P) For filing a restatement under section 1705.08 or 1782.09 of the Revised Code, an amendment to a certificate of cancellation under section 1782.10 of the Revised Code, an amendment under section 1705.08 or 1782.09 of the Revised Code, or a correction under section 1705.55, 1775.61, 1775.64, 1776.12, or 1782.52 of the Revised Code, fifty dollars;	157 158 159 160 161 162

(Q) For filing for reinstatement of an entity cancelled by operation of law, by the secretary of state, by order of the department of taxation, or by order of a court, twenty-five dollars;

(R) For filing and recording any of the following:

(1) A change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, twenty-five dollars;

(2) A multiple change of agent name or address, standardization of agent address, or resignation of agent under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, one hundred twenty-five dollars, plus three dollars per entity record being changed, by the multiple agent update.

(S) For filing and recording any of the following:

(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised Code, ~~fifty~~thirty-nine dollars;

(2) A trade name or fictitious name registration or report, ~~fifty~~thirty-nine dollars;

(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars;

(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered,

or notice of a change of address of the registrant of a name 191
that is so covered, twenty-five dollars. 192

(T) For filing and recording a report to operate a 193
business trust or a real estate investment trust, either foreign 194
or domestic, ~~one hundred twenty-five~~ ninety-nine dollars; and 195
for filing and recording an amendment to a report or associated 196
trust instrument, or a surrender of authority, to operate a 197
business trust or real estate investment trust, fifty dollars; 198

(U) (1) For filing and recording the registration of a 199
trademark, service mark, or mark of ownership, one hundred 200
twenty-five dollars; 201

(2) For filing and recording the change of address of a 202
registrant, the assignment of rights to a registration, a 203
renewal of a registration, or the cancellation of a registration 204
associated with a trademark, service mark, or mark of ownership, 205
twenty-five dollars. 206

(V) For filing a service of process with the secretary of 207
state, five dollars, except as otherwise provided in any section 208
of the Revised Code. 209

Fees specified in this section may be paid by cash, check, 210
or money order, by credit card in accordance with section 113.40 211
of the Revised Code, or by an alternative payment program in 212
accordance with division (B) of section 111.18 of the Revised 213
Code. Any credit card number or the expiration date of any 214
credit card is not subject to disclosure under Chapter 149. of 215
the Revised Code. 216

Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 217
of the Revised Code: 218

(1) "Trade name" means a name used in business or trade to 219

designate the business of the user and to which the user asserts 220
a right to exclusive use. 221

(2) "Fictitious name" means a name used in business or 222
trade that is fictitious and that the user has not registered or 223
is not entitled to register as a trade name. It does not include 224
the name of record of any domestic corporation that is formed 225
under Chapter 1701. or 1702. of the Revised Code, any foreign 226
corporation that is registered pursuant to Chapter 1703. of the 227
Revised Code, any domestic or foreign limited liability company 228
that is formed under or registered pursuant to Chapter 1705. of 229
the Revised Code, any domestic or foreign limited partnership 230
that is formed under or registered pursuant to Chapter 1782. of 231
the Revised Code, or any domestic or foreign limited liability 232
partnership that is formed under or registered pursuant to 233
Chapter 1775. or 1776. of the Revised Code. 234

(3) "Person" includes any individual, general partnership, 235
limited partnership, limited liability partnership, corporation, 236
association, professional association, limited liability 237
company, society, foundation, federation, or organization formed 238
under the laws of this state or any other state. 239

(B) Subject to sections 1329.01 to 1329.10 of the Revised 240
Code, any person may register with the secretary of state, on a 241
form prescribed by the secretary of state, any trade name under 242
which the person is operating, setting forth all of the 243
following: 244

(1) The name and business address of the applicant for 245
registration and any of the following that is applicable: 246

(a) If the applicant is a general partnership, the name 247
and address of at least one partner or the identifying number 248

the secretary of state assigns to the partnership pursuant to 249
section 1776.05 of the Revised Code; 250

(b) If the applicant is a limited partnership, a 251
corporation, professional association, limited liability 252
company, or other entity, the form of the entity and the state 253
under the laws of which it was formed. 254

(2) The trade name to be registered; 255

(3) The general nature of the business conducted by the 256
applicant; 257

(4) The length of time during which the trade name has 258
been used by the applicant in business operations in this state. 259

(C) The trade name application shall be signed by the 260
applicant or by any authorized representative of the applicant. 261

A single trade name may be registered upon each trade name 262
application submitted under sections 1329.01 to 1329.10 of the 263
Revised Code. 264

The trade name application shall be accompanied by a 265
filing fee of ~~fifty-thirty-nine~~ dollars, payable to the 266
secretary of state. 267

(D) Any person who does business under a fictitious name 268
and who has not registered and does not wish to register the 269
fictitious name as a trade name or who cannot do so because the 270
name is not available for registration shall report the use of 271
the fictitious name to the secretary of state, on a form 272
prescribed by the secretary of state, setting forth all of the 273
following: 274

(1) The name and business address of the user and any of 275
the following that is applicable: 276

(a) If the user is a general partnership, the name and address of at least one partner or the identifying number the secretary of state assigns to the partnership pursuant to section 1775.105 of the Revised Code;

(b) If the user is a limited partnership, a corporation, professional association, limited liability company, or other entity, the form of the entity and the state under whose laws it was formed.

(2) The fictitious name being used;

(3) The general nature of the business conducted by the user.

(E) The report of use of a fictitious name shall be signed by the user or by any authorized representative of the user.

A single fictitious name may be registered upon each fictitious name report submitted under sections 1329.01 to 1329.10 of the Revised Code.

The fictitious name report shall be accompanied by a filing fee of ~~fifty~~thirty-nine dollars, payable to the secretary of state.

A report under this division shall be made within thirty days after the date of the first use of the fictitious name.

Sec. 6301.16. Any company based in this state and in good standing with this state shall have access to all features of the OhioMeansJobs web site, including, but not limited to, all of the following:

(A) Posting job openings and searching resumes of job applicants;

<u>(B) Identifying and exploring employment programs;</u>	304
<u>(C) Providing access to the web site's business support center and veterans support center;</u>	305 306
<u>(D) Improving a company's workforce;</u>	307
<u>(E) Hiring veterans;</u>	308
<u>(F) Hiring or making accommodations for employees with disabilities.</u>	309 310
Section 2. That existing sections 111.16 and 1329.01 of the Revised Code are hereby repealed.	311 312