



February 16, 2001

SENATE BILL No. 489

DIGEST OF SB 489 (Updated February 13, 2001 12:45 PM - DI 75)

Citations Affected: IC 23-1; IC 23-4; IC 23-15; IC 23-16; IC 23-17; IC 23-18; IC 26-1.

Synopsis: Business entity matters. Provides that the filing fee for a renewal of a nonprofit reserved name is \$20. Establishes certain filing fees for business entity name filings. Revises procedures related to filing for business entity names. Changes certain fees. Allows a corporation's bylaws to be amended to permit staggered terms for a corporation's board of directors without first amending the articles of incorporation. Provides reduced fees or eliminates fees for certain items filed electronically. Allows a filing with the secretary of state to contain multiple assumed business names. Requires the secretary of state to forward to the department of financial institutions a new filing or an amendment changing the business entity name if the filing or amendment contains the term "bank" in the name of the business entity. Provides that a filing that contains the term "bank" in the business name may not be accepted by the secretary of state until the filing's use of "bank" is approved by the department of financial institutions. Allows electronic signatures on certain electronic filings with the secretary of state. Eliminates the fee for the cancellation of a limited partnership reserved name. Establishes a filing fee for articles of merger. Allows for a renewable reservation of a nonprofit corporation name.

Effective: July 1, 2001.

Harrison

January 22, 2001, read first time and referred to Committee on Commerce and Consumer Affairs.
February 15, 2001, reported favorably — Do Pass.

SB 489—LS 8097/DI 94+



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February 16, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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SENATE BILL No. 489

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 23-1-18-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A document must
3 satisfy the requirements of this section, and of any other section that
4 adds to or varies these requirements, to be entitled to filing by the
5 secretary of state.
6 (b) This article must require or permit filing the document in the
7 office of the secretary of state.
8 (c) The document must contain the information required by this
9 article. It may contain other information as well.
10 (d) The document must be typewritten or printed, legible, and
11 otherwise suitable for processing.
12 (e) The document must be in the English language. A corporate
13 name need not be in English if written in English letters or Arabic or
14 Roman numerals, and the certificate of existence required of foreign
15 corporations need not be in English if accompanied by a reasonably
16 authenticated English translation.
17 (f) The document must be executed:

SB 489—LS 8097/DI 94+



1 (1) by the chairman of the board of directors of the domestic or
2 foreign corporation or by any of its officers;

3 (2) if directors have not been selected or the corporation has not
4 been formed, by an incorporator; or

5 (3) if the corporation is in the hands of a receiver, trustee, or other
6 court appointed fiduciary, by that fiduciary.

7 (g) **Except as provided in subsection (k)**, the person executing the
8 document shall sign it and state beneath or opposite the signature the
9 person's name and the capacity in which the person signs. A signature
10 on a document authorized to be filed under this article may be a
11 facsimile. The document may but is not required to contain:

12 (1) the corporate seal;

13 (2) an attestation by the secretary or an assistant secretary; and

14 (3) an acknowledgement, verification, or proof.

15 (h) If the secretary of state has prescribed a mandatory form for the
16 document under section 2 of this chapter, the document must be in or
17 on the prescribed form.

18 (i) The document must be delivered to the office of the secretary of
19 state for filing as described in section 1.1 of this chapter and the correct
20 filing fee must be paid in the manner and form required by the
21 secretary of state.

22 (j) The secretary of state may accept payment of the correct filing
23 fee by credit card, debit card, charge card, or similar method. However,
24 if the filing fee is paid by credit card, debit card, charge card, or similar
25 method, the liability is not finally discharged until the secretary of state
26 receives payment or credit from the institution responsible for making
27 the payment or credit. The secretary of state may contract with a bank
28 or credit card vendor for acceptance of bank or credit cards. However,
29 if there is a vendor transaction charge or discount fee, whether billed
30 to the secretary of state or charged directly to the secretary of state's
31 account, the secretary of state or the credit card vendor may collect
32 from the person using the bank or credit card a fee that may not exceed
33 the highest transaction charge or discount fee charged to the secretary
34 of state by the bank or credit card vendor during the most recent
35 collection period. This fee may be collected regardless of any
36 agreement between the bank and a credit card vendor or regardless of
37 any internal policy of the credit card vendor that may prohibit this type
38 of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

39 (k) **A signature on a document that is transmitted and filed**
40 **electronically is sufficient if the person transmitting and filing the**
41 **document:**

42 (1) **has the intent to file the document as evidenced by a**

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1 **symbol executed or adopted by a party with present intention**
 2 **to authenticate the filing; and**
 3 **(2) enters the filing party's name on the electronic form in a**
 4 **signature box or other place indicated by the secretary of**
 5 **state.**

6 SECTION 2. IC 23-1-18-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The secretary of
 8 state shall collect the following fees when the documents described in
 9 this subsection are delivered to the secretary of state for filing:

Document	Fee
(1) Articles of incorporation	\$90
(2) Application for use of indistinguishable name	\$20
(3) Application for reserved name	\$20
(4) Application for renewal of reservation	\$20
(5) Notice of transfer of reserved name	\$20
(5) (6) Application for registered name	\$30
(6) (7) Application for renewal of registered name	\$30
(7) (8) Corporation's statement of change of registered agent or registered office or both	No Fee
(8) (9) Agent's statement of change of registered office for each affected corporation	No Fee
(9) (10) Agent's statement of resignation	No Fee
(10) (11) Amendment of articles of incorporation	\$30
(11) (12) Restatement of articles of incorporation	\$30
With amendment of articles	\$30
(12) (13) Articles of merger or share exchange	\$90
(13) (14) Articles of dissolution	\$30
(14) (15) Articles of revocation of dissolution	\$30
(15) (16) Certificate of administrative dissolution	No Fee
(16) (17) Application for reinstatement following administrative	

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1	dissolution	\$30
2	(17) (18) Certificate of reinstatement	No Fee
3	(18) (19) Certificate of judicial dissolution	No Fee
4	(19) (20) Application for certificate of	
5	authority	\$90
6	(20) (21) Application for amended certificate	
7	of authority	\$30
8	(21) (22) Application for certificate of	
9	withdrawal	\$30
10	(22) (23) Certificate of revocation of	
11	authority to transact business	No Fee
12	(23) (24) Biennial report filed in writing,	
13	including by facsimile	\$30
14	(25) Biennial report filed by	
15	electronic medium	\$20
16	(24) (26) Articles of correction	\$30
17	(25) (27) Application for certificate of	
18	existence or authorization	\$15
19	(26) (28) Any other document required or	
20	permitted to be filed by this	
21	article, including an application	
22	for any other certificates or	
23	certification certificate (except	
24	for any such other certificates	
25	that the secretary of state may	
26	determine to issue without	
27	additional fee in connection with	
28	particular filings) and a request	
29	for other facts of record under	
30	section 9(b)(6) of this chapter	\$30
31	(b) The fee set forth in subsection (a)(23) (a)(24) for filing a	
32	biennial report is:	
33	(1) fifteen dollars (\$15) per year, for a filing in writing,	
34	including facsimile; and	
35	(2) ten dollars (\$10) per year, for a filing by electronic	
36	medium;	
37	to be paid biennially.	
38	(c) The secretary of state shall collect a fee of ten dollars (\$10) each	
39	time process is served on the secretary of state under this article. If the	
40	party to a proceeding causing service of process prevails in the	
41	proceeding, then that party is entitled to recover this fee as costs from	
42	the nonprevailing party.	

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(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

(1) Per page for copying \$ 1

(2) For a certification stamp \$15

SECTION 3. IC 23-1-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A person may reserve the exclusive **right to the** use of a ~~corporate~~ name, including a fictitious name for a foreign corporation whose ~~corporate~~ name is not available, by delivering an application to the secretary of state for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the ~~corporate~~ name applied for is available, the secretary of state shall reserve the name for the applicant's exclusive use for renewable one hundred twenty (120) day periods.

(b) The owner of a reserved ~~corporate~~ name may transfer the reservation to another person by delivering to the secretary of state a signed notice of the transfer that states the name and address of the transferee.

SECTION 4. IC 23-1-23-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A foreign corporation may register its ~~corporate~~ name, or its ~~corporate~~ name with any addition required by IC 23-1-49-6, if the name is distinguishable upon the records of the secretary of state as provided in section 1 of this chapter.

(b) A foreign corporation registers its ~~corporate~~ name, or its ~~corporate~~ name with any addition required by IC 23-1-49-6, by delivering to the secretary of state for filing an application

(+) setting forth:

~~(A) (1) its ~~corporate~~ name, or its ~~corporate~~ name with any addition required by IC 23-1-49-6; and~~

~~(B) (2) the state or country and date of its incorporation. and~~

~~(C) a brief description of the nature of the business in which it is engaged; and~~

~~(2) accompanied by a certificate of existence (or a document of similar import) from the state or country of incorporation.~~

(c) The name is registered for the applicant's exclusive use upon the effective date of the application.

(d) A foreign corporation whose registration is effective may renew it for successive years by delivering to the secretary of state for filing a renewal application, which complies with the requirements of subsection (b), between October 1 and December 31 of the preceding

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1 year. The filing of the renewal application renews the registration for
2 the following calendar year.

3 (e) A foreign corporation whose registration is effective may
4 thereafter qualify as a foreign corporation under that name or consent
5 in writing to the use of that name by a corporation thereafter
6 incorporated under this article or by another foreign corporation
7 thereafter authorized to transact business in Indiana. The registration
8 terminates when the domestic corporation is incorporated or the foreign
9 corporation qualifies or consents to the qualification of another foreign
10 corporation under the registered name.

11 SECTION 5. IC 23-1-33-6 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The articles of
13 incorporation or ~~if the articles of incorporation so authorize~~, the bylaws
14 may provide for staggering their terms by dividing the total number of
15 directors into either:

- 16 (1) two (2) groups, with each group containing one-half (1/2) of
17 the total, as near as may be; or
18 (2) if there are more than two (2) directors, three (3) groups, with
19 each group containing one-third (1/3) of the total, as near as may
20 be.

21 (b) In the event that terms are staggered under subsection (a), the
22 terms of directors in the first group expire at the first annual
23 shareholders' meeting after their election, the terms of the second group
24 expire at the second annual shareholders' meeting after their election,
25 and the terms of the third group, if any, expire at the third annual
26 shareholders' meeting after their election. At each annual shareholders'
27 meeting held thereafter, directors shall be chosen for a term of two (2)
28 years or three (3) years, as the case may be, to succeed those whose
29 terms expire.

30 SECTION 6. IC 23-4-1-45 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 45. (a) To qualify as a
32 limited liability partnership, a partnership under this chapter must do
33 the following:

- 34 (1) File a registration with the secretary of state in a form
35 determined by the secretary of state that satisfies the following:
36 (A) Is signed by one (1) or more partners authorized to sign
37 the registration. **A signature on a document under this**
38 **clause that is transmitted and filed electronically is**
39 **sufficient if the person transmitting and filing the**
40 **document:**
41 **(i) has the intent to file the document as evidenced by a**
42 **symbol executed or adopted by a party with present**

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- 1 **intention to authenticate the filing; and**
 2 **(ii) enters the filing party's name on the electronic form**
 3 **in a signature box or other place indicated by the**
 4 **secretary of state.**
 5 (B) States the name of the limited liability partnership, which
 6 must:
 7 (i) contain the words "Limited Liability Partnership" or the
 8 abbreviation "L.L.P." or "LLP" as the last words or letters of
 9 the name; and
 10 (ii) be distinguishable upon the records of the secretary of
 11 state from the name of a limited liability partnership
 12 registered to transact business in Indiana.
 13 (C) States the address of the partnership's principal office.
 14 (D) States the name of the partnership's registered agent and
 15 the address of the partnership's registered office for service of
 16 process as required to be maintained by section 50 of this
 17 chapter.
 18 (E) Contains a brief statement of the business in which the
 19 partnership engages.
 20 (F) States any other matters that the partnership determines to
 21 include.
 22 (G) States that the filing of the registration is evidence of the
 23 partnership's intention to act as a limited liability partnership.
 24 (2) File a ninety dollar (\$90) registration fee with the registration.
 25 (b) The secretary of state shall grant limited liability partnership
 26 status to any partnership that submits a completed registration with the
 27 required fee.
 28 (c) Registration is effective and a partnership becomes a limited
 29 liability partnership on the date a registration is filed with the secretary
 30 of state or at any later date or time specified in the registration. The
 31 registration remains effective until it is voluntarily withdrawn by filing
 32 with the secretary of state a written withdrawal notice under section
 33 45.2 of this chapter.
 34 (d) The status of a partnership as a limited liability partnership and
 35 the liability of a partner of a limited liability partnership is not
 36 adversely affected by errors or subsequent changes in the information
 37 stated in a registration under subsection (a).
 38 (e) A registration on file with the secretary of state is notice that the
 39 partnership is a limited liability partnership and is notice of all other
 40 facts set forth in the registration.
 41 SECTION 7. IC 23-4-1-45.3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 45.3. (a) ~~The~~ **A person**

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1 **may reserve the** exclusive right to **the** use a name of a limited liability
 2 partnership or foreign limited liability partnership may be reserved by
 3 the following:

4 (1) A person intending to organize a limited liability partnership
 5 under this article and to adopt that name:

6 (2) A limited liability partnership or any foreign limited liability
 7 partnership registered in Indiana that, in either case, intends to
 8 change its name to that name:

9 (3) A foreign limited liability partnership intending to register in
 10 Indiana and use that name in Indiana:

11 (4) A person intending to organize a foreign limited liability
 12 partnership and intending to have it registered in Indiana and use
 13 that name in Indiana:

14 (b) An applicant may reserve a specified name by filing with of a
 15 name, including a fictitious name for a foreign limited liability
 16 partnership whose name is not available, by delivering an
 17 application to the secretary of state an for filing. The application
 18 executed by must set forth the name and address of the applicant
 19 specifying the and the name proposed to be reserved. and the name
 20 and the address of the applicant, along with a twenty dollar (\$20) fee.
 21 If the secretary of state finds that the name is available, for use by the
 22 applicant, the secretary of state shall reserve the name for the exclusive
 23 use of the applicant for a period of renewable one hundred twenty
 24 (120) days. After reserving a name, the same applicant may reserve the
 25 same name for successive periods of one hundred twenty (120) days:
 26 day periods.

27 (c) (b) The exclusive right to use owner of a reserved name may be
 28 transferred transfer the reservation to another person by filing in the
 29 office of delivering to the secretary of state a signed notice of the
 30 transfer executed by the applicant who reserved the name to be
 31 transferred and that states the name and address of the transferee.

32 SECTION 8. IC 23-4-1-45.4 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2001]: Sec. 45.4. (a) A foreign limited liability partnership may
 35 register its name, or its name with any addition required by section
 36 45 of this chapter, if the name is distinguishable upon the records
 37 of the secretary of state as provided in section 45 of this chapter.

38 (b) A foreign limited liability partnership registers its name, or
 39 its name with any addition required by section 45 of this chapter,
 40 by delivering to the secretary of state for filing an application
 41 setting forth:

42 (1) its name, or its name with any addition required by section



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45 of this chapter; and
(2) the state or country and date of its formation.
(c) The name is registered for the applicant's exclusive use upon the effective date of the application.

(d) A foreign limited liability partnership whose registration is effective may renew the registration for successive years by delivering to the secretary of state for filing a renewal application that complies with subsection (b). The renewal application must be filed between October 1 and December 31 of the preceding year. The filing of the renewal application renews the registration for the following calendar year.

(e) A foreign limited liability partnership whose registration is effective may thereafter qualify as a foreign limited liability partnership under that name or consent in writing to the use of that name by a limited liability partnership thereafter formed under this article or by another foreign limited liability partnership thereafter authorized to transact business in Indiana. The registration terminates when the domestic limited liability partnership is formed or the foreign limited liability partnership qualifies or consents to the qualification of another foreign limited liability partnership under the registered name.

SECTION 9. IC 23-4-1-45.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 45.5. The secretary of state shall collect the following fees when the documents described in this chapter are delivered to the secretary of state for filing:**

- (1) Application for reservation of name \$20
- (2) Application for renewal of reservation \$20
- (3) Notice of transfer of reserved name \$20
- (4) Application of registered name \$30
- (5) Application for renewal of registered name \$30

SECTION 10. IC 23-4-1-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 49. (†) (a)** Before transacting business in this state, a foreign limited liability partnership shall do the following:

- (†) (1) Comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership is engaged.
- (†) (2) File a registration with the secretary of state in a form determined by the secretary of state that satisfies the following:
 - (†) (A) Is signed at least by one (1) partner authorized to sign the registration. **A signature of an authorized partner on a**

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document under this clause that is transmitted and filed electronically is sufficient if the authorized partner transmitting and filing the document:

- (i) has the intent to file the document as evidenced by a symbol executed or adopted by a party with present intention to authenticate the filing; and**
- (ii) enters the filing party's name on the electronic form in a signature box or other place indicated by the secretary of state.**

~~(H)~~ **(B)** States the name of the limited liability partnership which must contain the words "Limited Liability Partnership" or the abbreviation "L.L.P." or "LLP" or other similar words or abbreviations as may be required or authorized by the laws of the jurisdiction where the partnership is registered as the last words or letters of the name.

~~(H)~~ **(C)** States the jurisdiction in which the partnership is registered as a limited liability partnership.

~~(V)~~ **(D)** States the address of the partnership's principal office.

~~(V)~~ **(E)** States the name of the partnership's registered agent and the address of the partnership's registered office for service of process as required to be maintained by section 50 of this chapter.

~~(V)~~ **(F)** Contains a brief statement of the business in which the partnership engages.

~~(V)~~ **(G)** States any other matters that the partnership determines to include.

~~(V)~~ **(H)** States that the filing of the registration is evidence of the partnership's intention to act as a limited liability partnership.

~~(e)~~ **(3)** File a ninety dollar (\$90) registration fee with the registration.

~~(z)~~ **(b)** The secretary of state shall permit a foreign limited liability partnership that:

- ~~(a)~~ **(1)** submits a completed registration;
- ~~(b)~~ **(2)** submits the required ninety dollars (\$90); and
- ~~(c)~~ **(3)** otherwise complies with this chapter;

to transact business in the state. A registration remains effective until the registration is voluntarily withdrawn under section 45.2 of this chapter.

~~(z)~~ **(c)** The internal affairs of foreign limited liability partnerships, including the liability of partners for debts, obligations, and liabilities of or chargeable to the partnership or a partner or partners, are subject

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1 to and governed by the laws of the jurisdiction in which the foreign
2 limited liability partnership is registered.

3 SECTION 11. IC 23-15-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Except as
5 otherwise provided in section 2 of this chapter:

6 (1) a person conducting or transacting business in Indiana under
7 a name, designation, or title other than the real name of the person
8 conducting or transacting such business;

9 (2) a corporation conducting business in Indiana under a name,
10 designation, or title other than the name of the corporation as
11 shown by its articles of incorporation;

12 (3) a foreign corporation conducting business in Indiana under a
13 name, designation, or title other than the name of the foreign
14 corporation as shown by its application for certificate of authority
15 to transact business in Indiana;

16 (4) a limited partnership conducting business in Indiana under a
17 name, designation, or title other than the name of the limited
18 partnership as shown by its certificate of limited partnership;

19 (5) a foreign limited partnership conducting business in Indiana
20 under a name, designation, or title other than the name of the
21 limited partnership as shown by its application for registration;

22 (6) a limited liability company conducting business in Indiana
23 under a name, designation, or title other than as shown by its
24 articles of organization;

25 (7) a foreign limited liability company conducting business in
26 Indiana under a name, designation, or title other than the name of
27 the limited liability company as shown by its application for
28 registration;

29 (8) a limited liability partnership conducting business in Indiana
30 under a name, designation, or title other than the name of the
31 limited liability partnership as shown by its application for
32 registration; and

33 (9) a foreign limited liability partnership conducting business in
34 Indiana under a name, designation, or title other than the name of
35 the limited liability partnership as shown by its application for
36 registration;

37 shall file for record, in the office of the recorder of each county in
38 which a place of business or an office of the person, limited
39 partnership, foreign limited partnership, limited liability company,
40 foreign limited liability company, corporation, or foreign corporation
41 is situated, a certificate stating the assumed name **or names** to be used,
42 and, in the case of a person, the full name and address of the person

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1 engaged in or transacting business, or, in the case of a corporation,
2 foreign corporation, limited liability company, foreign limited liability
3 company, limited partnership, or foreign limited partnership, the full
4 name and the address of the corporation's, limited liability company's,
5 or limited partnership's principal office in Indiana.

6 (b) The recorder shall keep a record of the certificates filed under
7 this section and shall keep an index of the certificates showing, in
8 alphabetical order, the names of the persons, the names of the
9 partnerships, the names of the limited liability companies, the corporate
10 names of the corporations having such certificates on file in the
11 recorder's office, and the assumed **name or** names which they intend
12 to use in carrying on their businesses as shown by the certificates.

13 (c) Before the dissolution of any business for which a certificate is
14 on file with the recorder, the person, limited liability company,
15 partnership, or corporation to which the certificate appertains shall file
16 a notice of dissolution for record in the recorder's office.

17 (d) The county recorder shall charge a fee in accordance with
18 IC 36-2-7-10 for each certificate, notice of dissolution, and notice of
19 discontinuance of use filed with the recorder's office and recorded
20 under this chapter. The funds received shall be receipted as county
21 funds the same as other money received by the recorders.

22 (e) A corporation, limited liability company, or limited partnership
23 subject to this chapter shall, in addition to filing the certificate provided
24 for in subsection (a), file with the secretary of state a copy of each
25 certificate.

26 (f) A person, partnership, limited liability company, or corporation
27 that has filed a certificate of assumed business name **or names** under
28 subsection (a) or (e) may file a notice of discontinuance of use of
29 assumed business name **or names** with the secretary of state and with
30 the recorder's office in which the certificate was filed or transferred.
31 The secretary of state and the recorder shall keep a record of notices
32 filed under this subsection.

33 (g) A corporation or limited partnership, domestic or foreign, that
34 is subject to this chapter and that does not have a place of business or
35 an office in Indiana, shall file the certificate required under subsection
36 (a) in the office of the recorder of the county where the corporation's or
37 limited partnership's registered office is located. The certificate must
38 state the assumed name **or names** to be used, the name of the
39 registered agent, and the address of the registered office. The
40 corporation or limited partnership must comply with the requirements
41 in subsection (e).

42 (h) The secretary of state shall collect the following fees when a

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1 copy of a certificate is filed with the secretary of state under subsection
2 (e):

3 (1) A fee of thirty dollars (\$30) from a corporation (other than a
4 nonprofit corporation), limited liability company, or a limited
5 partnership.

6 (2) A fee of twenty-six dollars (\$26) from a nonprofit corporation.

7 SECTION 12. IC 23-15-8 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2001]:

10 **Chapter 8. Use of "Bank" in Business Entity Name**

11 **Sec. 1. As used in this chapter, "business entity" means:**

- 12 (1) a corporation;
- 13 (2) a limited liability company;
- 14 (3) an association;
- 15 (4) a partnership in any form; or
- 16 (5) any other similar form of business organization;

17 **whether organized for profit or not for profit.**

18 **Sec. 2. (a) If a new filing or an amendment changing the name**
19 **of the business entity is received by the secretary of state, and the**
20 **new filing or the amendment contains "bank" in the business entity**
21 **name, the filing must be forwarded to the department of financial**
22 **institutions for review of the use of the term "bank".**

23 **(b) A document under subsection (a) may only be filed by the**
24 **secretary of state after the filing has been approved by the**
25 **department of financial institutions.**

26 SECTION 13. IC 23-16-2-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2. (a) The A person**
28 **may reserve the exclusive right to the use of a name, may be reserved**
29 **including a fictitious name by a foreign limited partnership whose**
30 **name is not available, by**

31 (1) any person intending to organize a limited partnership under
32 this article and to adopt that name;

33 (2) any domestic limited partnership or any foreign limited
34 partnership registered in Indiana intending to adopt that name;

35 (3) any foreign limited partnership intending to register in Indiana
36 and adopt that name; and

37 (4) any person intending to organize a foreign limited partnership
38 and intending to have it registered in Indiana and adopt that name.

39 (b) **The reservation of a specified name shall be made by filing with**
40 **delivering an application to the secretary of state an for filing. The**
41 **application executed by the must set forth the name and address of**
42 **the applicant specifying the and the name proposed to be reserved.**

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1 ~~and the name and address of the applicant.~~ If the secretary of state finds
 2 that the name is available, ~~for use by a domestic or foreign limited~~
 3 ~~partnership,~~ the secretary of state shall reserve the name for the
 4 exclusive use of the applicant for a ~~period of renewable~~ one hundred
 5 twenty (120) days. ~~Once having so reserved a name, the same applicant~~
 6 ~~may again reserve the same name for successive periods of one~~
 7 ~~hundred twenty (120) days.~~ **day periods.**

8 **(b)** The right to the exclusive use ~~owner~~ of a reserved name may be
 9 transferred ~~transfer~~ to any other ~~another~~ person by filing in the office
 10 of ~~delivering to~~ the secretary of state a **signed** notice of the transfer
 11 executed by the applicant for whom the name was reserved, and
 12 specifying the name to be transferred and **that states** the name and
 13 address of the transferee.

14 SECTION 14. IC 23-16-2-2.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a)** A foreign limited
 17 partnership may register its name, or its name with any addition
 18 required by section 1 of this chapter, if the name is distinguishable
 19 upon the records of the secretary of state as provided in section 1
 20 of this chapter.

21 **(b)** A foreign limited partnership registers its name, or its name
 22 with any addition required by section 1 of this chapter, by
 23 delivering to the secretary of state for filing an application setting
 24 forth:

- 25 (1) its name, or its name with any addition required by section
 26 1 of this chapter; and
 27 (2) the state or country and date of its formation.

28 **(c)** The name is registered for the applicant's exclusive use upon
 29 the effective date of the application.

30 **(d)** A foreign limited partnership whose registration is effective
 31 may renew the registration for successive years by delivering to the
 32 secretary of state for filing a renewal application that complies
 33 with subsection (b). The renewal application must be filed between
 34 October 1 and December 31 of the preceding year. The filing of the
 35 renewal application renews the registration for the following
 36 calendar year.

37 **(e)** A foreign limited partnership whose registration is effective
 38 may thereafter register as a foreign limited partnership under that
 39 name or consent in writing to the use of that name by a limited
 40 partnership thereafter formed under this article or by another
 41 foreign limited partnership thereafter authorized to transact
 42 business in Indiana. The registration terminates when the domestic



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limited partnership is formed or the foreign limited partnership registers or consents to the registration of another foreign limited partnership under the registered name.

SECTION 15. IC 23-16-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The secretary of state shall collect the following fees when the documents described in this section are delivered by a domestic or foreign limited partnership or a foreign limited liability company to the secretary of state for filing:

Document	Fee
(1) Application for reservation of name	\$20
(2) Application for use of indistinguishable name	\$20
(3) Application for renewal of reservation	\$20
(4) Notice of transfer or cancellation of reservation reserved name	\$20
(5) Application of registered name	\$30
(6) Application for renewal of registered name	\$30
(7) Certificate of change of registered agent's business address	No fee
(6) (8) Certificate of resignation of agent	No fee
(7) (9) Certificate of limited partnership	\$90
(8) (10) Certificate of amendment	\$30
(9) (11) Certificate of cancellation	\$90
(10) (12) Restated certificate of limited partnership or registration	\$30
(11) (13) Restated certificate of limited partnership or registration with amendments	\$30
(12) (14) Application for registration	\$90
(13) (15) Certificate of change of application	\$30
(14) (16) Certificate of cancellation of registration	\$30
(15) (17) Certificate of change of registered agent	No fee
(16) (18) Application for certificate of existence or authorization	\$15
(17) (19) Any other document required or permitted to be filed under this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without additional fee in connection with particular filings)	\$30

(b) The secretary of state shall collect a fee of ten dollars (\$10) each time process is served on the secretary of state under this article. If the

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1 party to a proceeding causing service of process prevails in the
2 proceeding, then that party is entitled to recover this fee as costs from
3 the nonprevailing party.

4 (c) The secretary of state shall collect the following fees for copying
5 and certifying the copy of any filed document relating to a domestic or
6 foreign limited partnership:

7 (1) Per page for copying \$ 1

8 (2) For a certification stamp \$15

9 SECTION 16. IC 23-16-12-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A document must
11 satisfy the requirements of this article to be entitled to filing by the
12 secretary of state.

13 (b) The document must contain the information required by this
14 article. It may contain other information as well.

15 (c) The document must be typewritten or printed.

16 (d) The document must be legible and otherwise suitable for filing.

17 (e) The document must be in the English language. A limited
18 partnership name need not be in English if written in English letters or
19 Arabic or Roman numerals.

20 (f) Every person executing the document shall sign it and state
21 beneath or opposite the signature the person's name and the capacity in
22 which the person signs. A signature on a document authorized to be
23 filed under this article may be a facsimile. **A signature on a document
24 under this subsection that is transmitted and filed electronically is
25 sufficient if the person transmitting and filing the document:**

26 **(1) has the intent to file the document as evidenced by a**
27 **symbol executed or adopted by a party with present intention**
28 **to authenticate the filing; and**

29 **(2) enters the filing party's name on the electronic form in a**
30 **signature box or other place indicated by the secretary of**
31 **state.**

32 (g) The document must be delivered to the office of the secretary of
33 state as required by section 5.1 of this chapter, and the correct filing fee
34 must be paid in the manner and form required by the secretary of state.

35 (h) The secretary of state may accept payment of the correct filing
36 fee by credit card, debit card, charge card, or similar method. However,
37 if the filing fee is paid by credit card, debit card, charge card, or similar
38 method, the liability is not finally discharged until the secretary of state
39 receives payment or credit from the institution responsible for making
40 the payment or credit. The secretary of state may contract with a bank
41 or credit card vendor for acceptance of bank or credit cards. However,
42 if there is a vendor transaction charge or discount fee, whether billed

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1 to the secretary of state or charged directly to the secretary of state's
 2 account, the secretary of state or the credit card vendor may collect
 3 from the person using the bank or credit card a fee that may not exceed
 4 the highest transaction charge or discount fee charged to the secretary
 5 of state by the bank or credit card vendor during the most recent
 6 collection period. This fee may be collected regardless of any
 7 agreement between the bank and a credit card vendor or regardless of
 8 any internal policy of the credit card vendor that may prohibit this type
 9 of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

10 SECTION 17. IC 23-17-5-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A person may
 12 reserve the exclusive use of a ~~corporate~~ name, including a fictitious
 13 name for a foreign corporation whose ~~corporate~~ name is not available,
 14 by delivering an application to the secretary of state for filing. The
 15 application must set forth the name and address of the applicant and the
 16 name proposed to be reserved. If the secretary of state finds that the
 17 ~~corporate~~ name applied for is available, the secretary of state shall
 18 reserve the name for the applicant's exclusive use for a ~~nonrenewable~~
 19 one hundred twenty (120) day period.

20 (b) The owner of a reserved ~~corporate~~ name may transfer the
 21 reservation to another person by delivering to the secretary of state a
 22 signed notice of the transfer that states the name and address of the
 23 transferee.

24 SECTION 18. IC 23-17-5-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A foreign
 26 corporation may register the foreign corporation's:

27 (1) ~~corporate~~ name; or

28 (2) ~~corporate~~ name with any addition required under
 29 IC 23-17-26-6;

30 if the name is distinguishable upon the records of the secretary of state
 31 as provided in section 1 of this chapter.

32 (b) A foreign corporation registers the foreign corporation's
 33 ~~corporate~~ name, with any addition required under IC 23-17-26-6, by
 34 delivering to the secretary of state **for filing** an application ~~that meets~~
 35 ~~the following conditions~~

36 ~~(1) sets setting forth: the following:~~

37 ~~(A) (1) The foreign corporation's corporate its name, or its name~~
 38 ~~with any addition required by IC 23-17-26-6; and~~

39 ~~(B) (2) the state or country and date of the foreign corporation's~~
 40 ~~its incorporation.~~

41 ~~(C) A brief description of the nature of the activities in which the~~
 42 ~~foreign corporation is engaged:~~



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~~(2) Is accompanied by a certificate of existence or a similar document from the state or country of incorporation.~~

(c) The name is registered for the applicant's exclusive use upon the effective date of the application.

(d) A foreign corporation whose registration is effective may renew the registration for successive years by delivering to the secretary of state for filing a renewal application that complies with the requirements of subsection (b) between October 1 and December 31 of the preceding year. The renewal application renews the registration for the following year.

(e) A foreign corporation whose registration is effective may:

- (1) qualify as a foreign corporation under that name; or
- (2) consent in writing to the use of that name by:
 - (A) a domestic corporation subsequently incorporated under this article; or
 - (B) another foreign corporation subsequently authorized to transact business in Indiana.

The registration terminates when the domestic corporation is incorporated or the foreign corporation qualifies or consents to the qualification of another foreign corporation under the registered name.

SECTION 19. IC 23-17-29-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) To be entitled to be filed by the secretary of state under this article, a document must meet the following conditions:

- (1) Be filed in the office of the secretary of state.
- (2) Contain the information required by this article.
- (3) Be typewritten or printed.
- (4) Be legible.
- (5) Be in English. However, a corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.
- (6) Be executed:
 - (A) by the presiding officer of the board of directors of a domestic or foreign corporation, the corporation's president, or by another of the corporation's officers;
 - (B) if directors have not been selected or the corporation has not been formed, by an incorporator; or
 - (C) if the corporation is in the hands of a receiver, trustee, or other court appointed fiduciary, by the fiduciary.
- (7) Be signed by the person executing the document and state

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1 beneath or opposite the person's signature name the capacity in
 2 which the person signs. A signature on a document authorized to
 3 be filed under this article may be a facsimile. **A signature on a**
 4 **document under this subdivision that is transmitted and filed**
 5 **electronically is sufficient if the person transmitting and filing**
 6 **the document:**

7 **(A) has the intent to file the document as evidenced by a**
 8 **symbol executed or adopted by a party with present**
 9 **intention to authenticate the filing; and**

10 **(B) enters the filing party's name on the electronic form in**
 11 **a signature box or other place indicated by the secretary of**
 12 **state.**

13 (b) A document may contain the following:

14 (1) A corporate seal.

15 (2) An attestation by a secretary or an assistant secretary.

16 (3) An acknowledgement, a verification, or a proof.

17 (c) If the secretary of state has prescribed a mandatory form for a
 18 document under section 2 of this chapter, the document must be in or
 19 on the prescribed form.

20 (d) A document must be delivered to the office of the secretary of
 21 state for filing as described in section 1.1 of this chapter and must be
 22 accompanied by the correct filing fee. The filing fee must be paid in the
 23 manner and form required by the secretary of state.

24 (e) The secretary of state may accept payment of the correct filing
 25 fee by credit card, debit card, charge card, or similar method. However,
 26 if the filing fee is paid by credit card, debit card, charge card, or similar
 27 method, the liability is not finally discharged until the secretary of state
 28 receives payment or credit from the institution responsible for making
 29 the payment or credit. The secretary of state may contract with a bank
 30 or credit card vendor for acceptance of bank or credit cards. However,
 31 if there is a vendor transaction charge or discount fee, whether billed
 32 to the secretary of state or charged directly to the secretary of state's
 33 account, the secretary of state or the credit card vendor may collect
 34 from the person using the bank or credit card a fee that may not exceed
 35 the highest transaction charge or discount fee charged to the secretary
 36 of state by the bank or credit card vendor during the most recent
 37 collection period. This fee may be collected regardless of any
 38 agreement between the bank and a credit card vendor or regardless of
 39 any internal policy of the credit card vendor that may prohibit this type
 40 of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

41 SECTION 20. IC 23-17-29-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The secretary of

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1 state shall collect the following fees when the following documents are
2 delivered for filing:

3 DOCUMENT	FEE
4 (1) Articles of Incorporation	\$30
5 (2) Application for use of 6 indistinguishable name	\$20
7 (3) Application for reserved name	\$20
8 (4) Notice of transfer of reserved name	\$20
9 (5) Application for renewal of reservation	\$20
10 (6) Application for registered name	\$30
11 (6) (7) Application for renewal of 12 registered name	\$30
13 (7) (8) Corporation's statement of change 14 of registered agent or registered 15 office or both	no fee
16 (8) (9) Agent's statement of change of 17 registered office for each 18 affected corporation	no fee
19 (9) (10) Agent's statement of resignation	no fee
20 (10) (11) Amendment of articles of 21 incorporation	\$30
22 (11) (12) Restatement of articles of 23 incorporation with amendments	\$30
24 (12) (13) Articles of merger	\$30
25 (13) (14) Articles of dissolution	\$30
26 (14) (15) Articles of revocation of 27 dissolution	\$30
28 (15) (16) Certificate of administrative 29 dissolution	no fee
30 (16) (17) Application for reinstatement 31 following administrative 32 dissolution	\$30
33 (17) (18) Certificate of reinstatement	no fee
34 (18) (19) Certificate of judicial dissolution	no fee
35 (19) (20) Application for certificate of 36 authority	\$30
37 (20) (21) Application for amended certificate 38 of authority	\$30
39 (21) (22) Application for certificate of 40 withdrawal	\$30
41 (22) (23) Certificate of revocation of 42 authority to transact business	no fee

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1	(23) (24) Annual report filed in writing,	
2	including a facsimile	\$10
3	(24) (25) Annual report filed by electronic medium	\$ 5
4	(25) (26) Certificate of existence	\$15
5	(26) (27) Any other document required or	
6	permitted to be filed by this	
7	article	\$30
8	(b) The secretary of state shall collect a fee of ten dollars (\$10) upon	
9	being served with process under this article. The party to a proceeding	
10	causing service of process may recover the fee paid the secretary of	
11	state as costs if the party prevails in the proceeding.	
12	(c) The secretary of state shall collect the following fees for copying	
13	and certifying the copy of any filed document relating to a domestic or	
14	foreign corporation:	
15	(1) One dollar (\$1) a page for copying.	
16	(2) Fifteen dollars (\$15) for the certification stamp.	
17	SECTION 21. IC 23-18-2-9 IS AMENDED TO READ AS	
18	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) The A person A person	
19	may reserve the exclusive right to the use of a name, for a limited	
20	liability company may be reserved including a fictitious name by a	
21	foreign limited liability company whose name is not available, by	
22	the following:	
23	(1) A person intending to organize a domestic limited liability	
24	company under this article and to adopt that name:	
25	(2) A domestic limited liability company or any foreign limited	
26	liability company registered in Indiana that, in either case, intends	
27	to change its name to that name:	
28	(3) A foreign limited liability company intending to register in	
29	Indiana and use that name in Indiana:	
30	(4) A person intending to organize a foreign limited liability	
31	company and intending to have it registered in Indiana and use	
32	that name in Indiana:	
33	(b) An applicant may reserve a specified name by filing with	
34	delivering an application to the secretary of state. an The application	
35	executed by must set forth the name and address of the applicant	
36	specifying and the name to be reserved. and the name and the address	
37	of the applicant. If the secretary of state finds that the name is	
38	available, for use by the applicant, the secretary of state shall reserve	
39	the name for the exclusive use of the applicant for a period of	
40	renewable one hundred twenty (120) days. After reserving a name, the	
41	same applicant may reserve the same name for successive periods of	
42	one hundred twenty (120) days: day periods.	

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1 (c) ~~The exclusive right to use owner of~~ a reserved name may be
 2 transferred transfer the reservation to another person by ~~filing in~~
 3 ~~delivering to~~ the office of the secretary of state a **signed** notice of the
 4 transfer executed by the applicant who reserved the name, specifying
 5 the name to be transferred and that states the name and address of the
 6 transferee.

7 SECTION 22. IC 23-18-2-9.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2001]: **Sec. 9.5. (a) A foreign limited liability**
 10 **company may register its name, or its name with any addition**
 11 **required by IC 23-18-2-8, if the name is distinguishable upon the**
 12 **records of the secretary of state as provided in section 8 of this**
 13 **chapter.**

14 **(b) A foreign limited liability company registers its name, or its**
 15 **name with any addition required by IC 23-18-2-8, by delivering to**
 16 **the secretary of state for filing an application setting forth:**

17 **(1) its name, or its name with any addition required by**
 18 **IC 23-18-2-8; and**

19 **(2) the state or country and date of its formation.**

20 **(c) The name is registered for the applicant's exclusive use upon**
 21 **the effective date of the application.**

22 **(d) A foreign limited liability company whose registration is**
 23 **effective may renew the registration for successive years by**
 24 **delivering to the secretary of state for filing a renewal application**
 25 **that complies with subsection (b). The renewal application must be**
 26 **filed between October 1 and December 31 of the preceding year.**
 27 **The filing of the renewal application renews the registration for the**
 28 **following calendar year.**

29 **(e) A foreign limited liability company whose registration is**
 30 **effective may thereafter qualify as a foreign limited liability**
 31 **company under that name or consent in writing to the use of that**
 32 **name by a limited liability company thereafter organized under**
 33 **this article or by another foreign limited liability company**
 34 **thereafter authorized to transact business in Indiana. The**
 35 **registration terminates when the domestic limited liability**
 36 **company is organized or the foreign limited liability company**
 37 **qualifies or consents to the qualification of another foreign limited**
 38 **liability company under the registered name.**

39 SECTION 23. IC 23-18-12-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1. (a) A document**
 41 **required or permitted under this article may be filed with the secretary**
 42 **of state if the document meets the requirements under this article,**



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including the following requirements:

- (1) The document must contain the information required by this article, however, it may also contain additional information.
 - (2) The document must be typewritten or printed.
 - (3) The document must be legible.
 - (4) The document must be in the English language. A limited liability company's name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign limited liability companies need not be in English if accompanied by a reasonably authenticated English translation.
 - (5) The document must be executed:
 - (A) by a member or an agent designated by the limited liability company if the articles of organization do not provide for a manager or managers;
 - (B) by a manager or an agent designated by the limited liability company if the articles of organization do provide for a manager or managers; or
 - (C) if the limited liability company is in the hands of a receiver, trustee, or other court appointed fiduciary, by that fiduciary.
 - (6) The person executing the document must sign the document and state beneath or opposite the signature the person's name and the capacity in which the person signs. A signature on a document authorized to be filed under this article may be a facsimile. **A signature on a document under this subdivision that is transmitted and filed electronically is sufficient if the person transmitting and filing the document:**
 - (A) has the intent to file the document as evidenced by a symbol executed or adopted by a party with present intention to authenticate the filing; and**
 - (B) enters the filing party's name on the electronic form in a signature box or other place indicated by the secretary of state.**
 - (7) If the secretary of state has prescribed a mandatory form for the document under section 2 of this chapter, the document must be in or on the prescribed form.
 - (8) The document must be delivered to the secretary of state for filing and must be accompanied by the correct filing fee. The filing fee must be paid in the manner and form required by the secretary of state.
- (b) The secretary of state may accept payment of the correct filing

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1 fee by credit card, debit card, charge card, or similar method. However,
 2 if the filing fee is paid by credit card, debit card, charge card, or similar
 3 method, the liability is not finally discharged until the secretary of state
 4 receives payment or credit from the institution responsible for making
 5 the payment or credit. The secretary of state may contract with a bank
 6 or credit card vendor for acceptance of bank or credit cards. However,
 7 if there is a vendor transaction charge or discount fee, whether billed
 8 to the secretary of state or charged directly to the secretary of state's
 9 account, the secretary of state or the credit card vendor may collect
 10 from the person using the bank or credit card a fee that may not exceed
 11 the highest transaction charge or discount fee charged to the secretary
 12 of state by the bank or credit card vendor during the most recent
 13 collection period. This fee may be collected regardless of any
 14 agreement between the bank and a credit card vendor or regardless of
 15 any internal policy of the credit card vendor that may prohibit this type
 16 of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

17 SECTION 24. IC 23-18-12-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The secretary of
 19 state shall collect the following fees when the documents described in
 20 this section are delivered for filing:

Document	Fee
(1) Articles of organization	\$90
(2) Application for use of indistinguishable name	\$20
(3) Application for reservation of name	\$20
(4) Application for renewal of reservation	\$20
(5) Notice of transfer or cancellation of reservation	\$20
(6) Application of registered name	\$30
(7) Application for renewal of registered name	\$30
(8) Certificate of change of registered agent's business address	No Fee
(7) (9) Certificate of resignation of agent	No Fee
(8) (10) Articles of amendment	\$30
(9) (11) Restatement of articles of organization	\$30
(10) (12) Articles of dissolution	\$30
(11) (13) Application for certificate of authority	\$90
(12) (14) Application for amended	

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1 certificate of authority \$30
2 ~~(13)~~ **(15)** Application for certificate of
3 withdrawal \$30
4 ~~(14)~~ **(16)** Application for reinstatement
5 following administrative dissolution \$30
6 ~~(15)~~ **(17)** Articles of correction \$30
7 ~~(16)~~ **(18)** Certificate of change of
8 registered agent No Fee
9 ~~(17)~~ **(19)** Application for certificate of
10 existence or authorization \$15
11 ~~(18)~~ **(20)** Biennial report **filed in writing,**
12 **including by facsimile** \$30
13 **(21) Biennial report filed by electronic medium** \$20
14 **(22) Articles of merger involving a**
15 **domestic limited liability company** \$90
16 ~~(19)~~ **(23)** Any other document required or
17 permitted to be filed under this article \$30
18 (b) The fee set forth in subsection ~~(a)~~~~(18)~~ **(a)(20)** for filing a biennial
19 report is fifteen dollars (\$15) per year, to be paid biennially.
20 (c) The secretary of state shall collect a fee of \$10 each time process
21 is served on the secretary of state under this article. If the party to a
22 proceeding causing service of process prevails in the proceeding, that
23 party is entitled to recover this fee as costs from the nonprevailing
24 party.
25 (d) The secretary of state shall collect the following fees for copying
26 and certifying the copy of any filed documents relating to a domestic
27 or foreign limited liability company:
28 (1) One dollar (\$1) per page for copying.
29 (2) Fifteen dollars (\$15) for certification stamp.
30 SECTION 25. IC 26-1-9.1-525, AS ADDED BY P.L.57-2000,
31 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2001]: Sec. 525. (a) Except as otherwise provided in
33 subsection (e), the fee for filing and indexing a record under this part,
34 other than an initial financing statement of the kind described in
35 IC 26-1-9.1-502(c), is:
36 (1) four dollars (\$4) if the record is communicated in writing,
37 **including by facsimile**, and consists of one (1) or two (2) pages;
38 (2) eight dollars (\$8) if the record is communicated in writing,
39 **including by facsimile**, and consists of more than two (2) pages;
40 and
41 (3) ~~four dollars (\$4)~~ **no fee** if the record is communicated by
42 ~~another medium authorized by filing-office rule:~~ **electronic filing.**

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1 (b) Except as otherwise provided in subsection (e), the fee for filing
 2 and indexing an initial financing statement of the kind described in
 3 IC 26-1-9.1-502(c) is: ~~the amount specified in subsection (c); if~~
 4 ~~applicable, plus:~~
 5 (1) eight dollars (\$8) if the financing statement indicates that it is
 6 filed in connection with a public-finance transaction; and
 7 (2) eight dollars (\$8) if the financing statement indicates that it is
 8 filed in connection with a manufactured-home transaction.
 9 (c) ~~Except as otherwise provided in subsection (e), if a record is~~
 10 ~~communicated in writing, the fee for each name more than two (2)~~
 11 ~~required to be indexed is one dollar (\$1):~~
 12 ~~(d) (c)~~ The fee for responding to a request for information from the
 13 filing office, including for issuing a certificate showing whether there
 14 is on file any financing statement naming a particular debtor, is:
 15 (1) ~~one dollar (\$1)~~ **five dollars (\$5)** if the request is
 16 communicated in writing, **including by facsimile**; and
 17 (2) ~~one dollar (\$1)~~ **no fee** if the request is communicated **by**
 18 **another medium authorized by filing-office rule: electronically.**
 19 ~~(e) (d)~~ This section does not require a fee with respect to a record
 20 of a mortgage which is effective as a financing statement filed as a
 21 fixture filing or as a financing statement covering as-extracted
 22 collateral or timber to be cut under IC 26-1-9.1-502(c). However, the
 23 recording and satisfaction fees that otherwise would be applicable to
 24 the record of the mortgage apply.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 489, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 489 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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