



Ninety-Eighth Legislature - First Session - 2003
Introducer's Statement of Intent
LB 464

Chairperson: Mark Quandahl
Committee: Banking, Commerce and Insurance
Date of Hearing: February 10, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 464 is intended to address some discrepancies in the current name availability standards the Secretary of State uses under Nebraska law.

Specifically, Neb.Rev.Stat. §§21-1931, 21-1933, 21-19,151, 21-2028, 21-2030, 21-20,173, 67-234, 67-283, 67-455 and 70-706 provide that corporate name availability be determined by a “distinguishable upon the record” standard. Trade Names and Limited Liability Company name availability is determined by a “deceptively similar” standard. The distinguishable upon the record standard allows names that are more likely to cause confusion or mistake to be registered than the deceptively similar standard. LB 464 provides that all Secretary of State name availability reviews would be done based upon the same standard, the “deceptively similar” standard.

The change in the law will provide a consistent standard for the Secretary of State to use in reviewing and approving business names. Use of the higher standard (“deceptively similar”) should also lead to less name infringement controversy and litigation.

Principal Introducer: _____
Senator Curt Bromm