Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Business and Transportation

MEASURE: **SB 76**
CARRIER: **Sen. Thomsen**

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 02/02/15
Action: Do Pass.
Meeting Dates: 02/02
Senate
Yeas: 5 - Beyer, Girod, Thomsen, Riley, Monroe

Prepared By: James LaBar, Committee Administrator

WHAT THE MEASURE DOES:
Eliminates filing with Secretary of State (SOS) for consular corporation credentials. Merges requirements dealing with registration, recording and fees for union labels and fraternal insignia that affect the SOS Corporation Division with requirements for trademarks. Repeals requirement for business to file with the SOS an intent notice for a going-out-of-business sale. Requires businesses to self-generate and post the notice that they currently file with SOS. Declares emergency, effective on passage.

ISSUES DISCUSSED:
- Streamlining processes for businesses at Secretary of State Office
- Enforcement of going-out-of-business sale provisions
- Foreign consuls in Oregon

EFFECT OF COMMITTEE AMENDMENT:
No amendment.

BACKGROUND:
Current law (ORS 192.190) requires the Secretary of State (SOS) to accept and file credentials of members of the consular corps. No member of a consular corps has ever registered under this provision. Senate Bill 76 repeals the registration requirement for consular corps members.

Current law provides protections for registrants of union labels and fraternal insignia against unauthorized use. No one has filed a union label with the Corporation Division in 22 years, or filed a fraternal insignia with the Corporation Division in 13 years. Instead, citizens often register trademarks with the SOS to secure similar protections. Senate Bill 76 is intended to reduce differences in the regulations that apply to filings related to trademarks, fraternal insignia, union labels, etc., given how seldom fraternal insignia and union labels are used.

Oregon businesses report that competing businesses sometimes hold or advertise a going-out-of-business sale when the seller is not actually planning to go out of business and does not do so. Under current law, businesses must generally file with the SOS a notice of intent to conduct a “going-out-of-business sale” and prominently display a copy of the filed notice before it can legally hold or advertise such a sale; however, the SOS Corporation Division is not empowered to investigate whether a business actually goes out of business after it files a notice. Senate Bill 76 repeals ORS 646A.102 and requires businesses to self-generate and prominently post the notice.