

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2053

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Provides that person that carries on, conducts or transacts business in county of this state under assumed business name that person has not registered or for which person does not maintain registration lacks standing in courts of this state to maintain action on behalf of business.

Government Unit(s) Affected:

Judicial Department, Secretary of State

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis: The measure provides that a person who conducts or transacts business in a county under an assumed business name that has not been registered or the person has not maintained the registration lacks standing to maintain an action on behalf of the business, and a court will dismiss the action without prejudice. The measure also permits the Secretary of State (SOS) to investigate complaints of violations and assess a penalty of not more than \$100 per day for each violation.

The bill requires SOS to investigate complaints alleging a loss of money or property due to violating the change in standing for businesses operating under an assumed name included in the bill. The number of potential investigations related to this change is indeterminate. The Secretary of State reports that the Corporations Division currently has only one investigator position. If the number of investigations resulting from this law change is too large for the existing position to absorb, the Secretary may need to request additional resources to meet the increased workload.

There is a minimal fiscal impact on the Oregon Judicial Department.