

HB 2053 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 4/25, 4/27

WHAT THE MEASURE DOES:

Provides that person who carries on, conducts, or transacts business under assumed business name that person has not registered or does not maintain registration, lacks standing in state court to maintain action on behalf of business. Requires court to dismiss action without prejudice. Permits Secretary of State (SOS) to investigate violations of registration requirement. Directs SOS to investigate complaints that allege ascertainable loss of money or property as a result of violation. Permits SOS to impose civil penalty of up to \$100 for each day of violation. Requires civil penalties collected by SOS go to Office of Small Business Assistance for expenses incurred from providing support to small businesses that veterans own and operate. Takes effect on 91st day following adjournment since die.

FISCAL: Indeterminate fiscal impact

REVENUE: Minimal revenue impact

HOUSE VOTE: Ayes, 53; Nays, 0

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

"Assumed business name" means one or more words or numerals, or a combination thereof, that a person uses to identify a business that the person carries on, conducts, or transacts, if at the time and place that the person carries on, conducts, or transacts the business, the person does not conspicuously disclose the real and true name of each person that is carrying on, conducting, or transacting the business.

An assumed business name registration is required any time a person is conducting business under a name other than the true and legal name of each person conducting the business. A person must register, and renew, an assumed business name with the Office of the Secretary of State.

House Bill 2053 provides that a person who conducts business in Oregon under an assumed name without registering lacks standing in court on behalf of the business and permits the Secretary of State to investigate violations of registration requirements.