

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 26

**Senator Obhof
Cosponsors: Senator LaRose**

A BILL

To amend sections 111.16 and 1329.01 and to enact
section 6301.16 of the Revised Code to reduce
certain business filing fees charged and
collected by the Secretary of State and to
specify that Ohio-based companies are to have
access to appropriate features of the
OhioMeansJobs web site.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 111.16 and 1329.01 be amended and
section 6301.16 of the Revised Code be enacted to read as
follows:

Sec. 111.16. The secretary of state shall charge and
collect, for the benefit of the state, the following fees:

(A) For filing and recording articles of incorporation of
a domestic corporation, including designation of agent:

(1) Wherein the corporation shall not be authorized to
issue any shares of capital stock, ~~one hundred twenty five~~
ninety-nine dollars;

(2) Wherein the corporation shall be authorized to issue shares of capital stock, with or without par value:	18 19
(a) Ten cents for each share authorized up to and including one thousand shares;	20 21
(b) Five cents for each share authorized in excess of one thousand shares up to and including ten thousand shares;	22 23
(c) Two cents for each share authorized in excess of ten thousand shares up to and including fifty thousand shares;	24 25
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	26 27
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	28 29 30
(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than one hundred twenty five ninety-nine dollars or greater than one hundred thousand dollars.	31 32 33 34
(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:	35 36 37 38 39
(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;	40 41
(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth	42 43 44 45

in division (A) (2) of this section less a credit computed in the 46
same manner for the number of shares previously authorized to be 47
issued by the corporation; provided no fee under division (B) (2) 48
of this section shall be greater than one hundred thousand 49
dollars; 50

(3) If the foreign corporation is not authorized to issue 51
any shares of capital stock, fifty dollars; 52

(4) If the foreign corporation is authorized to issue 53
shares of capital stock, fifty dollars. 54

(C) For filing and recording articles of incorporation of 55
a savings and loan association, ~~one hundred twenty five ninety-~~ 56
nine dollars; and for filing and recording a certificate of 57
amendment to or amended articles of incorporation of a savings 58
and loan association, fifty dollars; 59

(D) For filing and recording a certificate of conversion, 60
including a designation of agent, a certificate of merger, or a 61
certificate of consolidation, ~~one hundred twenty five ninety-~~ 62
nine dollars and, in the case of any new corporation resulting 63
from a consolidation or any surviving corporation that has an 64
increased number of shares authorized to be issued resulting 65
from a merger, an additional sum computed in accordance with the 66
schedule set forth in division (A) (2) of this section less a 67
credit computed in the same manner for the number of shares 68
previously authorized to be issued or represented in this state 69
by each of the corporations for which a consolidation or merger 70
is effected by the certificate; 71

(E) For filing and recording articles of incorporation of 72
a credit union or the American credit union guaranty 73
association, ~~one hundred twenty five ninety-nine~~ dollars, and 74

for filing and recording a certificate of increase in capital 75
stock or any other amendment of the articles of incorporation of 76
a credit union or the association, fifty dollars; 77

(F) For filing and recording articles of organization of a 78
limited liability company, for filing and recording an 79
application to become a registered foreign limited liability 80
company, for filing and recording a registration application to 81
become a domestic limited liability partnership, or for filing 82
and recording an application to become a registered foreign 83
limited liability partnership, ~~one hundred twenty five~~ ninety- 84
nine dollars; 85

(G) For filing and recording a certificate of limited 86
partnership or an application for registration as a foreign 87
limited partnership, or for filing an initial statement of 88
partnership authority pursuant to section 1776.33 of the Revised 89
Code, ~~one hundred twenty five~~ ninety-nine dollars.; 90

(H) For filing a copy of papers evidencing the 91
incorporation of a municipal corporation or of annexation of 92
territory by a municipal corporation, five dollars, to be paid 93
by the municipal corporation, the petitioners therefor, or their 94
agent; 95

(I) For filing and recording any of the following: 96

(1) A license to transact business in this state by a 97
foreign corporation for profit pursuant to section 1703.04 of 98
the Revised Code or a foreign nonprofit corporation pursuant to 99
section 1703.27 of the Revised Code, ~~one hundred twenty five~~ 100
ninety-nine dollars; 101

(2) A biennial report or biennial statement pursuant to 102
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 103

twenty-five dollars; 104

(3) Except as otherwise provided in this section or any 105
other section of the Revised Code, any other certificate or 106
paper that is required to be filed and recorded or is permitted 107
to be filed and recorded by any provision of the Revised Code 108
with the secretary of state, twenty-five dollars. 109

(J) For filing any certificate or paper not required to be 110
recorded, five dollars; 111

(K) (1) For making copies of any certificate or other paper 112
filed in the office of the secretary of state, a fee not to 113
exceed one dollar per page, except as otherwise provided in the 114
Revised Code, and for creating and affixing the seal of the 115
office of the secretary of state to any good standing or other 116
certificate, five dollars. For copies of certificates or papers 117
required by state officers for official purpose, no charge shall 118
be made. 119

(2) For creating and affixing the seal of the office of 120
the secretary of state to the certificates described in division 121
(E) of section 1701.81, division (E) of section 1701.811, 122
division (E) of section 1705.38, division (E) of section 123
1705.381, division (D) of section 1702.43, division (E) of 124
section 1775.47, division (E) of section 1775.55, division (E) 125
of section 1776.70, division (E) of section 1776.74, division 126
(E) of section 1782.433, or division (E) of section 1782.4310 of 127
the Revised Code, twenty-five dollars. 128

(L) For a minister's license to solemnize marriages, ten 129
dollars; 130

(M) For examining documents to be filed at a later date 131
for the purpose of advising as to the acceptability of the 132

proposed filing, fifty dollars;	133
(N) Fifty dollars for filing and recording any of the following:	134
(1) A certificate of dissolution and accompanying documents, or a certificate of cancellation, under section 1701.86, 1702.47, 1705.43, 1776.65, or 1782.10 of the Revised Code;	135
(2) A notice of dissolution of a foreign licensed corporation or a certificate of surrender of license by a foreign licensed corporation under section 1703.17 of the Revised Code;	136
(3) The withdrawal of registration of a foreign or domestic limited liability partnership under section 1775.61, 1775.64, 1776.81, or 1776.86 of the Revised Code, or the certificate of cancellation of registration of a foreign limited liability company under section 1705.57 of the Revised Code;	137
(4) The filing of a statement of denial under section 1776.34 of the Revised Code, a statement of dissociation under section 1776.57 of the Revised Code, a statement of disclaimer of general partner status under Chapter 1782. of the Revised Code, or a cancellation of disclaimer of general partner status under Chapter 1782. of the Revised Code.	138
(O) For filing a statement of continued existence by a nonprofit corporation, twenty-five dollars;	139
(P) For filing a restatement under section 1705.08 or 1782.09 of the Revised Code, an amendment to a certificate of cancellation under section 1782.10 of the Revised Code, an amendment under section 1705.08 or 1782.09 of the Revised Code, or a correction under section 1705.55, 1775.61, 1775.64,	140
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1776.12, or 1782.52 of the Revised Code, fifty dollars;	162
(Q) For filing for reinstatement of an entity cancelled by operation of law, by the secretary of state, by order of the department of taxation, or by order of a court, twenty-five dollars;	163 164 165 166
(R) For filing and recording any of the following:	167
(1) A change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, twenty-five dollars;	168 169 170 171
(2) A multiple change of agent name or address, standardization of agent address, or resignation of agent under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, one hundred twenty-five dollars, plus three dollars per entity record being changed, by the multiple agent update.	172 173 174 175 176 177
(S) For filing and recording any of the following:	178
(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised Code, fifty-thirty-nine dollars;	179 180 181 182
(2) A trade name or fictitious name registration or report, fifty-thirty-nine dollars;	183 184
(3) An application to renew any item covered by division (S) (1) or (2) of this section that is permitted to be renewed, twenty-five dollars;	185 186 187
(4) An assignment of rights for use of a name covered by division (S) (1), (2), or (3) of this section, the cancellation	188 189

of a name registration or name reservation that is so covered, 190
or notice of a change of address of the registrant of a name 191
that is so covered, twenty-five dollars. 192

(T) For filing and recording a report to operate a 193
business trust or a real estate investment trust, either foreign 194
or domestic, ~~one hundred twenty-five~~ ninety-nine dollars; and 195
for filing and recording an amendment to a report or associated 196
trust instrument, or a surrender of authority, to operate a 197
business trust or real estate investment trust, fifty dollars; 198

(U) (1) For filing and recording the registration of a 199
trademark, service mark, or mark of ownership, one hundred 200
twenty-five dollars; 201

(2) For filing and recording the change of address of a 202
registrant, the assignment of rights to a registration, a 203
renewal of a registration, or the cancellation of a registration 204
associated with a trademark, service mark, or mark of ownership, 205
twenty-five dollars. 206

(V) For filing a service of process with the secretary of 207
state, five dollars, except as otherwise provided in any section 208
of the Revised Code. 209

Fees specified in this section may be paid by cash, check, 210
or money order, by credit card in accordance with section 113.40 211
of the Revised Code, or by an alternative payment program in 212
accordance with division (B) of section 111.18 of the Revised 213
Code. Any credit card number or the expiration date of any 214
credit card is not subject to disclosure under Chapter 149. of 215
the Revised Code. 216

Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 217
of the Revised Code: 218

(1) "Trade name" means a name used in business or trade to designate the business of the user and to which the user asserts a right to exclusive use.

(2) "Fictitious name" means a name used in business or trade that is fictitious and that the user has not registered or is not entitled to register as a trade name. It does not include the name of record of any domestic corporation that is formed under Chapter 1701. or 1702. of the Revised Code, any foreign corporation that is registered pursuant to Chapter 1703. of the Revised Code, any domestic or foreign limited liability company that is formed under or registered pursuant to Chapter 1705. of the Revised Code, any domestic or foreign limited partnership that is formed under or registered pursuant to Chapter 1782. of the Revised Code, or any domestic or foreign limited liability partnership that is formed under or registered pursuant to Chapter 1775. or 1776. of the Revised Code.

(3) "Person" includes any individual, general partnership, limited partnership, limited liability partnership, corporation, association, professional association, limited liability company, society, foundation, federation, or organization formed under the laws of this state or any other state.

(B) Subject to sections 1329.01 to 1329.10 of the Revised Code, any person may register with the secretary of state, on a form prescribed by the secretary of state, any trade name under which the person is operating, setting forth all of the following:

(1) The name and business address of the applicant for registration and any of the following that is applicable:

(a) If the applicant is a general partnership, the name

and address of at least one partner or the identifying number 248
the secretary of state assigns to the partnership pursuant to 249
section 1776.05 of the Revised Code; 250

(b) If the applicant is a limited partnership, a 251
corporation, professional association, limited liability 252
company, or other entity, the form of the entity and the state 253
under the laws of which it was formed. 254

(2) The trade name to be registered; 255

(3) The general nature of the business conducted by the 256
applicant; 257

(4) The length of time during which the trade name has 258
been used by the applicant in business operations in this state. 259

(C) The trade name application shall be signed by the 260
applicant or by any authorized representative of the applicant. 261

A single trade name may be registered upon each trade name 262
application submitted under sections 1329.01 to 1329.10 of the 263
Revised Code. 264

The trade name application shall be accompanied by a 265
filing fee of ~~fifty~~thirty-nine dollars, payable to the 266
secretary of state. 267

(D) Any person who does business under a fictitious name 268
and who has not registered and does not wish to register the 269
fictitious name as a trade name or who cannot do so because the 270
name is not available for registration shall report the use of 271
the fictitious name to the secretary of state, on a form 272
prescribed by the secretary of state, setting forth all of the 273
following: 274

(1) The name and business address of the user and any of 275

the following that is applicable:	276
(a) If the user is a general partnership, the name and address of at least one partner or the identifying number the secretary of state assigns to the partnership pursuant to section 1775.105 of the Revised Code;	277 278 279 280
(b) If the user is a limited partnership, a corporation, professional association, limited liability company, or other entity, the form of the entity and the state under whose laws it was formed.	281 282 283 284
(2) The fictitious name being used;	285
(3) The general nature of the business conducted by the user.	286 287
(E) The report of use of a fictitious name shall be signed by the user or by any authorized representative of the user.	288 289
A single fictitious name may be registered upon each fictitious name report submitted under sections 1329.01 to 1329.10 of the Revised Code.	290 291 292
The fictitious name report shall be accompanied by a filing fee of fifty <u>thirty-nine</u> dollars, payable to the secretary of state.	293 294 295
A report under this division shall be made within thirty days after the date of the first use of the fictitious name.	296 297
<u>Sec. 6301.16. Any company based in this state and in good standing with this state shall have access to all features of the OhioMeansJobs web site, including, but not limited to, all of the following:</u>	298 299 300 301
<u>(A) Posting job openings and searching resumes of job</u>	302

<u>applicants;</u>	303
<u>(B) Identifying and exploring employment programs;</u>	304
<u>(C) Providing access to the web site's business support center and veterans support center;</u>	305 306
<u>(D) Improving a company's workforce;</u>	307
<u>(E) Hiring veterans;</u>	308
<u>(F) Hiring or making accommodations for employees with disabilities.</u>	309 310
Section 2. That existing sections 111.16 and 1329.01 of the Revised Code are hereby repealed.	311 312