

LEGISLATIVE BILL 690

Approved by the Governor March 3, 2010

Introduced by Langemeier, 23.

FOR AN ACT relating to trade names; to amend sections 87-214 and 87-219, Reissue Revised Statutes of Nebraska; to change deadline provisions relating to trade name publication filings; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 87-214, Reissue Revised Statutes of Nebraska, is amended to read:

87-214 The Secretary of State shall cancel from the register:

(1) Any registration concerning which the Secretary of State shall receive a voluntary request for cancellation from the registrant or the assignee of record;

(2) Any registration granted under sections 87-208 to 87-220 and not renewed in accordance with such sections;

(3) Any registration concerning which a court of competent jurisdiction shall find:

(a) That the registered trade name has been abandoned;

(b) That the registrant is not the owner of the trade name;

(c) That the registration was granted improperly; or

(d) That the registration was obtained fraudulently;

(4) Any registration that a court of competent jurisdiction shall order canceled on any ground; and

(5) Any registration where the registrant has failed to publish such trade name within ~~thirty~~ forty-five days from the filing in the office of the Secretary of State and filing proof of publication with the Secretary of State and county clerk within the ~~thirty~~ forty-five days.

Sec. 2. Section 87-219, Reissue Revised Statutes of Nebraska, is amended to read:

87-219 Every duplicate of the registration of a trade name shall be published by the applicant once in a newspaper of general circulation published in the city or village where the business is to be located, or, if there is no newspaper in the city or village, in some newspaper of general circulation in the county. Proof of such publication shall be filed in the office of the Secretary of State and with the county clerk of the county wherein the principal office is located, within ~~thirty~~ forty-five days from the date of registration in the office of the Secretary of State. If proof of publication is not filed with the Secretary of State and county clerk within the ~~thirty~~ forty-five days, the registration shall be canceled by the Secretary of State.

Sec. 3. Original sections 87-214 and 87-219, Reissue Revised Statutes of Nebraska, are repealed.