

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB462

Hearing Date: Monday January 31, 2011
Committee On: Banking, Commerce and Insurance
Introducer: Pirsch
One Liner: Change provisions relating to trade names

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Pahls, McCoy, Gloor, Langemeier, Pirsch, Utter
Nay:
Absent: 2 Senators Christensen, Pankonin
Present Not Voting:

Proponents: Senator Pete Pirsch Colleen Byelick	Representing: Introducer Secretary of State
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB462 (Pirsch) would amend section 87-217 of the trade name sections to provide that in a court proceeding brought against the use, display, or sale of any counterfeits or imitations of a registered trade name by the registrant, the court may require the defendants to pay statutory damages of one thousand dollars and also attorney's fees. The bill would provide that these remedies would be in addition to the ability of the court to require the defendants to pay to the registrant all profits or all damages attributable to the wrongful use, display, or sale, or both such profits and damages. The bill would remove provisions which allow attorney's fees to be awarded along with an award of profits, or damages, or both.

The bill would outright repeal section 87-220 which makes it a Class V misdemeanor (maximum: \$100; minimum: none) to engage in or transact business under an unregistered trade name.

The bill would amend various sections in the trade name statutes and also in Chapters 21, 67, and 84 in order to harmonize internal references to the trade name statutes.

Explanation of amendments:

The committee amendments (AM156) would amend the bill's proposed amendments to section 87-217 regarding remedies for wrongful use of a registered trade name. The proposed remedy of statutory damages of one thousand dollars and attorney's fees would be "in lieu of" rather than "in addition to" the existing remedies of an award of profits attributable to or damages caused by the wrongful use, or both.

Rich Pahls, Chairperson