

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Mahony

A Bill

SENATE BILL 416

For An Act To Be Entitled

"AN ACT TO CLARIFY ARKANSAS CODE § 4-43-102 AND 4-27-404
RELATING TO NAMES OF LIMITED PARTNERSHIPS AND FICTITIOUS
CORPORATIONS; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO CLARIFY ARKANSAS CODE § 4-43-
102 AND 4-27-404 RELATING TO NAMES OF
LIMITED PARTNERSHIPS AND FICTITIOUS
CORPORATIONS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code § 4-43-102 is amended to read as follows:
"§ 4-43-102. Name.

The name of each limited partnership as set forth in its certificate of
limited partnership:

- (1) Shall contain without abbreviation the words limited partnerships ;
- (2) May not contain the name of a limited partner unless (i) it is also
the name of a general partner or the corporate name of a corporate general
partner, or (ii) the business of the limited partnership had been carried on
under that name before the admission of that limited partner; and

(3) ~~May not be the same as or deceptively similar to~~ Must be
distinguishable upon the records of the Secretary of State from the name of
any corporation or limited partnership organized under the laws of this state
or licensed or registered as a foreign corporation or limited partnership in
this state."

SECTION 2. Arkansas Code § 4-27-404 B relating to the use of fictitious

1 names is amended to read as follows:

2 "B. Each such form shall be executed (without verification) in
3 duplicate and filed with the Secretary of State. The Secretary of State shall
4 retain one (1) counterpart; and the other counterpart, bearing the file marks
5 of the Secretary of State, shall be returned to the corporation and, unless
6 its registered office is in Pulaski County, filed by it with the county clerk.
7 An index of such filings shall be maintained in each office. However, the
8 Secretary of State shall not accept such filing ~~if~~ unless the proposed
9 fictitious name is ~~the same as, or confusingly similar to,~~ distinguishable
10 upon the records of the Secretary of State from the name of any domestic
11 corporation, or any foreign corporation authorized to do business in the state
12 or any name reserved or registered under §§ 4-27-402 and 4-27-403."

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14 SECTION 3. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 4. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 5. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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