

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 209
Final Reading

Introduced by Harr, 8.

Read first time January 15, 2013

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to trade names; to amend sections 87-214 and
2 87-219, Revised Statutes Cumulative Supplement, 2012; to
3 change provisions relating to publication; to harmonize
4 provisions; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 87-214, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 87-214 The Secretary of State shall cancel from the
4 register:

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

8 (2) Any registration granted under sections 87-208 to
9 87-219.01 and not renewed in accordance with such sections;

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

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

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

15 (c) That the registration was granted improperly; or

16 (d) That the registration was obtained fraudulently;

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

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

23 Sec. 2. Section 87-219, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 87-219 Every duplicate of the registration of a trade

1 name shall be published by the applicant once in a newspaper of
2 general circulation published in the city or village where the
3 business is to be located, or, if there is no newspaper in the city
4 or village, in some newspaper of general circulation in the county.
5 Proof of such publication shall be filed in the office of the
6 Secretary of State ~~and with the county clerk of the county wherein~~
7 ~~the principal office is located,~~ within forty-five days from the date
8 of registration in the office of the Secretary of State. If proof of
9 publication is not filed with the Secretary of State ~~and county clerk~~
10 within the forty-five days, the registration shall be canceled by the
11 Secretary of State.

12 Sec. 3. Original sections 87-214 and 87-219, Revised
13 Statutes Cumulative Supplement, 2012, are repealed.