

CHAPTER 283

H.B. No. 175

AN ACT

relating to use of a corporate name and to a contract with, or a license or permit issued to, a corporation.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 2.05, Texas Business Corporation Act, is amended by adding Section C to read as follows:

*C. The filing of articles of incorporation under Part Three of this Act, an application to reserve a specified Corporate name under Article 2.06 of this Act, or an application to register a Corporate name by a foreign corporation under Article 2.07 of this Act does not authorize the use of a Corporate name in this State in violation of the rights of another under the federal Trademark Act of 1946 (15 U.S.C., Section 1051 et seq.), the Texas trademark law (Chapter 16, Business & Commerce Code), the Assumed Business or Professional Name Act (Chapter 36, Business & Commerce Code), or the common law. The Secretary of State shall deliver to each newly organized corporation, applicant for reservation of a Corporate name, and newly registered foreign corporation a notice containing the substance of this section.*

SECTION 2. Part Two, Texas Business Corporation Act, is amended by adding Article 2.45 to read as follows:

*Art. 2.45. DELINQUENT TAX. A corporation that is delinquent in a tax owed the state under Chapter 171, Tax Code, may not be awarded a contract by the state or any agency of the state and may not be granted a permit or license by the state or any agency of the state.*

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 13, 1987, by a non-record vote. Passed by the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.