



Rep. Jay Hoffman

Filed: 4/18/2018

10000HB4578ham002

LRB100 18154 JLS 38469 a

1 AMENDMENT TO HOUSE BILL 4578

2 AMENDMENT NO. _____. Amend House Bill 4578, AS AMENDED, by
3 inserting immediately before Section 10 of the bill the
4 following:

5 "Section 3. The General Not For Profit Corporation Act of
6 1986 is amended by changing Section 104.05 as follows:

7 (805 ILCS 105/104.05) (from Ch. 32, par. 104.05)

8 Sec. 104.05. Corporate name of domestic or foreign
9 corporation.

10 (a) The corporate name of a domestic corporation or of a
11 foreign corporation organized, existing or subject to the
12 provisions of this Act:

13 (1) May contain, separate and apart from any other word
14 or abbreviation in such name, the word "corporation,"
15 "company," "incorporated," or "limited," or an
16 abbreviation of one of such words;

1 (2) Must end with the letters "NFP" if the corporate
2 name contains any word or phrase which indicates or implies
3 that the corporation is organized for any purpose other
4 than a purpose for which corporations may be organized
5 under this Act or a purpose other than a purpose set forth
6 in the corporation's articles of incorporation;

7 (3) Shall be distinguishable upon the records in the
8 office of the Secretary of State from the name or assumed
9 name of any domestic corporation or limited liability
10 company organized under the Limited Liability Company Act,
11 whether for profit or not for profit, existing under any
12 Act of this State or the name or assumed name of any
13 foreign corporation or foreign limited liability company
14 registered under the Limited Liability Company Act,
15 whether for profit or not for profit, authorized to
16 transact business or conduct affairs in this State, or a
17 name the exclusive right to which is, at the time, reserved
18 or registered in the manner provided in this Act or Section
19 1-15 of the Limited Liability Company Act, except that,
20 subject to the discretion of the Secretary of State, a
21 foreign corporation that has a name prohibited by this
22 paragraph may be granted authority to conduct its affairs
23 in this State, if the foreign corporation:

24 (i) Elects to adopt an assumed corporation name or
25 names in accordance with Section 104.15 of this Act;
26 and

1 (ii) Agrees in its application for authority to
2 conduct affairs in this State only under such assumed
3 corporate name or names;

4 (4) Shall not contain a word or phrase, or an
5 abbreviation or derivation thereof, the use of which is
6 prohibited or restricted by any other statute of this State
7 unless such restriction has been complied with;

8 (5) Shall consist of letters of the English alphabet,
9 Arabic or Roman numerals, or symbols capable of being
10 readily reproduced by the office of the Secretary of State;

11 (6) Shall not contain the words "regular democrat,"
12 "regular democratic," "regular republican," "democrat,"
13 "democratic," or "republican," nor the name of any other
14 established political party, unless consent to usage of
15 such words or name is given to the corporation by the State
16 central committee of such established political party;
17 notwithstanding any other provisions of this Act, any
18 corporation, whose name at the time this amendatory Act
19 takes effect contains any of the words listed in this
20 paragraph shall certify to the Secretary of State no later
21 than January 1, 1989, that consent has been given by the
22 State central committee; consent given to a corporation by
23 the State central committee to use the above listed words
24 may be revoked upon notification to the corporation and the
25 Secretary of State; and

26 (7) Shall be the name under which the corporation shall

1 conduct affairs in this State unless the corporation shall
2 also elect to adopt an assumed corporate name or names as
3 provided in this Act; provided, however, that the
4 corporation may use any divisional designation or trade
5 name without complying with the requirements of this Act,
6 provided the corporation also clearly discloses its
7 corporate name. ~~and~~

8 ~~(8) Shall not, as to any corporation organized or~~
9 ~~amending its corporate name on or after April 3, 2009 (the~~
10 ~~effective date of Public Act 96-7), without the express~~
11 ~~written consent of the United States Olympic Committee,~~
12 ~~contain the words: (i) "Olympic"; (ii) "Olympiad"; (iii)~~
13 ~~"Paralympic"; (iv) "Paralympiad"; (v) "Citius Altius~~
14 ~~Fortius"; (vi) "CHICOG"; or (vii) "Chicago 2016".~~

15 (b) The Secretary of State shall determine whether a name
16 is "distinguishable" from another name for purposes of this
17 Act. Without excluding other names which may not constitute
18 distinguishable names in this State, a name is not considered
19 distinguishable, for purposes of this Act, solely because it
20 contains one or more of the following:

21 (1) The word "corporation," "company," "incorporated,"
22 or "limited" or an abbreviation of one of such words;

23 (2) Articles, conjunctions, contractions,
24 abbreviations, different tenses or number of the same word.

25 (c) Nothing in this Section or Sections 104.15 or 104.20 of
26 this Act shall:

1 (1) Require any domestic corporation existing or any
2 foreign corporation having authority to conduct affairs on
3 the effective date of this Act, to modify or otherwise
4 change its corporate name or assumed corporate name, if
5 any; or

6 (2) Abrogate or limit the common law or statutory law
7 of unfair competition or unfair trade practices, nor
8 derogate from the common law or principles of equity or the
9 statutes of this State or of the United States with respect
10 to the right to acquire and protect copyrights, trade
11 names, trade marks, service names, service marks, or any
12 other right to the exclusive use of name or symbols.

13 (Source: P.A. 96-7, eff. 4-3-09; 96-66, eff. 1-1-10; 96-328,
14 eff. 8-11-09; 96-1000, eff. 7-2-10.)".