

**ADOPTED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R069-11

Effective December 30, 2011

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 78.039 and 78.185; §2, NRS 87A.175, 87A.185, 87A.600 and 87A.635;
§3, NRS 88.6065.

A REGULATION relating to business entities; revising provisions governing the determination of whether the proposed name of a business entity is distinguishable from the name of an existing business entity; and providing other matters properly relating thereto.

Section 1. NAC 78.020 is hereby amended to read as follows:

78.020 1. If one or more of the following words or abbreviations follow the main body of the proposed name of a corporation, such words or abbreviations shall be deemed not to be part of the proposed name for the purposes of determining whether the proposed name is distinguishable from the name of an existing business entity:

- (a) Business Trust, B.T. or BT;
- (b) Chartered or Chtd.;
- (c) Company or Co.;
- (d) Corporation or Corp.;
- (e) Incorporated, Incorp. or Inc.;
- (f) Limited or Ltd.;
- (g) L.C. or LC;
- (h) Limited-Liability Company, L.L.C. or LLC;

(i) *Limited-Liability Limited Partnership, L.L.L.P. or LLLP;*

(j) Limited-Liability Partnership, L.L.P. or LLP;

~~(k)~~ (k) Limited Partnership, L.P. or LP; and

~~(l)~~ (l) Professional Corporation, Professional Corp., Prof. Corp., P.C. or PC.

2. If one or more of the following words follow the main body of the proposed name of a corporation, such words shall be deemed to be part of the proposed name for the purposes of determining whether the proposed name is distinguishable from the name of an existing business entity:

(a) And Associates;

(b) Association;

(c) Casino;

(d) Club;

(e) Consortium;

(f) Enterprise or Enterprises;

(g) Family;

(h) Foundation;

(i) Group;

(j) Hotel;

(k) Motel;

(l) *Organization;*

(m) Partners;

~~(n)~~ (n) Resort; and

~~(o)~~ (o) Unlimited.

Sec. 2. Chapter 87A of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a limited partnership or limited-liability limited partnership is distinguishable from the name of an existing business entity, the Secretary of State will consider, without limitation, the rules set forth in NAC 78.020 to 78.100, inclusive.

Sec. 3. NAC 88.010 is hereby amended to read as follows:

88.010 To determine whether a proposed name of a limited partnership *or limited-liability limited partnership* is distinguishable from the name of an existing business entity, the Secretary of State will consider, without limitation, the rules set forth in NAC 78.020 to 78.100, inclusive.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB File No. R069-11**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapters 78, 87A and 88.

1) Public comments were solicited at the December 16, 2011 public workshop to solicit comments on proposed regulations and the December 23, 2011 hearing for the adoption of regulations. Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulations were sent via fax and email to persons known to have an interest in the subject of entity name requirements. These documents were also made available on the Secretary of State website, www.NVSOS.gov and posted at the following locations:

- The Capitol Building, 101 North Carson Street, Carson City, Nevada 89701
- The State Library, 100 North Stewart Street, Carson City, Nevada 89701
- The Secretary of State-Reno, 500 Damonte Ranch Pkwy, Suite 657-A, Reno, Nevada 89521
- The Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101
- Nevada State Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

The minutes of the December 16, 2011 public workshop to solicit comments on proposed regulations and the December 23, 2011 hearing for the adoption of regulations are attached hereto and contain a summary of the brief discussion held regarding the proposed amendments. A copy of the workshop and hearing minutes may be obtained from the office of the Secretary of State, 101 N. Carson Street, Suite 3, Carson City, Nevada 89701, 775-684-5720 or via email sent to scotta@sos.nv.gov.

2) The number persons who:

- (a) **Attended the December 16, 2011 public workshop: 3**
- (b) **Testified at the December 16, 2011 public workshop: 0**
- (c) **Submitted to the agency written comments: 0**
- (d) **Attended the December 23, 2011 hearing for the adoption of regulations: 5**

3) Comments were solicited from affected businesses in the same manner as they were solicited from the public.

4) The permanent regulation was adopted on December 23, 2011. There were no comments to the regulation as proposed at the December 16, 2011 public workshop to solicit comments on proposed regulations.

5) There is no estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public.

6) There is no additional cost to the agency for enforcement of this regulation.

7) There are no other state or government agency regulations that the proposed amendments duplicate.

8) The proposed regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

9) The proposed regulation does not involve a new fee or increases an existing fee.

10) The proposed regulation is not likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business.