

HOUSE BILL NO. HB0023

Business entities-reinstatement fees.

Sponsored by: Representative(s) Brown and Senator(s) Scott

A BILL

for

1 AN ACT relating to business entities; modifying fees
 2 required upon reinstatement following administrative
 3 dissolution or forfeiture; and providing for an effective
 4 date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 17-14-905(b), 17-15-112(b),
 9 17-16-1422(a)(iv) and (v), 17-19-1422(a)(iv) and (v) and
 10 17-21-1107(b) are amended to read:

11

12 **17-14-905. Reinstatement following administrative**
 13 **dissolution.**

14

15 (b) A domestic limited partnership applying for
 16 reinstatement pursuant to subsection (a) of this section
 17 shall include payment of ~~a sum equal to double the amount~~

1 ~~ef~~—fees and taxes then delinquent and a reinstatement
2 certificate fee prescribed by the secretary of state by
3 rule.

4

5 **17-15-112. Administrative forfeiture of authority and**
6 **certificate of organization.**

7

8 (b) If any limited liability company has failed to
9 pay the tax required by W.S. 17-15-132(a)(vi) it shall be
10 deemed to be transacting business within this state without
11 authority and to have forfeited any franchises, rights or
12 privileges acquired under the laws thereof. The forfeiture
13 shall be made effective in the following manner. The
14 secretary of state shall provide notice to the limited
15 liability company at its last known mailing address by
16 first class mail. Unless compliance is made within sixty
17 (60) days of the date of notice the limited liability
18 company shall be deemed defunct and to have forfeited its
19 certificate of organization acquired under the laws of this
20 state. Provided, that any defunct limited liability company
21 may at any time within two (2) years after the forfeiture
22 of its certificate, be revived and reinstated by paying
23 ~~double~~—the amount of the delinquent taxes. When the
24 reinstatement is effective, it relates back to and takes

1 effect as of the effective date deemed defunct pursuant to
2 this subsection and the limited liability company resumes
3 carrying on its business as if it had never been deemed
4 defunct.

5

6 **17-16-1422. Reinstatement following administrative**
7 **dissolution.**

8

9 (a) An officer or other person with proper authority
10 at the time a corporation was administratively dissolved
11 under W.S. 17-16-1421 may apply to the secretary of state
12 for reinstatement within two (2) years after the effective
13 date of dissolution. Reinstatement may be denied by the
14 secretary of state if the corporation has been the subject
15 of secretary of state and law enforcement investigation
16 pertaining to fraud or any other violation of state or
17 federal law, or if there is other reason to believe the
18 corporation was engaged in illegal operations. The
19 application shall:

20

21 (iv) If the corporation was administratively
22 dissolved for failing to deliver its annual report or pay
23 the annual license taxes to the secretary of state when due
24 pursuant to W.S. 17-16-1630, include payment of ~~a sum equal~~

1 ~~to double the amount of~~ fees and taxes then delinquent and
2 a reinstatement certificate fee prescribed pursuant to W.S.
3 17-16-122; and

4

5 (v) If the corporation was administratively
6 dissolved for failure to maintain a registered agent,
7 include payment of a two hundred fifty dollar (\$250.00)
8 reinstatement fee and payment of ~~a sum equal to double the~~
9 ~~amount of~~ any fees and taxes then delinquent.

10

11 **17-19-1422. Reinstatement following administrative**
12 **dissolution.**

13

14 (a) A corporation administratively dissolved under
15 W.S. 17-19-1421 may apply to the secretary of state for
16 reinstatement within two (2) years after the effective date
17 of dissolution. Reinstatement may be denied by the
18 secretary of state if the corporation has been the subject
19 of secretary of state and law enforcement investigation
20 pertaining to fraud or any other violation of state or
21 federal law, or if there is other reason to believe the
22 corporation was engaged in illegal operations. The
23 application shall:

24

1 (iv) If the corporation was administratively
2 dissolved for failing to deliver its annual report or pay
3 the annual license taxes to the secretary of state when due
4 pursuant to W.S. 17-19-1630, include payment of ~~a sum equal~~
5 ~~to double the amount of~~ fees and taxes then delinquent and
6 the reinstatement certificate fee prescribed by W.S.
7 17-19-122; and

8
9 (v) If the corporation was administratively
10 dissolved for failure to maintain a registered agent,
11 include payment of a one hundred fifty dollar (\$150.00)
12 reinstatement fee and payment of ~~a sum equal to double the~~
13 ~~amount of~~ any fees and taxes then delinquent.

14
15 **17-21-1107. Reinstatement following lapse of**
16 **registration.**

17
18 (b) A domestic registered limited liability
19 partnership applying for reinstatement pursuant to
20 subsection (a) of this section shall include payment of ~~a~~
21 ~~sum equal to double the amount of~~ fees and taxes then
22 delinquent and a reinstatement certificate fee prescribed
23 by the secretary of state by rule.

24

1 **Section 2.** This act is effective July 1, 2010.

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3

(END)