

**Department of State  
Division of Publications**

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Sequence Number: 07-14-23  
Notice ID(s): 3692  
File Date: 7/28/2023

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Department of State
<b>Division:</b>	Division of Business Services
<b>Contact Person:</b>	Connor McDonald, Assistant General Counsel
<b>Address:</b>	312 Rosa Parks Ave., 8 <sup>th</sup> Floor, Nashville, Tennessee 37243
<b>Phone:</b>	615-253-8739
<b>Email:</b>	<a href="mailto:Connor.McDonald@tn.gov">Connor.McDonald@tn.gov</a>

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Ashley Bowers, Department of State, Human Resource Director
<b>Address:</b>	312 Rosa Parks Ave., 7 <sup>th</sup> Floor, Nashville, Tennessee 37243
<b>Phone:</b>	615-741-7411
<b>Email:</b>	<a href="mailto:Ashley.Bowers@tn.gov">Ashley.Bowers@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	William R. Snodgrass Tennessee Tower, Nashville Conference Room		
Address 2:	312 Rosa L. Parks Ave.		
City:	Nashville, TN		
Zip:	37243		
Hearing Date:	09/18/2023		
Hearing Time:	9:00 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

☐ Amendment  
☒ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1360-05-03	Business Names
Rule Number	Rule Title
1360-05-03-.01	Distinguishable Upon the Record

New

**1360-05-03-.01 DISTINGUISHABLE UPON THE RECORD**

- (1) The proposed name of an entity must be distinguishable on the records of the Secretary of State from the name of any other entity, whether true, assumed, reserved, or registered, to the extent the use or reservation of such name is evidenced by a filing with the Secretary of State under applicable law.
- (2) A name is distinguishable upon the records of the Secretary of State from an existing name if the name contains one or more letters or numerals that differs from all existing names in the Secretary of State's records or if the name contains a sequence of letters or numerals that differs from all existing names in the Secretary of State's records.
- (3) The following are disregarded when determining if a name is distinguishable upon the records of the Secretary of State:
  - a. Words, phrases, or abbreviations identifying a particular type of business entity, including the following:
    - i. Corporation,
    - ii. Corp.,
    - iii. Incorporated,
    - iv. Inc.,
    - v. Professional corporation,
    - vi. PC,
    - vii. P.C.,
    - viii. Professional association,
    - ix. PA,
    - x. P.A.,
    - xi. Limited,
    - xii. Ltd.,
    - xiii. Limited partnership,
    - xiv. LP,
    - xv. L.P.,
    - xvi. Limited liability partnership,
    - xvii. LLP,
    - xviii. L.L.P.,
    - xix. Registered limited liability partnership,
    - xx. RLLP,
    - xxi. R.L.L.P.,
    - xxii. Limited liability limited partnership,
    - xxiii. LLLP,
    - xxiv. L.L.L.P.,
    - xxv. Registered limited liability limited partnership,
    - xxvi. RLLLP,
    - xxvii. R.L.L.L.P.,
    - xxviii. Limited liability company,
    - xxix. LLC,
    - xxx. L.L.C.,
    - xxxi. Limited cooperative association,
    - xxxii. Limited cooperative,
    - xxxiii. LCA, or
    - xxxiv. L.C.A.
  - b. Differences in capitalization;
  - c. Differences caused solely by the addition or omission of punctuation;

- d. Differences between the word “and” and an ampersand (&); and
  - e. Articles of speech, such as “the,” “a,” or “an.”
- (4) An entity that has been administratively dissolved maintains its name as an existing name for one year after administrative dissolution for purposes of considering whether a proposed name is distinguishable upon the records of the Secretary of State.
- (5) Examples:
- a. “Acme, Inc.” is not distinguishable from “Acme, LLC”
  - b. “The Acme Corporation” is not distinguishable from “Acme, LLC”
  - c. “A.C.M.E. LLC” is not distinguishable from “Acme, LLC”
  - d. “Acme.com” is distinguishable from “Acme, LLC”
  - e. If “Acme, LLC” were administratively dissolved, “Acme, Corp.” is not distinguishable from “Acme, LLC” until one year after the date of the administrative dissolution of Acme, LLC.

Authority: T.C.A. §§ 48-11-401, 48-14-101, 48-14-103, 48-25-106, 48-51-401, 48-54-101, 48-54-103, 48-65-106, 48-207-101, 48-207-103, 48-247-201, 48-249-1015, 48-249-106, 48-249-108, 61-1-1003, 61-2-102, 61-2-1101, 61-2-904, 61-3-112, and 61-3-114.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: July 28, 2023

Signature: 

Name of Officer: Michael T. Harmon

Title of Officer: General Counsel, Department of State

**Department of State Use Only**

Filed with the Department of State on: 7/28/2023



Tre Hargett  
Secretary of State

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Jul 28 2023, 3:41 pm

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Sequence Number: 09-13-23

File Date: 9/11/2023

# Cancellation of Rulemaking Hearing Form

<b>Agency/Board/Commission:</b>	Department of State
<b>Division:</b>	Division of Business Services
<b>Contact Person:</b>	Connor McDonald, Assistant General Counsel
<b>Address:</b>	312 Rosa Parks Ave., 8 <sup>th</sup> Floor, Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-8739
<b>Email:</b>	Connor.McDonald@tn.gov

**Cancelled Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	William R. Snodgrass Tennessee Tower, Nashville Conference Room		
Address 2:	312 Rosa L. Parks Ave.		
City:	Nashville		
Zip:	37243		
Hearing Date:	09/18/2023		
Hearing Time:	9:00 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

This cancellation refers to the following Notice of Rulemaking Hearing:

Cancelled Rulemaking Hearing Sequence Number: 07-14-23

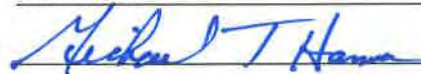
Cancelled Rulemaking Hearing File Date: 07/28/2023

**Additional Hearing Cancellation Information:**

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Date: 09-11-23

Signature:



Name of Officer: Michael Harmon

Title of Officer: General Counsel

**RECEIVED**

Sep 11 2023, 8:34 am

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