
Detailed Fiscal Analysis

Overview of the Revised Uniform Partnership Act (RUPA)

The bill proposes to create a version of the Revised Uniform Partnership Act (RUPA) (1997) of the National Conference of Commissioners on Uniform State Laws, to be known as the "Ohio Uniform Partnership Act (1997)." RUPA is a model statute adopted by over 35 states that dictates how partnerships should be set up and organized, as well as what the rights and duties of each of the partners should be. The bill would govern new partnerships as of January 1, 2009, and requires that all partnerships in Ohio be governed by the revised law on January 1, 2010.

Secretary of State—Business Services Division

The Secretary of State's (SOS) Business Services Division handles business licensing functions. The Division is supported by filing fees that are deposited in the Business Services Operating Fund (Fund 599). The bill creates the following new business filings for partnerships to be collected by the Secretary of State's Office. The new filings and related fees are:

- (1) Initial statement of partnership authority pursuant to section 1776.33 of the Revised Code (\$125);
- (2) Annual report pursuant to section 1776.83 of the Revised Code (\$25);
- (3) Creating and affixing the seal of the Office of the Secretary of State to certain new certificates required in division (E) of Section 1776.74 of the bill (\$25);
- (4) Certificate of dissolution and accompanying documents, or a certificate of cancellation, under section 1776.65 of the Revised Code (\$50);
- (5) Withdrawal of registration of a foreign or domestic limited liability partnership under section 1776.81 or 1776.86 of the Revised Code (\$50);
- (6) Statement of denial under section 1776.34 of the Revised Code, a statement of dissociation under section 1776.57 of the Revised Code, or a statement of disclaimer of general partner status under Chapter 1782. of the Revised Code (\$50); and
- (7) Restatement under section 1776.11 of the Revised Code (\$50).

Although there would be new filing revenue there could be some offsetting new costs associated with processing and mailing any necessary documents to those submitting the filings.

County recorders

Under the bill, county recorders would be responsible for handling more filings, but would also collect fees for the various documents required by the bill. This might increase filing

volume and processing expenses minimally, but any new costs would be offset by filing fees that county recorders are permitted to collect. The bill also removes one responsibility for county recorders: recording fictitious name certificates for partnerships. This may result in some further small reduction in administrative costs.

LSC fiscal staff: Terry Steele, Budget Analyst

HB0332SR/rh