

HOUSE BILL NO. 5447

October 20, 2021, Introduced by Reps. Tate, Hornberger, Posthumus, Meerman, Manoogian, Breen, Tyrone Carter, Bolden, Rogers, Sowerby, Lasinski, Cavanagh, Scott and Stone and referred to the Committee on Education.

A bill to amend 1929 PA 269, entitled

"An act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems; to provide penalties for the violation thereof; and to repeal Act No. 255 of the Public Acts of 1909,"

by amending section 1 (MCL 430.51).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. **(1)** ~~No~~**A** person, society, association, or corporation
- 2 shall **not** assume, adopt, or use the name of a benevolent, humane,
- 3 fraternal, or charitable organization, **including an educational**

1 **corporation**, incorporated under the laws of this or any other
 2 state, or of the United States, or a name so nearly resembling the
 3 name of ~~such-the~~ incorporated organization as to be a colorable
 4 imitation thereof, **of the incorporated organization's name**, or
 5 calculated to deceive persons not members, with respect to ~~such~~
 6 ~~corporation. In all cases where~~ **the incorporated organization. If** 2
 7 or more ~~of such~~ societies, associations, or corporations claim the
 8 right to the same name, or to names **that are** substantially similar,
 9 ~~as above provided,~~ the organization ~~which~~ **that** was first organized
 10 and used the name, and first became incorporated under the laws of
 11 the United States or of any state of the United States, ~~shall be is~~
 12 entitled in this state to the prior and exclusive use of ~~such-the~~
 13 name, and the rights of ~~such-the~~ societies, associations, or
 14 corporations, and of their individual members, shall be fixed and
 15 determined accordingly.

16 (2) **A person, society, association, or corporation shall not**
 17 **assume, adopt, or use the designation "historically black college**
 18 **or university" unless the person, society, association, or**
 19 **corporation is a part B institution as that term is defined under**
 20 **20 USC 1061, or an educational corporation that was reopened under**
 21 **section 171 of 1931 PA 327, MCL 450.171.**

22 Enacting section 1. This amendatory act does not take effect
 23 unless Senate Bill No. ____ or House Bill No. 5448 (request no.
 24 04350'21 *) of the 101st Legislature is enacted into law.