

## Business Opportunities - State statute comparison

Included in the Secretary of State's (SoS) January 17, 2020 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's December 12, 2019, letter to the SoS: "46. Please provide a list of states that do and do not have statutes similar to South Carolina's statutes related to business opportunities. For states that have similar statutes, please indicate the agency in which the attendant responsibilities are located."

In addition to providing the information in this document, SoS provided the following response:

- Please see the table that is provided in Attachment K.

## **ATTACHMENT K**

## Business Opportunities by State

<b>State</b>	<b>Business Opportunity Registration Requirement?</b>	<b>Filing Fee?</b>	<b>Agency</b>	<b>Notes/Links to Statutes</b>	<b>Separate Franchise Registration Requirement?</b>
Alabama	None seen	N/A	N/A	N/A	Not seen
Alaska	Yes	Initial: \$300.00 Renewal: \$150.00	<a href="#">AK Dept. of Law</a>	<a href="#">Title 45, Chapter 66- Sale of Business Opportunities Application</a>	Not seen
Arizona	None seen	N/A	N/A	N/A	Not seen
Arkansas	None seen	N/A	N/A	N/A	Not seen
California	Yes	Initial: \$100.00	<a href="#">CA Attorney General</a>	<a href="#">Title 2.7, Contracts for Seller Assisted Marketing Plans</a>	<a href="#">Yes. California Department of Business Oversight</a>
Colorado	None seen	N/A	N/A	N/A	Not seen
Connecticut	Yes	Initial: \$400.00 Renewal: \$100.00	<a href="#">CT Department of Banking</a>	<a href="#">Sec. 36b-60 to -79, Connecticut Business Opportunity Investment Act</a>	Not seen
Delaware	None seen	N/A	N/A	N/A	Not seen
Florida	None seen	N/A	N/A- see note.	<a href="#">Title XXXIII, Chapter 559, Part VIII</a> No registration, but <a href="#">complaints to Department of Agriculture and Consumer Services</a>	Not seen
Georgia	None seen*	N/A*	N/A- see note.	<a href="#">*Must file Consent to Service of Process with Secretary of State with filing fee of \$10.00.</a>	Not seen
Hawaii	None seen	N/A	N/A	N/A	<a href="#">Yes. Department of Commerce and Consumer Affairs, Business Registration Division - Securities</a>
Idaho	None seen	N/A	N/A	N/A	Not seen
Illinois	Yes	Initial Application Fee – \$300 Fee to Report a Material Change – \$25	<a href="#">Secretary of State, Securities Department</a>	<a href="#">(815 ILCS 602/Art. 5) Business Opportunity Sales Law of 1995</a>	<a href="#">Yes. Franchise Bureau in the Office of the Attorney General</a>

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		Annual Renewal Fee – \$300			
Indiana	Yes	Initial Filing Fee- \$50.00 Amendment- \$10.00 Renewal fee- \$10.00	<a href="#">Attorney General, Consumer Protection Division</a>	<a href="#">IC 24-5-8</a>	<a href="#">Yes. Secretary of State, Securities Division</a>
Iowa	None seen	N/A	N/A	<a href="#">Title XIII, Chapter 551A</a>	Not seen
Kansas	None seen	N/A	N/A	N/A	Not seen
Kentucky	Yes	Initial Fee - \$150 Renewal Fee - \$50 Update Fee - \$25	<a href="#">Attorney General, Division of Consumer Protection</a>	<a href="#">KRS Chapter 367, Sections .801 through .819</a>	Not seen
Louisiana	No*	N/A*	N/A- see note.	*Must appoint Secretary of State as agent for service with filing fee of \$10.00. *May be required to file bond with Department of Justice. <a href="#">Title 51, Chapter 23</a>	Not seen
Maine	Yes	Registration- \$25.00 Renewal- \$10.00	<a href="#">Maine Department of Professional &amp; Financial Regulation, Office of Securities</a>	<a href="#">Title 32, Chapter 69-B</a>	Not seen
Maryland	Yes	Initial filing- \$250 Amendment to a filing- \$50 Annual Renewal filing- \$100	<a href="#">Attorney General, Securities Division</a>	<a href="#">Securities, Franchise and Business Opportunity Acts, Article 14</a>	<a href="#">Yes. Attorney General, Securities Division</a>
Massachusetts	None seen	N/A	N/A	N/A	Not seen
Michigan	None seen	Unclear, none seen	<a href="#">Attorney General</a>	<a href="#">MCL 445.903b</a>	A “notice only” state. <a href="#">\$250.00 and notice to Attorney General, Franchise Section.</a>
Minnesota	Notice only	N/A	N/A	N/A	<a href="#">Yes. Commerce Department, Industries &amp; Agencies, Securities, Franchises &amp; Subdivided Lands</a>
Mississippi	None seen	N/A	N/A	N/A	Not seen
Missouri	None seen	N/A	N/A	N/A	Not seen

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Montana	None seen	N/A	N/A	N/A	Not seen
Nebraska	Yes	Initial filing- \$100 Renewal filing- \$50 Amendment filing- \$50	<a href="#">Department of Banking and Finance, Bureau of Securities</a>	<a href="#">Chapter 59, Article 17</a>	Not seen
Nevada	None seen	N/A	N/A	N/A	Not seen
New Hampshire	Sometimes* (see note)	N/A	N/A- see note.	<a href="#">Department of Justice, Consumer Protection Bureau</a> *New Hampshire does have the Distributorship Disclosure Act, which requires registration of a business opportunity involving vending machines, racks, display cases, or similar devices.	Not seen
New Jersey	None seen	N/A	N/A	N/A	Not seen
New Mexico	None seen	N/A	N/A	N/A	Not seen
New York	None seen	N/A	N/A	N/A	<a href="#">Yes. Attorney General, Investor Protection Bureau</a>
North Carolina	Yes	Annual filing fee: \$250 Update of information fee: \$250	<a href="#">Secretary of State</a>	<a href="#">Chapter 66, Article 19</a>	Not seen
North Dakota	None seen	N/A	N/A	N/A	<a href="#">Yes. Securities Department</a>
Ohio	None seen	N/A	N/A	<a href="#">ORC Title 13, Chapter 1334</a>	Not seen
Oklahoma	Yes	Registration filing fee: \$250.00 Registration renewal fee: \$150.00 Review of sales literature or advertising package: \$50.00 Sales report filing fee: \$50.00 Interpretive opinion or no-action request: \$250.00	<a href="#">Department of Securities</a>	<a href="#">Sections 801-829</a>	Not seen

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		Request for order of exemption: \$250.00			
Oregon	None seen	N/A	N/A	N/A	Not seen
Pennsylvania	None seen	N/A	N/A	N/A	Not seen
Rhode Island	None seen	N/A	N/A	N/A	<a href="#">Yes. Department of Business Regulation</a>
South Carolina		Initial: \$100.00 Renewal: \$100.00	<a href="#">Secretary of State</a>	<a href="#">Title 39, Chapter 37</a>	No
South Dakota	Yes	Initial: \$100.00 Renewal: \$50.00	<a href="#">SD Dept. of Labor &amp; Regulation</a>	<a href="#">Chapter 37-25A, Business Opportunities</a>	<a href="#">Yes. Department of Labor &amp; Regulation, Division of Insurance- Securities Regulation</a>
Tennessee	None seen	N/A	N/A	N/A	Not seen
Texas	Yes	Initial: \$195.00 Exemption Notice: \$25.00	<a href="#">TX Secretary of State</a>	<a href="#">Title 4, Chapter 51, Subchapter A</a>	Not seen
Utah	Yes	Seller's Information filing: \$200.00 Notice of Exemption filing: \$100.00	<a href="#">Department of Commerce, Division of Consumer Protection</a>	<a href="#">Title 13, Chapter 15</a>	Not seen
Vermont	None seen	N/A	N/A	N/A	Not seen
Virginia	None seen	N/A	N/A	<a href="#">Section 59.1-262 to 59.1-269</a>	<a href="#">Yes. State Corporation Commission, Division of Securities &amp; Retail Franchising</a>
Washington	Yes	Initial: \$200.00 Renewal: \$125.00 Amendment: \$30.00	<a href="#">WA Dept. of Financial Institutions</a>	<a href="#">Application Chapter 19.110, Business Opportunity Fraud Act</a>	<a href="#">Yes. Department of Financial Institutions</a>
West Virginia	None seen	N/A	N/A	N/A	Not seen
Wisconsin	None seen	N/A	N/A	N/A	<a href="#">Yes. Department of Financial Institutions</a>
Wyoming	None seen	N/A	N/A	N/A	Not seen

Helpful link with more information: ["FTC Business Opportunity Rule and State Business Opportunity Laws," Kanouse & Walker, PA](#), as of 2013.