

1979 WL 43228 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 23, 1979

\*1 The Honorable John T. Campbell  
Secretary of State  
State of South Carolina  
P. O. Box 11350  
Columbia, South Carolina 29211

Dear Mr. Campbell:

You have requested an opinion from this Office concerning renewal and re-registration of a corporate name within the State of South Carolina. South Carolina Code § 33-5-30 provides that a corporation may renew registration' . . . from year to year (not to exceed ten years) . . .' It has been the policy of your office to wait for the lapse of one year before re-registering a corporate name after a ten-year period of continuous renewals.

The State of North Carolina requires the lapse of only one day before permitting re-registration. However, upon review of the North Carolina Code § 55-12, it appears that the one-day deferral has been arbitrarily established, as there are no provisions for such within the statute.

Review of the Model Business Corporations Act § 11, from which our South Carolina § 33-5-30 was derived, indicates no recommendation as to length of time required before re-registration of a corporate name is allowed. Section 33-5-30 is also silent in this regard.

Due to the failure of the Code to address this point specifically, it appears that it is within the authority of the Secretary of State to establish reasonable limitations on the re-registration of corporate names. The one-year re-registration deferral imposed by your office is considered reasonable.

Yours very truly,

Victor S. Evans  
Deputy Attorney General

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