

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: RI Department of State

DIVISION: Business Services Division

RULE IDENTIFIER: 100-RICR-30-00-4

RULE TITLE:

Name Availability

REASON FOR RULEMAKING:

The Department of State is proposing to adopt 100-RICR-30-00-4 entitled, "Name Availability." With this proposed regulation, the Secretary of State, is establishing the criteria necessary to meet the state's name availability standard of "distinguishable upon the record." This regulation is promulgated pursuant to RIGL §§ 7-12-401, 7-6-11, 7-12.1-902, 7-13.1-114, and 7-16-9.

TESTIMONY AND COMMENTS:

The Department held a Public Hearing on August 18, 2026. No comments or testimony were received at the Public Hearing.

One comment was received on August 26, 2026 by Evan Lemoine as follows:
Rule 4.10A states that "Letters of consent must be presented on the consenting entity's letterhead and signed by an authorized officer/person before a notary public". I'd recommend clarifying the type of notarization you're requesting to be either an acknowledgement or attestation before the notary public. This would be consistent with the rules in place by notary publics in which they aren't to assume the type of notarization requested.

In response to this comment, the Department made a minor change to the language in 100-RICR-30-00-4.10(A) to indicate that the notarial act should include an acknowledgment or attestation by the signer.

CHANGE TO TEXT OF THE RULE:

100-RICR-30-00-4.10(A) is amended as follows:

- A. Letters of consent must be presented on the consenting entity's letterhead and acknowledged or attested to by an authorized officer/person before a notary public.

REGULATORY ANALYSIS:

In the development of the proposed adoption, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.