

# HOUSE BILL No. 5347

December 11, 1989, Introduced by Reps. Sparks, Bennett, Niederstadt, Stacey, Wartner, Gire, Clack, Krause, Dunaskiss, Gnodtke, Middaugh, Keith, Stopczynski, Dolan, Trim, Randall, Giese, Banks and Willis Bullard and referred to the Committee on Towns and Counties.

A bill to amend the title and section 2 of Act No. 101 of the Public Acts of 1907, entitled

"An act to regulate the carrying on of business under an assumed or fictitious name,"

being section 445.2 of the Michigan Compiled Laws; and to add sections 1b and 3a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 2 of Act No. 101 of the  
2 Public Acts of 1907, being section 445.2 of the Michigan Compiled  
3 Laws, are amended and sections 1b and 3a are added to read as  
4 follows:

### 5 TITLE

6 An act to regulate the carrying on of business under an  
7 assumed or fictitious name; TO REQUIRE CERTAIN FILINGS AND  
8 PAYMENT OF FEES; TO PRESCRIBE DUTIES OF CERTAIN LOCAL OFFICIALS

1 AND STATE DEPARTMENTS AND AGENCIES; AND TO PROVIDE FOR  
2 PENALTIES.

3 SEC. 1B. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE  
4 "ASSUMED OR FICTITIOUS BUSINESS NAME ACT".

5 Sec. 2. ~~Persons now owning or conducting such business~~  
6 ~~under an assumed name, or under such designation referred to in~~  
7 ~~section 1, shall file such certificate or renewal certificate as~~  
8 ~~hereinbefore prescribed, within 90 days after this act shall take~~  
9 ~~effect and after 30 days' notice from the county clerk, and per-~~  
10 ~~sons hereafter owning, conducting or transacting business as~~  
11 ~~aforsaid shall, before commencing said business file such cer-~~  
12 ~~tificate in the manner hereinbefore prescribed. The several~~  
13 ~~county clerks of this state are hereby authorized to~~ (1) THE  
14 COUNTY CLERK SHALL reject any assumed name which is likely to  
15 mislead the public ~~or~~ or any assumed name already filed in the  
16 county OR WITH THE STATE or so nearly similar ~~thereto~~ TO A NAME  
17 FILED WITH THE COUNTY OR STATE as to lead to confusion or  
18 deception.

19 (2) BEFORE CERTIFYING A CERTIFICATE UNDER SECTION 1, THE  
20 COUNTY CLERK SHALL CHECK THE ASSUMED NAME AGAINST THE INDEX OF  
21 NAMES MAINTAINED BY THE CORPORATION AND SECURITIES BUREAU PURSU-  
22 ANT TO SECTION 3A.

23 SEC. 3A. (1) A COUNTY CLERK SHALL FILE A DUPLICATE OF ALL  
24 FILINGS REQUIRED UNDER THIS ACT WITH THE CORPORATION AND SECURI-  
25 TIES BUREAU OF THE DEPARTMENT OF COMMERCE.

1       (2) THE CORPORATION AND SECURITIES BUREAU SHALL KEEP AN  
2 ALPHABETICAL INDEX BY ASSUMED NAME OF ALL FILINGS MADE PURSUANT  
3 TO SUBSECTION (1).

4       (3) ALL FILINGS MADE PURSUANT TO THIS SECTION SHALL BE MADE  
5 AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH THE FREEDOM OF INFOR-  
6 MATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SEC-  
7 TIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.