



HOUSE BILL No. 5654

March 7, 1996, Introduced by Rep. Whyman and referred to the Committee on Commerce.

A bill to amend section 1 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,"

as amended by Act No. 111 of the Public Acts of 1990, being section 445.1 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 101 of the Public Acts of
2 1907, as amended by Act No. 111 of the Public Acts of 1990, being
3 section 445.1 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. (1) A person shall not carry on, conduct, or trans-
6 act business in this state under an assumed name, or under a des-
7 ignation, name, or style other than the real name of the person
8 owning, conducting, or transacting that business, unless the

1 person files in duplicate in the office of the clerk of the
2 county or counties in which the person owns, conducts, or trans-
3 acts, or intends to own, conduct, or transact, business, or main-
4 tains an office or place of business, a certificate on a form
5 furnished by the county clerk setting forth the name under which
6 the business ~~owned~~ is, or is to be, OWNED, conducted, or trans-
7 acted, and the true or real full name and address of the person
8 owning, conducting, or transacting the business. At the time of
9 filing the certificate, the person shall pay the clerk a filing
10 fee of \$6.00 AND, IN ADDITION, ANY FEE CHARGED BY THE DEPARTMENT
11 OF COMMERCE TO DETERMINE WHETHER THE NAME UNDER WHICH THE BUSI-
12 NESS IS, OR IS TO BE, OWNED, CONDUCTED, OR TRANSACTED IS NOT
13 RESERVED, REGISTERED, OR ASSUMED. The certificate shall be exe-
14 cuted and duly acknowledged by the person owning, conducting, or
15 intending to conduct the business.

16 (2) ~~The selling of~~ SELLING goods by sample, ~~or~~ through a
17 traveling agent or traveling salesperson, or by ~~means of~~ orders
18 forwarded by the purchaser through the ~~mails, shall~~ MAIL IS
19 not, ~~be construed~~ for ~~the purpose~~ PURPOSES of this act, ~~as~~
20 conducting or transacting business ~~so as to~~ AND DOES NOT
21 require ~~the filing of the certificates~~ A CERTIFICATE TO BE
22 FILED UNDER SUBSECTION (1).

23 (3) The county clerk shall certify the duplicate and return
24 it to the applicant ~~—~~ AFTER CONTACTING THE DEPARTMENT OF COM-
25 MERCE TO DETERMINE THAT THE NAME UNDER WHICH THE BUSINESS IS, OR
26 IS TO BE, OWNED, CONDUCTED, OR TRANSACTED IS NOT RESERVED,
27 REGISTERED, OR ASSUMED UNDER ANY OF THE FOLLOWING:

1 (A) THE BUSINESS CORPORATION ACT, ACT NO. 284 OF THE PUBLIC
2 ACTS OF 1972, BEING SECTIONS 450.1101 TO 450.2098 OF THE MICHIGAN
3 COMPILED LAWS.

4 (B) THE NONPROFIT CORPORATION ACT, ACT NO. 162 OF THE PUBLIC
5 ACTS OF 1982, BEING SECTIONS 450.2101 TO 450.3192 OF THE MICHIGAN
6 COMPILED LAWS.

7 (C) THE MICHIGAN LIMITED LIABILITY COMPANY ACT, ACT NO. 23
8 OF THE PUBLIC ACTS OF 1993, BEING SECTIONS 450.4101 TO 450.5200
9 OF THE MICHIGAN COMPILED LAWS.

10 (D) THE MICHIGAN REVISED UNIFORM LIMITED PARTNERSHIP ACT,
11 ACT NO. 213 OF THE PUBLIC ACTS OF 1982, BEING SECTIONS 449.1101
12 TO 449.2108 OF THE MICHIGAN COMPILED LAWS.

13 (4) As used in this act:

14 (a) "Person" means 1 or more individuals, partnerships,
15 trusts, fiduciaries, or other entities capable of contracting,
16 except corporations and limited partnerships.

17 (b) "Address" means the residence or principal business
18 address of the person.

19 (5) A charter county with a population of more than
20 2,000,000 may impose by ordinance a different amount for the
21 filing fee prescribed by subsection (1). A charter county shall
22 not impose a fee ~~which~~ THAT is greater than the cost of the
23 service for which the fee is charged.