



SENATE BILL No. 953

March 28, 1996, Introduced by Senators BENNETT, GAST, SCHUETTE and YOUNG and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

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—~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
6 person shall not ~~—carry on,—~~ OWN AND conduct ~~—, or transact—~~ A
7 business in this state under ~~—an assumed name, or under a~~
8 ~~designation, name, or style—~~ A NAME other than the real name of

1 the person owning ~~/~~ AND conducting ~~/~~ ~~or transacting~~ that
2 business. ~~/~~ ~~unless~~

3 (2) A PERSON MAY OWN OR CONDUCT BUSINESS IN THIS STATE UNDER
4 AN ASSUMED NAME IF the person files in duplicate ~~in the office~~
5 ~~of~~ WITH the clerk of the county or counties in which the person
6 owns ~~/~~ OR conducts, ~~or transacts,~~ or intends to own ~~/~~ OR
7 conduct, ~~or transact,~~ A business ~~/~~ ~~or maintains an office or~~
8 ~~place of business,~~ a certificate on a form ~~furnished~~ APPROVED
9 by the county clerk ~~setting forth~~ THAT STATES the name under
10 which the business ~~owned is, or is to be,~~ IS OR WILL BE OWNED
11 OR conducted ~~or transacted,~~ and the true ~~or real~~ full name
12 and address of the person owning ~~/~~ OR conducting ~~/~~ ~~or~~
13 ~~transacting~~ the business. At the time of filing the certifi-
14 cate, the person shall pay the clerk a filing fee of \$6.00. The
15 certificate shall be ~~executed and duly acknowledged~~ SIGNED by
16 the person owning ~~/~~ OR conducting ~~/~~ ~~or intending to conduct~~
17 the business.

18 (3) ~~(2)~~ The selling of goods by sample, ~~or~~ through a
19 traveling agent or ~~traveling~~ salesperson, or by ~~means of~~
20 orders forwarded ~~by the purchaser~~ through the ~~mails,~~ shall not
21 ~~be construed for the purpose of this act as conducting or trans-~~
22 ~~acting business so as to require the filing of the certificates~~
23 MAIL IS NOT OWNING OR CONDUCTING BUSINESS UNDER THIS ACT AND DOES
24 NOT REQUIRE A CERTIFICATE UNDER THIS SECTION.

25 (4) THE CLERK SHALL CONTACT THE DEPARTMENT OF COMMERCE TO
26 DETERMINE WHETHER THE DEPARTMENT HAS A RECORD THAT THE ASSUMED
27 NAME IS RESERVED, REGISTERED, OR USED BY ANOTHER ENTITY.

1 (5) ~~—(3)—The~~ IF THE ASSUMED NAME IS NOT RESERVED,
2 REGISTERED, OR BEING USED BY ANOTHER ENTITY, THE county clerk
3 shall certify the duplicate and return it to the applicant.

4 (6) ~~—(4)—~~ As used in this act:

5 (a) "Person" means 1 or more individuals, partnerships,
6 ~~trusts, fiduciaries, or other entities capable of contracting,~~
7 ~~except corporations and limited partnerships~~ ASSOCIATIONS, OR
8 ANY OTHER LEGAL ENTITY THAT CAN CONTRACT. PERSON DOES NOT MEAN A
9 CORPORATION OR LIMITED PARTNERSHIP.

10 (b) "Address" means the residence or principal business
11 address of the ~~person~~ APPLICANT.

12 (7) ~~—(5)—~~ A charter county with a population of more than
13 2,000,000 may impose by ordinance a different amount for the
14 filing fee prescribed by subsection (1). A charter county shall
15 not impose a fee ~~which~~ THAT is greater than the cost of the
16 service for which the fee is charged.