

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1326

Introduced by

Representatives Clark, Boe, Dietrich, Haas

Senator Flakoll

1 A BILL for an Act to amend and reenact subsection 2 of section 45-11-01 and section 47-25-02
2 of the North Dakota Century Code, relating to partnership fictitious names and trade names.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 45-11-01 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. ~~Any~~ A partnership ~~transacting~~ may not transact business in this state or obtain any
7 license, permit, or registration under a fictitious name or under a designation that
8 does not show the names of the persons interested as partners ~~must file~~ until it
9 has filed a fictitious name certificate with the secretary of state, together with a
10 filing fee of twenty-five dollars. When a partnership has more than two members,
11 an additional three dollars must be paid for each additional member not to exceed
12 two hundred fifty dollars. A limited partnership or a foreign limited partnership
13 transacting business under a name filed under chapter 45-10.2 and as provided in
14 section 45-11-03 or a partnership transacting business under a name filed under
15 section 45-13-05 is not required to file a fictitious name certificate under this
16 section.

17 **SECTION 2. AMENDMENT.** Section 47-25-02 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **47-25-02. Trade name - Registration - Statement - Contents.** A person or
20 organization may not engage in business or obtain a license, permit, or registration in this state
21 under a trade name until the trade name is registered with the secretary of state. This section
22 does not apply to partnerships that have filed a fictitious name certificate as provided under
23 chapter 45-11. The trade name registration must be a statement executed by the owner upon
24 forms prescribed by the secretary of state, setting forth:

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- 1 1. The trade name to be registered;
- 2 2. The name and address of the owner of the business, and if a corporation, limited
- 3 liability company, or other organization, the state or country of incorporation or
- 4 organization;
- 5 3. Address of the principal place of business; and
- 6 4. The nature of the business in detail.