

HOUSE BILL NO. 1422

Introduced by

Representatives B. Thoreson, Dosch, Koppelman, Warner

Senators Andrist, O'Connell

1 A BILL for an Act to amend and reenact section 45-11-01 of the North Dakota Century Code,
2 relating to the definition of a fictitious name.

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

4 **SECTION 1. AMENDMENT.** Section 45-11-01 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **45-11-01. Partnership - Use of fictitious ~~partnership~~ name.**

7 1. As used in this section, "fictitious name" means a counterfeit, alias, feigned, or
8 pretended name taken by a person, differing in some essential particular from the
9 person's true name. The term does not include the use of an individual's true
10 name or an individual's surname within a partnership name if the true name or
11 surname comprises a substantial portion of the name and the name is not used in
12 a deceptive manner.

13 2. Any partnership transacting business in this state under a fictitious name or under
14 a designation that does not show the names of the persons interested as partners
15 must file a fictitious name certificate with the secretary of state, together with a
16 filing fee of twenty-five dollars. When a partnership has more than two members,
17 an additional three dollars must be paid for each additional member not to exceed
18 two hundred fifty dollars. A limited partnership or a foreign limited partnership
19 transacting business under a name filed under chapter 45-10.1 and as provided in
20 section 45-11-03 or a partnership transacting business under a name filed under
21 section 45-13-05 is not required to file a fictitious name certificate under this
22 section.

23 3. The fictitious name:

- 1 ~~4.~~ a. May not contain the word "corporation", "company", "incorporated", "limited
2 liability company", or "limited", or an abbreviation of any of those words. This
3 subsection does not preclude the word "limited" from being used in
4 conjunction with the word "partnership".
- 5 ~~2.~~ b. May not be the same as or deceptively similar to any corporate name, limited
6 liability company name, trade name, partnership name on file with the
7 secretary of state, limited partnership name, foreign limited partnership name,
8 or fictitious name certificate on file with the secretary of state, unless there is
9 filed with the fictitious name certificate a written consent of the holder of the
10 similar name to use the proposed name and a filing fee of ten dollars.