

Topic: Filing Date and Time

Question by: Gary M. Trechel

Jurisdiction: New York

Date: December 14, 2011

Jurisdiction	Question(s)		
	<p>A. Does your state record the actual time of filing for business entity certificates?</p> <p>B. B. Is the actual time of filing reflected on the filing receipt, good standing certificates, website search etc?</p>	<p>A. Do your statutes permit any business entity certificates to include a future effective “date?”</p> <p>B. Is the future effective date reflected on the filing receipt, good standing certificate, website search etc?</p> <p>C. If yes to 2 A, would you accept a business certificate with a future effective date that also included a specific future effective “time”?</p> <p>D. If yes, would you reflect both the future effective “date and time” on the filing receipt and good standing certificates etc?</p>	<p>A. Do your statutes permit business entity certificates to include a future effective “date and <u>time</u>”?</p> <p>B. Is the future effective “date and time” reflected on the filing receipt, good standing certificate, website search etc?</p>
Manitoba			

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<p><b>Corporations Canada</b></p>	<p>A. Only at the request of the filer (see #2 &amp; # 3 below)</p> <p>B. Our system does not stamp the time of filing and no client has asked for time of filing to be indicated on these documents</p>	<p>A, B, &amp; C: N/A</p> <p>D. Certificates can reflect a future date at the request of the filer with 2 exceptions: certificates of compliance and existence, which I believe are comparable to your good standing certificate. We have never been asked to indicate a future time on a certificate.</p>	<p>A. Our statutes do not prohibit including an effective time.</p> <p>B. As explained above, a future date and time would not be reflected on certificates equivalent to your good standing certificate.</p>

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	<p>A. No</p> <p>B. No</p>	<p>A. Yes (domestic entities filed through the County Probate Offices)</p> <p>B. Yes, it shows up as date filed.</p> <p>C. No, Foreign filing for authority is based on the date filed</p>	<p>A. Domestic only and they are not certificates so much as stamped filing documents</p> <p>B. The effective date is shown as the filed date.</p>
Alaska			
Arizona			
Arkansas			

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<b>California</b>			
<b>Colorado</b>	<p>A. Yes</p> <p>B. The time is reflected on the filing receipt/date stamp, but it is not shown on the certificate of good standing. Please see the screen shot at the end of this email for an example of how an entity’s history is displayed.</p>	See Below	<p>A. Yes</p> <p>B. The filing date and time is reflected on the filing receipt/date stamp, but it is shown on the certificate of good standing. A certificate of good standing is not available until the formation filing becomes effective.</p>

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<b>Connecticut</b>			
<b>Delaware</b>			
<b>District of Columbia</b>	See Below		

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<p><b>Florida</b></p>	<p>See Below</p>	<p><b>A.</b> Yes, documents can have an effective date up to 90 days into the future. Original “articles” can request up to 5 days back as an effective date.</p> <p><b>B.</b> Same as 1B above</p> <p><b>C.</b> The “effective time” could be entered in the text of a document but we would not enter the time into our records or on the website. <b>D.</b> N/A</p>	

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Georgia			
Hawaii			
Idaho			
Illinois			
Indiana			
Iowa			
Kansas			
Kentucky			

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<b>Louisiana</b>	<p>A. Yes</p> <p>B. No</p>	<p>A. Yes</p> <p>B. Only on the certificate issued at the time of filing</p> <p>C. Yes</p> <p>D. At the filer’s request on the certificate issued at the time of filing only not on good standing certificates</p>	<p>A. Yes</p> <p>B. At the filer’s request on the certificate issued at the time of filing only not on good standing certificates</p>
<b>Maine</b>			
<b>Maryland</b>			



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<b>Massachusetts</b>			
<b>Michigan</b>	<p>A. No</p> <p>B. No</p>	<p>A. Yes</p> <p>B. Only on the certificate issued at the time of filing</p> <p>C. Yes</p> <p>D. At the filer’s request on the certificate issued at the time of the filing only; not on good standing certificates</p>	<p>A. Yes</p> <p>B. At the filer’s request on the certificate issued at the time of the filing only, not on good standing certificates</p>

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<b>Minnesota</b>			
<b>Mississippi</b>			
<b>Missouri</b>	<p>A. The time is recorded in the system but not shown on the filed copy or the certificate</p> <p>B. No; see #1.A.</p>	<p>A. Yes</p> <p>B. N/A</p> <p>C. If by “accepted” you mean from another state, the answer is no</p> <p>D. N/A</p>	<p>A. N/A</p> <p>B. N/A</p>

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<b>Montana</b>	<p>A. No</p> <p>B. No</p>	<p>A. Yes</p> <p>B. Yes</p> <p>C. No</p> <p>D. N/A</p>	<p>A. Yes</p> <p>B. Date Only</p>
<b>Nebraska</b>			

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<p><b>Nevada</b></p>	<p>A. Our filings actual get the received date and time stamped on the filed document</p> <p>B. The received date and time are listed on the receipt but is not reflected on good standing certificates on our website</p>	<p>A. Yes a limited liability company can state an effective date and time on the Articles but that date cannot be more than 90 days post filing</p> <p>B. No</p> <p>C. Yes</p> <p>D. No</p>	<p>A. Yes</p> <p>B. The “future” effective date only is reflected on the website not the time. Again that future effective date cannot be more than 90 days post filing.</p>

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<b>New Hampshire</b>	<p>A. No</p> <p>B. No</p>	<p>A. Yes</p> <p>B. No We are only required to include the date of receipt</p> <p>C. No</p> <p>D. No</p>	<p>A. Yes, our statutes permit “future time and date”</p> <p>B. No</p>
<b>New Jersey</b>			
<b>New Mexico</b>			
<b>New York</b>			
<b>North Carolina</b>			

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<b>North Dakota</b>	<p>A. Only the date</p> <p>B. Only the date on a good standing certificate or website search. Our receipt is specific to the payment tendered and the general application of that payment.</p>	See below	
<b>Ohio</b>	<p>A. No</p> <p>B. No</p>	See below	<p>A. No, only date</p> <p>B. No, only date</p>
<b>Oklahoma</b>			

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<b>Oregon</b>	<p>A. We don’t give filings a particular time, though of course our computer system records time of entry. By Statute, filings are given an effective time of 12:01 a.m. on the date of actual filing (not delivery or presentation)</p> <p>B. No</p>	<p>A. Yes, but it can’t be further than 90 days out</p> <p>B. No</p> <p>C. Yes. Statute allows for an future effective date and time</p> <p>D. No</p>	<p>A. Yes</p> <p>B. No</p>
<b>Pennsylvania</b>			
<b>Rhode Island</b>			

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South Carolina			
South Dakota			
Tennessee			



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<p><b>Texas</b></p>	<p>A. Except for documents with delayed effective dates and times, we do not include a time.</p> <p>B. Delayed effective dates and times are included on the certificate of filing, on our internal database, and on our web site. I do not think that they will show up on a certificate of fact regarding the status of an entity.</p>	<p>See Below</p>	<p>A. Yes</p> <p>B. Yes</p>

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<b>Utah</b>	<p>A. No</p> <p>B. No</p>	<p>A. Yes</p> <p>B. No, We are only required to include the date of receipt</p> <p>C. No</p> <p>D. No</p>	<p>A. Yes, our statutes permit “future time and date”</p> <p>B. No</p>
<b>Vermont</b>			
<b>Virginia</b>	<p>A. No</p> <p>B. No</p>	See below	<p>A. Yes</p> <p>B. No, only on certificates related to the filing</p>

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Washington			
West Virginia			
Wisconsin			
Wyoming			

Additional comments:

**OHIO:**

2. A. Do your statutes permit any business entity certificates to include a future effective “date?” **Yes**

B. Is the future effective date reflected on the filing receipt, good standing certificate, website search etc? **The effective date of the business formation document appears on a certificate of good standing and website search and certified copy of the document submitted to our office. We have a “receipt” which lists minimal information including the date we processed the filing and amount of the fee, but not the effective date.**

C. If yes to 2 A, would you accept a business certificate with a future effective date that also included a specific future effective “time”? **They may write this on the form, but we would not officially recognize an effective time, and we would not put it into the system, it would only appear on the image.**

D. If yes, would you reflect both the future effective “date and time” on the filing receipt and good standing certificates etc? **No, only the effective date would appear.**

**TEXAS:**

2. A. Do your statutes permit any business entity certificates to include a future effective “date?” **yes, we call them delayed effective dates.**

B. Is the future effective date reflected on the filing receipt, good standing certificate, website search etc? **? Delayed effective dates and times are included on the certificate of filing, on our internal database, and on our web site. I do not think that they will show up on a certificate of fact regarding the status of an entity.**

C. If yes to 2 A, would you accept a business certificate with a future effective date that also included a specific future effective “time”? **yes, however, time cannot be noon or midnight.**

D. If yes, would you reflect both the future effective “date and time” on the filing receipt and good standing certificates etc? **yes.**

**VIRGINIA:**

2. A. Do your statutes permit any business entity certificates to include a future effective “date?” **Yes. Certificates for domestic entities can have a delayed effective date of up to 15 days after the filing date of the articles to which they relate, provided that the delayed effective date and time are specified in the articles.**

B. Is the future effective date reflected on the filing receipt, good standing certificate, website search etc? **No. It is only printed on Commission-issued certificates, and this is only automated for certificates of amendment and certificates of merger. One could obtain this information, if requested, however, in a certificate of fact. Delayed effective date information is not available through our website.**

C. If yes to 2 A, would you accept a business certificate with a future effective date that also included a specific future effective “time”? **Yes, but we do not allow an effective date exactly at midnight since that is a point in time between two days (on the meridian).**

D. If yes, would you reflect both the future effective “date and time” on the filing receipt and good standing certificates etc? **No. At this time, an effective date and time only appears on certificates.**

**NORTH DAKOTA:**

2. A. Do your statutes permit any business entity certificates to include a future effective “date?” **ND’s business entity statutes do provide for a later effective date for formation filings. The later effective date is provided on the formation certification.**

B. Is the future effective date reflected on the filing receipt, good standing certificate, website search etc? **It is reflected on the website search and we will not issue a good standing certificate until the effective date of the entity.**

C. If yes to 2 A, would you accept a business certificate with a future effective date that also included a specific future effective “time”? **No**

D. If yes, would you reflect both the future effective “date and time” on the filing receipt and good standing certificates etc? **Our receipt is only relative to the payment and does not reflect any effective date of the filing; good standing certificate will not be issued until the entity is effective.**

**DISTRICT OF COLUMBIA:**

Here is the provision of District of Columbia's new corporate law about effective date and time.

An entity filing shall be effective:

- (1) On the date and at the time of its filing by the Superintendent of Corporations;
- (2) On the date of filing and at the time specified in the entity filing as its effective time, if later than the time under paragraph (1) of this section;
- (3) If permitted by this title, at a specified delayed effective time and date, which shall not be more than 90 days after the date of filing; or
- (4) If a delayed effective date as permitted by this title is specified, but no time is specified, at 12:01 a.m. on the date specified.

**FLORIDA:**

1. Yes, statutes require the date and time of filing be stamped/affixed to the document filed.
- C. Is the actual time of filing reflected on the filing receipt, good standing certificates, website search etc? Certificates reflect the “date” filed and an “effective date”, if one was submitted at the time of filing. These dates, both if applicable, would be reflected in our database and on the data screens on our website. The “time”, which is required, would be reflected on the image in the “file stamp” only. If a specific time is requested, it is contained in the document or on a filing cover sheet for availability to the public. On rare occasions we will adjust the time on our file stamp machines to accommodate a file first, file second scenario or multi state merger situation.

**COLORADO:**

2. A. Do your statutes permit any business entity certificates to include a future effective “date?” Unless specifically prohibited, delayed effective dates (as we call them out here) are allowed.

B. Is the future effective date reflected on the filing receipt, good standing certificate, website search etc? **We have a field on the forms for a delayed effective date.**

C. If yes to 2 A, would you accept a business certificate with a future effective date that also included a specific future effective “time”? **Yes.**

D. If yes, would you reflect both the future effective “date and time” on the filing receipt and good standing certificates etc? **The filing date and time is reflected on the filing receipt/date stamp, but it is not shown on the certificate of good standing. A certificate of good standing is not available until the formation filing becomes effective.**

**7-90-304. Effective time and date of filed document**

(1) Except as provided in subsection (2) or (4) of this section, a document that is filed by the secretary of state is effective:

(a) If no time is stated in the filed document as its effective time, then at the time of filing on the date it is filed, as evidenced by the records of the secretary of state; or

(b) If a time is stated in the filed document as its effective time, then at the later of the stated time on the date it is filed, as such date is stated in the records of the secretary of state, or the time the filed document is filed by the secretary of state, as such time is stated in the records of the secretary of state.

(2) A filed document may state a delayed effective time and date, and if it does so the filed document becomes effective at the later of the time and date so stated or the time and date the filed document is filed by the secretary of state, as such time and date are stated in the records of the secretary of state. If a filed document states a delayed effective date but not a time, the filed document is effective at the later of 11:59 p.m. on that date or the time and date the filed document is filed by the secretary of state, as such time and date are stated in the records of the secretary of state. If a filed document states a delayed effective date that is later than the ninetieth day after the date the filed document is filed, the filed document is effective at 11:59 p.m. on the ninetieth day after it is filed. A filed document may state the order in which the matters provided for in the filed document are deemed to have occurred. This subsection (2) may be limited by other provisions of this title. In the event of conflict between this subsection (2) and any other provision of this title, such other provision of this title controls.

(3) If a filed document states a delayed effective date pursuant to subsection (2) of this section, the filed document may be prevented from becoming effective if a person to which the filed document relates delivers to the secretary of state, for filing pursuant to this part 3, on or before the earlier of the stated effective date of the document or the ninetieth day after the filed document was filed, a statement of correction revoking the filed document.

(4) If two or more documents are simultaneously delivered to the secretary of state, each of the documents shall be deemed to have been filed simultaneously if each identifies, to the satisfaction of the secretary of state, all of the documents that are to be deemed to have been filed simultaneously and states that all of such documents are to be deemed to have been filed simultaneously. All of such documents shall be deemed to have been filed at the time and on the date of filing of the first of such documents to be filed, as such time and date are evidenced by the records of the secretary of state. If any of such documents is rejected by the secretary of state, all of such documents shall be deemed to have been rejected by the secretary of state.

**See screen shot for Colorado below:**



Colorado Secretary of State - History and Documents - Windows Internet Explorer provided by CDOS VMCitrix v 6

http://www.sos.state.co.us/biz/BusinessEntityHistory.do?quitButtonDestination=BusinessEntityDetail&tpi1=1&masterFileId

File Edit View Favorites Tools Help

Colorado Secretary of State - History and Docum...

Business Home  
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FAQs, Glossary and Information

**Found 14 matching record(s). Viewing page 1 of 1.**

#	Event	Date Filed	Date Posted	EffectiveDate	Document # <i>(click to view)</i>	Comment
1	Articles of Organization	03/31/2005	03/31/2005	03/31/2005 01:43 PM	<a href="#">20051138130</a>	
2	Articles of Amendment	06/20/2005	06/20/2005	06/20/2005 01:28 PM	<a href="#">20051239024</a>	Change of Entity Name
3	postcard notification printed 02/21/2006 to be mailed 03/01/2006	02/21/2006	02/21/2006	02/21/2006 04:17 PM		annual report due: 05/31/2006
4	Report	05/26/2006	05/26/2006	05/26/2006 12:57 PM	<a href="#">20061212858</a>	
5	postcard notification printed 02/23/2007 to be mailed 03/01/2007	02/23/2007	02/23/2007	02/23/2007 06:23 AM		annual report due: 05/31/2007
6	Report	05/30/2007	05/30/2007	05/30/2007 12:16 PM	<a href="#">20071256087</a>	
7	postcard notification printed 02/23/2008 to be mailed 03/01/2008	02/23/2008	02/23/2008	02/23/2008 02:50 AM		annual report due: 05/31/2008
8	Report	02/25/2008	02/25/2008	02/25/2008 01:32 PM	<a href="#">20081108737</a>	Change of Registered Agent / Change of Registered Agent Address / Change of Entity Address
9	postcard notification printed 02/23/2009 to be mailed 03/01/2009	02/23/2009	02/23/2009	02/23/2009 02:41 AM		annual report due: 05/31/2009
10	Report	05/26/2009	05/26/2009	05/26/2009 12:41 PM	<a href="#">20091286676</a>	Removed entity mailing address;Removed agent mailing address;Change of Registered Agent
11	postcard notification printed 02/23/2010 to be mailed 03/01/2010	02/23/2010	02/23/2010	02/23/2010 03:11 AM		annual report due: 05/31/2010
12	Report	02/26/2010	02/26/2010	02/26/2010 04:51 PM	<a href="#">20101122065</a>	
13	postcard notification printed 02/23/2011 to be mailed 03/01/2011	02/23/2011	02/23/2011	02/23/2011 02:59 AM		periodic report due: 05/31/2011
14	Report	02/23/2011	02/23/2011	02/23/2011 10:41 AM	<a href="#">20111110453</a>	

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Done Internet | Protected Mode: Off 100%

11:25 AM 12/19/2011

**Full text of email:**

Hi,

I have a few questions regarding filing dates and times for business entity certificates. In NY certain business entity certificates can include a future effective date. Our statutes do not permit business certificates to include a future effective “time.” We are considering making some changes and it would be helpful to know how other states deal with filing dates and times.

2. A. Does your state record the actual time of filing for business entity certificates?  
B. Is the actual time of filing reflected on the filing receipt, good standing certificates, website search etc?

2. A. Do your statutes permit any business entity certificates to include a future effective “date?”

B. Is the future effective date reflected on the filing receipt, good standing certificate, website search etc?

C. If yes to 2 A, would you accept a business certificate with a future effective date that also included a specific future effective “time”?

D. If yes, would you reflect both the future effective “date and time” on the filing receipt and good standing certificates etc?

3. A. Do your statutes permit business entity certificates to include a future effective “date and time”?

B. Is the future effective “date and time” reflected on the filing receipt, good standing certificate, website search etc?

Thank you,

Gary

Gary M. Trechel

Associate Attorney

New York State Department of State

99 Washington Avenue

Albany New York 12231

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