

Topic: Fictitious Name Filings
 Question by: Cheri Myers
 Jurisdiction: North Carolina
 Date: May 2, 2013

Jurisdiction	Question(s)
	1. Where are d/b/a's are filed in your state? 2. If centralized at the state level, can you share a link to your statutes?
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	In Arizona, there is a distinction between d/b/a names and fictitious names. A d/b/a name can be filed with the County Recorder's office. A d/b/a name can also be filed with the Secretary of State as a trade name. A fictitious name is what we at the Arizona Corporation Commission allow a foreign corporation to use if its true name is taken in this state. Obviously, the fictitious name could also be filed as a trade name or a d/b/a name, but that would happen at one of the other two agencies.
Arkansas	
California	
Colorado	1. Where are d/b/a's are filed in your state? As of May 30, 2006, all trade names are filed with the Colorado Secretary of State's office. If a foreign entity needs to qualify to do business in Colorado and their entity name is not distinguishable, they select an assumed name that is distinguishable. 2. If centralized at the state level, can you share a link to your statutes? See C.R.S. 7-71-101 through 112 http://www.lexisnexis.com/hottopics/colorado/
Connecticut	

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Delaware	This is done at the county level in DE
District of Columbia	<p>In the District of Columbia we are administering dba's within Corporations division and they are called trade names.</p> <p>The legislative authority comes from DC Code Title 47 Chapter 28.</p>
Florida	
Georgia	
Hawaii	<p>Trade names or dbas are registered with our office, State level.</p> <p>http://www.capitol.hawaii.gov/hrscurrent/Vol11_Ch0476-0490/HR0482/</p>
Idaho	
Illinois	<p>In Illinois person or persons shall file in the office of the County Clerk of the County in which such person or persons conduct or transact or intend to conduct or transact such business.</p> <p>805ILCS 405/ ASSUMED BUSINESS NAME ACT (Sec. 1)</p>
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	D/B/A's are filed in each local parish Clerk of Court's office.
Maine	
Maryland	
Massachusetts	In Massachusetts d/b/a names are filed at the local city or town hall clerk's office. There is no central location of all dba names in Massachusetts.
Michigan	<p>In Michigan:</p> <ol style="list-style-type: none"> 1. At the county. 2. NA
Minnesota	<p>In Minnesota, prior to 1978, fictitious names (we call them assumed names) were filed with the Clerk of District Court in each of our 87 counties. Starting in 1978 and since then, all assumed names are filed with the office of the secretary of state. The statutes in question are 333.001 to 333.065, available at: https://www.revisor.mn.gov/statutes/?id=333</p>

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Mississippi	
Missouri	<p>In Missouri, d/b/a's (also known as Fictitious Registration, trade names ect.) are filed at the state level since the statute was adopted in 1929.</p> <p>1. Where are d/b/a's are filed in your state? The d/b/a's are filed at the Secretary of State office along with all corporate and LLC, LP,LLP, LLLP filings.</p> <p>2. If centralized at the state level, can you share a link to your statutes? http://www.moga.mo.gov/statutes/C417.htm , 417.200 is where the fictitious registration statute starts.</p>
Montana	<p>"DBA"s are called Assumed Business Names in Montana and are filed with the Secretary of State's office under Montana Code Annotated 30-13-2xx. http://data.opi.mt.gov/bills/mca_toc/30_13_2.htm</p> <p>They are very popular, and only reference I have showing a total for a year is 2010 with 7,128 filed.</p> <p>We do not have an on-line filing option.</p>
Nebraska	
Nevada	<p>In Nevada - DBAs of Fictitious Firm Names are filed at the County or local level.</p>
New Hampshire	<p>In New Hampshire all d/b/a's - fictitious names are filed with the Secretary of State. Attached is the link to the Trade Name statute.</p> <p>http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXI-349.htm</p>
New Jersey	
New Mexico	

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<p>New York</p>	<p>In New York, D/B/A's are called assumed names. Assumed names for corporations, LLC's and LP's are filed with the Department of State. The fee for filing with the Department is \$25. Additionally, corporations pay an additional fee for each county in which the corporation will conduct business. The Department then sends a copy of the corporation's certificate of assumed name to each county listed along with the county fee. An "All County" assumed name certificate for a corporation would have a total fee of \$1,950.</p> <p>The assumed names for all other entities, including sole proprietorships and partnerships, are filed with the county clerk of the county in which the entity will do business.</p> <p>Link to NY's General Business Law section 130: http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\$\$GBS130\$\$@TXGBS0130+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=37989503+&TARGET=VIEW</p>
<p>North Carolina</p>	
<p>North Dakota</p>	<p>North Dakota Secretary of State files all assumed names.</p> <p>Trade Names are available at http://www.legis.nd.gov/cencode/T47C25.pdf?20130502162001</p> <p>Partnership Fictitious Names are available at http://www.legis.nd.gov/cencode/t45c11.pdf?20130502162042</p>
<p>Ohio</p>	<p>In Ohio, trade name or fictitious name registrations are filed in our office. This is a link to the statute: http://codes.ohio.gov/orc/1329</p>
<p>Oklahoma</p>	
<p>Oregon</p>	<p>In Oregon, we call them Assumed Business Names and I believe they've been filed at the state level since at least the 1980's. Here's a link to our statutes, though I really believe they are long overdue for a wholesale update. http://www.leg.state.or.us/ors/648.html</p> <p>Since there is no model act for them (that I know of), there hasn't been any push to redo the law.</p> <p>See additional comments below.</p>

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Pennsylvania	<p>1. Where are d/b/a's are filed in your state? ~ The 1957 law required registration with both the Secretary and the office of the Prothonotary in the county where the registered office of the entity was located. Since 1982, the law has required that FNs must be filed only with the Department. We currently have just under 1.1 million active fictitious names registered.</p> <p>2. If centralized at the state level, can you share a link to your statutes? ~ http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/54/54.HTM</p>
Rhode Island	
South Carolina	
South Dakota	
Tennessee	<p>In Tennessee, we no longer have d/b/a filings; we use the term assumed names. Assumed names are filed with the Tennessee Secretary of State (Business Services Division).</p> <p>Here is a link to our forms for applications for assumed names (http://www.tn.gov/sos/forms/ss-4402.pdf for Corps, http://www.tn.gov/sos/forms/ss-4230.pdf for LLCs). We also have forms for applications to change, renew, and cancel an assumed name.</p> <p>Here are the statute sections regarding assumed names and a link to view the Tennessee Code.</p> <p>48-14-101. For-Profit Corporations 48-54-101. Non-Profit Corporations 48-249-106. LLCs http://www.lexisnexis.com/hottopics/tncode/</p>

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Texas	<p>1. Where are d/b/a's are filed in your state?</p> <p>Assumed names for sole proprietorships, general partnerships, joint ventures and other unincorporated businesses file with the county clerk</p> <p>in the county where a business premise is maintained. Assumed names</p> <p>for corporations, limited partnerships, limited liability companies and other entities formed by filing with the SOS are filed both with the SOS and with the county.</p> <p>2. If centralized at the state level, can you share a link to your statutes? Chapter 71 of the Texas Business & Commerce Code:</p> <p>http://www.statutes.legis.state.tx.us/Docs/BC/htm/BC.71.htm</p>
Utah	<p>DBAs are filed at our filing office. The statute can be found at www.le.utah.gov and following the link to our laws. 42-2</p>
Vermont	
Virginia	<p>In Virginia, a Certificate of Assumed or Fictitious Name is filed in the circuit court of the counties in which the name will be used. If the certificate is for a corporation, LLC or LP, the entity must obtain a certified copy of each such certificate and file it in our office, and we place the name with the entity's records.</p> <p>It is anticipated that we may become the central filing office for these certificates, at least as to business entities, when we move to a new computer system. I have thought about how our statutory provisions might be re-written, so I appreciate this question and the responses. I have also grappled with the fact that moving to a single filing covering the entire Commonwealth is a substantial deviation from current law, which establishes usage at the county level. It is interesting to see how New York maintains the currently formula by requiring filers to designate the counties in which the name is to be used, and billing accordingly.</p>

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Washington	1. Where are d/b/a's are filed in your state? In Washington a DBA is known officially as a trade name. Trade names are filed with the Department of Revenue, Business Licensing Service. 2. If centralized at the state level, can you share a link to your statutes? http://apps.leg.wa.gov/rcw/default.aspx?cite=19.80&full=true
West Virginia	
Wisconsin	
Wyoming	

Additional comments:

NOVA SCOTIA:

Cheri:

In Nova Scotia, D/B/A filings are referred to as partnership and business name registrations and are done at the provincial level. Limited partnerships and LLPs also register under the same statute. The relevant legislation is known as the Partnership and Business Names Registration Act and can be found here - <http://nslegislature.ca/legc/statutes/partnrbs.htm> Proceed with some caution though, this one is dated and probably not our best work...

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OREGON:

Just to follow up on the county issue:

In Oregon, our ABN filings initially resided in the counties. You could file your name in more than one county, but it would require going to the county clerk's office of each one. As people became more mobile and opened more branches, they wanted to file more easily and make sure there was less conflict, so they moved central filing to the state. However, they still had to note which counties they planned to transact business in (mandatory filing) and any they wanted to reserve the name in (optional). At that time, we had to collect a fee for each county, plus a fee to file with the state. We would then write a monthly check to each county for the money we collected on their behalf. We finally ended that at the end of the 1980s.

We still require filers to note the counties they want to file in, but we no longer charge a fee per county. It's a flat filing fee. The name availability is determined by county, and if an ABN has a name in even one county, it precludes a business entity from having the same name, because an entity is statewide. The ABN is the only type we have where people can have the same name, and further, they can even have it in the same county, if they file an affidavit claiming prior use or noncompetition/not deceptive.

The interesting thing is that the ABN is evolving from an alias registry to a quasi-entity registration, in recognition that small businesses have an investment in maintaining the name and history of the company. We don't have sole proprietorship and general partnership registrations here, nor do we have a state business license, but business partners treat the ABN registration as if it were those things.

You know, looking at all the responses, I think there's a case to be made for a model DBA/trade name act.

Full text of email:

Good Afternoon - Again!

We all do seem to be quite busy, especially when the General Assemblies are in session. Currently in North Carolina, d/b/a or fictitious names are filed at the county level with the Register of Deeds. North Carolina is thinking about centralizing these filings at the state level and we have a few questions for the IACA jurisdictions.

1. Where are d/b/a's are filed in your state?
2. If centralized at the state level, can you share a link to your statutes?

Thank you so much!!

Cheri

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