

1 IN THE SENATE

BY SENATOR ROBISON

2 SENATE BILL NO. 86

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring registration of trade  
7 names as a prerequisite to transacting  
8 business in the Territory; and ~~declaring~~  
9 an ~~emergency~~."

10 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

11 Section 1. REGISTRATION REQUIRED.

12 (a) No person shall transact business in the Territory  
13 under any assumed name, designation or style, other than the  
14 true names of all persons having an interest therein, unless a  
15 certificate is filed in the office of the Auditor of Alaska, and  
16 in the office of the clerk of the district court of each judicial  
17 division in which the business is to be conducted, setting forth  
18 the name, designation or the style under which the business is  
19 to be conducted and the true names of all persons having an  
20 interest therein. The post office address of each person must be  
21 set forth, and the certificate must be executed and acknowledged  
22 by all persons interested in the business and must be filed  
23 before commencing business.

24 (b) If there is presented to the Auditor for filing a  
25 certificate in which the assumed name shall appear to the Auditor  
26 to resemble an assumed name previously filed so closely as to  
27 cause confusion, then the Auditor, before filing the certificate,  
28 may require that the assumed name in such certificate be changed.

29 Section 2. EXEMPTIONS.

1 This Act shall have no application to

2 (a) any corporation organized under the laws of the  
3 Territory;

4 (b) any foreign corporation lawfully doing business  
5 in the Territory;

6 (c) the lawful use of a partnership designation, name  
7 or style if the partnership designation, name or style includes  
8 the true names of all of the partners; or

9 (d) any limited partnership legally organized.

10 Section 3. CHANGE OF OWNERSHIP: NEW CERTIFICATE.

11 If there is any change in the ownership of a business being  
12 conducted under an assumed name, or under any designation, name  
13 or style other than the true names of all of the persons  
14 interested therein, a new certificate must be executed,  
15 acknowledged and filed by all persons interested therein before  
16 transacting business. *see sec 4*

17 Section 4. FAILURE TO FILE: PRESUMPTION OF FRAUD.

18 Failure to comply with the provisions of this Act shall be  
19 prima facie evidence of fraud in securing credit.

20 Section 5. MAINTAINING SUIT.

21 No person transacting business under any assumed name,  
22 designation or style, other than the true names of all persons  
23 having an interest therein, shall maintain any suit in the  
24 courts of the Territory without alleging and proving compliance  
25 with the provisions of this Act.

26 Section 6. Any person who shall sign in a trade or assumed  
27 name shall be liable to the same extent as if he had signed in  
28 his own name.

29 Section 7. An emergency is hereby declared to exist, and

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~~this Act shall take effect immediately upon its passage and approval.~~