

1 IN THE HOUSE

BY MR. TAYLOR

2 HOUSE BILL NO. 18

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the registration of  
7 businesses using fictitious names."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 45 is amended by adding a new chapter to  
10 read:

11 CHAPTER 52.

12 ARTICLE 1. REGISTRATION OF FICTITIOUS NAMES

13 Sec. 45.52.010. REGISTRATION OF FICTITIOUS NAME BY  
14 FILING CERTIFICATE. (a) A person, partnership, or limited  
15 partnership transacting business in the state and using a  
16 fictitious name or a designation that does not indicate the  
17 person or partners with interests in the business shall  
18 file in the office of the recording district in which the  
19 principal place of business is located, a certificate

20 (1) stating the fictitious name of the business  
21 and the address of its principal place of business;

22 (2) stating the type of business; and

23 (3) listing the names and home addresses of all  
24 persons or partners that have an interest in the business.

25 (b) The certificate registering a fictitious business  
26 name under this section shall be signed, sworn to, and  
27 acknowledged in the presence of a notary public by the per-  
28 son or partners listed on the certificate.

29 Sec. 45.52.020. CHANGES IN REGISTRATION. (a) A new

1 certificate with the same information requested under sec.  
2 010 of this chapter shall be filed if there is a change in  
3 the name of the person or change in the names of the  
4 partners using a fictitious business name.

5 (b) A certificate canceling the registration of a  
6 fictitious business name shall be filed if a person or the  
7 partners stop doing business under the fictitious business  
8 name.

9 Sec. 45.52.030. FILING CERTIFICATE WITH FALSE STATE-  
10 MENT. A person who suffers a loss by relying on a false  
11 statement in a certificate filed under secs. 010 - 060 of  
12 this chapter may hold liable any party to the certificate  
13 who knew the statement to be false

14 (1) at the time he signed the certificate; or  
15 (2) after signing, but within sufficient time  
16 before the statement was relied on to allow him to cancel or  
17 amend the certificate.

18 Sec. 45.52.040. FAILURE TO REGISTER FICTITIOUS NAME.  
19 (a) A person, partnership, or limited partnership using a  
20 fictitious business name who fails to register it and file  
21 a certificate under secs. 010 - 060 of this chapter may be  
22 sued in their fictitious business names and a judgment shall  
23 be satisfied out of the property of the person or the joint  
24 property of the persons using the fictitious business name.

25 (b) No person or partners using a fictitious business  
26 name and failing to register it, nor their assignees, may  
27 commence a civil action upon a contract or transaction  
28 under the fictitious business name or in the partnership  
29 name in any court of the state until the fictitious name

1 has been registered and a certificate filed under secs. 010  
2 060 of this chapter.

3 Sec. 45.52.050. DUTIES OF THE RECORDER OF A RECORDING  
4 DISTRICT. The recorder of each recording district establish-  
5 ed under AS 22.05.160 shall

6 (1) keep registers of

7 (A) fictitious business names in alphabeti-  
8 cal order with a notation of the person or partners  
9 using the name; and

10 (B) a person or the partners in alphabetical  
11 order using the fictitious business name with a nota-  
12 tion of the fictitious business name being used;

13 (2) keep files of all certificates which may be  
14 inspected by the public during the regular business hours of  
15 the recording district office;

16 (3) prepare and distribute the certificates and  
17 forms provided for in this chapter without charge to the  
18 public;

19 (4) charge a fee for the registration of ficti-  
20 tious business names and filing of certificates under this  
21 chapter based upon the cost of preparing and distributing  
22 forms and certificates required under this chapter and keep-  
23 ing the registers required under this section.

24 Sec. 45.52.060. WHEN REGISTRATION MUST BE COMPLETED.

25 (a) A person or partnership using a fictitious business  
26 name shall register the name and file a certificate within  
27 six months of the effective date of secs. 010 - 060 of this  
28 chapter.

29 (b) A person or the partners starting a new business

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and using a fictitious business name shall register it and  
file a certificate within one month after the commencement  
of business or after the formation of the partnership or  
within one month from the time designated in the agreement  
of its members.