

Original Sponsor: Mr. Taylor

Offered: 2/14/64
Referred: Rules

1 IN THE HOUSE BY THE SENATE JUDICIARY COMMITTEE
2 SENATE CS FOR HOUSE BILL NO. 18
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the registration of
7 businesses using fictitious names; and pro-
8 viding for an effective date."

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

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

12 CHAPTER 52.

13 ARTICLE 1. REGISTRATION OF FICTITIOUS NAME.

14 Sec. 45.52.010. REGISTRATION OF FICTITIOUS NAME BY
15 FILING CERTIFICATE. (a) Every commercial business, except a
16 corporation, doing business in the state and using a
17 fictitious name or a designation that does not indicate the
18 person or persons with interests in the business shall file,
19 in the office of the recording district in which the princi-
20 pal place of business is located, a certificate showing

- 21 (1) the fictitious name of the business and the
22 address of its principal place of business,
23 (2) the type of business,
24 (3) the names and home addresses of all persons
25 who have an interest in the business.

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

1 Sec. 45.52.020. CHANGES IN REGISTRATION. (a) A new
2 certificate with the same information required under sec. 10
3 of this chapter shall be filed if there is a change in the
4 name of the person or change in the names of the persons using
5 a fictitious business name.

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

10 Sec. 45.52.030. FILING CERTIFICATE WITH FALSE STATE-
11 MENT. A person who suffers a loss by relying on a false
12 statement in a certificate filed under secs. 10 - 60 of this
13 chapter may hold liable for damages any party to the certifi-
14 cate who knew the statement to be false

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

19 Sec. 45.52.040. FAILURE TO REGISTER FICTITIOUS NAME,
20 AND PENALTY. (a) Every commercial business, except a cor-
21 poration, using a fictitious business name who fails to
22 register it, or their assignees, may not commence a civil
23 action upon a contract or transaction under the fictitious
24 business name or in their capacity as individuals doing busi-
25 ness under a fictitious name in any court of the state until
26 the fictitious name has been registered and a certificate
27 filed under secs. 10 - 60 of this chapter.

28 (b) Every commercial business, except a corporation,
29 using a fictitious business name who fails to register it and

1 file a certificate under secs. 10 - 60 of this chapter is
2 guilty of a misdemeanor.

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

6 (1) keep alphabetical registers of

7 (A) fictitious business names, with a
8 notation of the person or persons using the name;

9 (B) persons using the fictitious business
10 name, with a notation of the fictitious business name
11 being used;

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

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

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

23 Sec. 45.52.060. WHEN REGISTRATION MUST BE COMPLETED.

24 (a) Every commercial business, except a corporation, using a
25 fictitious business name shall register the name and file a
26 certificate on or before the effective date of secs. 10 - 60
27 of this chapter.

28 (b) Every commercial business, except a corporation,
29 starting a new business and using a fictitious business name

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shall register it and file a certificate within one month
after the commencement of business or one month after the
formation of the business entity, whichever is earlier.

* Sec. 2. This Act takes effect January 1, 1965.

Passed by the Senate February 17, 1964