

CS HB 544(7m)

Introduced: 2/5/86  
Referred: Labor & Commerce  
Judiciary and Finance

1 IN THE HOUSE

BY PHILLIPS

2

HOUSE BILL NO. 544

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act prohibiting the use of certain business names  
7 and establishing remedies and penalties for viola-  
8 tions."

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

10 \* Section 1. AS 10.05.034 is amended by adding new subsections to read:

11 (b) When the commissioner has reason to believe that a person is  
12 doing business under a name that is the same as, or deceptively simi-  
13 lar to, the name of a domestic corporation or a foreign corporation  
14 authorized to transact business in the state, or a name reserved or  
15 registered under this title, the commissioner may bring an action in  
16 the name of the state to enjoin the person from doing business under  
17 the name.

18 (c) Before bringing an action under (b) of this section, the  
19 commissioner shall give the person written notice of the intention to  
20 seek an injunction unless the person stops doing business under the  
21 name within 15 days after receiving the notice.

22 (d) A person who knowingly does business under a name that is  
23 the same as, or deceptively similar to, the name of a domestic corpo-  
24 ration or a foreign corporation authorized to transact business in the  
25 state, or a name reserved or registered under this title, is guilty of  
26 a violation.

27 \* Sec. 2. AS 10.20.021 is amended by adding new subsections to read:

28 (b) When the commissioner has reason to believe that a person is  
29 doing business under a name that is prohibited by (a)(2) of this

1 section, the commissioner may bring an action in the name of the state  
2 to enjoin the person from doing business under the name.

3 (c) Before bringing an action under (b) of this section, the  
4 commissioner shall give the person written notice of the intention to  
5 seek an injunction unless the person stops doing business under the  
6 prohibited name within 15 days after receiving the notice.

7 (d) A person who knowingly does business under a name that is  
8 prohibited by (a)(2) of this section is guilty of a violation.

9 \* Sec. 3. AS 10.35.040 is amended by adding new subsections to read:

10 (b) The commissioner may bring an action in the name of the  
11 state to enjoin a person from doing business under a name that has  
12 been reserved for the exclusive use of another person under this  
13 chapter.

14 (c) Before bringing an action under (b) of this section, the  
15 commissioner shall give the person who is wrongfully doing business  
16 under the reserved name written notice of the intention to seek an  
17 injunction unless the person stops doing business under the reserved  
18 name within 15 days after receiving the notice.

19 (d) A person who knowingly does business under a name that has  
20 been reserved for the exclusive use of another person under this  
21 chapter is guilty of a violation.

22 \* Sec. 4. AS 43.70.020(a) is amended to read:

23 (a) For the privilege of engaging in a business in the state, a  
24 person shall first apply, on [UPON] forms prescribed by the commis-  
25 sioner of revenue, and obtain a license, and pay the license fee  
26 provided for in AS 43.70.030. A license issued to a firm for a  
27 particular line of business covers all its operations in the state in  
28 the line of business regardless of the number of its establishments.  
29 A license issued under this subsection must [SHALL] include

- 1 (1) the name and address of the licensee;  
2 (2) the line of business to be conducted; [AND]  
3 (3) the year for which the license is issued; and  
4 (4) the business name of the licensee.

5 \* Sec. 5. AS 43.70.020 is amended by adding new subsections to read:

6 (e) The department may not issue a license to an applicant whose  
7 business name is the same as, or deceptively similar to, the business  
8 name of another person licensed under this section, unless the simi-  
9 larity arises solely from the use of the applicant's legal name in the  
10 business name.

11 (f) In this section, the name assumed by a foreign corporation  
12 under AS 10.05.607 or AS 10.20.471 is the business name of the foreign  
13 corporation.