

SB2251



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2251

Introduced 2/15/2013, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

805 ILCS 405/1	from Ch. 96, par. 4
805 ILCS 405/3	from Ch. 96, par. 6
805 ILCS 405/3a	from Ch. 96, par. 6a

Amends the Assumed Business Name Act. Provides that filings under the Act shall be in the manner prescribed by the County Clerk. Provides for the renewal of assumed business names every 5 years. Authorizes the withdrawal of an assumed name. Authorizes an increase in filing fees.

LRB098 07666 JLS 37739 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Assumed Business Name Act is amended by
5 changing Sections 1, 3, and 3a as follows:

6 (805 ILCS 405/1) (from Ch. 96, par. 4)

7 Sec. 1. Certificate; misrepresentation; renewals.

8 (a) No person or persons shall conduct or transact business
9 in this State under an assumed name, or under any designation,
10 name or style, corporate or otherwise, other than the real name
11 or names of the individual or individuals conducting or
12 transacting such business, unless such person or persons shall
13 file in the office of and in the manner prescribed by the
14 County Clerk of the County in which such person or persons
15 conduct or transact or intend to conduct or transact such
16 business, a certificate setting forth the name under which the
17 business is, or is to be, conducted or transacted, and the true
18 or real full name or names of the person or persons owning,
19 conducting or transacting the same, with the post office
20 address or addresses of such person or persons and every
21 address where such business is, or is to be, conducted or
22 transacted in the county. The certificate shall be executed and
23 duly acknowledged by the person or persons so conducting or

1 intending to conduct the business.

2 (b) Notice of the filing of such certificate shall be
3 published in a newspaper of general circulation published
4 within the county in which the certificate is filed. Such
5 notice shall be published once a week for 3 consecutive weeks.
6 The first publication shall be within 15 days after the
7 certificate is filed in the office of the County Clerk. Proof
8 of publication shall be filed with the County Clerk within 50
9 days from the date of filing the certificate. Upon receiving
10 proof of publication, the clerk shall issue a receipt to the
11 person filing such certificate but no additional charge shall
12 be assessed by the clerk for giving such receipt. Unless proof
13 of publication is made to the clerk, the certificate of
14 registration of the assumed name is void.

15 (c) If any person changes his name or his residence address
16 or the address of any place of business in the county where
17 such assumed name is being employed after filing a certificate,
18 or if the name of a person is added to any business
19 organization for which a certificate is on file, such person
20 shall file an additional, duly acknowledged certificate in the
21 office of the County Clerk of the county in which such person
22 transacts business under an assumed name. The certificate shall
23 set out the change or addition as the case may be. Such
24 certificate shall also set out the post office address of the
25 person. If any business organization for which such certificate
26 has been filed in any county of this State shall remove its

1 place of business to another county in this State or shall
2 establish an additional location for doing business in another
3 county of this State, a certificate shall be filed in the
4 office of the County Clerk of such other county and notice of
5 the filing of such certificate of a change or addition of a
6 name shall be published and proof of publication made pursuant
7 to the provisions of this section in the same manner as is
8 provided for original certificates to do business under an
9 assumed name.

10 (d) A foreign person or foreign entity may not use an
11 assumed or fictitious name in the conduct of its business to
12 intentionally misrepresent the origin or location of the person
13 or entity.

14 (e) A person conducting business under an assumed name
15 shall renew the certificate filed under subsection (a) every 5
16 years after the initial filing. The County Clerk of the county
17 in which a certificate is filed shall notify the person of the
18 renewal date. Failure to renew the certificate before the
19 renewal date shall result in the removal of the person's
20 assumed name from the index maintained under Section 3. The
21 County Clerk shall collect a fee of \$25 at the time of each
22 renewal.

23 (Source: P.A. 91-906, eff. 1-1-01.)

24 (805 ILCS 405/3) (from Ch. 96, par. 6)

25 Sec. 3. The several County Clerks of this State shall keep

1 an alphabetical index of all persons filing certificates
2 pursuant to Sections 1 and 2, and for the indexing and filing
3 of such certificate shall receive a fee established by the
4 County Clerk in an amount not exceeding \$50 ~~of \$5.00~~. A copy of
5 such certificate and receipt for proof of publication, duly
6 certified to by the County Clerk in whose office the
7 certificate is filed, shall be presumptive evidence in all
8 courts of law in this State of the facts therein contained.

9 (Source: P.A. 85-186.)

10 (805 ILCS 405/3a) (from Ch. 96, par. 6a)

11 Sec. 3a. Any person who has executed and filed the
12 certificate required by Section 1 or 2 of this Act and who
13 wishes to withdraw his name from the business organization
14 shall have the certificate cancelled in whole or in part by
15 filing in the office of the County Clerk where the certificate
16 is filed, a supplementary certificate under oath, showing that
17 such person or persons have ceased doing business under the
18 assumed name, or that the person or persons executing the
19 supplementary certificate have no further connection with or
20 financial interest in the business carried on under such
21 assumed name; whereupon the County Clerk shall note opposite
22 the trade name theretofore registered, the word "cancelled" and
23 the date of cancellation, or, in the case of withdrawal only of
24 one or more but less than all of the registrants, the clerk
25 shall note the word "Withdrawn" after the name of each party

1 filing the supplementary certificate indicating the
2 withdrawal, together with the date of such withdrawal. When
3 such withdrawal effectuates any change in or transfer of the
4 ownership of 25% or more of the total ownership interest in any
5 such business organization doing business under an assumed
6 name, then notice of the filing of such certificate shall be
7 published.

8 ~~A For filing a certificate noting the cancellation or~~
9 ~~withdrawal of one or more names, the County Clerk shall collect~~
10 ~~receive a fee of \$25 from any person who cancels a filed~~
11 ~~certificate, withdraws a name, or otherwise amends the~~
12 ~~certificate \$1.50.~~

13 Where a person files a certificate pursuant to Section 1 or
14 2 setting out a change of his name, or that his name is an
15 addition to an organization doing business under an assumed
16 name which has previously been registered, the County Clerk
17 shall note on the index of such person's name the word
18 "changed" or "addition" as the case may be.

19 (Source: Laws 1963, p. 2997.)