

Act No. 111
Public Acts of 1990
Approved by the Governor
June 20, 1990
Filed with the Secretary of State
June 21, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Gire, Stabenow, Bartnik, Martin, Leland, Rocca, Kosteva, Gubow, Joe Young, Jr., Runco, Miller, Pitoniak, Dolan, Bankes, Munsell, Jondahl, Fitzgerald, Honigman, DeMars, DeBeaussaert, Niederstadt, Hart, Johnson, Clack, Weeks, Griffin, Hertel, Stallworth, Kilpatrick, Profit, Harrison, Ciaramitaro, Power and Knight

ENROLLED HOUSE BILL No. 4168

AN ACT to amend sections 1, 2c, and 4 of Act No. 101 of the Public Acts of 1907, entitled "An act to regulate the carrying on of business under an assumed or fictitious name," section 1 as amended by Act No. 294 of the Public Acts of 1984, being sections 445.1, 445.2c, and 445.4 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 1, 2c, and 4 of Act No. 101 of the Public Acts of 1907, section 1 as amended by Act No. 294 of the Public Acts of 1984, being sections 445.1, 445.2c, and 445.4 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 1. (1) A person shall not carry on, conduct, or transact business in this state under an assumed name, or under a designation, name, or style other than the real name of the person owning, conducting, or transacting that business, unless the person files in duplicate in the office of the clerk of the county or counties in which the person owns, conducts, or transacts, or intends to own, conduct, or transact, business, or maintains an office or place of business, a certificate on a form furnished by the county clerk setting forth the name under which the business owned is, or is to be, conducted or transacted, and the true or real full name and address of the person owning, conducting, or transacting the business. At the time of filing the certificate, the person shall pay the clerk a filing fee of \$6.00. The certificate shall be executed and duly acknowledged by the person owning, conducting, or intending to conduct the business.

(2) The selling of goods by sample or through a traveling agent or traveling salesperson, or by means of orders forwarded by the purchaser through the mails, shall not be construed for the purpose of this act as conducting or transacting business so as to require the filing of the certificates.

(3) The county clerk shall certify the duplicate and return it to the applicant.

(4) As used in this act:

(a) "Person" means 1 or more individuals, partnerships, trusts, fiduciaries, or other entities capable of contracting, except corporations and limited partnerships.

(b) "Address" means the residence or principal business address of the person.

(5) A charter county with a population of more than 2,000,000 may impose by ordinance a different amount for the filing fee prescribed by subsection (1). A charter county shall not impose a fee which is greater than the cost of the service for which the fee is charged.

Sec. 2c. Upon request and payment of \$2.00 per copy, the clerk shall supply certified copies of the original or renewal certificates.

Sec. 4. The certificate referred to in section 1, in the case of any person named in the certificate other than an individual, shall state the nature of the entity; the statutory law, if any, under which it was organized; the place and the date of filing with any governmental authority, identifying it, of any documents, describing them, required to be filed in order to accomplish or complete the organization of the entity and to entitle it to operate or transact business under the laws of this state and, if organized elsewhere, of the state or country where organized; and, if a fiduciary, the date of the last will and testament or trust agreement and the court, place, and date of admission to probate of the will or the names and addresses of the parties to the trust agreement, and the name and address of each fiduciary; and, if a partnership, the name and address of each general partner. This act shall in no way affect or apply to any corporation or limited partnership organized under the laws of this state, or to any corporation or limited partnership organized under the laws of any other state and lawfully doing business in the state, except as otherwise provided by the professional service corporation act, Act No. 192 of the Public Acts of 1962, as amended, being sections 450.221 to 450.235 of the Michigan Compiled Laws.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.