

HOUSE BILL No. 4168

February 14, 1989, 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 and referred to the Committee on Economic Development and Energy.

A bill 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:

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

5 Sec. 1. (1) A person shall not carry on, ~~or~~ conduct, or
6 transact business in this state under an assumed name, or under a
7 designation, name, or style other than the real name of the

1 person owning, conducting, or transacting that business, unless
2 the person files in duplicate in the office of the clerk of the
3 county or counties in which the person owns, conducts, or trans-
4 acts, or intends to own, conduct, or transact, business, or main-
5 tains an office or place of business, a certificate on a form
6 furnished by the county clerk setting forth the name under which
7 the business owned is, or is to be, conducted or transacted, and
8 the true or real full name AND ADDRESS of the person owning, con-
9 ducting, or transacting the ~~same, with the address of the~~
10 ~~person, at which time~~ BUSINESS. AT THE TIME OF FILING THE
11 CERTIFICATE, the person shall pay the clerk a filing fee of
12 \$6.00. The certificate shall be executed and duly acknowledged
13 by the person owning, conducting, or intending to conduct the
14 business.

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

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

22 (4) As used in this act:

23 (a) "Person" means 1 or more individuals, partnerships,
24 ~~limited partnerships, trust~~ TRUSTS, fiduciaries, or other enti-
25 ties capable of contracting, EXCEPT CORPORATIONS AND LIMITED
26 PARTNERSHIPS.

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

3 (5) A charter county with a population of more than
4 2,000,000 may impose by ordinance a different amount for the
5 filing fee prescribed by subsection (1). A charter county shall
6 not impose a fee which is greater than the cost of the service
7 for which the fee is charged.

8 Sec. 2c. ~~The clerk, upon request of any person,~~ UPON
9 REQUEST AND PAYMENT OF \$2.00 PER COPY, THE CLERK shall supply
10 certified copies of the original or renewal certificates. ~~upon~~
11 ~~payment of a fee of \$2.00 per copy.~~

12 Sec. 4. The certificate referred to in section 1, in the
13 case of any person named ~~therein~~ IN THE CERTIFICATE other than
14 an individual, shall state the nature of the entity; the statu-
15 tory law, if any, ~~pursuant to~~ UNDER which it was organized; the
16 place and the date of filing with any governmental authority,
17 identifying it, of any documents, describing them, required to be
18 filed in order to accomplish or complete the organization of the
19 entity and to entitle it to operate or transact business under
20 the laws of this state and, if organized elsewhere, of the state
21 or country where organized; and, if a fiduciary, the date of the
22 last will and testament or trust agreement and the court, place,
23 and date of admission to probate of the will or the names and
24 addresses of the parties to the trust agreement, and the name and
25 address of each fiduciary; and, if a partnership, ~~or limited~~
26 ~~partnership,~~ the name and address of each general partner. This
27 act shall in no way affect or apply to any corporation OR LIMITED

1 PARTNERSHIP organized under the laws of this state, or to any
2 corporation OR LIMITED PARTNERSHIP organized under the laws of
3 any other state and lawfully doing business in the state, except
4 as otherwise provided by THE PROFESSIONAL SERVICE CORPORATION
5 ACT, Act No. 192 of the Public Acts of 1962, as amended, BEING
6 SECTIONS 450.221 TO 450.235 OF THE MICHIGAN COMPILED LAWS.