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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1296**

03/06/2013 Authored by Wills, Freiberg and Holberg

The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to assumed names; modifying publication requirements; amending
1.3 Minnesota Statutes 2012, sections 333.01, subdivision 1; 333.04.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2012, section 333.01, subdivision 1, is amended to read:

1.6 Subdivision 1. **Certificate.** No person shall hereafter carry on or conduct or transact
1.7 a commercial business in this state under any designation, name, or style, which does not
1.8 set forth the true name of every person interested in such business unless such person shall
1.9 file in the Office of the Secretary of State, a certificate setting forth the name and business
1.10 address under which the business is conducted or transacted, or is to be conducted or
1.11 transacted, and the true name of each person conducting or transacting the same, with the
1.12 address of such person. The name of the business must not include any of the following
1.13 phrases or their abbreviations: corporation, incorporated, limited, chartered, professional
1.14 association, cooperative, limited partnership, limited liability company, professional
1.15 limited liability company, limited liability partnership, or professional limited liability
1.16 partnership, except to the extent that an entity filing a certificate would be authorized to
1.17 use the phrase or abbreviation. The certificate shall be executed by one of the persons
1.18 conducting, or intending to conduct, the business. ~~The certificate shall be published after it~~
1.19 ~~has been filed with the secretary of state in a qualified newspaper in the county in which~~
1.20 ~~the person has a principal or registered office for two successive issues.~~

1.21 Sec. 2. Minnesota Statutes 2012, section 333.04, is amended to read:

1.22 **333.04 SECRETARY OF STATE; DUTIES, FEES.**

2.1 The secretary of state shall keep an alphabetical list of assumed names filed
2.2 pursuant to section 333.01 after August 1, 1978, together with trademarks, service marks,
2.3 certification marks or collective marks filed with the secretary of state and issued pursuant
2.4 to sections 333.20 and 333.21, and for the indexing and filing of the certificates shall
2.5 charge the applicant a fee prescribed by section 333.055. A copy of such certificate, duly
2.6 certified to by the secretary of state, shall be presumptive evidence in all courts of law in
2.7 this state of the facts therein contained. The secretary of state shall make the assumed
2.8 name certificates available on an individual inquiry basis on the secretary of state Web site.