

CARRYING ON BUSINESS UNDER ASSUMED OR FICTITIOUS NAME (EXCERPT)

Act 101 of 1907

445.1 Certificate required to carry on business under assumed name; filing; form; contents; fee; execution and acknowledgment; exceptions; certification and return of duplicate; "person" and "address" defined; imposition of fee by certain charter counties.

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.

History: 1907, Act 101, Eff. Sept. 28, 1907;—CL 1915, 6349;—CL 1929, 9825;—Am. 1931, Act 274, Eff. Sept. 18, 1931;—CL 1948, 445.1;—Am. 1949, Act 151, Eff. Sept. 23, 1949;—Am. 1967, Act 138, Eff. Nov. 2, 1967;—Am. 1968, Act 165, Eff. Nov. 15, 1968;—Am. 1969, Act 158, Imd. Eff. Aug. 5, 1969;—Am. 1977, Act 121, Imd. Eff. Oct. 19, 1977;—Am. 1984, Act 294, Imd. Eff. Dec. 20, 1984;—Am. 1990, Act 111, Eff. Mar. 28, 1991.