

ASSEMBLY BILL NO. 154—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF COUNTY FISCAL OFFICERS ASSOCIATION)

FEBRUARY 15, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing persons who conduct business under assumed or fictitious name. (BDR 52-443)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to business practices; requiring the certificate that a person who conducts business in this state under an assumed or fictitious name is required to file with the county clerk to be notarized; providing for the renewal of such a certificate; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 602 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *1. On or before the expiration of a certificate filed pursuant to NRS*
4 *602.010 or a renewal certificate filed pursuant to this section, a person*
5 *doing business in this state under an assumed or fictitious name that*
6 *does not indicate the real name of each person who owns an interest in*
7 *the business must file a renewal certificate containing the information*
8 *required by NRS 602.020 with the county clerk of each county in which*
9 *the business is being conducted.*

10 *2. A renewal certificate filed pursuant to this section expires 5 years*
11 *after it is first filed with a county clerk.*

12 **Sec. 2.** NRS 602.010 is hereby amended to read as follows:

13 602.010 1. Every person doing business in this state under an
14 assumed or fictitious name which does not ~~show~~ *indicate* the real name
15 of each person who owns an interest in the business ~~it~~ must file with the
16 county clerk of each county in which the business is being conducted ~~it~~ a
17 certificate containing the information required by NRS 602.020.

18 2. A person intending to conduct a business under an assumed or
19 fictitious name may, before initiating the conduct of the business, file a



1 certificate with the county clerk of each county in which the business is
2 intended to be conducted.

3 *3. A certificate filed pursuant to this section expires 5 years after it is*
4 *first filed with a county clerk.*

5 **Sec. 3.** NRS 602.020 is hereby amended to read as follows:

6 602.020 1. ~~He~~ *A certificate filed pursuant to NRS 602.010 or a*
7 *renewal certificate filed pursuant to section 1 of this act* must state the
8 assumed or fictitious name under which the business is being conducted or
9 is intended to be conducted, and if conducted by:

10 (a) A natural person ~~his~~ :

11 (1) *His* full name ~~and~~ ;

12 (2) *The* street address ~~either~~ *of his residence or business; and*

13 (3) *If the mailing address is different from the street address, the*
14 *mailing address of his* residence or business;

15 (b) An artificial person required to make annual filings with the
16 secretary of state to retain its good standing, its name as it appears in the
17 records of the secretary of state;

18 (c) A general partnership ~~the~~ :

19 (1) *The* full name ~~and~~ *of each partner who is a natural person;*

20 (2) *The* street address ~~either~~ *of the residence or business of each*
21 *partner who is a natural person;*

22 (3) *If the mailing address is different from the street address, the*
23 *mailing address of the* residence or business ~~of~~ of each partner who is a
24 natural person ~~and~~ ; and

25 (4) *If* one or more of the partners is an artificial person described in
26 subsection (b), the information required by subsection (b) for each such
27 partner; or

28 (d) A trust ~~the~~ :

29 (1) *The* full name ~~and~~ *of each trustee of the trust;*

30 (2) *The* street address ~~either~~ *of the residence or business of each*
31 *trustee of the trust; and*

32 (3) *If the mailing address is different from the street address, the*
33 *mailing address of the* residence or business ~~of~~ of each trustee of the trust.

34 2. The certificate must be : ~~signed~~

35 (a) *Signed:*

36 (1) In the case of a natural person, by him;

37 ~~(b)~~ (2) In the case of an artificial person required to make annual
38 filings with the secretary of state to retain its good standing, by a person
39 required to sign the annual filing;

40 ~~(c)~~ (3) In the case of a general partnership, by each of the partners
41 who is a natural person, and if one or more of the partners is an artificial
42 person described in subsection (b), by an officer of the corporation or an
43 authorized representative of the artificial person; or

44 ~~(d)~~ (4) In the case of a trust, by each of the trustees ~~of~~ ; and

45 (b) *Notarized.*

46 **Sec. 4.** NRS 602.055 is hereby amended to read as follows:

47 602.055 1. Any person who has filed a certificate may, upon the
48 termination of the business or his ownership in it, file with the county clerk
49 where the certificate is on file a certificate of termination stating that the



1 person who filed the certificate has terminated the business being
2 conducted under the assumed or fictitious name or his ownership in it and
3 the date of the termination.

4 2. The certificate of termination must be *notarized and* signed in the
5 same manner as required by NRS 602.020, except that it is sufficient if
6 signed in the case of a general partnership by only one partner or in the
7 case of a trust by only one trustee.

8 3. Upon the filing of a certificate of termination, the county clerk shall
9 note the termination in the book or other suitable index required by NRS
10 602.050.

11 **Sec. 5.** NRS 602.080 is hereby amended to read as follows:

12 602.080 ~~1. Partnerships which were engaged in business before~~
13 ~~March 20, 1923, and which had complied with the provisions of chapter~~
14 ~~40, Statutes of Nevada 1887, are not required to comply with the~~
15 ~~provisions of this chapter except as to subsequent changes in membership~~
16 ~~of the partnerships.~~

17 ~~2.~~ Limited partnerships formed and foreign limited partnerships
18 registered pursuant to chapter 88 of NRS are not required to comply with
19 the provisions of this chapter.

20 **Sec. 6.** NRS 369.190 is hereby amended to read as follows:

21 369.190 1. An application for any of the licenses described in NRS
22 369.180 must be made to the board of county commissioners of the county
23 in which the applicant maintains his principal place of business.

24 2. Each application must:

25 (a) Be made on such form as the department prescribes.

26 (b) Include the name and address of the applicant. If the applicant is:

27 (1) A partnership, the application must include the names and
28 addresses of all partners.

29 (2) A corporation, association or other organization, the application
30 must include the names and addresses of the president, vice president,
31 secretary and managing officer or officers.

32 (3) A person carrying on or transacting business in this state under an
33 assumed or fictitious name, the person making the application ~~shall attach~~
34 ~~thereto.~~

35 *must attach to the application:*

36 (I) A certified copy of the certificate required by NRS 602.010 ~~+~~
37 *or the renewal certificate required by section 1 of this act.*

38 (II) A certificate signed by an officer of the corporation or by each
39 person interested in, or conducting or carrying on such business, or
40 intending so to do, and acknowledged before a person authorized to take
41 acknowledgments of conveyances of real property, indicating the name of
42 the authorized representative whose signature may be required on the
43 license under the provisions of this chapter.

44 (c) Specify the location, by street and number, of the premises for which
45 the license is sought.

46 (d) Be accompanied by the annual license fee required for the particular
47 license for which application is made.



1 3. The board of county commissioners shall examine all applications
2 filed with it, and ~~in addition thereto~~ shall require satisfactory evidence
3 that the applicant is a person of good moral character.

4 **Sec. 7.** NRS 370.100 is hereby amended to read as follows:

5 370.100 An application for a cigarette dealer's license ~~shall~~ **must**:

6 1. Be made to the department on forms prescribed by the department.

7 2. Include the name and address of the applicant. If the applicant is a
8 partnership, the application ~~shall~~ **must** include the names and addresses
9 of all partners. If the applicant is a corporation, association or other
10 organization, the application ~~shall~~ **must** include the names and addresses
11 of the president, vice president, secretary and managing officer or officers.

12 3. Specify the location, by street and number, of the premises for
13 which the license is sought.

14 4. Be accompanied by the required license fee.

15 5. Be accompanied by a certified copy of the certificate required by
16 NRS 602.010 ~~or the renewal certificate required by section 1 of this~~
17 ~~act.~~

18 **Sec. 8.** NRS 683A.240 is hereby amended to read as follows:

19 683A.240 1. ~~Every~~ **An** unincorporated licensee or unincorporated
20 applicant for a license under this chapter who desires to use a name other
21 than its true name as ~~shown~~ **indicated** on its license ~~shall~~ **must** file with
22 the commissioner a certified copy of the entry of the county clerk and of
23 the certificate **or renewal certificate** filed under chapter 602 of NRS.

24 ~~Every~~ **An** incorporated licensee and incorporated applicant must file with
25 the commissioner in writing the corporation's true name and ~~also all~~ **the**
26 fictitious names under which it conducts or intends to conduct business.
27 After licensing, ~~every such~~ **each** licensee shall file promptly with the
28 commissioner written notice of any change in or discontinuance of the use
29 of any such name.

30 2. The commissioner may in writing disapprove the use of any true
31 name, other than the bona fide natural name of an individual applicant or
32 licensee, or any fictitious name used or proposed to be used by any
33 applicant or licensee, on any of the following grounds:

34 (a) The name interferes with or is deceptively similar to a name already
35 filed and in use by another licensee.

36 (b) Use of the name may mislead the public in any respect.

37 (c) The name states or implies that the licensee or applicant is an
38 insurer, motor club, hospital service plan or is entitled to engage in
39 insurance activities not ~~permitted~~ **authorized** under licenses which it
40 holds or has applied for.

41 (d) The name states or implies that the licensee is an underwriter. ~~This~~
42 ~~paragraph does not prevent an~~ **The provisions of this paragraph do not**
43 **prohibit:**

44 (1) **An** individual life agent licensee or ~~an~~ individual life insurance
45 broker licensee from describing himself as an underwriter ~~or~~ or from using
46 the designation "chartered life underwriter" if **he is** entitled ~~thereto, or~~
47 **prevent a** **to use that designation;**



* A B 1 5 4 *

1 (2) A natural person who is a property and casualty licensee from
2 using the designation "chartered property and casualty underwriter" if *he is*
3 entitled ~~thereto, or prevent an~~ *to use that designation; or*

4 (3) An insurance agent or broker trade association from using a name
5 containing "underwriter."

6 (e) The licensee has already filed and not discontinued use of more than
7 two names, including the true name.

8 3. A licensee shall not use a name after written notice from the
9 commissioner that its use is contrary to this section. If the commissioner
10 determines that ~~such~~ the use *of the name* is justified by mitigating
11 circumstances, he may in writing ~~permit~~ *authorize the* use of the name to
12 continue for a specified reasonable period upon conditions imposed by him
13 for the protection of the public consistent with the purposes of this section.

14 4. Paragraphs (a), (c) and (d) of subsection 2 do not apply to the true
15 name of any organization which on July 1, 1965, held under ~~such~~ *that*
16 name any type of license similar to those provided for under this chapter,
17 or to any fictitious name in use on July 1, 1965, by any natural person or
18 organization holding any type of license similar to those provided for under
19 this chapter, if the fictitious name was filed with the commissioner on or
20 before July 1, 1965.

21 **Sec. 9.** NRS 686A.370 is hereby amended to read as follows:

22 686A.370 1. ~~Every~~ *An* unincorporated licensee or unincorporated
23 applicant for a license who desires the issuance of a license under a
24 fictitious name ~~shall~~ *must* file with the commissioner a certified copy of
25 the entry in the county clerk's register and of the certificate *or renewal*
26 *certificate* filed pursuant to chapter 602 of NRS. ~~Every~~ *An* incorporated
27 licensee and incorporated applicant ~~shall~~ *must* file with the commissioner
28 in writing the corporation's true name and ~~false~~ *the* fictitious names
29 under which it conducts or intends to conduct business in this state. After
30 licensing, ~~every~~ *each* licensee shall file promptly with the commissioner
31 written notice of any change in or discontinuance of any fictitious name.

32 2. The commissioner may in writing disapprove the use of any true
33 name, other than the bona fide natural name of a natural person, or any
34 fictitious name used or proposed to be used by any applicant or licensee, on
35 any of the following grounds:

36 (a) The name interferes with or is deceptively similar to a name already
37 filed and in use by another licensee;

38 (b) Use of the name may mislead the public in any respect; or

39 (c) The name states or implies that the licensee or applicant is an insurer
40 or is entitled to engage in insurance activities not ~~permitted~~ *authorized*
41 under *the* licenses which he holds or for which he has applied.

42 **Sec. 10.** 1. Notwithstanding the provisions of section 1 of this act, a
43 person who:

44 (a) On October 1, 2001, is doing business in this state under an assumed
45 or fictitious name that does not indicate the real name of each person who
46 owns an interest in the business; and

47 (b) Filed the certificate required by NRS 602.010 on or before
48 October 1, 1996,



1 must file a renewal certificate containing the information required pursuant
2 to NRS 602.020 with the county clerk of each county in which the
3 business is being conducted not later than November 1, 2001.
4 2. A person who:
5 (a) Is doing business in this state under an assumed or fictitious name
6 that does not indicate the real name of each person who owns a interest in
7 the business; and
8 (b) Filed the certificate required by NRS 602.010 after October 1, 1996,
9 but before October 1, 2001,
10 must file a renewal certificate containing the information required by NRS
11 602.020 and with the county clerk of each county in which the business is
12 being conducted not later than 5 years after the certificate is first filed with
13 a county clerk.
14 **Sec. 11.** NRS 602.015 is hereby repealed.

TEXT OF REPEALED SECTION

602.015 Filing by corporations doing business in state on July 1, 1969. Any corporation conducting, carrying on or transacting business in this state under an assumed or fictitious name or designation on July 1, 1969, shall within 30 days after July 1, 1969, file the certificate required by NRS 602.010.

