

Assembly Bill No. 154—Committee on Commerce and Labor

CHAPTER.....

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:

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

1. The board of county commissioners of a county may provide, by ordinance, that a certificate filed with the county clerk pursuant to NRS 602.010 expires 5 years after it is filed.

2. If such an ordinance is adopted, on or before the expiration of the certificate, the person doing business in the county under an assumed or fictitious name that does not indicate the real name of each person who owns an interest in the business must file a renewal certificate containing the information required by NRS 602.020 with the county clerk.

3. A renewal certificate filed pursuant to this section:

(a) Expires 5 years after it is filed with the county clerk.

(b) Must include a statement indicating that the renewal certificate expires 5 years after the date on which it is filed with the county clerk.

4. Upon the adoption of such an ordinance, the county clerk shall cause to be published in a newspaper of general circulation in the county notice that those persons who have filed certificates in the county pursuant to NRS 602.010 are required to renew those certificates pursuant to the provisions of this section.

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

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

2. A person intending to conduct a business under an assumed or fictitious name may, before initiating the conduct of the business, file a certificate with the county clerk of each county in which the business is intended to be conducted.

3. If the board of county commissioners of a county has adopted an ordinance pursuant to section 1 of this act, a certificate filed pursuant to this section expires 5 years after it is filed with the county clerk.

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

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

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

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

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

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

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

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

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

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

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

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

(d) A trust ~~the~~ :

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

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

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

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

(a) *Signed:*

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

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

~~(c)~~ (3) In the case of a general partnership, by each of the partners who is a natural person, and if one or more of the partners is an artificial person described in ~~subsection (b)~~ subparagraph (2), by an officer of the corporation or ~~an authorized representative of the artificial person; or~~

~~(d)~~ *a person required to sign the annual filing; or*

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

(b) *Notarized.*

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

602.055 1. Any person who has filed a certificate may, upon the termination of the business or his ownership in it, file with the county clerk where the certificate is on file a certificate of termination stating that the person who filed the certificate has terminated the business being conducted under the assumed or fictitious name or his ownership in it and the date of the termination.

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

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

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

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

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

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

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

2. Each application must:

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

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

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

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

(3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application ~~{shall attach thereto:}~~

must attach to the application:

(I) A certified copy of the certificate required by NRS 602.010 ~~{}~~ *or any renewal certificate required by section 1 of this act.*

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

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

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

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

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

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

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

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

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

4. Be accompanied by the required license fee.
5. Be accompanied by a certified copy of the certificate required by NRS 602.010 ~~or any renewal certificate required by section 1 of this act.~~

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

683A.240 1. ~~Every~~ *An* unincorporated licensee or unincorporated applicant for a license under this chapter who desires to use a name other than its true name as ~~shown~~ *indicated* on its license ~~shall~~ *must* file with the commissioner a certified copy of the entry of the county clerk and of the certificate *or any renewal certificate* filed under chapter 602 of NRS. ~~Every~~ *An* incorporated licensee and incorporated applicant must file with the commissioner in writing the corporation's true name and ~~also all~~ *the* fictitious names under which it conducts or intends to conduct business. After licensing, ~~every such~~ *each* licensee shall file promptly with the commissioner written notice of any change in or discontinuance of the use of any such name.

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

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

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

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

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

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

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

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

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

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

4. Paragraphs (a), (c) and (d) of subsection 2 do not apply to the true name of any organization which on July 1, 1965, held under ~~such~~ *that* name any type of license similar to those provided for under this chapter,

or to any fictitious name in use on July 1, 1965, by any natural person or organization holding any type of license similar to those provided for under this chapter, if the fictitious name was filed with the commissioner on or before July 1, 1965.

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

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

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

- (a) The name interferes with or is deceptively similar to a name already filed and in use by another licensee;
- (b) Use of the name may mislead the public in any respect; or
- (c) The name states or implies that the licensee or applicant is an insurer or is entitled to engage in insurance activities not ~~permitted~~ *authorized* under *the* licenses which he holds or for which he has applied.

Sec. 10. NRS 602.015 is hereby repealed.

Sec. 11. This act becomes effective on July 1, 2001.

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.