

HOUSE BILL NO. 1372

Introduced by

Representatives Pollert, Disrud, Haas, Koppang

Senators Klein, Wanzek

1 A BILL for an Act to amend and reenact section 45-11-04.1 of the North Dakota Century Code,
2 relating to fictitious name certificate renewals filed with the secretary of state.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 45-11-04.1 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **45-11-04.1. Renewal.** ~~Any~~ A fictitious name certificate filed under this chapter must be
7 renewed every five years from the date of the initial filing, ~~except that those filings existing prior~~
8 ~~to July 1, 1985, must be required to file the statement of renewal by July 1, 1987, and then~~
9 ~~every five years thereafter.~~ The statement of renewal must be executed by the partnership on
10 forms prescribed and furnished by the secretary of state which are sent to the address of the
11 principal place of business at least sixty days before the deadline for filing. The statement must
12 include the fictitious name of the partnership, the state or country of organization, the address
13 of the principal place of business, a brief description of the nature of business in which the
14 partnership is engaged in this state, the names and addresses of all general partners, and a
15 statement that the partnership is still in existence and continues to transact business in this
16 state. If the secretary of state finds that the statement conforms to the requirements of this
17 section, and the filing fee of twenty-five dollars has been paid, the secretary of state shall file
18 the statement. If the secretary of state finds that it does not so conform, the secretary of state
19 shall promptly return the statement to the partnership for any necessary corrections, in which
20 event, the fictitious name certificate is subject to cancellation if the statement is not returned
21 corrected within thirty days after the statement was returned for corrections. If the statement of
22 renewal reflects a change of membership or change of address of the principal place of
23 business, the statement of renewal may not be filed until the fees required for these changes
24 are paid as required by section 45-11-05.1 or 45-11-08.1. If ~~any~~ a partnership fails to file the

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- 1 statement of renewal when due, the fictitious name certificate must be canceled by the
- 2 secretary of state and notice of ~~such~~ the cancellation must be mailed to the address of the
- 3 principal place of business.