

Introduced by

Senators Nething, O'Connell

Representative Kingsbury

1 A BILL for an Act to create and enact a new section to chapter 51-12 of the North Dakota  
2 Century Code, relating to false advertisements regarding location of business; and to provide a  
3 penalty.

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

5 **SECTION 1.** A new section to chapter 51-12 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Business location - Penalty.**

- 8 1. In a printed advertisement a person may not use an assumed or fictitious name for the  
9 conduct of the person's business which includes the name of any city in this state in a  
10 manner that suggests the business is located in that city, unless:
- 11 a. The business is located in the referenced city; or  
12 b. The printed advertisement includes the complete street address of the location  
13 from which the business is conducted, including the city and, if located outside  
14 this state, the state in which the business is located.
- 15 2. This section does not apply to the use of:
- 16 a. A trademark or service mark registered under the laws of this state or under  
17 federal law;  
18 b. A name that, when applied to the goods or services of the business, is merely  
19 descriptive of the goods or services; or  
20 c. A name that is merely a surname.
- 21 3. Violation of this section is a false and misleading advertisement in violation of section  
22 51-12-01. This section does not impose liability on a publisher that relies on the written  
23 assurances of a person placing a printed advertisement that the person has authority  
24 to use the assumed or fictitious name.

