

SB1360



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1360

Introduced 2/18/2015, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

805 ILCS 405/1

from Ch. 96, par. 4

Amends the Assumed Business Name Act. Provides that filings under the Act shall be in the manner prescribed by the County Clerk. Provides for the renewal of assumed business names every 5 years in counties with a population of 4,000,000 or more inhabitants.

LRB099 09142 JLS 31062 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Assumed Business Name Act is amended by
5 changing Section 1 as follows:

6 (805 ILCS 405/1) (from Ch. 96, par. 4)

7 Sec. 1. Certificate; misrepresentation; renewals.

8 (a) No person or persons shall conduct or transact business
9 in this State under an assumed name, or under any designation,
10 name or style, corporate or otherwise, other than the real name
11 or names of the individual or individuals conducting or
12 transacting such business, unless such person or persons shall
13 file in the office of and in the manner prescribed by the
14 County Clerk of the County in which such person or persons
15 conduct or transact or intend to conduct or transact such
16 business, a certificate setting forth the name under which the
17 business is, or is to be, conducted or transacted, and the true
18 or real full name or names of the person or persons owning,
19 conducting or transacting the same, with the post office
20 address or addresses of such person or persons and every
21 address where such business is, or is to be, conducted or
22 transacted in the county. The certificate shall be executed and
23 duly acknowledged by the person or persons so conducting or

1 intending to conduct the business.

2 (b) Notice of the filing of such certificate shall be
3 published in a newspaper of general circulation published
4 within the county in which the certificate is filed. Such
5 notice shall be published once a week for 3 consecutive weeks.
6 The first publication shall be within 15 days after the
7 certificate is filed in the office of the County Clerk. Proof
8 of publication shall be filed with the County Clerk within 50
9 days from the date of filing the certificate. Upon receiving
10 proof of publication, the clerk shall issue a receipt to the
11 person filing such certificate but no additional charge shall
12 be assessed by the clerk for giving such receipt. Unless proof
13 of publication is made to the clerk, the certificate of
14 registration of the assumed name is void.

15 (c) If any person changes his name or his residence address
16 or the address of any place of business in the county where
17 such assumed name is being employed after filing a certificate,
18 or if the name of a person is added to any business
19 organization for which a certificate is on file, such person
20 shall file an additional, duly acknowledged certificate in the
21 office of the County Clerk of the county in which such person
22 transacts business under an assumed name. The certificate shall
23 set out the change or addition as the case may be. Such
24 certificate shall also set out the post office address of the
25 person. If any business organization for which such certificate
26 has been filed in any county of this State shall remove its

1 place of business to another county in this State or shall
2 establish an additional location for doing business in another
3 county of this State, a certificate shall be filed in the
4 office of the County Clerk of such other county and notice of
5 the filing of such certificate of a change or addition of a
6 name shall be published and proof of publication made pursuant
7 to the provisions of this section in the same manner as is
8 provided for original certificates to do business under an
9 assumed name.

10 (d) A foreign person or foreign entity may not use an
11 assumed or fictitious name in the conduct of its business to
12 intentionally misrepresent the origin or location of the person
13 or entity.

14 (e) A person conducting business under an assumed name in a
15 county with 4,000,000 or more inhabitants shall renew the
16 certificate filed under subsection (a) every 5 years after the
17 initial filing. Certificates on record as of the effective date
18 of this amendatory Act of the 99th General Assembly shall be
19 renewed within 5 years after that effective date by a date
20 established by the County Clerk of the county in which the
21 certificate is filed. The County Clerk shall notify the person
22 or persons of the renewal date at least 90 days before the
23 renewal date. If the notice sent by the County Clerk is sent to
24 an address set forth in the assumed name certificate, as
25 amended, and the notice is returned as undeliverable at that
26 address, the County Clerk may at his or her discretion cancel

1 that certificate. Failure to renew the certificate before the
2 renewal date shall result in the cancellation of the person's
3 assumed name in the index maintained under Section 3. The
4 County Clerk shall collect a fee of \$25 at the time of each
5 renewal.

6 (Source: P.A. 91-906, eff. 1-1-01.)