



HOUSE BILL 228: Postpone Assumed Name Revisions.

2017-2018 General Assembly

Committee:	House Commerce and Job Development	Date:	April 5, 2017
Introduced by:	Rep. Davis	Prepared by:	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H228-CSBG-10		

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 228 would postpone for one year the implementation of the Assumed Business Name Act, as recommended by the General Statutes Commission.*

Compared to the first edition, the PCS would make one technical change: replace the phrase "Chapter 14A" with the phrase "Article 14A" in Section 1.

CURRENT LAW: Article 14 of Chapter 66, titled Business Under Assumed Name Regulated, governs the filing requirements for engaging in business under an assumed name. S.L. 2016-100 enacted a new Article 14A to modernize the law governing the use of assumed business names. Article 14A was a recommendation by the General Statutes Commission.

Section 2 of S.L. 2016-100 enacted Article 14A of Chapter 66, effective July 1, 2017.

Section 3 through Section 9 of S.L. 2016-100 made conforming changes to other statute sections to coordinate with the new Article 14A.

BILL ANALYSIS:

Section 1 states the purpose of the PCS, and states that Article 14 of Chapter 66 shall apply until July 1, 2018.

Section 2 would modify the following deadlines for certificates of assumed name under Article 14:

- Expiration of certificates of assumed named under Article 14 from July 1, 2022 to July 1, 2023.
- Filing certificates of assumed named under Article 14 from July 1, 2017 to July 1, 2018.
- Filing cut-off date related to withdrawal, transfer, or amendment of a certificate of assumed name filed under Article 14 from July 1, 2017 to July 1, 2018.

Section 3 would modify an effective date for a conforming change in G.S. 1-69.1(a)(3), addressing a pleading requirement in legal proceedings, from July 1, 2022 to July 1, 2023.

BACKGROUND: Article 14A establishes a statewide database of assumed business name information maintained by the Secretary of State. The database will not be operational by the current effective date of Article 14A.

EFFECTIVE DATE: The PCS for House Bill 228 would be effective when it becomes law.

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