

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 602

BY SENATOR BLAIR

[Originating in the Committee on Government

Organization; reported on March 22, 2017]

1 A BILL to amend and reenact §47-8-2 and §47-8-3 of the Code of West Virginia, 1931, as
2 amended, all relating to transferring responsibility for registering and indexing of fictitious
3 names used by sole proprietors.

Be it enacted by the Legislature of West Virginia:

1 That §47-8-2 and §47-8-3 of the Code of West Virginia, 1931, as amended, be amended
2 and reenacted, all to read as follows:

ARTICLE 8. TRADE NAMES.

§47-8-2. Business not to be conducted under assumed name without filing certificate of true name.

1 No individual, sole proprietorship or general partnership may carry on, conduct or transact
2 any business in this state under any assumed name, or under any designation, name or style,
3 corporate or otherwise, other than the real name or names of the individual or individuals owning,
4 conducting or transacting such business, unless that person or persons shall file ~~in the office of~~
5 ~~the clerk of the county commission of the county in which such person or persons maintains his~~
6 ~~principal place of business~~ with the Secretary of State a certificate form setting forth the name
7 under which such business is, or is to be, conducted or transacted, and the true or real full name
8 or names of the person or persons owning, conducting or transacting the same, with the home
9 and post office address or addresses of such person or persons. Such ~~certificate~~ form shall be
10 executed and duly acknowledged by the person or persons so owning, conducting or intending to
11 conduct such business. ~~Provided, That the selling of goods by sample or through traveling agents~~
12 ~~or traveling salesmen, or by means of orders forwarded by the purchaser through the mails, may~~
13 ~~not be construed for purposes of this article as conducting or transacting business so as to require~~
14 ~~the filing of such certificates~~

§47-8-3. Indexing of ~~certificates~~ forms filed with ~~clerk of county commission~~ Secretary of State.

1 The ~~clerks of county commissions of this~~ Secretary of State shall keep an alphabetical
2 ~~index~~ a searchable database of all persons filing ~~certificates~~ forms provided for in this article.

NOTE: The purpose of this bill is to create a uniform system of recording and indexing of fictitious names used by sole proprietors in this state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.