

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 602

BY SENATOR BLAIR

[Introduced March 14, 2017; Referred
to the Committee on Government Organization]

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 filed with clerk of county commission.

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.