

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 Sections 1, 3, and 3a 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 more than 4,000,000 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 98th 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. By ordinance of its governing board, a county with
6 fewer than 4,000,000 inhabitants may adopt this subsection,
7 making its provisions applicable to that county as if its
8 population exceeded 4,000,000 inhabitants.

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

10 (805 ILCS 405/3) (from Ch. 96, par. 6)

11 Sec. 3. The several County Clerks of this State shall keep
12 an alphabetical index of all persons filing certificates
13 pursuant to Sections 1 and 2, and for the indexing and filing
14 of such certificate shall receive a fee established by the
15 County Clerk in an amount not exceeding \$50 ~~of \$5.00~~. A copy of
16 such certificate and receipt for proof of publication, duly
17 certified to by the County Clerk in whose office the
18 certificate is filed, shall be presumptive evidence in all
19 courts of law in this State of the facts therein contained.

20 (Source: P.A. 85-186.)

21 (805 ILCS 405/3a) (from Ch. 96, par. 6a)

22 Sec. 3a. Any person who has executed and filed the
23 certificate required by Section 1 or 2 of this Act and who
24 wishes to withdraw his name from the business organization

1 shall have the certificate cancelled in whole or in part by
2 filing in the office of the County Clerk where the certificate
3 is filed, a supplementary certificate under oath, showing that
4 such person or persons have ceased doing business under the
5 assumed name, or that the person or persons executing the
6 supplementary certificate have no further connection with or
7 financial interest in the business carried on under such
8 assumed name; whereupon the County Clerk shall note opposite
9 the trade name theretofore registered, the word "cancelled" and
10 the date of cancellation, or, in the case of withdrawal only of
11 one or more but less than all of the registrants, the clerk
12 shall note the word "Withdrawn" after the name of each party
13 filing the supplementary certificate indicating the
14 withdrawal, together with the date of such withdrawal. When
15 such withdrawal effectuates any change in or transfer of the
16 ownership of 25% or more of the total ownership interest in any
17 such business organization doing business under an assumed
18 name, then notice of the filing of such certificate shall be
19 published.

20 ~~A For filing a certificate noting the cancellation or~~
21 ~~withdrawal of one or more names, the County Clerk shall collect~~
22 ~~receive~~ a fee of \$25 from any person who cancels a filed
23 certificate, withdraws a name, or otherwise amends the
24 certificate \$1.50.

25 Where a person files a certificate pursuant to Section 1 or
26 2 setting out a change of his name, or that his name is an

1 addition to an organization doing business under an assumed
2 name which has previously been registered, the County Clerk
3 shall note on the index of such person's name the word
4 "changed" or "addition" as the case may be.

5 (Source: Laws 1963, p. 2997.)