

House Bill 158

By: Representatives Franklin of the 160th, Westbrook of the 163rd, Smith of the 18th, Cheokas of the 151st, and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to registration of businesses using trade names, so as to provide for filing
3 of registration statements with the office of the Secretary of State; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Part 3 of Article 16 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
8 relating to registration of businesses using trade names, is amended by revising Code Section
9 10-1-490, relating to required registration statement for business using trade, partnership, or
10 other name not showing ownership, as follows:

11 "10-1-490.

12 (a) Every person, firm, or partnership carrying on in this state any trade or business under
13 any trade name or partnership name or other name which does not disclose the individual
14 ownership of the trade, business, or profession carried on under such name shall, within 30
15 days from March 29, 1937, or thereafter before commencing to do business, file ~~in the~~
16 ~~office of the clerk of the superior court of the county in which the business is chiefly~~

17 ~~carried on or, in the case of a domestic corporation using any name other than its corporate~~
18 ~~name, in the county of its legal domicile, with the office of the Secretary of State a~~
19 registration statement, verified by affidavit, setting forth the name or names and addresses
20 of the person, persons, firm, or partnership owning and carrying on said trade or business,
21 the county of the filer's legal domicile, the county in which the business is chiefly carried
22 on, and stating the nature of the business being carried on and the trade, partnership, or
23 other name used ~~and shall, upon any change of ownership, likewise file a new and amended~~
24 ~~statement of registration.~~ Notice of such filing ~~giving the names and addresses of each~~
25 ~~person, firm, or partnership to engage in business under such trade name or partnership~~
26 ~~name shall be published in the paper in which the sheriff's advertisements are printed once~~
27 a week for two weeks. No person, firm, or partnership already registered shall be required
28 to reregister except in the event of a change of ownership.

29 (b) ~~The clerk~~ office of the Secretary of State shall register the same by filing the verified
30 statement ~~in his office~~ and shall keep an alphabetical index of all such registrations in a
31 permanent record book ~~to be kept in his office,~~ the index to show the trade, partnership, or
32 other name registered and in connection therewith the names of the owners. ~~The applicant~~
33 ~~for registration shall accompany each registration statement with the fee prescribed by~~
34 ~~Code Section 15-6-77, relating to fees of clerks of the superior courts, as amended."~~

35

SECTION 2.

36 All laws and parts of laws in conflict with this Act are repealed.