

## Frequently Asked Questions for Assumed Business Name Laws & Forms

### **What is the purpose of the assumed business name certificate?**

The assumed business name certificate is intended for the registration of business names other than the legal name of an individual or legal entity. For example, if John Smith, as a sole proprietor, operates a lawn care business under the name "Smith Lawn Maintenance", he must file an assumed business name certificate to register the name "Smith Lawn Maintenance" as his assumed business name.

Likewise, if John and Jim Smith operate a lawn maintenance business under the name "Smith Brothers Lawn Maintenance" as general partners, then they must register the name "Smith Brothers Lawn Maintenance" as their assumed business name.

Any type of business entity, such as limited liability companies, business corporations, limited partnerships, or non-profit corporations that wishes to conduct business under a name other than the one that they have registered with the NC Secretary of State's office must file an assumed business name certificate to register their assumed business name.

### **Who should use the assumed business name certificate form?**

This form should be used by anyone, including individuals, businesses and legal entities, seeking to do business in the State of North Carolina using a name other than their own legal name.

This form should not be used for political committees or referendum committees who must file a statement of organization with either the State Board of Elections or a County Board of Elections per GS 163-278.7 or GS 163-278.9.

### **Am I required to use this form? Can I modify it to fit my specific needs?**

While this form is not mandatory, it has been designed to include all of the information that must be provided by law. You can create your own form, but it must include all of the information that is required by law.

Please note: if you create your own form, the register of deeds standards require the first page of any document to have 3" top margin to provide space for their recording information; subsequent pages only require ½" margin at the top. You can find more information on registers of deeds' filing standards [here](#).

### **Where do I file my assumed business name certificate?**

You can file an assumed business name certificate in your local register of deeds' office. Your certificate will be recorded and indexed in that county. It will also be uploaded to a statewide database of assumed business name information housed at the NC Secretary of State's office.

### **Do I have to file an assumed business name certificate in each county that I want to conduct business?**

No, beginning December 1, 2017 your certificate can be effective for multiple counties. When you file, you have the option of selecting all 100 counties, or you may list one or more counties in which you want to do business. New forms that allow you to easily indicate which counties you wish to conduct business are available [here](#).

**Do I have to pay multiple filing fees if more if I choose to conduct business in more than one (1) county?**

No, the filing fee is not affected by how many counties in which you choose to operate. You pay the same fee if you name one or 100 counties on your assumed business name certificate. You can find more information about registers of deeds' filing fees [here](#).

**What if someone else is already using the name I intend to use?**

Assumed business names are not required to be unique; therefore it is likely that more than one person or entity could register the same assumed business name. Registering an assumed business name in North Carolina ([Article 14A, Chapter 66 of the NC General Statutes](#)) does not give the filer the exclusive rights to the use of an assumed business name. However, you could be subject to legal action if you choose an assumed business name that is already being used by someone else. We [strongly](#) recommend that you consult with an attorney to explore your legal liabilities in use of an assumed business name.

**What if I already have an assumed name filed? I heard that the law has changed – do I have to re-file to keep my name registered?**

Yes, if you filed any time before December 1, 2017, you must file a new assumed business name certificate after December 1, 2017 and no later than December 1, 2022 in order to keep your assumed business name filing effective.

The NC General Assembly revised the assumed business name laws, which can be found in [Article 14A, Chapter 66 of the NC General Statutes](#). The new law requires that all assumed business name filings filed in the local register of deeds' offices must be compiled into a statewide centralized online searchable database at the NC Secretary of State's office. To ensure that all assumed business name information is contained in the statewide database, the law allows a 5-year transition period to give all businesses using an assumed name adequate time to re-file their assumed business information before the old filings expire on December 1, 2022.

**I filed my assumed business name certificate under the old law and some of that information has changed . Can I amend my old filing or should I file a new assumed name certificate on the new form?**

Since all certificates filed under the old law will expire on December 1, 2022, you should file an assumed name certificate on the new forms found [here](#). You should complete the form using current information. You only need to file in one county and may designate as many NC counties as you would like for the filing to be effective.

**I filed an assumed business name certificate after December 1, 2017, but now some of the information on that certificate has changed. What do I do?**

Once you have filed an initial certificate after December 1, 2017, then you can amend the information on that form by filing an Amendment of Assumed Name Certificate form, which can be found at [here](#). You **must** include the SOSID number that was assigned to your initial filing for your assumed business name certificate, which you can easily find by searching the NC Secretary of State's database found [here](#).

**What if I cease to do business under this assumed name? What should I do?**

If you cease doing business under an assumed name, you should file a Withdrawal of Assumed Name Certificate in the same county as your initial filing. You can find this form [here](#). You **must** include the SOSID number that was assigned to your initial filing for your assumed business name certificate, which you can easily find by searching the NC Secretary of State's database found [here](#).

**The new law establishes a new statewide database of assumed business names at the NC Secretary of State's office. Will the statewide database contain all of the old assumed business name information?**

No, the Secretary of State's statewide database of assumed business names will contain only filings made on or after December 1, 2017. If you need to find filings or information that pre-dates December 1, 2017, you will need to search in the register of deed's office for that information.

**Where do I get a certified copy of an assumed business name certificate? Do I go to the register of deeds or to the NC Secretary of State's office?**

You should get certified copies of assumed business name filings from the register of deeds' office where the information was filed. While the NC Secretary of State's office compiles information from across the state, it is not considered the official source of these records.

**Is the effective date of an assumed business name filing the date that it is indexed at the register of deeds or the date that it is entered in the Secretary of State's database?**

The effective date of an assumed business name filing is the date that it is filed at the register of deeds' office or the date shown on the face of the filing. The date that the information is sent to the NC Secretary of State does not affect the filings' effective date.

**Where can I search for assumed business names?**

Starting December 1, 2017, you can search for assumed business names on the NC Secretary of State's website, but you will only find filings that were made on or after that date. To search for filings that pre-date December 1, 2017, you must search in the register of deeds' office.