

**Effective 10/1/2026**

## **Part 1 General Provisions**

### **42-2-101 Definitions.**

As used in this chapter:

- (1) "D.B.A." means a person that carries on, conducts, or transacts business in this state using a name that is different from the legal name of the person.
- (2) "D.B.A. certificate" means a typed document that complies with Section 42-2-201.
- (3) "D.B.A. name" means the name a D.B.A. uses when carrying on, conducting, or transacting business in this state that is different from the legal name of the person.
- (4) "Director" means the director of the division appointed under Section 13-1a-103.
- (5) "Division" means the Division of Corporations and Commercial Code established in Section 13-1a-102.
- (6) "True name" means the legal name of a person.

Enacted by Chapter 93, 2026 General Session

### **42-2-102 Governing law.**

A D.B.A. is governed by:

- (1) this chapter; and
- (2) for a provision on which this chapter is silent, Title 16, Chapter 1a, Provisions Applicable to All Business Entities.

Enacted by Chapter 93, 2026 General Session

### **42-2-103 Recordkeeping-- Fees -- Evidence.**

- (1) The division shall:
  - (a) keep a record of each D.B.A. registered under this chapter; and
  - (b) collect the required filing fees.
- (2) A copy of each D.B.A. certificate the division certifies is presumptive evidence of the facts contained in the certificate.

Renumbered and Amended by Chapter 93, 2026 General Session

### **42-2-104 Corporate names, limited liability company names, and trademark, service mark, and trade name rights not affected.**

- (1) This chapter does not affect or apply to a corporation organized under the laws of any state if the corporation does business under the corporation's true name.
- (2)
  - (a) This chapter does not affect the statutory or common law trademark, service mark, or trade name rights granted by state or federal statute.
  - (b) An act listed in Subsection (2)(c) of itself does not authorize the use in this state of a D.B.A. in violation of the rights of another as established under:
    - (i) this chapter;
    - (ii) Title 70, Chapter 3a, Registration and Protection of Trademarks and Service Marks Act;

- (iii) the state law relating to names of corporations, partnerships, and other legal business entities;
  - (iv) the federal Trademark Act of 1946, 15 U.S.C. Section 1051 et seq.; or
  - (v) the common law, including rights in a trade name.
- (c) Subsection (2)(b) applies to:
- (i) a filing under this chapter;
  - (ii) an approval by the division in accordance with this chapter; or
  - (iii) the use of a D.B.A. name.
- (3) This chapter does not affect or apply to any limited liability company doing business in this state under the limited liability company's true name.

Renumbered and Amended by Chapter 93, 2026 General Session

**42-2-105 D.B.A. name.**

- (1) A D.B.A. name:
- (a) may not contain:
    - (i) a word or phrase that indicates or implies that the business is organized for a purpose other than a purpose contained in the business's application;
    - (ii) for a D.B.A. name that is changed or approved on or after May 4, 2022, the number sequence "911";
    - (iii) without the consent of the Department of Financial Institutions, the words described in Section 7-1-701;
    - (iv) the term or abbreviation:
      - (A) "limited liability company";
      - (B) "LLC"; or
      - (C) "L.L.C."; or
    - (v) a term or abbreviation that is of similar import to a term or abbreviation described in Subsection (1)(a)(iv);
  - (b) shall be distinguishable from a registered name or trademark of record in the offices of the division, in accordance with Section 16-1a-302 except as the division authorizes under Subsection (2);
  - (c) without the written consent of the United States Olympic Committee, may not contain the words:
    - (i) "Olympic";
    - (ii) "Olympiad"; or
    - (iii) "Citius Altius Fortius"; and
  - (d) authorized for use in this state on or after May 1, 2000, may not contain the terms:
    - (i) unless the person that owns the D.B.A. is a corporation registered in this state:
      - (A) "incorporated";
      - (B) "inc."; or
      - (C) a variation of "incorporated" or "inc."; or
    - (ii) unless the person that owns the D.B.A. is a limited liability company registered in this state:
      - (A) "limited liability company";
      - (B) "LLC";
      - (C) "L.L.C."; or
      - (D) a variation of "limited liability company", "LLC", or "L.L.C."
- (2) The division shall authorize an applicant's use of the D.B.A. name if:

- (a) the name is distinguishable from one or more of the names and trademarks on the division's records; or
- (b) the applicant delivers to the division a certified copy of the final judgment of a court with jurisdiction establishing the applicant's right to use the D.B.A. name in this state.
- (3) Before the day on which the division records the name of a D.B.A., the applicant shall translate into English or transliterate into letters of the English alphabet the D.B.A. name, if the D.B.A. name is not in English.
- (4) The division may not approve an application for a D.B.A. name to a person that violates this section.
- (5) The director shall:
  - (a) interpret and efficiently administer this section; and
  - (b) perform the duties imposed on the division by this section.
- (6) The division may not approve for filing a D.B.A. name that implies by a word in the name that the business is an agency of the state or a political subdivision of the state, if the business is not an agency of the state or a political subdivision of the state.
- (7) Section 16-10a-403 applies to this chapter.
- (8)
  - (a) The requirements of Subsection (1)(d) do not apply to a person that filed a certificate of assumed and of true name with the division on or before May 4, 1998, until December 31, 1998.
  - (b) On or after January 1, 1999, a person that carries on, conducts, or transacts business in this state under a D.B.A. shall comply with the requirements of Subsection (1)(d).

Renumbered and Amended by Chapter 93, 2026 General Session