Effective 5/12/2015
Repealed 10/1/2026

42-2-5 Certificate of assumed and of true name -- Contents -- Execution -- Filing -- Notice.

(1) For purposes of this section, "filed" means the Division of Corporations and Commercial Code has:
  (a) received and approved, as to form, a document submitted under this chapter; and
  (b) marked on the face of the document a stamp or seal indicating:
    (i) the time of day and date of approval;
    (ii) the name of the division; and
    (iii) the division director's signature and division seal, or facsimiles of the signature or seal.

(2) A person who carries on, conducts, or transacts business in this state under an assumed name, whether that business is carried on, conducted, or transacted as an individual, association, partnership, corporation, or otherwise, shall:
  (a) file with the Division of Corporations and Commercial Code a certificate setting forth:
    (i) the name under which the business is, or is to be carried on, conducted, or transacted;
    (ii) the full true name, or names, of the person owning, and the person carrying on, conducting, or transacting the business; and
    (iii) the location of the principal place of business, and the street address of the person; and
  (b) designate, in accordance with Subsection 16-17-203(1), and maintain a registered agent in this state.

(3) A certificate filed under this section shall be:
  (a) executed by the person owning, and the person carrying on, conducting, or transacting the business;
  (b) filed not later than 30 days after the time of commencing to carry on, conduct, or transact the business; and
  (c) submitted in a machine printed format.

(4) A certificate filed with the Division of Corporations and Commercial Code under this chapter shall include the following notice in a conspicuous place on the face thereof:

NOTICE - THE FILING OF THIS APPLICATION AND ITS APPROVAL BY THE DIVISION OF CORPORATIONS AND COMMERCIAL CODE DOES NOT AUTHORIZE THE USE IN THE STATE OF UTAH OF AN ASSUMED NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE UTAH CODE ANN. SECTIONS 42-2-5 ET SEQ.).

(5)
  (a) A certificate filed under this section shall include a portion that allows the person filing the form to voluntarily disclose the gender and race of one or more owners of the entity for which the filing is made.
  (b) Race shall be indicated under Subsection (5)(a) by selecting from the categories of race listed in 15 U.S.C. Sec. 631(f).
  (c) A person is not required to provide information under Subsection (5)(a) concerning the gender or race of one or more owners of the entity for which the filing is made.
  (d)
    (i) The Division of Corporations and Commercial Code shall compile information concerning the gender or race included on certificates filed with the Division of Corporations and Commercial Code.
    (ii) Information compiled by the Division of Corporations and Commercial Code under Subsection (5)(d)(i) may be compiled in a manner determined by the Division of

Corporations and Commercial Code by rules made pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) A person who carries on, conducts, or transacts business in this state under an assumed name, whether that business is carried on, conducted, or transacted as an individual, association, partnership, corporation, or otherwise, may change its registered agent or the address of its registered agent by filing with the division a statement of change in accordance with Section 16-17-206.