

1 **BUSINESS REGISTRATION - OPTIONAL**

2 **INCLUSION OF OWNERSHIP DATA**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mark A. Wheatley**

6 Senate Sponsor: Ross I. Romero

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8 **LONG TITLE**

9 **General Description:**

10 This bill requires a certificate of assumed and true name form created by the Division of  
11 Corporations and Commercial Code to allow a person to provide information about the  
12 gender and race of the entity's owner.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ requires the division to include on a form created by the division a way to indicate  
16 the gender and race of one or more owners of the entity for which the form is filed;  
17 and

18 ▶ provides that information concerning gender or race is not required to be provided.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **42-2-5**, as last amended by Laws of Utah 1999, Chapter 267

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27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section 42-2-5 is amended to read:

29 **42-2-5. Certificate of assumed and of true name -- Contents -- Execution -- Filing**  
30 **-- Notice.**

31 (1) Every person who carries on, conducts, or transacts business in this state under an  
32 assumed name, whether that business is carried on, conducted, or transacted as an individual,  
33 association, partnership, corporation, or otherwise, shall file with the Division of Corporations  
34 and Commercial Code a certificate setting forth:

35 (a) the name under which the business is, or is to be carried on, conducted, or  
36 transacted, and the full true name, or names, of the person owning, and the person carrying on,  
37 conducting, or transacting the business; and

38 (b) the location of the principal place of business, and the street address of the person.

39 (2) The certificate shall be executed by the person owning, and the person carrying on,  
40 conducting, or transacting the business, and shall be filed not later than 30 days after the time  
41 of commencing to carry on, conduct, or transact the business.

42 (3) "Filed" means the Division of Corporations and Commercial Code has received and  
43 approved, as to form, a document submitted under the provisions of this chapter, and has  
44 marked on the face of the document a stamp or seal indicating the time of day and date of  
45 approval, the name of the division, the division director's signature and division seal, or  
46 facsimiles of the signature or seal.

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

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

54 (5) (a) A certificate filed under this section shall include a portion that allows the  
55 person filing the form to voluntarily disclose the gender and race of one or more owners of the  
56 entity for which the filing is made.

57 (b) Race shall be indicated under Subsection (5)(a) by selecting from the categories of  
58 race listed in 15 U.S.C. Sec. 631(f).

59           (c) A person is not required to provide information under Subsection (5)(a) concerning  
60 the gender or race of one or more owners of the entity for which the filing is made.

61           (d) (i) The Division of Corporations and Commercial Code shall compile information  
62 concerning the gender or race included on certificates filed with the Division of Corporations  
63 and Commercial Code.

64           (ii) Information compiled by the Division of Corporations and Commercial Code under  
65 Subsection (5)(d)(i) may be compiled in a manner determined by the Division of Corporations  
66 and Commercial Code by rules made pursuant to Title 63, Chapter 46a, Utah Administrative  
67 Rulemaking Act.

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**Legislative Review Note**  
**as of 12-12-07 10:05 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 99 - Business Registration - Optional Inclusion of Ownership Data**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require a one-time appropriation of \$9,000 from the Commerce Service Fund to the Department of Commerce for form changes and database adjustments. The appropriation will in-turn reduce projected year-end deposits from the Commerce Service Fund to the General Fund.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$0	\$0	\$0	(\$9,000)	\$0
Commerce Service, One-time	\$0	\$9,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$9,000</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$9,000)</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.