



Assumed Business Name Act

*Re-register Your Business Before
Someone Else Does*

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QUESTIONS: Call BLNC 800-228-8443

Why Change the Assumed Business Name law?

- ▶ The NC General Assembly's goal is to create a statewide, searchable, online database of all businesses in NC using an assumed business name
- ▶ NC has 100 counties, each with its register of deeds that handles assumed business name filings
- ▶ Each has a 'unique', siloed database that does not talk to other databases
- ▶ Since the NC Secretary of State's office (NCSOS) has experience and the infrastructure for hosting public, searchable databases (LLCs, corporations, limited partnerships, nonprofits and others), NC General Assembly decided that it made sense to create a statewide Assumed Business Name database there



How do you get 100 databases into one?

- ▶ Taking data from 100 counties to make one statewide database proved to be expensive and impractical
- ▶ Instead, a transition period of 5 years established, meaning that all filers that filed under the old system have until **December 1, 2022** to re-file an assumed name certificate at their county register of deeds' office to continue to operate under that assumed business name



Assumed Business Name Law Changes

- ▶ Effective December 1, 2017, all assumed business names certificates must comply with the new law
 - ▶ NCGS Chapter 66, Article 14A – Assumed Business Name Act
 - ▶ Major Features
 - ▶ Keeps the filings at the local ROD's office
 - ▶ Allows for the filing to be effective statewide or in multiple counties
 - ▶ Information filed at local level will be compiled into a online searchable statewide database at the NC Secretary of State's office (NCSOS)
 - ▶ Notarization no longer required – filers simply sign
 - ▶ Allows amendment filings to keep information current
 - ▶ Contains 5 year transition period



Doing Business As (DBA) = Assumed Business Name

- ▶ Old DBAs – no longer valid after Dec 1, 2022.
- ▶ Now that you know, re-register before it's too late or you forget!
- ▶ New DBA Form – If you are re-registering a name **USE THE NEW FORM.**
- ▶ Where's the form? Go To: BLNC.gov
 - ▶ Click on 'Business Forms' tab
 - ▶ Forms found under "Assumed Business Name Forms (DBA)" heading
 - ▶ File at your county register of deeds' office (best to take in person)



The Details

- ▶ New form, may designate up to 5 assumed business names
- ▶ Pre-existing filings will expire December 1, 2022
- ▶ New information is required to allow the statewide database to work
 - ▶ Corporations, LLCs, limited partnerships and non-profits need to provide their **SOSID number** (Secretary of State identification number) with their name
 - ▶ Each assumed business name is assigned their own **SOSID number**
 - ▶ Amendments and Withdrawals require the SOSID number on filings to link them within the statewide database



Benefits of New Form

- ▶ On one form, you can register up to five assumed business names for only one \$26 filing fee (historically it was one name per form)
- ▶ No notarization needed which makes process easier
- ▶ You may make the DBA name effective throughout the state instead of just in that one specific county



More Benefits to DBA Change

- ▶ After you file with YOUR county register of deeds, they will submit an image and date to NCSOS – Why? To create one statewide business name database
- ▶ Anyone with internet access will be able to look up assumed business name(s) across the state
- ▶ The \$26 filing fee is one-time - no additional or renewal fees are required



ASSUMED BUSINESS NAME CERTIFICATE (NCGS 566-71.5)

Please print legibly.

1. The assumed business name is:

(You may include no more than five (5) assumed business names on this form.)

2. The real name of the person or entity engaging in business under the assumed business name is:

(Corporations, LLC's, limited partnerships must provide the exact name registered with the NC Secretary of State's office and the SOSID number assigned at the time of formation. Go to www.sosnc.gov/br/search to look up your information.)

3. The nature/type of the business is:

4. The street address of the principal place of business is: (PO Boxes are not acceptable)

5. The mailing address, if different from the street address, is:

6. The counties where the assumed business name will be used to engage in business are:

All 100 North Carolina counties

This certificate is signed by the owner/legal representative of the person or entity named above,
this _____ day of _____, 20_____.

Signature: _____

Printed/Typed Name: _____

Title: _____

(See instructions for who must sign for various business entity types.)

Redesigned Forms Require Extra Information

1. Up to 5 assumed business names may be designated
2. Business entities must provide exact name & SOSID number to allow integration with SOS database; direct link to SOS website search provided – new website is smart phone friendly
3. Check box provided for selecting all 100 counties – same fee for 1 or 100 counties



AMENDMENT OF ASSUMED BUSINESS NAME CERTIFICATE (NCGS 66-71.7)

(Please print legibly.)

1. The assumed business name previously registered is:

2. The real name of the person or entity engaging in business under the assumed business name is: _____
(Corporations, LLC's, limited partnerships must provide their NC SOSID number with the exact name they registered with the Secretary of State's office. Go to www.sosnc.gov/br/search to look up this information.)
3. The book and page number of the initial filing that is being amended is: Book _____, Page _____.
4. The identification number assigned to the assumed business name by the Secretary of State (SOS ID) is: _____
(Go to www.sosnc.gov/abn/search to look up this number.)
5. The certificate of assumed business name should be amended by changing the following information:
(Check all that apply and provide new information in the space provided below.):
 - Change assumed business name
 - Add real name of person engaging in business under assumed business name
 - Delete real name of person engaging in business under assumed business name
 - Change nature of business
 - Change street address of principal place of business
 - Change mailing address
 - Add counties where assumed business name will be used to engage in business
 - Delete counties where assumed business name will be used to engage in business
6. Provide new information here: Add/ Delete/ Change _____
 Add/ Delete/ Change _____
 Add/ Delete/ Change _____

(Attach additional pages if needed.)

This certificate is signed by the owner/legal representative of the person named above, this _____ day of _____, 20____.

Signature: _____

Title: _____

(See instructions for who must sign for various business entity types.)

New Amendment Filing

1. Amendment applies to one (1) assumed name (filers may not amend multiple assumed names in one amendment filing)
2. Business entities must provide exact name & SOSID number to allow integration with SOS database; direct link to SOS website search provided – new website is smart phone friendly
3. Book and page number of initial filing required



AMENDMENT OF ASSUMED BUSINESS NAME CERTIFICATE (NCGS 66-71.7)

(Please print legibly.)

1. The assumed business name previously registered is:

 2. The real name of the person or entity engaging in business under the assumed business name is: _____
(Corporations, LLC's, limited partnerships must provide their NC SOSID number with the exact name they registered with the Secretary of State's office. Go to www.sosnc.gov/br/search to look up this information.)
 3. The book and page number of the initial filing that is being amended is: Book _____, Page _____.
 4. The identification number assigned to the assumed business name by the Secretary of State (SOS ID) is: _____
(Go to www.sosnc.gov/abn/search to look up this number.)
 5. The certificate of assumed business name should be amended by changing the following information:
(Check all that apply and provide new information in the space provided below.):
 - Change assumed business name
 - Add real name of person engaging in business under assumed business name
 - Delete real name of person engaging in business under assumed business name
 - Change nature of business
 - Change street address of principal place of business
 - Change mailing address
 - Add counties where assumed business name will be used to engage in business
 - Delete counties where assumed business name will be used to engage in business
 6. Provide new information here: Add/ Delete/ Change _____
 Add/ Delete/ Change _____
 Add/ Delete/ Change _____
(Attach additional pages if needed.)
- This certificate is signed by the owner/legal representative of the person named above, this _____ day of _____, 20_____.
- Signature: _____
- Title: _____
- (See instructions for who must sign for various business entity types.)

New Amendment Filing cont'd

4. SOSID number for Assumed Business Name is required; form provides direct link to find that information
5. Filer check all boxes that apply
6. New information provided here including whether it should be added, deleted or changed



WITHDRAWAL OF ASSUMED NAME CERTIFICATE (NCGS 66-71.8)

Please print legibly.

1. The assumed business name being withdrawn is:

2. The real name of the person or entity engaging in business under the assumed business name is:

3. The current address of the real person named in #2 is: _____

4. The book and page number of the initial filing that is being withdrawn is: Book _____, Page _____.
5. The identification number assigned to the assumed business name by the Secretary of State (SOS ID) is:
_____ (Go to www.sosnc.gov/abn/search to look up this number.)
6. The business operating under the assumed name shown in #1 has ceased to engage in business under the assumed business name.
7. The effective date of the withdrawal is: upon filing OR _____
(Please choose one.) (Date must be LATER than the date of filing.)

This certificate is signed by the owner/legal representative of the person named above,

this _____ day of _____, 20_____.

Signature: _____

Printed/Typed Name: _____

Title: _____

(See instructions for who must sign for various types of business entities.)

Withdrawal Form

1. One assumed name may be withdrawn per filing
2. Name of one real person or entity required
3. Current address should be provided, regardless of what is on previous filings
4. Initial filings Book/Page # required (does NOT require Book/Page from amendment filings)
5. SOSID number for the assumed business name is required
6. Filers may show a future effective date for filing



You May Be Asking Yourself

- ▶ Is it possible for the same assumed name to exist/be registered by more than one person/entity?
 - ▶ **Yes**, in fact it is likely that there will be identical assumed names registered, even within the same county. There is no requirement in the law that a name be unique in order to be registered, but it is best to have unique name.
 - ▶ In order for a statewide database to work, each assumed name has to have a unique identifier, which is the SOSID number that is assigned when the information is sent to the NC Sec. of State by register of deeds' offices.



You May Be Asking Yourself

- ▶ You talked about an SOSID number for business entities and also an SOSID number for assumed business names. Are they the same? Can one entity have two (2) SOSID numbers?
 - ▶ **Yes**, it is possible that a company could have 2 SOSID numbers: one for their “real” corporate name and one for their assumed business name.
- ▶ SOSID numbers are unique identifiers assigned by our office that are used to accurately identify business entities that are registered on our databases.
- ▶ Assumed business names that are sent to our office will receive an SOSID number to accurately identify them.



You May Be Asking Yourself

- ▶ What happens when the old certificates expire in 2022? How are businesses going to know that their old assumed name certificate is no longer good? Do the new certificates have an expiration date?
 - ▶ The General Assembly has, to this point, provided **no funding** for public education & outreach to make the business community aware of the change in the law.
 - ▶ **Please tell others about this change!** Let your bank, chamber of commerce know and any other organization. Call **BLNC – 800-228-8443 with any questions!**
 - ▶ New certificates do not expire; they remain effective until withdrawn.



You May Be Asking Yourself

- ▶ Where will folks be able to get the new forms?
 - ▶ Go to BLNC.gov
 - ▶ Select **Business Forms** tab
 - ▶ New forms found under **Assumed Business Name Forms (DBA)** heading
 - Forms are fillable pdf version
 - Instructions for each form included on second page



You May Be Asking Yourself

- ▶ Does sending our filings to the NCSOS database change whether we can certify copies of them?
- ▶ The law specifically says that the ROD's office certified copy is prima facie evidence of facts contained in the certificate.
- ▶ The NCSOS can certify any record that is possesses; however, the record that is filed in the local ROD's office is considered the "official" record.



You May Be Asking Yourself

- ▶ Can a certificate of assumed name filed under the old law withdraw their certificate after December 1, 2017? Does that information go into the NCSOS database?
 - ▶ Yes, the new law transition provisions allow for an old certificate to be withdrawn under the old law.
 - ▶ No, the RODs DO NOT send any information about that withdrawal into the NCSOS database; the law specifically prohibits any information relating to old filings, transfers, amendments or withdrawals from being entered into the NCSOS database.



BLNC Team

(L to R) Holly, Laurel, Stephanie and Edward



Questions?

BLNC

800-228-8443

Free Service

Se Habla Español

Have a question other than DBA then go to
BLNC.gov – Click on

CONTACT BLNC