

AN ACT

ENTITLED, An Act to revise certain provisions regarding the registration of business names.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 37-11-1 be amended to read as follows:

37-11-1. Any person regularly engaging in or conducting a business in this state shall file a fictitious name statement unless one of the following apply:

- (1) The name of the business plainly shows the true surname of each person interested in the business; or
- (2) The name of the business is on file with the secretary of state in a required business filing.

The fictitious name statement shall include the name, post office address, and residence address of each person interested in the business and the address where the main office of the business is to be maintained. The fictitious name statement shall be electronically filed with the secretary of state, or filed in paper form with any register of deeds in the state. The filing shall be renewed every fifth year thereafter. A fee of ten dollars shall be paid with each new filing and renewal. The fee shall be retained by the filing office receiving the filing.

Section 2. That § 37-11-5 be amended to read as follows:

37-11-5. No person or firm operating or interested in a business, may maintain any legal action in the name under which the business is conducted unless the person or firm has complied with the provisions of §§ 37-11-1 and 37-11-2. No such person or firm may recover anything or enforce any right claimed to be due or arising out of the operation of the business until the statement required by § 37-11-1 or 37-11-2 has been filed.

An Act to revise certain provisions regarding the registration of business names.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 64

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 64

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State