

New Missouri Law Requires Immediate Action by More Than 500,000 Businesses

Secretary of State Robin Carnahan recently issued a press release concerning a recent, and little-noticed, change in Missouri law. Now, for the first time in the history of the state of Missouri, any business—including sole proprietorships, LLCs, corporations and partnerships—must not only register any name that the business uses (other than the name of the corporation or LLC itself), but it must also renew its registration every 5 years. The renewal period began this month, and will affect over 560,000 fictitious name registrations.

If a business uses or operates under any name other than the owner's name(s) or the actual name of the corporation or LLC—called “doing business as,” or a “d/b/a”—Missouri law has always required that those names be registered. For example, if Ma and Pa Kettle are in the business of selling confections at carnivals and fairs, and the name of their company is M&P, LLC, but they put signs up and refer to the business as “Kettle’s Kettle Corn,” that name must be registered. The same goes for people who run a business but do not have a LLC or corporation. Before the change in the law, the only thing they had to do was an initial filing. Now, however, they must file for renewal every five years, or else they lose the right to use that name.

Any fictitious name registration filed on or before August 28, 2004, must be renewed by August 28, 2009. If an individual or business does not file their renewal, their registration will expire and they will not be able to legally conduct business in Missouri. Fictitious names registered after August 28, 2004, will expire five years after the date they were filed.

“I am working diligently to ensure all businesses are aware of the change in law,” said Carnahan in a press release. “I encourage organiza-

tions and businesses to renew as soon as possible and to save time by filing online. My office has saved Missouri businesses over \$9.5 million through online filings, and I will continue to streamline services and cut red tape to help small businesses grow.”

The Secretary of State's office will send a reminder to all fictitious name holders with their expiration date and renewal information. All individuals and businesses are encouraged to register online or download the registration form and mail it to the Corporations Division of the Missouri Secretary of State's Office.

To look up the expiration date for your fictitious name registration go to: <https://www.sos.mo.gov/BusinessEntity/soskb/csearch.asp> To renew online, visit the link above and click on “renew” in the left column. There is a \$7.00 filing fee for registrations.

For more information about registering or renewing your d/b/a, or for assistance with any of your other business organization needs, contact Brown & Ruprecht, PC:

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