



American Subcontractors Association

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New Missouri Law Requires Immediate Action by Certain Contractors

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Missouri 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, all businesses—including sole proprietorships, LLCs, corporations and partnerships—must not only register all names under which they do business (other than the name of the corporation or LLC itself), but they must also renew the registration on all such “doing business as,” or a “d/b/a” fictitious names every 5 years. The renewal period began this month, and will affect over 560,000 fictitious name registrations, including many contractors and subcontractors.

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 “XYZ Construction Company, Inc.” advertizes as “XYZ Home Builders” 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 fictitious name registration 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 organizations 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.

If you are a subcontractor using a fictitious name and want 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.

THIS ARTICLE MAKES NO WARRANTIES AND IS NOT LEGAL ADVICE: CONSULT YOUR ATTORNEY.

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