

## REGISTRATION OF BUSINESS NAMES

Pursuant to SDCL 37-11-1: "It is a Class 2 misdemeanor for any person to engage in or conduct a business for profit in this state under any name which does not plainly show the true surname of each person interested in such business unless a statement is filed first."

The original statute was enacted in 1939 and was developed to disclose, not regulate, fictitious business names (business names which do not include the "true surname" of business owner or owners). The filings give notice to the public as to who owns a business if the name of the owner is not in the name of the business.

Beginning in July 2004 businesses can fulfill the filing requirement at the county Register of Deeds office with a *paper document* or with the Secretary of State electronically at [www.state.sd.us/sos/](http://www.state.sd.us/sos/) This change created an information system centered on providing public access to filed information through an internet search and increased the opportunity for business compliance by offering an electronic filing option.

The filing needs to be renewed every fifth year.

The fee for registration of a business name or renewal is \$10.00.

Corporations and trademarks are register at the South Dakota Secretary of State's Office.