



General Assembly

February Session, 2020

Raised Bill No. 5491

LCO No. 2791



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING REQUIREMENTS APPLICABLE TO NOTARY PUBLICS, THE ISSUANCE OF TRADE NAME CERTIFICATES AND IMPROVED PUBLIC ACCESS TO BUSINESS RECORDS FILED WITH THE SECRETARY OF THE STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-94b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) Except as provided in subsection (c) of this section, the Secretary
4 of the State may appoint as a notary public any qualified person who
5 submits an application in accordance with this section.

6 (b) In order to qualify for appointment as a notary public, a person
7 shall:

8 (1) Be eighteen years of age or older at the time of application;

9 (2) (A) Be a resident of the state of Connecticut at the time of
10 application and appointment, or (B) have one's principal place of
11 business in the state at the time of application and appointment;

12 (3) Pass [a written] an examination approved or administered by the
13 Secretary;

14 (4) Submit an application, on a form prescribed and provided by the
15 Secretary, which the applicant shall complete, in part, in the applicant's
16 handwriting without misstatement or omission of fact. The application
17 shall be accompanied by (A) a nonrefundable application fee of one
18 hundred twenty dollars, and (B) the recommendation of an individual
19 who has personally known the applicant for at least one year and is not
20 legally related to the applicant.

21 (c) The Secretary may deny an application based on:

22 (1) The applicant's conviction of a felony or a crime involving
23 dishonesty or moral turpitude;

24 (2) Revocation, suspension or restriction of a notary public
25 appointment or professional license issued to the applicant by this state
26 or any other state; or

27 (3) The applicant's official misconduct, whether or not any
28 disciplinary action has resulted.

29 (d) Upon approval of an application for appointment as a notary
30 public, the Secretary shall cause a certificate of appointment bearing a
31 facsimile of the Secretary's signature and countersigned by the
32 Secretary's executive assistant or an employee designated by the
33 Secretary to be issued to such appointee.

34 [(e) A notary public may obtain a replacement certificate of
35 appointment by filing a written request with the Secretary,
36 accompanied by a nonrefundable fee of five dollars.]

37 Sec. 2. Section 3-94n of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2020*):

39 Within thirty days after a change of [residence] residential address, a
40 notary public who is a resident of the state shall [file with the Secretary

41 a signed, written notice which shall include both the old and new
42 addresses] update the notary's residential address on the online system
43 provided by the Secretary of the State. Within thirty days after a change
44 of address of one's principal place of business, a notary public who is
45 not a resident of the state shall [file with the Secretary a signed, written
46 notice which shall include both the old and new addresses. Such notice
47 shall be accompanied by a nonrefundable fee of fifteen dollars] update
48 the address of one's principal place of business on the online system
49 provided by the Secretary of the State. If the change of address is to a
50 different municipality, the notary shall, [within thirty days after
51 issuance of a replacement certificate of appointment by the Secretary,
52 record such] not later than thirty days after the date of the change of
53 residence, record the notary's certificate with the town clerk of the
54 municipality in which the new address is located. The failure of a notary
55 to so record such replacement certificate shall not invalidate any notarial
56 act performed by the notary.

57 Sec. 3. Section 3-94o of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2020*):

59 (a) [Within thirty] Not later than thirty days after the date of a change
60 in the name of a notary public, the notary shall [file a notice of the
61 change with the Secretary, on a form prescribed and provided by the
62 Secretary] update the notary's name on the online system provided by
63 the Secretary of the State. The notice shall state the notary's old and new
64 names and the effective date of the new name, include such proof of the
65 change of name as the Secretary shall require. [, be signed by the notary
66 and be accompanied by a nonrefundable fee of fifteen dollars.] The
67 notary shall, [within thirty days after the] not later than thirty days after
68 the date of issuance of a replacement certificate of appointment by the
69 Secretary, record such certificate with the town clerk of the municipality
70 wherein the notary recorded the notary's original certificate of
71 appointment and oath of office. The failure of a notary to so record such
72 replacement certificate shall not invalidate any notarial act performed
73 by the notary. Any town clerk who is required by statute to make a
74 record of the certificate of appointment and oath of office of a notary

75 shall record the replacement certificate of appointment containing the
76 change of name of the notary upon payment of a fee of fifteen dollars by
77 such notary to the town clerk.

78 (b) Beginning on the date of issuance of such replacement certificate
79 of appointment by the Secretary, the notary public shall (1) sign the
80 notary's new name on all notarial certificates, and (2) if the notary uses
81 a notarial seal, use only a notarial seal that contains the notary's new
82 name.

83 Sec. 4. (NEW) (*Effective October 1, 2020*) (a) No person shall transact
84 business in this state under any assumed name, or under any
85 designation, name or style, corporate or otherwise, other than the real
86 name or names of the person or persons transacting such business,
87 unless a trade name certificate has been issued in accordance with this
88 section and section 5 of this act.

89 (b) An application for a trade name certificate shall be filed on a form
90 prescribed by the Secretary of the State in the office of the town clerk in
91 the town in which such business is, or will be, principally transacted.

92 (1) An application filed by a natural person shall provide: (A) The
93 name under which such business is, or will be, principally transacted,
94 (B) the physical address of the business located in the town of filing, (C)
95 the address of the business, and (D) the full name, physical address and
96 electronic mail address of each person transacting such business.

97 (2) An application filed by a corporation or limited liability company
98 shall provide: (A) The name under which such business is, or will be,
99 principally transacted, (B) the business identification number for the
100 corporation or limited liability company provided by the Secretary of
101 the State, (C) the name of the corporation or limited liability company
102 on file with the Secretary of the State, (D) the principal business address
103 of the corporation or limited liability company on file with the Secretary
104 of the State, and (E) the electronic mail address of the corporation or
105 limited liability company.

106 (c) An application for a trade name certificate shall be executed by
107 each natural person filing such application or, in the case of a
108 corporation or limited liability company, by an authorized officer of
109 such corporation or limited liability company, and acknowledged
110 before an authority qualified to administer oaths. The filing fee for a
111 trade name application shall be in accordance with section 7-34a of the
112 general statutes, as amended by this act.

113 (d) A town clerk shall issue a trade name certificate upon acceptance
114 of a trade name application filed in accordance with this section and
115 section 5 of this act. Such certificate shall be valid for a period of five
116 years from the date of issuance.

117 (e) Any trade name certificate issued prior to October 1, 2020, shall be
118 valid until September 30, 2025, unless renewed in accordance with
119 section 5 of this act.

120 Sec. 5. (NEW) (*Effective October 1, 2020*) (a) A trade name certificate
121 may be renewed not earlier than six months prior to the expiration date
122 of such certificate and not later than the expiration date of such
123 certificate. An application for renewal shall be on a form prescribed by
124 the Secretary and shall provide the information required by subsection
125 (b) of section 4 of this act. Upon acceptance of an application for renewal,
126 the town clerk shall issue a new trade name certificate, which shall be
127 valid for five years from the expiration date of the previous certificate.
128 The filing fee for a tradename renewal shall be in accordance with
129 section 7-34a of the general statutes, as amended by this act.

130 (b) Any information contained on an original application for a trade
131 name certificate or a renewal application may be amended by the filer
132 at any time prior to the expiration of the trade name certificate and the
133 fee for such amendment shall be in accordance with section 7-34a of the
134 general statutes, as amended by this act.

135 (c) A trade name certificate may be cancelled by the filer prior to the
136 expiration date of the trade name certificate upon filing a cancellation of
137 trade name certificate with the town clerk of the town where the original

138 application was filed and the fee for such cancellation shall be in
139 accordance with section 7-34a of the general statutes, as amended by this
140 act.

141 Sec. 6. (NEW) (*Effective October 1, 2020*) (a) Each town clerk shall keep
142 an alphabetical index of the trade name certificates issued by such town
143 clerk and the natural persons, corporations or limited liability
144 companies filing such trade name applications.

145 (b) The Secretary of the State may create an electronic system for town
146 clerks to process applications for trade name certificates. Such system
147 shall provide for state-wide public searching of tradename certificate
148 information. Any town clerk utilizing such system shall be deemed to
149 have complied with the indexing requirements in subsection (a) of this
150 section.

151 Sec. 7. (NEW) (*Effective October 1, 2020*) (a) A copy of any trade name
152 certificate, certified by the town clerk from whose office the same has
153 been issued, shall be presumptive evidence, in all courts in this state, of
154 the facts contained in such certificate. The provisions of sections 4 to 8,
155 inclusive, of this act shall not prevent the lawful use of a partnership
156 name or designation if such partnership name or designation includes
157 the true surname of at least one of the persons composing such
158 partnership.

159 (b) A trade name certificate shall not be required for any domestic or
160 foreign limited partnership, limited liability partnership, limited
161 liability company, corporation or statutory trust registered with the
162 Secretary of the State, provided such entity transacts business under the
163 name stated in its formation or registration document, as applicable,
164 filed with the Secretary of the State.

165 (c) Nothing in sections 4 to 8, inclusive, of this act shall require any
166 town clerk to determine that the trade name that is subject to certificate
167 issue is not already in use in the town of filing or in any other town in
168 the state.

169 (d) Any person transacting business in violation of the provisions of
170 sections 4 to 8, inclusive, of this act shall be fined not more than five
171 hundred dollars or imprisoned not more than one year. Failure to
172 comply with the provisions of sections 4 to 8, inclusive, of this act shall
173 be deemed to be an unfair or deceptive trade practice under subsection
174 (a) of section 42-110b of the general statutes.

175 Sec. 8. (NEW) (*Effective October 1, 2020*) (a) No person shall use, in any
176 printed advertisement, an assumed or fictitious name for the conduct of
177 such person's business that includes the name of any municipality in
178 this state in such a manner as to suggest that such person's business is
179 located in such municipality unless: (1) Such person's business is, in fact,
180 located in such municipality; or (2) such person includes in any such
181 printed advertisement the complete street address of the location from
182 which such person's business is actually conducted, including the city
183 or town and, if located outside of Connecticut, the state in which such
184 person's business is located. A violation of the provisions of this
185 subsection by a person conducting business under an assumed or
186 fictitious name that includes the name of a municipality in this state
187 shall be deemed an unfair or deceptive trade practice under subsection
188 (a) of section 42-110b of the general statutes.

189 (b) The provisions of this section shall not apply to the use of (1) any
190 trademark or service mark registered under the laws of this state or
191 under federal law, (2) any name that, when applied to the goods or
192 services of such person's business, is merely descriptive of them, or (3)
193 any name that is merely a surname.

194 (c) Nothing in this section shall be construed to impose any liability
195 on any publisher that relies on the written assurances of a person
196 placing such printed advertisement that such person has authority to
197 use any such assumed or fictitious name.

198 Sec. 9. Subdivision (1) of subsection (a) of section 7-34a of the general
199 statutes is repealed and the following is substituted in lieu thereof
200 (*Effective October 1, 2020*):

201 (a) (1) Town clerks shall receive, for recording any document, ten
202 dollars for the first page and five dollars for each subsequent page or
203 fractional part thereof, a page being not more than eight and one-half by
204 fourteen inches. Town clerks shall receive, for recording the information
205 contained in a certificate of registration for the practice of any of the
206 healing arts, five dollars. Town clerks shall receive, for recording
207 documents conforming to, or substantially similar to, section 47-36c,
208 which are clearly entitled "statutory form" in the heading of such
209 documents, as follows: For the first page of a warranty deed, a quitclaim
210 deed, a mortgage deed, or an assignment of mortgage, ten dollars; for
211 each additional page of such documents, five dollars; and for each
212 assignment of mortgage, subsequent to the first two assignments, two
213 dollars. Town clerks shall receive, for recording any document with
214 respect to which certain data must be submitted by each town clerk to
215 the Secretary of the Office of Policy and Management in accordance with
216 section 10-261b, two dollars in addition to the regular recording fee. Any
217 person who offers any written document for recording in the office of
218 any town clerk, which document fails to have legibly typed, printed or
219 stamped directly beneath the signatures the names of the persons who
220 executed such document, the names of any witnesses thereto and the
221 name of the officer before whom the same was acknowledged, shall pay
222 one dollar in addition to the regular recording fee. Town clerks shall
223 receive, for recording any deed, except a mortgage deed, conveying title
224 to real estate, which deed does not contain the current mailing address
225 of the grantee, five dollars in addition to the regular recording fee. Town
226 clerks shall receive, for filing any document, ten dollars; for receiving
227 and keeping a survey or map, legally filed in the town clerk's office, ten
228 dollars; and for indexing such survey or map, in accordance with section
229 7-32, ten dollars, except with respect to indexing any such survey or map
230 pertaining to a subdivision of land as defined in section 8-18, in which
231 event town clerks shall receive twenty dollars for each such indexing.
232 Town clerks shall receive, for a copy, in any format, of any document
233 either recorded or filed in their offices, one dollar for each page or
234 fractional part thereof, as the case may be; for certifying any copy of the
235 same, two dollars; for making a copy of any survey or map, the actual

236 cost thereof; and for certifying such copy of a survey or map, two
 237 dollars. Town clerks shall receive, for recording the commission and
 238 oath of a notary public; and for a trade name application, renewal,
 239 amendment, cancellation or other filing, twenty dollars; and for
 240 certifying under seal to the official character of a notary, five dollars.

241 Sec. 10. (*Effective July 1, 2020*) The Secretary of the State, or the
 242 Secretary's designee, shall direct the Commercial Recording Division of
 243 the office of the Secretary of the State to make enhancements to the
 244 CONCORD commercial records database, on or before July 1, 2021, that
 245 allow a member of the public to ascertain the name and address of a
 246 business entity's agent for service of process by entering the name of the
 247 owner, officer or agent of a business entity in the database.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	3-94b
Sec. 2	<i>October 1, 2020</i>	3-94n
Sec. 3	<i>October 1, 2020</i>	3-94o
Sec. 4	<i>October 1, 2020</i>	New section
Sec. 5	<i>October 1, 2020</i>	New section
Sec. 6	<i>October 1, 2020</i>	New section
Sec. 7	<i>October 1, 2020</i>	New section
Sec. 8	<i>October 1, 2020</i>	New section
Sec. 9	<i>October 1, 2020</i>	7-34a(a)(1)
Sec. 10	<i>July 1, 2020</i>	New section

Statement of Purpose:

To: (1) Revise statutory requirements applicable to notary publics, (2) establish a process for the issuance of trade name certificates, and (3) improve public access to business records filed with the Secretary of the State.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]