



BUSINESS CERTIFICATES

In conformity with the provision of the Massachusetts General (MGL) Chapter 110 Section 5 -"Any person conducting business in the Commonwealth under any title other than the real name of the person conducting the business whether individually or as a partnership, shall file in the office of the Clerk of every town where an office of any such person or partnership maybe situated a certificate stating the full name and residence of each person conducting such business, the place, including street name and number, where, and the title under which it is conducted and pay the fee as provided. A person who has filed such a certificate shall, upon his discontinuing, retiring or withdrawing from such business or partnership or in the case of a change of residence of such person or of the location where the business is conducted, file in the office of said clerk a statement under oath that he has discontinued, retired or withdrawn from such business or partnership or of such change of his residence or change of the location of such business and pay the fee required. A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewal copies of such certificate shall be avail- able at the address at which such business is conducted and shall be furnished on request during regular business hours, to any person who has purchased goods or services from such business." Laws

"Violations of this section shall be punished by a fine of not more than three hundred dollars for each month during which such violation continues."

IA. BUSINESS CERTIFICATES

WHAT IS A BUSINESS CERTIFICATE?

A Business Certificate is a registration of a business that is being conducted within the state of Mass It is commonly referred to as a "d/b/a/ form" or "Doing Business As". Its purpose is primarily for consumer protection and public information purposes. Essentially, the public has a right to know who "is" a particular business, since a customer will not know who "owns" the business simply by the name of that business.

WHO MUST FILE A BUSINESS CERTIFICATE?

Massachusetts General Laws Chapter 110, section 5, states that any person conducting business under any title (business name) other than the real name of the person conducting the business must file a certificate. A person is defined as an individual, a partnership or a corporation.

Exemptions to filing are allowed under section 6 if the corporation is doing business in its true corporate name, or if a partnership is doing business under any title which includes the true surname of any partner. Certain other exemptions exist for trusts and limited partnerships.

WHO MUST SIGN THE BUSINESS CERTIFICATE?

If the business is owned solely by one person, only that person need sign. If it is a partnership, both or all of the partners must sign. If it is a corporation, an officer who has signatory authority must sign- which is usually the President, but not always. All signatures must be made in front of a notary, the Town Clerk or the Assistant Town clerk. Do not sign the certificate unless it is in front of one of these three individuals.

An individual must be 18 years of age or older to legally sign a business certificate.

HOW LONG ARE THEY GOOD FOR?

Business Certificates are valid for a period of four (4) years from the date of its original filing. They must be renewed every four years for as long as the business is "in business".

The responsibility for renewal is yours.

WHAT IF I "GO OUT OF BUSINESS", CHANGE MY RESIDENCE, CHANGE THE LOCATION OF THE BUSINESS, OR WANT TO CHANGE THE NAME OF THE BUSINESS?

If you change your residence as listed on the certificate or change the location of your business within town (but keep the same name) you must file either a Statement of Change of Residence, or a Statement of Change of Location of Business (see Sample B).

If you discontinue your business, retire or withdraw from conducting business (i.e.: go out of business or move it to another town) you must file a Statement of Discontinuance (see Sample B). If you will be conducting a "Going Out of Business Sale" please see section IF.

If you wish to change the name of your business, you must first file a Discontinuance and then file a new certificate for the new business name. You cannot simply change the name of the business because technically you are stopping business in one name and starting business in a new name.

In the case of death of such a person, a statement may be filed by the executor or administrator of the estate.

HOW MUCH DOES IT COST TO FILE A CERTIFICATE OR STATEMENT?

The cost to file a Business Certificate is \$20.00. The cost to file a Statement is \$10.00. Certified Copies are \$5.00 and photocopies are 10 cents.

MUST I DISPLAY A COPY OF MY BUSINESS CERTIFICATE?

10 The law states that copies of your certificate must be available at the address at which the business is conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business.

WHAT IS THE PENALTY IF I DO NOT FILE A CERTIFICATE OR STATEMENT?

The law state that violations will be punished by a fine of not more than three hundred dollars for each month during which the violation continues.

WHERE DO I GET THE FORMS AND HOW DO I FILE?

All forms may be obtained from the Town Clerk's office and are filed at the Town Clerk's office.