

LAWS OF DELAWARE
VOLUME 84
CHAPTER 459
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 291

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF TRADE NAMES, PARTNERSHIPS AND ASSOCIATIONS IN THE SUPERIOR COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 31, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as show by underline as follows:

§ 3101. Use and registration of trade names or titles.

No person, firm or association shall engage in, prosecute or transact any business within the limits of this State, by using any trade name or title which does not disclose ~~the Christian and surname~~ the legal name of such person, or in case of a firm or association, ~~the Christian and surname~~ the legal name of each and every person comprising the firm or association without, in addition to what is otherwise required by the laws of this State, first filing a certificate under the hand of such person or, in case of a firm or association, under the hand of one of the members of the firm or association, ~~in the office of the prothonotary of each county in which it is prosecuting or transacting such business,~~ with the Division of Revenue, designating the trade name or title and ~~Christian and surname~~ the legal name of such person, or, in case of a firm or association, ~~the Christian and surname~~ the legal name of each and every member comprising the firm or association. All certificates shall show the date when the partnership or association was organized, to which certificates there shall be attached the affidavit of the person signing it to the effect that the facts therein stated are true and correct.

§ 3102. Supplemental certificate upon change in membership.

Whenever a change occurs in the membership of any firm or association which has filed a certificate under § 3101 of this title, a supplemental certificate under the hand of 1 of the members of the firm or association shall, within 10 days after the change, be filed ~~in the office of the prothonotary of each county~~ with the Division of Revenue in which it had theretofore filed a certificate, designating ~~Christian and surname~~ the legal name of each and every member comprising the firm or association after the change, and the date when the change took effect, to which certificate shall be attached the affidavit of the person signing it to the effect that the facts therein stated are true and correct.

§ 3103. Sole proprietor, Partnership partnership, and association ~~docket; registry; duty of prothonotaries; Division of Revenue;~~ fee or filing certificate.

The ~~prothonotary of each county~~ Division of Revenue shall number the certificates when filed, consecutively, and endorse thereon the date of filing, and ~~enter and~~ electronically record such filings in a book in a registry which the ~~prothonotary~~ Division of Revenue shall ~~create~~ procure for that purpose, which is named “Sole Proprietorship, Partnership and Association Trade Name Docket, Registry,” the trade name and title of the person, firm or association, the date of the filing of the certificate, the date of the formation or change in the formation of the firm or association, and the number thereof. For the filing and making of the entries, the ~~prothonotary~~ Division of Revenue shall ~~receive~~ collect from the person filing the certificate a fee of ~~\$5.00, \$25.00, which amounts shall be credited to the account of the Division of Revenue~~ to be disposed of in the same manner as other fees which are by law payable to the ~~prothonotary.~~ Division of Revenue.

§ 3104. Unincorporated associations.

No unincorporated association of persons shall transact business in this State, unless the individual names of all concerned therein shall be first certified by an officer of such association and filed ~~in the office of the prothonotary of each county in which it is prosecuting or transacting such business~~ with the Division of Revenue.

Section 2. This Act takes effect on February 1, 2025.

Approved September 30, 2024