

CHAPTER 22

[Substitute Senate Bill No. 2482]

BUSINESS NAME CERTIFICATES—FILING OFFICE—LIMITED
PARTNERSHIP CERTIFICATES—AMENDMENT, CANCELLATION

AN ACT Relating to business regulations; amending section 1, chapter 145, Laws of 1907 and RCW 19.80.010; amending section 25.08.250, chapter 15, Laws of 1955 and RCW 25.08.250; creating a new section; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 145, Laws of 1907 and RCW 19.80.010 are each amended to read as follows:

No person or persons shall hereafter carry on, conduct or transact business in this state under any assumed name or under any designation, name or style, corporate or otherwise, other than the true and real name or names of the person or persons conducting such business or having an interest therein, unless such person, or all of such persons, conducting said business, or having an interest therein, shall file a certificate (~~(in the office of the county clerk of the county or counties in which said business is to be conducted)~~) with the department of licensing, which certificate shall set forth the designation, name or style under which said business is to be conducted, and the true and real name or names of the party or parties conducting, or intending to conduct, the same, or having an interest therein, together with the post office address or addresses of said person or persons. Such certificate shall be executed and acknowledged by the party or parties conducting, or intending to conduct, said business, or having an interest therein, before an officer authorized to take acknowledgment of deeds.

Sec. 2. Section 25.08.250, chapter 15, Laws of 1955 and RCW 25.08.250 are each amended to read as follows:

(1) The writing to amend a certificate shall:

(a) Conform to the requirements of RCW 25.08.020(1) as far as necessary to set forth clearly the change in the certificate which it is desired to make; and

(b) Be signed and (~~(sworn to)~~) acknowledged by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in subsections (1) and (2) as a person who must execute the writing refuses to do so, may petition a court of competent jurisdiction to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county clerk in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or canceled when there is filed for record in the office of the county clerk where the certificate is recorded:

(a) A writing in accordance with the provisions of subsections (1) or (2); or

(b) A certified copy of the order of court in accordance with the provisions of subsection (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this chapter.

(7) The signing of a writing to amend or cancel a certificate by a limited partner may be in person or for him by an attorney in fact who may but need not be a member of the partnership, who shall acknowledge such signature as such attorney in fact.

NEW SECTION. Sec. 3. The director of the department of licensing shall promulgate such rules and regulations as are necessary to implement the transfer of duties and of records required by section 1 of this 1979 act. Such rules shall provide for transfer of existing certificates from the counties to the department, set fees for filing of certificates and amendments, and set fees for obtaining copies thereof.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1979.

Passed the Senate March 29, 1979.

Passed the House April 10, 1979.

Approved by the Governor April 19, 1979.

Filed in Office of Secretary of State April 19, 1979.

CHAPTER 23

[Reengrossed Senate Bill No. 2602]

BEER, WINE IMPORTERS, WHOLESALERS—LIQUOR SALES

AN ACT Relating to alcoholic beverages; and amending section 90-A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945 as last amended by section 1, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.020.

Be it enacted by the Legislature of the State of Washington: