

FILING A BUSINESS CERTIFICATE

WHAT IS A BUSINESS CERTIFICATE?

Commonly referred to by the name "D/B/A" ("doing business as") a business certificate creates a public record of the name and address of the owner(s) of a business.

WHAT DOES IT DO?

A business certificate primarily allows consumers and/or creditors to identify the names of the actual owners of a business. This information is a public record and is furnished to the Massachusetts Department of Revenue under the authority of Mass. G.L. 62C, S 49a.

WHAT DOESN'T IT DO?

Your filing of a business certificate at the local Town Clerk's office does **NOT** protect your name or reserve it as does a corporate filing or a trademark registration (which is done through the State). It also does not give you permission to operate a business in the town – it only registers your name. In order to legally operate a business in the town you must get the appropriate permits, licenses, variances, etc., that are required by the issuing departments of the town.

WHO MUST FILE A BUSINESS CERTIFICATE?

Massachusetts General Laws Chapter 110, Section 5 states that 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 partner, shall file (a certificate) in the office of the clerk of every city or town where an office of any such person or partnership may be situated.

Any corporation doing business in a name other than its corporate name must also file. The certificate must be completed and filed by a corporate officer.

Under Chapter 110, section 6 a business certificate is not required if a 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 associations and partnerships may also be exempt (refer to above citation for details.)

WHERE & HOW DOES ONE FILE?

File with the Town Clerk, in person, in the city or town where an office of said business may be situated. All partners must be present, or the signatures of any missing partners must be notarized.

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WHAT ARE THE FILING FEES?

Business Certificates

\$30

WHAT ABOUT A CHANGE OR AMENDMENT?

Upon discontinuing, retiring or withdrawing from such business, or in the case of a change of residence of such person or of the location where the business is conducted, an amendment form must be filed with the office of the Town Clerk.

If you are changing the name of your business you may be required to discontinue the old business and then open a new business.

DOES A BUSINESS CERTIFICATE EXPIRE?

A business certificate is in full force and effect for four (4) years from the date of issue. A new filing must be made every four years as long as the business is being conducted.

You must complete a business certificate amendment form upon discontinuing or withdrawing from such business if the change is during the term of the certificate. You must renew your license at the time of expiration if the business is still in existence.

WHAT ARE THE PENALTIES FOR FAILURE TO FILE?

The requirement to file a business certificate is a State Law (MGL Chapter 110, Section 5). Violators of these provisions shall be subject to a fine of not more than three hundred (\$300.00) dollars for each month during which said violation continues.

DOES THE CERTIFICATE HAVE TO BE DISPLAYED?

No. However, you must provide a copy upon request.

ARE BUSINESS CERTIFICATES PUBLIC DOCUMENTS?

Yes. The business certificates are on file with the Town Clerk's Office until one year after expiration, and may be viewed by anyone making a request. Copies are available for a fee in accordance with Public Records Laws.

QUESTIONS ABOUT THE PROCESS?

Call the Town Clerks Office at 781-293-7970

The Town Clerks Office will NOT offer legal advice or interpretation of the laws.