

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Business Certificate -- Handout

WHY DOES A BUSINESS CERTIFICATE (DOING BUSINESS AS) HAVE TO BE FILED?

The local filing at Town Hall known as a Business Certificate is also called a d/b/a, which stands for “doing business as”. If you are a single proprietorship, partnership, or corporation doing business under a name other than your own or incorporated name you **MUST** file a d/b/a at the local Town Clerk’s office. The fee for filing is \$40.00 for a 4-year certificate. The certificate is executed under oath by each person whose name appears as conducting business.

The only case in which you do not have to file a d/b/a is when you are doing business as a sole proprietor under your own complete name, such as John Smith Company; or if you are incorporated and are doing business under the true incorporated name.

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 (some states refer to these as fictitious name documents). In order to legally operate a business in the town you must get the appropriate permits, permissions, variances, etc. that are required by the issuing departments of the Town.

A business certificate primarily allows consumers and/or creditors to identify the names of the actual owners of a business. Therefore a City or Town Clerk may even accept more than one certificate with an identical business name in order to provide this public record.

If during the life of the business certificate the person or persons who filed discontinue, retire, withdraw or change location where the business is conducted, notification must be made to the Town Clerk of such action and appropriate fees will be charged.

Violators: those who do not file, may be fined not more than \$300.00 dollars for each month during which such violations continues.

Tax Information – The Massachusetts Department of Revenue (DOR) can answer all questions regarding collecting sales tax or related questions. Telephone numbers for the Taxpayer Assistance Bureau are: 1-800-392-6089 or 617-887-6367. The DOR also has a publication entitled *A Guide to Sales and Use Tax*, which answers the most commonly asked questions. You can obtain an FID number from the Internal Revenue Service (IRS) at 1-800-829-1040. Website: Department of Revenue at www.dor.state.ma.us

MGL Chapter 110, Section 5 Business Certificates

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 city or town where an office of any such person or partnership may be situated a certificate stating the full name and residence of each person conducting such business, the place, including street and number, where, and the title

under which, it is conducted, and pay the fee as provided by clause (20) of section thirty-four of chapter two hundred and sixty-two. Such certificate shall be executed under oath by each person whose name appears therein as conducting such business and shall be signed by each such person in the presence of the city or town clerk or a person designated by him or in the presence of a person authorized to take oaths. The city or town clerk may request the person filing such certificate to produce evidence of his identity and, if such person does not, upon such request, produce evidence thereof satisfactory to such clerk, the clerk shall enter a notation of that fact on the face of the certificate. 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 by clause (21) of said section thirty-four. In the case of death of such a person, such statement may be filed by the executor or administrator of his estate. The clerk shall keep a suitable index of all certificates so filed with him which are currently in force and effect, setting forth the pertinent facts, including a reference to any statement of discontinuance, retirement or withdrawal from, or change of location of, such business, or change of residence of such person. 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 renewed. Copies of such certificates shall be available 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. 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.