



## NOTICE OF INTENT TO ADOPT ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Office of the Secretary of State will hold a public hearing to address proposed new N.D. Admin. Code 72-03-02 at 10 am on Wednesday, September 17, Office of the Secretary of State conference room at the North Dakota State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota.

The purpose of the proposed rule is to adopt standards to change the process for name availability for business from “deceptively similar” to “distinguishable in the record.” The proposed rules will enhance timely processing of business registrations by creating specific criteria to be used in determinations which make registrations “distinguishable in the record.” The proposed rule addresses name availability standards under the authority granted in (NDCC – North Dakota Century Code):

- Cooperatives – NDCC § 10-15-08.1 (3)
- Corporations – NDCC § 10-19.1-13 (2)
- Limited Liability Company – NDCC § 10-32.1-11 (2)
- Nonprofits – NDCC § 10-33-10 (2)
- Real Estate Investment Trusts – NDCC § 10-34-04 (3)
- Limited Partnerships – NDCC § 45-10.2-10 (2)
- Fictitious Partnership Names – NDCC § 45-11-01 (4)
- Partnerships (general) – NDCC § 45-13-04.1 (2)
- Limited Liability Partnerships – NDCC § 45-22-04 (2)
- Limited Liability Limited Partnerships – NDCC § 45-23-03 (2)
- Trade Names – NDCC § 47-25-03 (2)

The proposed rule is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rulemaking implements bill number House Bill 1127, enacted during the 2019 legislative session, concerning name availability.

The proposed rules may be reviewed at [sos.nd.gov](http://sos.nd.gov), or in the Office of the Secretary of State, 600 East Boulevard Avenue, Dept. 108, Bismarck, North Dakota 58505. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, by email at [sos@nd.gov](mailto:sos@nd.gov), or by calling 701-328-3660.

Written comments on the proposed rules sent to the above address or email and received by 12 noon on September 28, 2025, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Office of the Secretary of State at the above telephone number or email at least four days prior to the public hearing.

Dated this 1<sup>st</sup> day of August, 2025.

Sandra McMerty  
Deputy Secretary of State