

SMALL ENTITY REGULATORY ANALYSIS

NORTH DAKOTA ADMINISTRATIVE CODE
ADOPTING OF NEW N.D. ADMIN CODE CHAPTER 72-03-02

NAME AVAILABILITY STANDARDS

1. **Was establishment of less stringent compliance or reporting requirements for small entities considered?** The change from “deceptively similar” to “distinguishable in the record” only changes the determination with which a proposed business or other name is reviewed for registration. It enhances the certainty for businesses and the timely processing of business registration documents by the secretary of state.
2. **Was establishment of less stringent schedules or deadlines for compliance or reporting requirements considered for small entities?** The proposed rules do not require any schedules.
3. **Was consolidation or simplification of compliance or reporting requirements for small entities considered?** The proposed rules do not impact any compliance or reporting requirements beyond the standards under which a proposed business or other name is considered for registration.
4. **Were performance standards established for small entities for replacement design or operational standards required in the proposed rule?** The proposed rules do not affect any design or operational standards; therefore, there are no performance standards in the proposed rule.
5. **Was exemption of small entities from all or any part of the requirements in the proposed rule considered?** Such exemption of small entities would not be possible given the statutory requirements relating to business registration under the following:
 - Cooperatives – NDCC § 10-15-08
 - Corporations – NDCC § 10-19.1-13
 - Limited Liability Company – NDCC § 10-32
 - Nonprofits – NDCC § 10-33-10
 - Real Estate Invest. Trusts – NDCC § 10-34-04
 - Limited Partnerships – NDCC § 45-10.2-10
 - Fictitious Partnership Names – NDCC § 45-11-01
 - Partnerships (general) – NDCC § 45-13-04.1
 - Limited Liability Partnerships – NDCC § 45-22-04
 - Limited Liability Limited Partnerships – NDCC § 45-23-03
 - Trade Names – NDCC § 47-25-03

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