Honorable Charles F. Fleming,
Secretary of State,
State House,
Indianapolis, Indiana.

Dear Sir:

Your request of October 31, 1950 for an Official Opinion reads as follows:

"I hereby request your official opinion on the following question:


Chapter 151 of the Acts of 1909 provided that:

"Any person or persons conducting or transacting business in this state under any name, designation or title other than the real name or names of the person or persons conducting or transacting such business, whether individually or as a firm or partnership, shall file in the office of the clerk of the Circuit Court of the County in which the place or places of business or office or offices of any such person, firm or partnership, may be situated, a certificate stating the full name and residence of each person engaged in or transacting such business **".

Chapter 61 of the Acts of 1949 amended the 1909 Act by requiring that the certificate be filed in the office of the County Recorder instead of the office of the Clerk.

Chapter 192 of the Acts of 1941 (Burns Sup. Sec. 50-204) made the above Act applicable to Corporation. The 1941 Act provides as follows:
“Hereafter corporations employing any abbreviation of their corporate names or any trade name shall be required to comply in the same manner as individuals and partnerships are required to comply with the provisions of chapter one hundred fifty-one (151) of the Acts of 1909, being Burns’ Indiana Statutes Annotated (1933) in force April 5, 1909, requiring the registration of business names, and in addition thereto, to file with the secretary of state a duly certified copy of any certificate which has been filed for said purpose in the office of the clerk of the circuit court of the appropriate county.”

Under the provision of the 1949 Act, the Legislature directed that:

“After this Act becomes effective and after the transfer of the records as above provided, the County Recorder of the respective Counties of the State of Indiana shall charge $1.00 for each certificate filed with him and recorded * * *”.

Your question is whether or not under the “Indiana Corporation Fee Act”, the Secretary of State should collect a fee for filing such certificate. This Act as amended by Chapter 28, Acts of 1947, provides fees for filing certain described certificates and documents listed from “(a)” to “(j)” Division “(g)” provides the following:

“For filing with the secretary of state any certificate not herein specified, five dollars each, regardless of the number of amendments contained in said certificate, except increases of capital stock upon which the fee shall be as hereinbefore provided.”

In my opinion this provision would authorize the collection of a fee of $5.00 for filing such certificates.