



## Fictitious Business Name (FBN) Frequently Asked Questions

It is the business' responsibility to review Chapter 5 of the Business and Professions Codes prior to obtaining a Fictitious Business Name (FBN). [Click here for the California Legislative Information Website](#)

The answers to the frequently asked questions below will assist with the completion of an FBN Statement, Abandonment, or Withdrawal.

### 1. Do I need an FBN?

- a. Filing an FBN statement is designed to provide the public with the identities of persons or entities conducting business under a **fictitious name** (name other than legally established name). FBNs are required by the State of California under Business and Professions Code Sections 17900-17930 and 14411-14418. State law requires the statement to be filed at the County level.

### 2. I would like to conduct business as a corporation or a Limited Liability Company, where do I file?

- a. File with the Secretary of State (website: [SOS.ca.gov](http://SOS.ca.gov)) prior to filing with the County if necessary. If the registrant(s) filing utilizes words such as Corporation, Corp., Incorporated, Inc., LLC, etc. in their business name they must be registered with the Secretary of State prior to filing with the county. If they file with Kern County, they must bring the Certificate of Status they purchased from the secretary of state with them.  
If they do not have the Certificate of Status with them, we will search the SOS website to print the document to add to the filing. An additional search and copy fee will be added to the filing. (Currently the search and copy fee is \$8.75)

### 3. What if another business name has the same or similar name?

- a. County Clerk will file any properly completed FBN statement. We do not check the name, nor do we prevent filings with duplicate or similar name(s). It is the responsibility of the registrant(s) filing the business name(s) to conduct a search to determine if the name(s) is in use. Refer to [Business and Professions Code § 14411](#) on the California Legislative Information website: <https://leginfo.legislature.ca.gov/faces/home.xhtml>.

### 4. Do I need to hire a third party to file an FBN statement on my behalf?

- a. Third party filing services send solicitation letters to businesses offering to file official documents such as FBN statements for an additional fee for their services. The solicitations are

not made by or on behalf of any governmental entity. The registrant(s) filing the business name(s) is not required to file through third-party agencies.

**5. Will I need to obtain a Business License, or Permit, after filing for an FBN?**

- a. The County Clerk does not issue business licenses and we cannot advise the registrant(s) filing regarding licenses or permits. Please contact the City of Bakersfield Treasurers Office if the business address is in the city or contact the Kern County Sheriff's Department if the business address is in the county. If the business is operated within the unincorporated areas of Kern County, please contact the Auditor Controller for details.

**6. Who must sign an FBN statement?**

- a. An FBN statement, Abandonment, or Withdrawal, must be signed by the person who is filing, or partner, listed on the FBN statement. The signature may also be a recognized officer of a corporation or Limited Liability Company.

**7. How can I fix an error or modify the FBN statement? (i.e., add a new business name, update existing name, change the business address, etc.)**

- a. The FBN Statement is a legal document, and changes may not be made after it is filed. The registrant(s) filing must be certain the information is correct before they file. Our office does not issue refunds and if any change occurs on the original statement a new FBN statement must be filed and will also need to be published.

**8. What if I am no longer conducting business under my filed FBN?**

- a. The law requires a statement of Abandonment to be filed unless the FBN state has expired normally. The fee is currently \$18.00 per abandoned DBA. Abandonment forms must be published.

**9. When does the FBN expire?**

- a. FBNs expire every 5 years from the date of filing unless it is abandoned prior. The registrant(s) who file must refile every 5 years and pay the fee even if there are not changes. Publishing is not required if the information to the business remains the same and did not expire.
  - i. The statement also expires 40 days after any change in the facts set forth in the statement except for filing a statement of withdrawal from a partnership. A new statement must be filed within 40 days after a change in the facts. Publication is required.

**10. I didn't publish prior to the deadline. What happens now?**

- a. The law does not allow for extensions. The statement will appear in our system as not published and the registrant(s) who filed will be required to file a new FBN statement, pay the fee, and publish.

**11. How can a general partner be removed from an existing FBN?**

- a. The general partner may file a statement of Withdrawal from Partnership, pay the appropriate fee, and publish the forms unless a Notice of Dissolution of Partnership has been published pursuant to section 15035.5 of the Corporations Code. A statement of Withdrawal must be signed by the partner being removed from the statement.

**12. What if the business name is not filed in Kern County?**

- a. If a business name is not filed in the County, it may mean several things:
  - i. The registrant is conducting business with an unregistered name.
  - ii. The registrant is registered in another county.
  - iii. The registrant is registered with the [Secretary of State](#) as a corporation, limited liability company or limited partnership, or has the name trademarked with the Secretary of State's office.

**13. What if I don't have a location in California but occasionally do business in the state?**

- a. The law requires filing an FBN with **Sacramento County** if the principal place of business is out of the state and there's no office or store in California. The Publishing will take place in Sacramento County as well.

**14. Where do I need to file my FBN if my business is operated out of state, but I have an office or store in California?**

- a. The law requires filing the FBN with the county where the office or store is located. If business owners intend on filing in Kern County as well require proof of filing in the county the store is located.

**15. What if I send someone on my behalf to the office to file the FBN?**

- a. The completed FBN statement must be signed by the registrant on the form, and the Affidavit of Identity must be completed and notarized. The representative must fill out the information on a computer in the lobby and we will process the FBN at the counter.  
If they are unable to complete the process on the computer, they may leave the forms and fee with us if they have a check or money order available with the correct amount, and we will process the forms as a mail in and mail the forms to the registrant on the FBN statement.

**16. What are the most common reasons mailed FBN applications are rejected?**

- a. No payment or incorrect payment:
  - i. Fee is \$43.00 for the first name and \$6.00 for each additional name and/or registrant.
  - ii. Certificate of Status from the Secretary of State was not included with Corporation, or LLC filings and the payment did not include the additional \$8.75 fee.
  - iii. Payment was in cash not in a money order, check, or cashier's check.
- b. Missing or incomplete fields on the form.

- i. Most common is the commencement date. Please insert N/A if the business has not started, if the business has started insert the date, or insert the commencement date indicated on the previous filing if renewing.
- c. Signer is not listed on the articles of incorporation for the corporation or is not an officer with the LLC or LP filed with the Secretary of State.
- d. Affidavit of identity was not included or was not notarized.