

Subject Minnesota Business Filing Fraud Prevention Act; Deceptive Mailings

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## Article 1: Minnesota Business Filing Fraud Prevention Act

Section Description - Article 1: Minnesota Business Filing Fraud Prevention Act

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1 **[300.70] Citation and definitions.**

**Subd. 1. Citation.** Allows sections 300.70 to 300.78 to be cited as the Minnesota Business Filing Fraud Prevention Act.

**Subd. 2. Definitions.** Defines “office” as the Office of the Secretary of State. Also provides definitions for “complainant” and “filer.”

2 **[300.71] Declaration of wrongful filing.**

**Subd. 1. Form and contents of declaration.** (a) Allows a complainant to deliver a declaration of wrongful filing to the office if they believe the document was not authorized and was filed with the intent to modify business records or register a business using another person’s information.

(b) Requires a declaration of wrongful filing to contain certain information.

(c) Requires the office to provide a form for declarations filed under this section.

(d) Provides that a false statement in a document submitted under this act is a violation of section 609.48 (perjury).

**Subd. 2. Review of declaration.** (a) Requires the office to promptly accept or reject a declaration of wrongful filing.

(b) Allows the office to reject a declaration that is incomplete, doesn’t use the correct form, if the office reasonably believes it was delivered with the intent to harass or defraud, or if there has been a final order on the declaration.

**Subd. 3. Nonexclusive remedy.** Clarifies that the remedies of this act are not exclusive and an aggrieved party can seek district court action without initiating or completing the processes of this section.

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**3 [300.72] Notice.**

(a) Requires the office to provide notice of a declaration that has been filed to the complainant and filer. Requires the notice to include certain information.

(b) Provides mailing requirements the office must abide by for the notice.

(c) Deems notice is received by the complainant and filer upon mailing.

(d) Allows the office to deem a filing fraudulent and immediately issue a final order if the notice to the filer is returned as undeliverable.

**4 [300.73] Response.**

(a) Requires filer to respond to allegations in writing within 21 days of receipt of notice.

(b) Requires the filer's response to include any information refuting allegations in declaration.

**5 [300.74] Procedure when no response received.**

Requires the office to deem a filing fraudulent and issue a final order if the filer does not respond within 21 days of receiving the notice.

**6 [300.75] Procedure when response received.**

**Subd. 1. Preliminary determination.** (a) If a timely response is received, requires the office to investigate allegations in declaration and response and make a preliminary determination regarding whether the filing is fraudulent.

(b) Allows the office to request additional information from complainant and filer if necessary to make a preliminary determination.

**Subd. 2. Notice of preliminary determination.** Requires the office to send notice to the complainant and filer of the preliminary determination.

**Subd. 3. Response.** Requires the nonprevailing party to respond to the preliminary determination within ten days with additional information or evidence in support of their position. Allows prevailing party to send information during that same time period.

**Subd. 4. Procedure if no second response received.** Provides that a preliminary determination becomes a final order if the nonprevailing party does not file a response in compliance with subdivision 3.

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**Subd. 5. Procedure if second response is received.** Requires the office to consider additional information if provided in compliance with subdivision 3 before issuing a final order about the declaration.

**Subd. 6. Factors.** Requires the office to take certain information into account when making a preliminary or final determination.

7 **[300.76] Final order.**

**Subd. 1. Filings deemed fraudulent.** (a) Requires the office issue a final order if they find a filing is fraudulent.

(b) Requires that if a filing is found fraudulent it be treated as never having existed and a fraudulent created business is dissolved.

(c) and (d) Requires the office to take certain actions when a final order is issued.

**Subd. 2. Filings deemed not fraudulent or insufficient evidence.** Allows the office to issue a final order stating that it is not removing the filing if it is deemed not fraudulent or the office has insufficient information.

8 **[300.77] Judicial review.**

Creates an appeal system with the district court if a party aggrieved under a final order by the office chooses appeal.

9 **[300.78] Data Practices.**

**Subd. 1. Definitions.** Cross-references to data privacy statutes.

**Subd. 2. Data classification.** Classifies data collected under this act as nonpublic, private data on individuals, or public.

**Subd. 3. Dissemination permitted.** Allows the office to release data to: the attorney general to aid in an investigation; a person or agency to aid in a criminal or civil investigation; or if required by a court order or other state or federal law.

10 **Rulemaking.**

Allows the secretary of state to adopt rules with no time limit to this authority.

**Effective date.** This section is effective the day following final enactment.

11 **Appropriation.**

Blank appropriation for fiscal year 2026 from the general fund to the secretary of state to administer this act. Appropriation is available until June 30, 2027, and is added to the secretary of state's budget base.

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**12 Effective date.**

Sections 1 to 9 are effective for filings made on or after January 1, 2026.

## **Article 2: Deceptive Mailings**

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**Section Description - Article 2: Deceptive Mailings**

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**1 [300.80] Prohibition on deceptive business mailings.**

**Subd. 1. Definition.** Defines “solicitation.”

**Subd. 2. Design and content requirements.** Requires a solicitation to include certain information, be formatted in a specific way, and include a disclaimer.

**Subd. 3. Penalties.** Provides that a person who violates this section is guilty of a misdemeanor and is a violation of the Uniform Trade Practices Act.

## **Article 3: Conforming Changes**

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**Section Description - Article 3: Conforming Changes**

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**1 Scope.**

Updates cross-reference.

**2 Business fraud investigations.**

Cross references to data classifications.

**3 Acts constituting.**

Adds cross-reference.



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