



Registration Procedures for Businesses

Anyone conducting any kind of business activity in the State of West Virginia must register with the West Virginia State Tax Department prior to starting business in this state. This publication provides general information about registering a business with the West Virginia State Tax Department. Proper registration insures a better understanding of tax responsibilities and can prevent costly and troublesome misunderstandings in the future. Registration procedures for businesses are discussed in a question and answer format. This publication is not a substitute for tax laws or regulations. Specific questions should be addressed to the West Virginia State Tax Department.

Who is required to register?

Any person who is engaging in any business activity in the State of West Virginia must register with the West Virginia State Tax Department before commencing business activities in this State. This includes, but is not limited to, any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, club, society, or other group or combination acting as a unit, or body politic, or political subdivision. **Churches and nonprofit organizations are not considered to be "business" or engaged in business or subject to any other tax laws by the mere completion of *The Application For Business Registration*.**

What is considered a Business Activity?

A business activity is all purposeful revenue-generating activity engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. This also includes all activities of this state and its political subdivisions which involve the sale of tangible personal property or the rendering of a service when such service activities compete with or may compete with the activities of another person.

Are all businesses required to obtain a West Virginia Businesses Registration Certificate?

No. Persons engaged in the following activities are not required to register if they engage solely in these activities.

1. Judicial sales directed by law or court order.
2. Sales for delinquent taxes of real or personal property.
3. The conduct of a charitable raffle licensed under West Virginia Code § 47-20 or charitable raffle licensed under West Virginia Code § 47-21.
4. The conduct of a horse or dog race meeting by any racing association licensed under West Virginia Code § 19-23.
5. The operation or maintenance of the pari-mutual system of wagering during the conduct of a licensed horse or dog race meeting.
6. The sale of any commodity during the conduct of a licensed horse or dog race meeting.
7. The services of owners, trainers or jockeys which are essential to the effective conduct of a licensed horse or dog race meeting.
8. Occasional or casual sales of property or services by persons not engaged in a business activity.

Additionally, any person engaging in a business activity who:

1. Is not required by law to collect or withhold a tax; **and**
2. Does not claim exemption from payment of the West Virginia Consumers Sales and Service Tax or Use Tax; **and**
3. Had a gross income from business activity of \$4,000.00 dollars or less from operations in all states during the Income Tax year most recently completed is also not required to obtain a Business Registration Certificate.

In order to claim this exemption from registration, all three conditions must be met.

What is the fee for obtaining a Business Registration Certificate?

The fee for obtaining a Business Registration Certificate is \$30.00. A separate certificate is required for each fixed business location from which property or services are offered for sale or lease **or** at which customer accounts may be opened, closed or serviced. The Business Registration fee cannot be prorated.

Must everyone pay the \$30.00 Business Registration Fee?

No. Any person who is engaging in any business activity in this State is required to obtain a Businesses Registration Certificate, but is not required to pay the \$30.00 Business Registration Fee if they meet one of the following conditions.

1. A non-profit organization which qualifies, or would qualify, for exemption from federal income taxes under section 501 of the Internal Revenue Code of 1986, as amended.
2. This State, or a political subdivision thereof, selling tangible personal property, admissions or services when those activities compete with or may compete with the activities of another person.
3. The United States, or any agency or instrumentality thereof, which is exempt from taxation by the states.
4. A person engaged in the business of agriculture or farming.
5. A foreign retailer, who is not engaging in a business in this state, who volunteers to collect and remit Use Tax on sales to West Virginia customers
6. An out-of-state company that does not have nexus in West Virginia and employs a West Virginia resident. Follow the instructions on page 8 to register a "Withholding Only" account.
7. A West Virginia private household employing domestic help. Register for a "Withholding Only" account.

How do I Register?

To register with the West Virginia State Tax Department, you must complete the Application for Registration Certificate (Form WV/BUS-APP). You may also register online at www.Business4WV.com.

How do I obtain this application?

This application can be obtained by writing the West Virginia State Tax Department in care of our Taxpayer Services Division, P.O. Box 3784, Charleston, West Virginia 25337-3784 or by calling our automated form ordering system at (304) 344-2068 or 1-800-982-2075 within West Virginia and asking for message number 500. The form is also available on our website www.wvtax.gov.

This application can also be obtained in person at any of our offices located in the following cities: **Beckley Regional Office**, Suite 109, 407 Neville Street, Beckley, West Virginia 25801, Telephone: (304) 256-6764 **Taxpayer Services Division**, 1206 Quarrier Street, Charleston, West Virginia 25301, Telephone: (304) 558-3333 or toll free 1-800-WVA-TAXS (1-800-982-8297); **North Central Regional Office**, Huntington Bank Building, Suite 201, 230 West Pike Street, Clarksburg, West Virginia 26301, Telephone: (304) 627-2109; **Huntington Regional Office**, 2699 Park Avenue, Suite 230, Huntington, West Virginia 25704, Telephone: (304) 528-5568; **Martinsburg Regional Office**, 397 Mid Atlantic Parkway, Suite 2, Martinsburg, West Virginia 25401, Telephone: (304) 267-0022; **Parkersburg Regional Office**, 400 5th Street, Parkersburg, West Virginia 26101, Telephone: (304) 420-4570; or **Wheeling Regional Office**, 40 14th Street, Wheeling, West Virginia 26003, Telephone: (304) 238-1152.

What happens after I have completed the application and mailed it to the West Virginia State Tax Department?

Upon receipt of your Application for Registration Certificate, we will determine what tax return forms you should receive by reviewing the application. After we receive your completed application, you will receive your West Virginia Business Registration Certificate. Tax reporting forms are computer addressed and will be mailed to you prior to their due dates.

What do I do with the West Virginia Business Registration Certificate?

The Business Registration Certificate must be posted conspicuously in the place where you are conducting business.

Businesses that sell tangible personal property or services from or out of one or more vehicles, must carry a copy of their Business Registration Certificate in each vehicle and publicly display it while business is conducted from or out of the vehicle.

Any person engaging in any contracting business or activity must have a copy of their Business Registration Certificate available at each construction site in West Virginia until their work is complete at that site.

How long is my Business Registration Certificate valid?

For businesses registering after July 1, 2010 the certificate will be permanent. The Business Registration Certificate will remain valid until cessation of the business or until revoked or cancelled by the Tax Commissioner.

What if I don't obtain a Business Registration Certificate before commencing business?

Engaging in business within the State of West Virginia without obtaining a Business Registration Certificate when required by law, is a serious offense and could subject you to penalties of up to \$100.00 a day for each day you continue to operate your business without a license.

SPECIAL REGISTRATION REQUIREMENTS

Remember, not all taxes are collected by the West Virginia State Tax Department. You may be required to register with other State Agencies. The following is a list of types of businesses that must meet special registration requirements before the West Virginia State Tax Department can issue a Business Registration Certificate.

Corporations, Limited Partnerships, Limited Liability Companies, Voluntary Associations - Must **first** register with the West Virginia Secretary of State. Contact the Secretary of State for their publication on filing requirements.

Collection Agencies - Must file an approved surety bond of \$5,000.00 with the West Virginia State Tax Department for each West Virginia location. The completed surety bond must accompany the completed Application for Registration Certificate. Bond forms can be obtained by calling our automated form ordering system.

Employment Agencies - Must first obtain a letter of approval from the Labor Division of the West Virginia Department of Commerce, Labor and Environmental Resources. The letter of approval must accompany the completed Application for Registration Certificate.

Transient Vendors - Must, in addition to filing the Application for Registration Certificate and paying the \$30.00 Business Registration Fee, file an Application for **Transient Vendor's License** and post a \$500.00 bond with the West Virginia State Tax Department. For additional information on Transient Vendors request a copy of Publication TSD-317.

Sales of Drug Paraphernalia - Businesses selling drug paraphernalia must obtain a special Drug Paraphernalia License from the West Virginia State Tax Department. This, is in addition to the **Business Registration Certificate Applications for Drug Paraphernalia** and can be obtained by calling our automated form ordering system.

All Contractors - Must obtain a contractors license from the Labor Division of the West Virginia Department of Commerce, Labor and Environmental Resources. Testing is required.

Non-Resident Contractors - Must also register with the West Virginia State Tax Department under the Consumers Sales and Use Tax laws prior to engaging in the performance of a contract in this state. They must file a Cash Bond or Corporate Surety Bond for each contract or an Umbrella Corporate Surety Bond. For additional information on Non-Resident Contractors, request a copy of **Publication TSD-330**.

Telemarketers - Must file approved surety bond of \$100,000.

This list is not intended to be a list of all the special registration/licensing requirements imposed by the State of West Virginia. Persons engaging in or prosecuting other business activities in West Virginia may have to satisfy other special requirements with other State Agencies before commencing or while engaging in a business activity in this State.

In addition, often counties or municipalities have rules, regulations and registration requirements which may affect your business. We recommend you contact the local mayor's office for information on city taxes and registration requirements and the county assessor's office for information on county taxes.

WORKER'S COMPENSATION AND UNEMPLOYMENT COMPENSATION

If you have employees, the West Virginia State Tax Department will send the Division of Employment Security and the Workers Compensation Fund your name and address and other pertinent information. These agencies will contact you with all the necessary forms and paperwork to fulfill their requirements.

STARTING A NEW BUSINESS

Choosing the type of business is a big decision which will affect how the business is owned and operated, who will be liable for the debts and obligations of the business, who will have a right to the assets of the business, and your tax status. For assistance in making these important decisions, The Small Business Development Center, a division of the West Virginia Development Office, will provide managerial and technical assistance; financing and loan packaging information; and education and training in a variety of areas. Additional information may be obtained by contacting the address listed on the following page.

ADDRESSES FOR STATE AGENCIES MENTIONED IN THIS PUBLICATION

Secretary of State
Corporations Division
Capitol Complex
Building 1, Room 151
1900 Kanawha Boulevard, East
Charleston, WV 25305

Telephone: (304) 558-8000
Fax: (304) 558-5758

Workforce West Virginia
Unemployment Compensation Division
Status Determination Unit
112 California Avenue
Charleston, WV 25305

Telephone: (304) 558-2677
Fax: (304) 558-1324

West Virginia Development Office
Small Business Development Center
1900 Kanawha Boulevard, East
Building 6, Room 652
Charleston, WV 25305

Telephone: (304) 558-2960
Toll-free: 1-888-SBDC
Fax: (304) 558-0127

West Virginia Division of Labor
Capitol Complex
Building 6, Room B749
Charleston, WV 25305

Telephone: (304) 558-7890
Fax: (304) 558-2273

Office of Insurance Commissioner
Workers' Compensation
1124 Smith Street
Post Office Box 11682
Charleston, WV 25339-1682

TELEPHONE (304) 558-6279 ext. 1202
Fax: (304) 926-1996

If you have any questions concerning the registration of your particular business, contact:

**West Virginia West State Tax Department
Taxpayer Services Division
P. O. Box 3784
Charleston, West Virginia 25337-3784**

**Telephone: (304) 558-3333 or
Toll-free at 1-800-WVA-TAXS (1-800-982-8297)**

Service for the hearing impaired: 1-800-2TAXTDD (1-800-282-9833)

**To order forms or publications call the automated information system at:
(304) 344-2068 or 1-800-422-2075 within West Virginia**

To order by mail, please use the address listed above.

Internet address: <http://www.wvtax.gov>