



## **Additional Information for your New Business**

### **When Can You Use Your EIN?**

- \* Opening a bank account
  - \* Applying for business licenses
  - \* Filing a tax return by mail
- This EIN is your permanent number and can be used immediately for most of your business needs, including:

*However, it will take up to two weeks before your EIN becomes part of the IRS's permanent records. You must wait until this occurs before you can:*

- \* File an electronic return
- \* Make an electronic payment
- \* Pass an IRS Taxpayer Identification Number (TIN) matching program.

### **Sub Chapter S Corporation: Acceptance or Non-Acceptance of Election**

The IRS service center will notify the corporation if its election is accepted and when it will take effect. The corporation will also be notified if its election is not accepted. The corporation should generally receive a determination on its election within 60 days after the form has been filed. Please send us a copy of that letter when you receive it.

### **Labor Law Posters**

You can get a free copy/ poster of this from the US Dept. of Labor website. <https://www.dol.gov/agencies/whd/posters>

# IMPORTANT NOTICE TO EMPLOYERS

*YOUR NEW BUSINESS CORPORATION HAS REPORTING RESPONSIBILITIES IN NORTH CAROLINA...*

*Please read the important information below to ensure you understand your obligations to these state agencies.*

rev. (10-17)



## NORTH CAROLINA DEPARTMENT OF THE SECRETARY OF STATE [www.sosnc.gov](http://www.sosnc.gov)

**ANNUAL REPORTS** - Business Corporations registered to do business in North Carolina must file an annual report each year. There are two options for filing, they are:

Method	Where to File	Fee	Due Date
Electronically (real-time)	NC Secretary of State Online <a href="http://www.sosnc.gov">www.sosnc.gov</a>	\$20.00	<i>Your report is due on the 15th day of the 4th month following the entity's fiscal year end date.</i>
Paper Form	NC Secretary of State's Office P.O. Box 29525 Raleigh, NC 27626-0525	\$25.00	

Nonprofit Corporations and Professional Corporations are not required to file an annual report, but they are required to update information regarding their registered agent name and address along with the principal office address within 60 days of any change to the information on file with the Secretary of State's Office. If you have any questions, please contact customer service at either **919-814-5400** or [corpinfo@sosnc.gov](mailto:corpinfo@sosnc.gov).

## NORTH CAROLINA DEPARTMENT OF REVENUE

[www.dornc.com](http://www.dornc.com)

**SALES AND PURCHASES OF GOODS AND SERVICES** - Businesses making taxable sales or purchases of tangible personal property, services or certain digital property are required to register with the NC Department of Revenue to collect and remit the appropriate tax due. Sales taxes are typically charged and collected by the retailer, then paid to the Department of Revenue. Use taxes are remitted to the Department of Revenue by the purchaser. Please visit the Department's website at [www.dornc.com](http://www.dornc.com) for more information on sales and use tax and a checklist of the steps you should take to comply with North Carolina tax laws.

**HIRING EMPLOYEES** - Hiring employees is a significant step that triggers a number of tax obligations, including filing and paying state withholding taxes with the NC Department of Revenue. We strongly encourage you to set up your state withholding and other tax requirements correctly from the beginning and file and pay those taxes correctly and on time. Not doing so may create problems and consequences for both you and your employees. For more information on withholding tax and a list of steps you should take to meet your state tax obligations when hiring employees, please visit the Department's website at [www.dornc.com](http://www.dornc.com).

## NORTH CAROLINA DIVISION OF EMPLOYMENT SECURITY

[www.des.nc.gov](http://www.des.nc.gov)

**WHAT IS UNEMPLOYMENT INSURANCE TAX?** Unemployment insurance tax is a tax on employer payrolls paid by employers and used to provide funds from which unemployment benefits are paid to qualified unemployed workers. Unemployment tax is NOT deducted from employee wages.

**HOW DO I APPLY FOR A NORTH CAROLINA UNEMPLOYMENT TAX ACCOUNT NUMBER?** The Employment Security Law of North Carolina and Division Regulations require each employer to submit true and accurate information for determining liability. As an employer in the State of North Carolina, you must complete Form NCUI 604, Employer Status Report. Simply visit the website at [www.ncesc.com](http://www.ncesc.com), click on Business Services, and click on Forms under the Downloads section. Scroll down to the NCUI 604 under Forms – Unemployment

**WHO IS LIABLE FOR UNEMPLOYMENT TAX?** - A general business employer with at least one worker in 20 different calendar weeks during a calendar year, or with a payroll of at least \$1,500 in any calendar quarter is liable for unemployment tax. For information on other types of businesses, visit the website at [www.des.nc.gov](http://www.des.nc.gov). If you have further questions or need assistance, please call **919-707-1170** or send an e-mail to [esc.tax.status@nccommerce.com](mailto:esc.tax.status@nccommerce.com).

*(Continued on Reverse)*

## IMPORTANT NOTICE TO EMPLOYERS

# EMPLOYERS' REQUIREMENT TO CARRY WORKERS' COMPENSATION INSURANCE

The North Carolina Workers' Compensation Act requires that all businesses which employ three or more employees, including those operating as corporations, sole proprietorships, limited liability companies and partnerships, obtain workers' compensation insurance or qualify as self-insured employers for purposes of paying workers' compensation benefits to their employees. The only exceptions to this requirement are (a) employees of certain railroads; (b) casual employees, i.e., individuals who do not perform "work pertaining to the regular course of defendant's business"; (c) domestic servants directly employed by the household; (d) farm laborers when fewer than 10 full-time, non-seasonal farm laborers are regularly employed by the same employer; (e) federal government employees in North Carolina; and (f) "sellers of agricultural products for the producers thereof on commission or for other compensation, paid by the producers, provided the product is prepared for sale by the producer."

Businesses with just one employee, whose work involves the presence of radiation, are required to have workers' compensation coverage.

Individuals who are sole proprietors, members of LLCs, and partners are not counted automatically as employees. Corporate officers may elect to be excluded from coverage but are still counted in determining whether a business has three or more employees.

An employer is not relieved of its liability under the Act by calling its employees "independent contractors." Even if the employer refers to its workers as independent contractors and issues a Form 1099 for tax purposes, the Industrial Commission may still find that the workers were in fact employees, based upon its analysis of several factors, including but not limited to the degree of control exercised by the employer over the details of the work.

If you subcontract work to a subcontractor who does not have workers' compensation insurance, you may be liable for the work-related injuries of the subcontractor's employees, regardless of the number of employees you or the subcontractor employs. Different laws apply to trucking companies.

### IF YOU FAIL TO CARRY WORKERS' COMPENSATION INSURANCE, YOU MAY:

- 1) Face stiff financial penalties;
- 2) Be charged with a misdemeanor;
- 3) Be charged with a felony; and
- 4) Be imprisoned.

### CONTACT YOUR LAWYER OR INSURANCE AGENT IF YOU ARE UNSURE OF YOUR RESPONSIBILITIES AS AN EMPLOYER

#### North Carolina Industrial Commission

4336 Mail Service Center

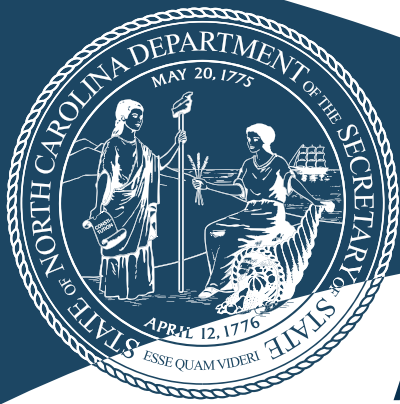
Raleigh, North Carolina 27699-4336

Telephone: (919) 807-2500

Fax: (919) 715-0280

Internet Address: <http://www.ic.nc.gov/>





## **BEWARE:** *Misleading Mailings Targeting New Companies.*

New business creators often receive deceptive solicitations through the mail that look official. The schemes cite statutory requirements or indicate there are more steps you need to take in order to be compliant in North Carolina as a new company. Most are false.

These solicitations offer to file or retrieve documents for a fee that is usually much higher than the State charges. In some cases, those filings may not even be required. Though the solicitors must indicate they are not a government entity to avoid liability, that language is often buried in very fine print.

Do not be taken advantage of. The NC Secretary of State's Office wants you to be aware of these schemes that target unsuspecting companies before they hit your mailbox.

### ***For Your Information:***

1. Once you submit Articles or Registration and receive a certified filed document, no other action is necessary until changes are made to the Articles or Registration or you need to file an Annual Report.
2. Certificates of Existence are ordered online from the Secretary of State's website ([www.sosnc.gov](http://www.sosnc.gov)) and printed from your computer. The fee for an online Certificate of Existence is \$10.00, plus a \$3.00 electronic transaction fee. They are ordered for specific reasons, for example, if you are registering in another state to do business. That state will require a Certificate of Existence from North Carolina.
3. Minutes of meetings are taken at the time of the meeting and placed into the business entity records at the principal office location. They do not need to be filed with this office.
4. File Annual Reports online directly with the NC Secretary of State's Office. You do not need a third party to file the Annual Report, but that is your decision.
5. Two more online resources:  
NC SOS Alerts & ABCI I.com Misleading Mailing Segment





# NC Secretary of State • Your Business Starts Here!



## *Take Your Business Up to the Next Level with Rural RISE NC*

Congratulations on starting your new business!

Registering a business is a terrific beginning, but knowing what comes next can be tricky and time consuming. For example, where can you receive a loan? What taxes have to be paid? How to spread the word about your business?

**Here's a way to have experienced, professional advisors help you get off to a great start.**

As a former small business owner, I understand how important to your success it is to quickly find and access local resources. That's why I started **Rural RISE NC** – Resources for Innovators, Start-Ups, and Entrepreneurs for you.

Our **Rural RISE NC** initiative connects you with **mentors, business counselors, funding sources, and more**—within your community and beyond. And even better, **many of these resources are free.**

For further information, please visit our website [SOSNC.gov/RISE](https://SOSNC.gov/RISE).

There you can search by your county and start connecting with professionals who will help increase the likelihood of your success. I am confident they can help your new business **RISE** to the next level.

*Elaine J. Marshall*

NC Secretary of State



**This is a list of letter's & examples you'll receive after Starting a business with Secretary of State Business Scam and/or Over Priced Services you don't need**

Laugh at the piece of mail & throw them away or use it as fire starters

<b><u>Vendor Names</u></b>	<b><u>Reason for Mailing</u></b>
North Carolina Business Filing Center	Yellow paper asking for you to pay more for things you do not need or already have.
Business Document Center	Certificate of Good Standing. You can get one from Secretary of State for \$10
Labor Poster Compliance	You do not have employees then you don't need them. If u do then you can buy one or print out the labor laws on paper and make it available to all employees in the break room/ area.
LPNCC	Labor Law Poster advertising

*Any other mail you receive and are not sure of it feel free to ask us and we will charge less than they will.*