



## **OBTAINING A NEW BUSINESS LICENSE INSTRUCTIONS/CHECKLIST**

### ***Set Up Your Business and Provide Applicable Documents or Information***

- ☐ You will need to provide the start date of your business: \_\_\_\_\_.

Types of business entities:

- **For Corporation or LLC (limited liability company):**
  - ☐ File formation documents with State Corporation Commission online at [www.scc.virginia.gov](http://www.scc.virginia.gov) or at 804-371-9733.
  - ☐ Obtain a federal Employer Identification Number (EIN) from IRS – if applying online, you can get your EIN immediately upon completion & validation at [www.irs.gov](http://www.irs.gov) or call 1-800-829-4933.
- **For Sole Proprietorship / Sole Owner:**
  - ☐ If not using your legal name for the business (see further explanation below), you must file a "Certificate of Assumed or Fictitious Name" and pay the filing fee with the Virginia State Corporation Commission at [www.scc.virginia.gov](http://www.scc.virginia.gov) (866-722-2551).
  - ☐ Provide proof of citizenship, such as a copy of your valid Virginia driver's license or other proof of legal residence in the US.
  - ☐ May want to obtain a federal Employer Identification Number (EIN) from IRS – if applying online, you can get your EIN immediately upon completion & validation at [www.irs.gov](http://www.irs.gov) or call 1-800-829-4933.
- **For Partnership:**
  - ☐ Provide Partnership Agreement Certificate with seal stamped on it – form available from Clerk of the Circuit Court or State Corporation Commission.
  - ☐ Obtain a federal Employer Identification Number (EIN) from IRS – if applying online, you can get your EIN immediately upon completion & validation at [www.irs.gov](http://www.irs.gov) or call 1-800-829-4933.
- **Foreign Business Entity:**
  - A foreign business entity is a business trust, corporation, general partnership, limited liability company or limited partnership that has been incorporated, organized, or formed under the laws of a state or jurisdiction other than Virginia (e.g., West Virginia, Maryland, Delaware etc.).
  - A "foreign" business entity may not transact business in Virginia until it obtains a certificate of authority or certificate of registration from the State Corporation Commission.
  - When a foreign business entity "registers" with the Commission, it obtains a certificate of authority or registration to transact business in Virginia but remains incorporated, organized or formed under the laws of the foreign jurisdiction after registering in Virginia.
  - Certain limited business activities, however, are specifically excluded from the definition of "transacting business."
  - File an application with State Corporation Commission online or obtain additional info at [www.scc.virginia.gov](http://www.scc.virginia.gov) or at (804) 371-9733.

The legal name of a business is the name of the person or entity that owns the business.

- **Sole Owner/Sole Proprietorship** = legal name of the individual
- **Partnership** = name given in the partnership agreement
- **Corporation/LLC/Business Trust** = name that is registered with the State Corporation Commission

A fictitious or assumed name is a name that a person (individual or business entity) uses instead of the person's legal name. Businesses must register or file their fictitious name to prevent customer confusion between two local businesses that use the same name and to provide the name and contact information of the owner. Per the Code of Virginia, no person, partnership, limited liability company or corporation can conduct or transact business under any assumed or fictitious name unless it signs and acknowledges a certificate setting forth the name under which the business is to be conducted or transacted, with the respective post office and residence addresses, and files the certificate with the Virginia State Corporation Commission.

All applicants who will be engaged in retail sales are required to register with the VA Department of Taxation to obtain a **Sales & Use Tax ID No.** Forms are available from Commissioner's office or:

VA Department of Taxation - Sales & Use Tax Division  
PO Box 1115, Richmond VA 23218-1115  
[www.tax.virginia.gov](http://www.tax.virginia.gov) / 804-367-8037

For additional help in setting up your business, you can contact:

Laurel Ridge Small Business Development Center  
173 Skirmisher Lane  
Middletown VA 22645  
540-868-7093  
<https://laurelridgesbdc.org/>

#### **Complete and Submit the Zoning Review Form**

Properties are zoned for different uses. A specific use of your property may not be allowed in the zoning ordinances. Complete the "Zoning Review Form – Home-Based Business/Home Occupation" or "Zoning Review Form – Commercial/Industrial Business" -- available *online* or in *printable* form at [www.fcva.us/biztax](http://www.fcva.us/biztax) or [www.fcva.us/planning](http://www.fcva.us/planning). If not filing *online*, form must be taken to Frederick County Department of Planning & Development (540-665-5651) for approval.

#### **Determine Which Business Category is Applicable**

Seven basic categories into which businesses fall are:

- Retail Sales
- Contractors, Builders & Developers
- Services (Repair, Personal, Business etc.)
- Services (Professional, Financial, Real Estate, Medical etc.)
- Wholesale Merchants
- Miscellaneous (see list)

For more information, see Business Classification Information.

#### **Complete and Submit the Application Form including Provide Estimated Gross Receipts**

- ☐ "Registration For New Business" is available *online* or *printable* form at [www.fcva.us/biztax](http://www.fcva.us/biztax). Tax rates vary according to business category and are calculated based on gross receipts (estimated for first year) or fixed fees. For more information, see "Business License Rates & Fees" attached.

#### **ADDITIONAL DOCUMENTS FOR CONTRACTORS ONLY TO PROVIDE**

- ☐ "Contractor Certificate of Workers' Compensation Liability Insurance" (Form 61-A) must be filed annually **(even if no insurance is required)** and is available *online* or in *printable* form at [www.fcva.us/biztax](http://www.fcva.us/biztax).
- ☐ Copy of VA State Contractor's License and Tradesmen License or licensing information (forms available *online* or in *printable* form at [www.fcva.us/biztax](http://www.fcva.us/biztax). Provide new expiration date when applicable. More info at:

VA Board for Contractors  
3600 West Broad Street  
Richmond VA 23230  
804.367.8511

#### **- OR -**

- ☐ If you are not subject to licensure/certification as a contractor/subcontractor pursuant to Chapter 54.1-1111 of the Code of Virginia, you will need to provide a signed and notarized "Written Statement And Affidavit of Contractor" to that effect (available in *printable* form at [www.fcva.us/biztax](http://www.fcva.us/biztax)).
- ☐ List of Subcontractors Form (if applicable and ongoing).

### **Pay for Business License**

- Pay *online* at [www.fredtax.com](http://www.fredtax.com).
- Pay *in person* at the Treasurer's office: 107 N. Kent Street.
- Pay *by mail* -- make check payable to: "Frederick County Treasurer" and send to: Frederick County Treasurer, PO Box 220, Winchester VA 22604-0220.

### **Receive Business License and Post in a conspicuous place on the premises**

### **File Business License Renewal Application Annually**

- Renew **BY MARCH 1** *online* at [www.fcva.us/biztax](http://www.fcva.us/biztax).
- Pay for renewal **BY APRIL 1** *online* at [www.fredtax.com](http://www.fredtax.com) or see above for other options.

### **File Return of Tangible Personal Property Annually:**

- Return of Tangible Personal Property – Business Equipment (Form 762B)
- Return of Tangible Personal Property – Manufacturer (Machinery & Tools) (Form 762M)
- Return of Tangible Personal Property – Processors (Form 762P)

Return of Tangible Personal Property must be filed annually (**even if no change**) and is **DUE BY MARCH 1**. It can be filed online via our website at [www.fcva.us/biztax](http://www.fcva.us/biztax). A detailed listing of such equipment or furnishings can be sent via email to [mprice@fcva.us](mailto:mprice@fcva.us). The listing must include the date of purchase, description of the item, and the original cost. Taxpayers who do not have business personal property to report must still file a return, entering "NONE," and providing an explanation as to how the business is operated without the use of tangible property.

Please note that once your Business Tangible Personal Property tax return is filed online, all of the information on your filing (contact, address, list of owned personal property etc.) will automatically appear the next year as previously provided. You would then only need to review the information and make any necessary changes or leave it as is if it remains the same and simply follow the prompts until you submit it.

### **ADDITIONAL FILINGS FOR OTHER SPECIFIC BUSINESSES TO PROVIDE**

#### **CONSUMER BUSINESSES (Meals / Lodging)**

- ☐ Consumer Business (Meals / Lodging) Tax Registration Form
- ☐ Consumer Tax (Meals / Lodging) Monthly Tax Return

#### **SHORT-TERM RENTAL PROPERTY BUSINESSES**

- ☐ Application for Certificate of Registration (annually)
- ☐ Short-Term Rental Property Quarterly Tax Return

### **Report All Changes / Closing**

Any changes to your business must be reported to COR. *Examples of changes:* Closing, entity type change (e.g., from Partnership to a Sole Proprietor); trade name; EIN; contact person; contact info (mailing address, phone no., email); new location, business category.

**\*\*\* IF YOU NEED ASSISTANCE AT ANY TIME DURING THE PROCESS, PLEASE CONTACT US. \*\*\***

Kathryn Corbit	<a href="mailto:kathryn.corbit@fcva.us">kathryn.corbit@fcva.us</a>	(540) 722-8336
Gracey Snyder	<a href="mailto:gracey.synder@fcva.us">gracey.synder@fcva.us</a>	(540) 722-8332
Amber Lucht	<a href="mailto:amber.lucht@fcva.us">amber.lucht@fcva.us</a>	(540) 722-8328
Maria Price	<a href="mailto:mprice@fcva.us">mprice@fcva.us</a>	(540) 722-8393

#### **Mailing Address:**

Commissioner of the Revenue  
PO Box 552  
Winchester VA 22604-0552

Telephone: 540-722-8335

Website: [www.fcva.us/cor](http://www.fcva.us/cor)

#### **Physical Address:**

Commissioner of the Revenue  
107 North Kent Street  
Winchester VA 22601

Fax: 540-667-6487

[www.fcva.us/biztax](http://www.fcva.us/biztax)

# Commissioner of the Revenue

[www.fcva.us/biztax](http://www.fcva.us/biztax)

## BUSINESS LICENSE RATES AND FEES

Based on Gross Receipts

GROSS RECEIPTS UNDER \$100,000.00 (Fixed Fee)	
Amount of Gross Receipts	Fixed Fee
Under \$4,000.00*	\$0.00
\$4,000.00 - \$14,999.99	\$30.00 fixed fee
\$15,000.00 - \$99,999.99	\$50.00 fixed fee
\$100,000.00 or more	(See table below.)

\*Renewal Form and Form 762B still required.

GROSS RECEIPTS OF \$100,000.00 OR MORE (Calculation of Rate [according to Business Category] multiplied by Total Gross Receipts)		
Business Category	Amount of Gross Receipts	Rate Per \$100.00 of Gross Receipts
Wholesale Merchant (report gross purchases)	\$100,000.00 or more	\$.05 (.0005) x Total Gross Receipts
Contractors, Builders & Developers	\$100,000.00 or more	\$.16 (.0016) x Total Gross Receipts
Retail Merchant	\$100,000.00 or more	\$.20 (.0020) x Total Gross Receipts
Business, Personal & Repair Services	\$100,000.00 or more	\$.36 (.0036) x Total Gross Receipts
Professional, Financial & Real Estate Services	\$100,000.00 or more	\$.58 (.0058) x Total Gross Receipts

OTHER FLAT RATES		
Business Category		Rate (per year unless otherwise specified)
Distiller's License, Winery License, or Brewery License		\$500
Bottler's License		\$150
Wholesale Beer and Wine License		\$200
Beer On, Beer Off, Wine On, Wine Off		\$20 each
Mixed Beverages	<i>Seating Capacity:</i>	
	50-100	\$100 plus gross receipts
	101-150	\$150 plus gross receipts
	151 and over	\$200 plus gross receipts
	Private Non-Profit Club Operating a Restaurant	
		\$200 plus gross receipts
Amusement Machine Operator		\$10 per machine for less than 10 machines plus \$.20/\$100 gross receipts
		\$100 for 10 or more machines
Fortune Teller, Clairvoyant, Phrenologist, Spirit Medium, Astrologer, Hypnotist, or Palmist		\$1,000
Itinerant Merchant		\$500
Claims Adjuster, Savings & Loan Association, and Credit Union		\$100
Gasoline and Oil Sales and Distribution		\$100 per vehicle
Carnival, Circus, and Speedway		\$500 per performance
Massage Parlor		\$200
Coliseum, Arena, and Auditorium		\$1,000
Junk Dealer & Precious Metals Dealer		(same as retailer)
Transient Bankrupt and Trustee Sales		\$500
Photographer (out of State)		\$30
This list is NOT all-inclusive. Please contact Commissioner of Revenue at 722-8335 for additional categories and rates.		