

The Kentucky Cabinet for Economic Development operates the Business Information Clearinghouse, which provides information on the licensing and permitting process to establish a business in Kentucky. For assistance, call 1-800-626-2250 or (502) 564-2064, e-mail cedsbds@ky.gov, or visit www.thinkkentucky.com/kyedc/ebpermits.aspx.

The arrangement of the following steps is not a required sequence of events, but suggests a convenient progression. The need to contact any or all of the agencies on the following list is dependent upon the type of business, the structure of the business and whether the business will utilize employees.

1. Typically, the first step in establishing a business in Kentucky is choosing a legal business structure and filing the appropriate registration. Listed below are the general registration procedures for common business structures. The term “Domestic” in the table below refers to businesses organized under the laws of the Commonwealth of Kentucky. The term “Foreign” refers to businesses organized under the laws of any state or country other than the Commonwealth of Kentucky.

Business Structure	Filing Instructions
Domestic Corporation	File Articles of Incorporation with the Kentucky Secretary of State
Foreign Corporation	File Application for Certificate of Authority (Foreign Corporation) with the Kentucky Secretary of State
Domestic Limited Liability Company	File Articles of Organization with the Kentucky Secretary of State
Foreign Limited Liability Company	File Application for Certification of Authority (Foreign LLC) with the Kentucky Secretary of State
Domestic Limited Partnership	File Certificate of Limited Partnership with the Kentucky Secretary of State
Foreign Limited Partnership	File Application for Certificate of Authority as a Foreign Limited Partnership with the Kentucky Secretary of State
Registered Limited Liability Partnership	File a Statement of Qualification with the Kentucky Secretary of State
General Partnership	If operating under a name that doesn't include the real names of each general partner, file a Certificate of Assumed Name with the Kentucky Secretary of State
Sole Proprietorship	If operating under a name that doesn't include the real name of the owner, file a Certificate of Assumed Name with the County Clerk where the owner is deemed a resident

Office of the Secretary of State
Filings Branch
700 Capital Avenue, Suite 154
P.O. Box 718
Frankfort, Kentucky 40602
(502) 564-2848 Fax: (502) 564-4075

Business filing overview: <http://sos.ky.gov/business/filings/>

Business filing forms: <http://sos.ky.gov/business/filings/forms/>

2. Obtain an Employer Identification Number (EIN) from the U.S. Internal Revenue Service (IRS) by calling 1-800-829-4933, completing Form SS-4, or submitting an online application.

IRS Information on how to apply for an EIN:

<http://www.irs.gov/businesses/small/article/0,,id=97860,00.html>

3. File a Kentucky Tax Registration Application (Form 10A100) with the Kentucky Department of Revenue.

Commonwealth of Kentucky
Department of Revenue
PO Box 299, Station 20
Frankfort, KY 40602-0299

(502) 564-3306 Fax: (502) 227-0772

Form 10A100: <http://revenue.ky.gov/business/register.htm>

4. File state license applications, as required, for businesses or professions with the appropriate state government agency. Information on all state licenses and permits may be obtained from the state Business Information Clearinghouse (BIC).

Business Information Clearinghouse
500 Mero Street, Capital Plaza Tower 23rd floor
Frankfort, Kentucky 40601

(502) 564-2064

Toll Free 1-800-626-2250 Fax: (502) 546-5932

<http://www.thinkkentucky.com/kyedc/ebpermits.aspx>

5. File federal licensing applications, as required, with the appropriate federal government agency.

Federal government licensing and permitting information:

http://www.business.gov/topic/Licenses_and_Permits



Cabinet for Economic Development

Steps for Establishing A Business in Kentucky

6. Check with the local city or county planning and zoning commission to assure that the location of the business is in compliance with existing local zoning regulations.
7. Obtain a local business license and register for local occupational taxes (requirements vary among locations). Check with the local city or county clerk or business licensing office in each area where the business intends to operate.

Local occupational tax contact information:

<http://www.kyola.org/Forms/2005OccupationalTaxListing.pdf>

8. Obtain certain permits, when applicable, before construction of any facility or occupancy of any existing facility. Assistance with environmental regulations can be obtained from the Kentucky Department for Environmental Protection's Division of Compliance Assistance.

Kentucky Department for Environmental Protection
Division of Compliance Assistance
300 Fair Oaks Lane
Frankfort, KY 40601
(502) 564-0323
Toll Free 1-800-926-8111 Fax: (502) 564-9720

Division of Compliance Assistance web site:

<http://www.dca.ky.gov/complianceassistance/>

- A. Permits to build and operate in compliance with environmental regulations from the Kentucky Department for Environmental Protection:

Air pollution sources, including large parking areas

Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382 Fax: (502) 573-3787

Permit applications: <http://www.air.ky.gov/permitting/>

Sewage systems discharging into Kentucky waters, withdrawal of water exceeding 10,000 gallons per day from public waters and building sites in a flood plain:

Division of Water
14 Reilly Road
Frankfort, Kentucky 40601
(502) 564-3410 Fax: (502) 564-0111

Permit applications: <http://www.water.ky.gov/permitting/>

Solid and hazardous wastes

Division of Waste Management
14 Reilly Road
Frankfort, Kentucky 40601
(502) 564-6716 Fax: (502) 564-4049
Division of Waste Management Forms:
<http://www.waste.ky.gov/forms/>

- B. Approval of construction plans for compliance with building, electrical, plumbing and boiler codes by the Kentucky Department of Housing, Buildings and Construction:

Permit applications: <http://www.ohbc.ky.gov/>

Building codes

Division of Building Codes Enforcement
101 Sea Hero Road, Suite 100
Frankfort, Kentucky 40601
(502) 573-0373 Fax: (502) 573-1059
<http://www.ohbc.ky.gov/bce>

Boiler codes

Division of Fire Prevention
101 Sea Hero Road, Suite 100
Frankfort, Kentucky 40601
(502) 573-1708 Fax: (502) 573-1004
<http://ohbc.ky.gov/fp/boilers/default.htm>

Electrical inspection

Division of Fire Prevention
101 Sea Hero Road, Suite 100
Frankfort, Kentucky 40601
(502) 573-1797 Fax: (502) 573-1004
<http://ohbc.ky.gov/fp/ei/default.htm>

Plumbing codes

Division of Plumbing
101 Sea Hero Road, Suite 100
Frankfort, Kentucky 40601
(502) 573-0397 Fax: (502) 573-1058
<http://ohbc.ky.gov/plb/>

- C. Apply for a building permit and a sewer connection permit (where required) from the city or county government. This is usually accomplished by the construction contractor.

9. Verify that employees are authorized to work in the U.S., as required by the U.S. Citizenship and Immigration Services.

U.S. Citizenship and Immigration Services
Office of Business Liaison
111 Massachusetts Avenue, NW
6th Floor
Washington, DC 20539
1-800-357-2099 Fax (202) 272-1865
<http://www.uscis.gov/portal/site/uscis> (click on “For Employers”)

10. Report new hires or anyone that is rehired or returns to work after a separation of employment of 30 days or more to the Kentucky New Hire Reporting Center. This information is used to identify individuals that may owe child support or recipients of unemployment compensation who fail to report earnings.

Kentucky New Hire Reporting Center
P.O. Box 8278
Madison, WI 53708-8278
1-800-817-2262
www.newhire-usa.com/ky

11. Obtain Workers’ Compensation coverage for employees by either:
- Buying insurance from a private carrier; *or*
 - Buying insurance from Kentucky Employers Mutual Insurance (KEMI); *or*
 - Joining an approved self-insurance group; *or*
- Becoming qualified as a self-insured employer by the Kentucky Department of Workers’ Claims.

Kentucky Department of Labor
Office of Workers’ Claims
657 Chamberlin Ave.
Frankfort, KY 40601
1-800-554-8601 or (502) 564-9533 Fax: (502) 564-5732
<http://www.labor.ky.gov/workersclaims/specialists/>
Workers Compensation Guidebook:
<http://www.labor.ky.gov/workersclaims/publications/>

12. Register with the Kentucky Office of Employment and Training (OET) to establish a state unemployment insurance account if you have employees subject to unemployment insurance requirements. Most employers can register online, while some are required to

complete form UI-1. OET has an Employer Guide that provides more detailed information on registration and coverage requirements.

Tax Status and Accounting Branch
Unemployment Insurance
Post Office Box 948
Frankfort, Kentucky 40602-0948
(502) 564-2272 Fax: (502) 564-5442
OET Unemployment Insurance Employer Guide:
http://www.oet.ky.gov/des/ui/UI_EmployerGuide_2007.pdf
Unemployment Insurance Registration:
<https://kewes.ky.gov/>

13. Post state required posters in a conspicuous location at the place of business:

- A. Posters containing these three notices:
- Kentucky Minimum Wage and Hour Law
 - Kentucky Child Labor Law
 - Wage Discrimination Because of Sex

Kentucky Department of Labor
Division of Employment Standards, Apprenticeship & Training
Office of Workplace Standards
1047 U.S. 127 South, Suite 4
Frankfort, Kentucky 40601
(502) 564-3070 Fax: (502) 564-2248
Posters may be downloaded from the following web site:
<http://www.labor.ky.gov/ows/employmentstandards/posters/>

- B. Safety and Health Protection on the Job
Kentucky Department of Labor
Office of Occupational Safety and Health
1047 U.S. 127 South, Suite 4
Frankfort, Kentucky 40601
(502) 564-3070 Fax: (502) 696-1902
<http://www.labor.ky.gov/osh>
- C. Posters required by Kentucky laws to be posted in specified types of businesses.
- Equal Employment Opportunity and Americans with Disabilities Act
 - Equal Housing Opportunity (business and individuals dealing in the sale, rental, or leasing of housing)
 - Fair Housing
 - Public Accommodations

Kentucky Commission on Human Rights
332 West Broadway, Suite 700
Louisville, Kentucky 40202
(502) 595-4024 or 1-800-292-5566 Fax: (502) 595-4801
<http://kchr.ky.gov/>

Posters that include all required state and federal mandatory postings can be purchased from the Kentucky Chamber of Commerce.

Kentucky Chamber of Commerce
464 Chenault Road
Frankfort, Kentucky 40601
(502) 695-4700 Fax: (502) 695-6824
<http://www.kychamber.com>

14. Post federal required posters in a conspicuous location at the place of business:

Federal Mandatory Postings

Family and Medical Leave Act (FMLA)
U.S. Department of Labor
ESA Wage and Hour Division
Gene Snyder U.S. Court House and Customs House
601 West Broadway, Room 31
Louisville, Kentucky 40202-9570
1-866-487-9243 or (502) 582-5226
<http://www.dol.gov/esa/whd/fmla/>

Posters may be downloaded from the following web site:
<http://www.dol.gov/osbp/sbrefa/poster/main.htm>

Equal Employment Opportunity
Louisville Area Office
600 Dr. Martin Luther King Jr. Place, Suite 268
Louisville, KY 40202
(502) 582-6082 or 1-800-669-4000
Fax: (502) 582-5895
<http://www.eeoc.gov>

(Mandatory in addition to State Postings)

Special Posters

- Minimum Wage and Overtime Poster
- Employee Polygraph Protection Act WH Pub. 1462
- Your Rights Under the Fair Labor Standards Act WH Pub. 1088
- Working on Federally Financed Construction Projects
- Migrant and Seasonal Agricultural Worker Protection Act



Steps for Establishing A Business in Kentucky

U.S. Department of Labor
Wage and Hour Division
Washington, D.C. 20210
1-866-487-9243
Lexington Office: (859) 219-2171
Louisville Office: (502) 582-5226 Fax: (502) 582-6890
Posters can be downloaded from the following web site:
<http://www.dol.gov/osbp/sbrefa/poster/main.htm>

For technical assistance with the Americans with Disabilities Act compliance contact:

Kentucky Education Cabinet
Kentucky's Office for the Americans with Disabilities Act
State ADA Coordinator's Office
500 Mero Street, Capital Plaza Tower, 2nd floor
Frankfort, Kentucky 40601
1-877-423-2933 or (502) 564-3850 Fax: (502) 564-2316
<http://ada.ky.gov>

Note: Most businesses find it helpful and timesaving to engage the services of a Kentucky licensed attorney or accountant to assist in establishing a business operation.

October 2007



Cabinet for Economic Development

10 Steps to Establishing A Business In Kentucky

1. Kentucky Cabinet for Economic Development www.thinkkentucky.com 1-800-626-2930 502-564-7140 econdev@ky.gov	Contact Department for New Business Development or Department for Existing Business Development ; select from shovel-ready sites and available buildings . Get detailed community data on utilities services, business costs, local government services, labor availability, and other local resources.	Immediate
	Financial incentives: apply for financial packages that may include training, tax incentives and other project inducements	Varies
	Get business-specific permit /license referrals from the Business Information Clearinghouse	Immediate

2. Kentucky Secretary of State http://sos.ky.gov 502-564-2848	Determine name availability: http://apps.sos.ky.gov/business/obdb/nameavail.aspx	Immediate
	Register business name and legal structure: http://sos.ky.gov/forms.htm	5-10 Days
	File a Certificate of Assumed Name if operating under a name other than real name	5-10 Days
	File a copy of business registration with county clerk, and file an annual report and fee as required to maintain active status	

3. Federal Government	Determine if the business requires federal licensing: http://www.business.gov/topic/Licenses_and_Permits	Immediate
	Obtain an Employer Identification Number (EIN) from the Internal Revenue Service (IRS) by calling 1-800-829-4933	

4. Kentucky Department of Revenue http://revenue.ky.gov 502-564-3306	File Kentucky Tax Registration Application (form 10A100) with the Kentucky Department of Revenue: http://revenue.ky.gov/business/register.htm	5-10 Days
--	--	-----------

5. Local City/County Government	Check with local city/county governments where you intend to operate regarding zoning, building inspection, etc.	
	Obtain local business license and register for local occupational taxes (requirements vary among locations): http://www.kyola.org/Forms/2005OccupationalTaxListing.pdf	

6. Kentucky Department for Environmental and Public Protection Division of Compliance Assistance 1-800-926-8111 http://www.dca.ky.gov/complianceassistance/	Contact the Kentucky Department for Environmental Protection, Division of Compliance Assistance, for assistance regarding environmental regulations.	
	File permit application for air: http://air.ky.gov	Up to 180 Days
	File permit application for raw water withdrawal (10,000 gallons + per day): http://water.ky.gov	90 Days
	File for permit from the point source if wastewater will be discharged directly into a water body. A wastewater construction permit is also needed for sanitary treatment facilities.	180 Days
	Obtain state and local permitting for storm water discharging at least 2 days prior to construction on a site that will disturb one or more acres.	During Construction Period
	Obtain floodplain construction permit 30 days prior to construction if it will in any way affect natural or improved water body.	
	Obtain authorization if manufacturing facility treats own water and meets the definition of a public water system. Before construction, ensure water source has adequate capacity.	---
Contact Department of Waste Management for disposal of solid/special and hazardous wastes. For container storage or tank storage permit is required. www.waste.ky.gov	Up to 1 Year	

7. Planning, Zoning & Building Code Enforcement	For facilities under 20,000 sq. ft, submit development plan process and review. Receive authorization for building, fire and plumbing and all electrical inspections. Permits issued after state authorization.	Up to 180 Days
---	---	----------------

8. KY Office of Housing, Buildings and Construction	For facilities over 20,000 sq. ft, provide building plans for review. Receive state authorization for building, fire and plumbing inspections. http://ohbc.ky.gov/bce	Up to 180 Days
---	---	----------------

9. Federal Government Employer Requirements	Refer to Employer's Tax Guide, IRS Publication 15 for federal employer responsibilities	
	Determine whether workers are employees or independent contractors by referring to IRS Publication 15-A, Employer's Supplemental Tax Guide	
	Verify that employees are authorized to work in the U.S., as required by the U.S. Citizenship and Immigration Services: 1-800-357-2099 http://www.uscis.gov/portal/site/uscis (click on "For Employers")	
	Report new hires (and re-hires that return to work after a separation of 30 days or more) to the Kentucky New Hire Reporting Center: 1-800-817-2262 http://newhire-usa.com/ky/	
	Ensure compliance with the Americans With Disabilities Act as required by the U.S. Department of Justice: 1-800-514-030 http://ada.gov	
	Post mandatory posters as required by the U.S. Department of Labor: 1-888-972-7332 http://www.dol.gov/compliance/topics/posters.htm	

10. State Government Employer Requirements	Purchase workers' compensation insurance coverage for employees through KY Employers Mutual Insurance (KEMI) . 1-800-640-5364, or from a private carrier or approved self-insurance group or become qualified as a self-insured employer by the Kentucky Office of Workers' Claims: 502-564-5550 http://labor.ky.gov/workersclaims	
	Establish a state unemployment insurance account with the Kentucky Office of Employment and Training: 502-564-2272 http://oet.ky.gov/des/ui/ui.asp	
	Display mandatory posters: http://labor.ky.gov/osh http://kchr.ky.gov/reports/posters.htm http://www.oet.ky.gov/des/pubs/ui/ui_ben5_1_0108.pdf	
	Comply with Kentucky occupational and health regulations: http://labor.ky.gov/osh/oshregulations	