

# **General Business License Requirements**

## **Fictitious Name or Doing Business as (DBA)**

Fictitious Names and DBAs are one in the same. If you propose to use a fictitious business name, contact the County Clerk Recorder's and your local newspaper to schedule a publication notice. Fictitious name statements are filed with San Joaquin County Clerk's Office in Stockton or visit their website at [www.co.san-joaquin.ca.us](http://www.co.san-joaquin.ca.us) . For more information on California Fictitious Name filing requirements, please see the California Business and Professions Code (sections 17900-17930) at [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

## **State Sales and Use Tax Permit**

If you sell tangible personal property, retail or wholesale, you are required to obtain a Seller's Permit (Retail Sales Tax Number) from the State Board of Equalization (SBE) for the purpose of collecting and reporting sales tax to the State of California. This seller's permit is required before your business license will be released. To obtain a Seller's Permit, contact the SBE at one of the local district offices. To find a local office, please visit their website at [www.boe.ca.gov](http://www.boe.ca.gov)

## **Federal Employer Identification Number**

If your business is organized as a corporation or partnership, or if you engage or plan to engage employees, you will need a Federal Employer Identification Number (FEIN) for the purpose of withholding FICA Taxes and Social Security Taxes. A FEIN is required even if your business has no employees. To obtain a FEIN, contact the Internal Revenue Service (IRS) at [www.irs.gov](http://www.irs.gov) or download an application for Federal Employer Identification Number at [www.fedworld.gov](http://www.fedworld.gov).

## **Liability and Workers' Compensation Insurance**

To obtain information regarding Liability and Workers' Compensation Insurance requirements contact your insurance agent. You may also visit the California Department of Insurance's website at [www.insurance.ca.gov](http://www.insurance.ca.gov)

## **State Employer Identification Number**

If your business is organized as a corporation or partnership in the State of California, or if you engage or plan to engage employees in the State of California, you will need a State Employer Identification Number (SEIN) for the purpose of withholding State Income Tax, Disability, and Unemployment Insurance. For more information, please visit their web page at [www.ed.ca.gov](http://www.ed.ca.gov)

## **State Franchise Tax Board**

If you intend to have employees within the State of California or to obtain the Form 540 to estimate State Withholding Tax for yourself, visit their website at [www.FTB.ca.gov](http://www.FTB.ca.gov)

# Business License

## Types of Ownerships

***Sole proprietorship*** - A sole proprietorship is an unincorporated business that is owned by one person or by a husband and wife. You include the income expenses of the business on your own tax return. We must have the owner's name, home address, and driver's license number.

***Partnership*** - A partnership is the relationship existing between two or more persons who join to carry on a trade or business. Each person contributes money, property, labor or skill and expects to share in the profits and losses of the business. A partnership is not taxable on the income of the entity. Each partner includes his or her share of the partnerships income or loss on his or her tax return. Except for husband-wife partnerships, a Federal Tax ID number (EIN) is required.

***Limited Liability Company*** - A Limited Liability Company ("LLC") combines traditional corporate and partnership characteristics.

***Corporation*** - In forming a corporation, prospective shareholders transfer money, property, or both for the corporation's capital stock. The profit of a corporation is taxed to both the corporation and the shareholders when the profit is distributed as dividends. In California, the Secretary of State stamps the number only on the original articles of incorporation.

***Other Types*** - It is possible that the entity you formed is something other than what is documented above, such as a trust.

For more information regarding ownership, please visit the State Franchise Tax Board website at [www.FTB.ca.gov](http://www.FTB.ca.gov)

# Business License

## General Information/Pre-Licensing Requirements

In addition to obtaining the business license certificate, you must also comply with all the city, county, state, and federal regulations for zoning, building, health and safety, as well as any others which may directly apply to your type of business.

All businesses are encouraged to visit the CalGOLD website [www.calgold.ca.gov](http://www.calgold.ca.gov) which can assist in the process for determining what types of Federal, State, and County licenses or permits may be required in addition to your business license.

All employers and many businesses are required to have a Federal Tax Identification Number and/or and Employer Identification Number.

For an application or additional information, please contact the Internal Revenue Service or the Franchise Tax Board for assistance.

Also, if your business will be having employees, registration with the Employment Development Department is required. Visit the California Tax Service Center website [www.taxes.ca.gov](http://www.taxes.ca.gov) for assistance and links to required forms.

## Retail and Wholesale Sales

- Your business activity may require a Seller's Permit from the State Board of Equalization. To obtain a Seller's Permit, contact the SBE at one of the local district offices. To find a local office, please visit their website at [www.boe.ca.gov](http://www.boe.ca.gov)

## Alcoholic Beverages

- If your business intends on selling or serving alcoholic beverages, a license is required by the California Department of Alcoholic Beverage Control. Visit their website at [www.abc.ca.gov](http://www.abc.ca.gov)

## Food Preparation

- If your business involves preparing and/or selling food at a retail level, a San Joaquin County Environmental Health Permit is required. For more information, visit the county's website at [www.co.san-joaquin.ca.us/dynamic.aspx?id=1830](http://www.co.san-joaquin.ca.us/dynamic.aspx?id=1830)

- This includes but is not limited to catering businesses, food trucks, ice cream trucks or carts, and retail food establishments. These businesses must present a copy of their health permit to obtain a business license.
- If your business is manufacturing, packing, or warehousing processed foods, a permit is required from the California Department of Health Services. For more information, visit their website at [www.dhs.ca.gov](http://www.dhs.ca.gov)
- If your business is involved in the processing, sales or use of such things as dairy products, fruits and vegetables, pesticides and fertilizers, organic foods, and more. Check with the California Department of Food and Agriculture [www.cdfa.ca.gov](http://www.cdfa.ca.gov) for these types of businesses.

#### **Additional permits or licenses**

- May be required from San Joaquin County, including but not limited to Fictitious Name Statements, Hazardous Waste Facilities, public facilities (i.e. swimming pools for public use), and vehicle repairs.
- The use of a business name that does not include its owner(s) surname is required to file a Fictitious Name Statement with the County Clerk-Recorder's Office. For more information, please visit their website at [www.co.sanjoaquin.ca.us/dynamic.aspx?id=1830](http://www.co.sanjoaquin.ca.us/dynamic.aspx?id=1830)

#### **Contractor's License**

- All businesses or individuals who construct or alter any building, highway, road, parking facility, railroad, excavation, or other structure in California must be licensed by the California Contractors State License Board (CSLB) Contractors, including subcontractors, specialty contractors, and person engaged in the business of home improvement (with the exception of joint ventures and projects involving federal funding) must be licensed before submitting bids. Licenses may be issued to individuals, partnerships, corporations, or joint ventures. The CSLB does not issue licenses to Limited Liability Companies (LLC's). Contractors and subcontractors are also required to obtain a City Business License.