



# STATE OF WEST VIRGINIA

## Offices of the Insurance Commissioner

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Insurance Commissioner

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Location:  
PEO Licensing  
900 Pennsylvania Avenue  
Charleston, WV 25302

### **Requirements and Procedures for becoming Licensed as a Professional Employer Organization (PEO) in West Virginia**

Pursuant to W. Va. Code §33-46A and WVSCR 114-85, a Professional Employer Organization (PEO) (or Group) must obtain a license in the State of West Virginia. Our office has provided instructions and the required application form to become licensed in our State. If the space provided on the form is insufficient, attach additional pages. **Failure to submit a complete application including all applicable supporting documentation and fees will delay processing and may result in denial of licensure.** The application fees are non-refundable.

**The legal business name** is the name that will appear on the registration and is the actual name under which the PEO will conduct business. If the applicant for registration is a business entity, this is normally the name registered with the West Virginia Secretary of State. If there is a fictitious business name, list that name also (e.g. XYZ Corporation dba XYZ Professional Employer Organization). If you are going to operate under your own personal given name, this will also be your business name.

**Address of Record:** The address provided on the application will be the address of record and any correspondence from our office will be directed there. Any changes to the address of record should be timely communicated to our office.

#### **Regular License Application Instructions:**

1. Complete a Professional Employer Organization Application (Form PEO-1).
2. Remit a \$300.00 non-refundable application filing fee made payable to the West Virginia Offices of the Insurance Commissioner.
3. Provide a list by jurisdiction of each name under which the PEO has operated in the preceding five (5) years, including any alternative names, names of predecessors, and if known, names of successor business entities.
4. Provide a statement of ownership which includes the names and business experience of any person who, acting individually or in concert with one or more other persons, owns or controls, directly or indirectly, 25% or more of the equity interests of the PEO.
5. Provide a statement of management which includes the names of all officers and any person who has the authority to act as a senior executive officer of the PEO with evidence of their business experience.
6. Provide the most recent audited financial statement, which may not be older than thirteen (13) months. The financial statement shall be prepared in accordance with GAAP and audited by an independent CPA.
7. Provide a bond, irrevocable letter of credit, or securities with a minimum market value of \$100,000.00 **if** the PEO has less than \$100,000.00 in working capital as reflected in the financial statements or does not have a recent audited financial statement.
8. Provide a complete and current listing of all client-employers located in West Virginia or who have employees in West Virginia.
9. List the name and address of all officers, directors, partners and shareholders owning 10% or more of any stock in the corporation.
10. Resident PEO's organized as a corporation must provide a copy of the corporation's Article of Incorporation filed with the Secretary of State of West Virginia. Partnerships must provide a copy of the Partnership Agreement or an affidavit signed by all parties that no written partnership exists. Limited partnerships must



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provide a copy of the Certificate of Limited Partnership. If the applicant is a non-resident, a certificate of authority to do business in the state, issued by the Secretary of State's office, must be submitted.

### **Limited License Application Instructions:**

The Commissioner may grant a limited PEO license if the following conditions are met:

1. The applicant will have to demonstrate it is licensed or registered as a PEO in another state with substantially similar licensing requirements.
2. The PEO does not maintain an office in this state.
3. The PEO does not directly solicit employers located in West Virginia.
4. The PEO does not have more than fifty (50) covered employees in West Virginia on any given day.

Submit a completed Form PEO-1 and remit a \$200.00 non-refundable application filing fee.

### **Group License Application Instructions:**

1. Complete a Professional Employer Organization Application (Form PEO-1).
2. Remit a \$300.00 non-refundable application filing fee made payable to the West Virginia Offices of the Insurance Commissioner. Each PEO within the PEO group shall pay a separate application fee.
3. Provide a list by jurisdiction of each name under which each PEO has operated in the preceding five (5) years, including any alternative names, names of predecessors, and if known, names of successor business entities.
4. Provide a statement of ownership which includes the names and business experience of any person who, acting individually or in concert with one or more other persons, owns or controls, directly or indirectly, 25% or more of the equity interests of each PEO.
5. Provide a statement of management which includes the names of all officers and any person who has the authority to act as a senior executive officer of each PEO with evidence of their business experience.
6. Provide the most recent audited financial statements, which may not be older than thirteen (13) months. The financial statement shall be prepared in accordance with GAAP and audited by an independent CPA.
7. Provide a bond, irrevocable letter of credit, or securities with a minimum market value of \$100,000.00 **if** the PEO Group has less than \$100,000.00 in working capital as reflected in the financial statements or does not have a recent audited financial statement.
8. Provide a complete and current listing, for each PEO, of all client-employers located in West Virginia or who have employees in West Virginia.
9. List the name and address of all officers, directors, partners and shareholders owning 10% or more of any stock in the corporation.
10. Resident PEO's organized as a corporation, must provide a copy of the corporation's Article of Incorporation filed with the Secretary of State of West Virginia. Partnerships must provide a copy of the Partnership Agreement or an affidavit signed by all parties that no written partnership exists. Limited partnerships must provide a copy of the Certificate of Limited Partnership. If the applicant is a non-resident, a certificate of authority to do business in the state, issued by the Secretary of State's office, must be submitted.



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11. Submit evidence showing that each company included in the PEO Group is majority owned or commonly controlled by the same entity, parent, or controlling person. This can be documented by submission of one of the following:

- ) Corporate Registration
- ) Corporate Resolution
- ) Shareholder Report
- ) Interest Holder Report

12. A parental guarantee must accompany a Group License application. (This applies to new Groups. If we have a parental guarantee on file you do not need to submit another one with a renewal application.) This guarantee may be in the form of an indemnification agreement or a resolution of the board of directors of the parent company authorizing the guarantee of workers' compensation, unemployment tax liability and other obligations of a subsidiary PEO in the combined or consolidated license.

**NOTE: A LATE FEE OF \$300.00 WILL BE ASSESSED ON ANY PEO RENEWAL APPLICATION NOT FILED TIMELY.**