



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner
Company Analysis and Examinations Division

Requirements and Procedures for Becoming Licensed or Renewed as a Professional Employer Organization (PEO) or Group 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 or renewed 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 be conducted. 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.

License / Renewal Application Instructions:

1. **Initial License Application** – Complete a Professional Employer Organization Application (Form PEO-1). **Renewal Application** –The licensee shall apply for its annual renewal no later than one hundred eighty (180) days after licensee’s fiscal year by submitting a completed 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 and separate renewal fee.
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 persons who has the authority to act as a senior executive officer of the PEO with evidence of the business experience.
6. Provide the most recent audited financial statements, not to be older than thirteen (13) months, performed by a licensed CPA.
7. Provide a bond, irrevocable letter of credit, or securities with a minimum market value of \$100,000 **if** the PEO or PEO Group has less than \$100,000 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.

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10. 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 its 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, must be submitted.
11. If you are applying for a PEO Group registration, additionally submit evidence showing that each company included in the PEO Group are majority owner 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 PEO filing as a group must be accompanied by a parental guarantee. 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.
13. Common control of the PEO group must be demonstrated by all PEO's applying for a group license.

Limited License Instructions:

The Commissioner may grant a limited PEO license under all circumstances listed and demonstrated below:

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 and;
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 application fee.

NOTE:

A LATE FEE OF \$300 WILL BE ASSESSED ON ANY PEO RENEWAL APPLICATION NOT FILED TIMELY.

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