

INSTRUCTIONS FOR FILING A BUSINESS CERTIFICATE

MASSACHUSETTS GENERAL LAWS, CHAPTER 110, SECTION 5

Who Must File?

- Any person conducting business in Waltham
- Any person doing business under any title other than *the complete* real name of the owner, (i.e. John W. Smith), whether individually or as a partnership.
- Any Corporation doing business in a name other than the corporate name.
(Only corporations can use Inc., LLC, Ltd. (Must be filed by a corporate officer.))

Where does one File?

- File with the *Department of the City Clerk*, either in person or by mail, in every city or town where an office of any such person, business, partnership or corporation may be located.

Can you change any information on the Business Certificate?

- Upon discontinuing, retiring, changing or withdrawing from such business or partnership, or in a case of a change of residence of such person listed on the Business Certificate or of the location where business is conducted, such form must be filed with the *Department of the City Clerk*.

After the withdrawal/change is completed, if the business is planning to continue to operate in Waltham, it is necessary to file a new Business Certificate.

Does a Business Certificate Expire?

- A Business Certificate is valid for four (4) years from the date of issue. A new filing must be made every four years as long as the business is functioning. It is the owner(s) responsibility to renew the form every four years. Renewal forms *will not* be automatically sent out.

Do I have to display the Certificate?

- No, but you must provide a copy on request, during regular business hours, to any person who has purchased goods or services from such business.

Fees:

- Business Certificate Filings \$ 50.00 **includes one certified copy**
- Withdrawals, Discontinuances, Changes, etc. ... \$ 30.00 **includes one certified copy**

Penalties:

- Violations of these provisions shall be subject to a fine up to three hundred dollars (\$300.00) for each month during which such violation continues.

File By Mail:

- Obtain form from Department of the City Clerk. Fill out form completely. Sign form in front of a *NOTARY PUBLIC*. Mail with check or money order made out to the City of Waltham, along with a self-addressed stamped envelope. There are Notary Publics available in the City Clerk's Office during office hours.



CITY OF WALTHAM
Office of the City Clerk

Certificate No. _____

BUSINESS CERTIFICATE – Filing Fee: \$50.00

New Business _____ Business Renewal _____

This certificate Expires on: _____

Under the provisions of Chapter 110, Section 5 of the Massachusetts General Laws, as amended,
the undersigned hereby declares that a business under the title of:

Business Name: (D/B/A) _____

Type of Business: _____ Phone No: _____

Business Address: _____

Email Address: _____ Secondary Phone No: _____

No P.O. Boxes or Mail Boxes Accepted Business Address must be in Waltham.

If Incorporated; Corporation Name: _____

**By the following individual (s) or Corporate
Officer *Full Name (s)***

**Residential or Corporation Address
(*No P.O. Boxes or Mail Boxes Accepted*)**

Signatures of Business Owners Listed Above:

On _____ the above named person(s) personally appeared before me and made oath that the foregoing statement is true.

Identification Presented: Driver's License _____ Other _____

CITY SEAL

Notary Public Signature

Notary Seal/Commission Expiration Date: _____

IMPORTANT NOTICE

This Certificate expires four (4) years from the date of issue. If you cease conducting business before that time, the law requires that you withdraw this Certificate with the office of the City Clerk for a fee of \$30.00.

Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business. **Violations are subject to a fine of not more than three hundred dollars (\$300.00) for each month during which such violation continues.**

Massachusetts Department of Revenue form TA-1 available on request.

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."**

Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

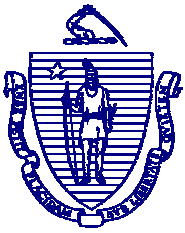
The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

www.mass.gov/dia



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
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Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

1. ☐ I am a employer with _____ employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____