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EC97-452 Bed and Breakfast Licenses and Regulations in Nebraska

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Bed and Breakfast Licenses and Regulations in Nebraska

Starting a Business

<i>License/Regulation</i>	<i>Description</i>	<i>Cost as of 1997</i>	<i>Agency and Location</i>
One Stop Business Assistance Center	Provides assistance with: <ul style="list-style-type: none"> • Regulations, licenses, fees, other requirements for business operation in Nebraska • Assistance on marketing, finance, management counseling • Business information • Economic development programs 	Free	One Stop Business Assistance Center NE Department of Economic Development PO Box 94666 301 Centennial Mall South Lincoln, NE 68509-4666 (800) 426-6505
Registering Your Organization	Limited liability companies, limited partnerships and corporations have a one-time registration fee with the NE Secretary of State. General partnerships should register with the County Clerk.	Limited liability and corporations based on amount of capital/stock. Limited partnerships—\$250	NE Secretary of State, Corporate Division State Capitol Building Lincoln, NE 68509 (402) 471-4079
Business in the Home Permit	Required to operate a business in a residential area in some communities.	Varies	Town or city hall or county clerk
Registration of Trade Name	Required for doing business under a name other than your own. Allows creditors to identify names of the owner(s) of a business.	\$100	NE Secretary of State, Corporate Division State Capitol Building Lincoln, NE 68509 (402) 471-4079
Zoning	Check local and/or county zoning ordinances. Building permit is required before renovating and adding onto the house to accommodate a business.	Varies from none to a small fee	Local municipal, township or county zoning commission, housing inspector or authority
Insurance	Homeowners insurance does not cover business. Vehicle insurance does not cover business use of vehicle unless insurance is for business purposes or endorsement on personal policy.	Varies	Local insurance agent or Nebraska Department of Insurance
Fire Code	Ask your local Fire Marshal to inspect your home for needed improvements.	Varies	Local or State Fire Marshal Nebraska State Fire Marshal's Office 246 South 14th Lincoln, NE 68508

Business Structure

Corporation	To limit the liability for the corporation's debt to the extent of the corporation's assets. Without being incorporated, all of the owner's personal assets are liable for the debts of the business whether or not those assets were generated by the business. Incorporated businesses do not have to register their business names unless they use a name different than the one on file.	Varies Assistance from an attorney is usually required	NE Secretary of State, Corporate Division State Capitol Building Lincoln, NE 68509 (402) 471-4079
Limited Liability Company	A legal entity separate and distinct from personal and other business involvements of its owners; flexible and adaptable form of business organization that provides liability protection comparable to incorporation.	Seek legal and tax advice; usually can be established at a moderate cost in a relatively short time	File duplicate copies of articles of organization with NE Secretary of State
Partnership (General)	Joining together to carry on a trade or business — be sure to have a written partnership agreement.	Attorney not required but strongly advisable Also might want to check with your accountant.	Registration of business name is not required unless operating under an assumed name
Partnership (Limited)	Partners include each person contributing money, property, labor or skills and expecting to share in the profits and losses of the business. Any number may join in a partnership.		File certificate of partnership with Secretary of State
	Limiting a partnership's liability to the extent of their financial investment.		NE Secretary of State, Corporate Division State Capitol Building Lincoln, NE 68509 (402) 471-4079
Sole Proprietorship	Simplest form of business organization.	No requirement	Register business name if operating under an assumed name

Taxes

Sales Tax Permit	This sales tax registration certificate enables you to collect and file sales tax required by the state.	\$10	NE Department of Revenue 301 Centennial Mall South PO Box 94818 Lincoln, NE 68509-4818 (402) 471-2971, (800) 742-7474
Resale for Exempt Sales	Form used by seller when raw materials are purchased at wholesale prices without paying sales tax. (Sales taxes are collected and submitted when resold to end user).	None	NE Department of Revenue Regional Offices in Omaha, Grand Island, Norfolk, North Platte and Scottsbluff
Consumer's Use Tax	Required on previously untaxed items purchased and consumed by the business; includes in-state and out-of-state purchases; is imposed on the storage, use or other consumption in this state of items purchased.	None	NE Department of Revenue
Property Taxes	Taxes on property and land owned by the business.	Tax amount	County Treasurer, Local Courthouse

<i>License/Regulation</i>	<i>Description</i>	<i>Cost as of 1997</i>	<i>Agency and Location</i>
Personal Property Taxes	Taxes on durable goods (equipment, machinery and motor vehicles) owned by the business.	Tax amount	County Treasurer, Local Courthouse
Worker's Compensation Insurance Coverage	If one or more employees, must carry worker's compensation.	Payment varies with employee payroll and insurance premium	Worker's Compensation Court State Capitol PO Box 98908 Lincoln, NE 68509-8908 (402) 471-2568
Unemployment Compensation Tax	If you have employees, apply for a state unemployment compensation number. The quarterly fee is based on employee wages and provides unemployment insurance to employees.	No fee to apply File quarterly	Department of Labor 550 South 16th PO Box 94600 Lincoln, NE 68509-4600 (402) 471-9979
Self Employment Tax	Self-employed persons must pay their own Social Security taxes (self-employment tax).	Tax amount	Internal Revenue Service Tax hotline (800) 829-1040
Social Security Withholding Tax	Taxes withheld from employee paychecks.	Tax amount	Internal Revenue Service Tax hotline (800) 829-1040
Your Business Tax Kit	W-4 Employer's Withholding Certificate SS4 Application for Employer ID 15 Employer's Tax Guide 583 Information for Business Tax Payers 334 Tax Guide for Small Business		Internal Revenue Service Forms Distribution Service (800) 829-3676

Labor Laws

Child Labor Laws	Children under 16 need permission to work if they are not students; however, Nebraska law requires children to attend school until age 16.	Compliance	NE Department of Labor Labor & Safety Standards Division State Office Building PO Box 95024 Lincoln, NE 68509-5024 (402) 471-2239
Minimum Wage Laws	Check for current Federal minimum wage rate.	Compliance	NE Department of Labor Labor & Safety Standards Division State Office Building PO Box 95024 Lincoln, NE 68509-5024 (402) 471-2239
Immigration & Naturalization Service employment eligibility	Form I-9 is used to establish employment eligibility of persons being considered for employment. Must be completed for each employee within three days of the start of employment. (Four exceptions listed on Form I-9).	Compliance	U.S. Immigration & Naturalization Service 3736 South 132nd Street Omaha, NE 68144 (402) 697-9155
Non-discrimination	Required to avoid discrimination among employment-eligible persons in hiring, discharging, and all other aspects of employment.	Compliance	

Independent Contracting	<p>hire another established company rather than individual employees to complete work. Must be able to demonstrate all of the following:</p> <ul style="list-style-type: none"> • individual not under employer's control or direction when providing the service • service is outside of the usual course of, or place of, the business • individual is customarily engaged in an independently established trade, occupation, profession or business • individual provides own tools, equipment 	Cost of contract	Consult a lawyer specializing in business contacts
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Other Requirements

Food Service License	Bed and Breakfast operations are exempt if serving breakfast only to 10 or fewer guests. Separate kitchen required if more than 10 guests are served meals other than breakfast.		NE Department of Agriculture Division of Dairies and Foods 301 Centennial Mall South Lincoln, NE 68509 402-471-2536
Trademark	Protects a business name or logo from being copied. Trademarks are valid for 20 years. Renewable. Register trademark with NE Secretary of State.	\$200 per class of items	Patents & Trademarks U.S. Department of Commerce Washington, DC 20231 (703) 557-5249 trademarks (703) 557-5168 patents
Patents	Retains exclusive rights for an inventor to preclude others from making, using or selling it for 17 years. Nonrenewable.	Varies	
Septic Tank	<p>Regulation 124 — Rules & Regulation for Design, Operation and Maintenance of Septic Tanks. A state permit is required before construction of a new septic tank.</p> <p>Title 122 — Underground Injection Control may apply to larger Bed and Breakfast operations.</p>	No fee	NE Department of Environmental Quality Groundwater Section PO Box 98922 Lincoln, NE 68509-8922
Water Supply	Check for applicable local ordinances. Use a licensed well driller when drilling new wells.		

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Always contact the agency for interpretation and implication of regulations.



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