

## Workers' Compensation Exemption Registry FAQs

- 1. Where do I find the law for the workers' compensation exemption?** The law relating to the Workers' Compensation Exemption Registry is found in the Tennessee Code Annotated at Title 50, Chapter 6, Part 9 and is also available at <http://state.tn.us/sos/acts/106/pub/pc1149.pdf> and <http://www.tn.gov/sos/acts/107/pub/pc0422.pdf>.
- 2. What does registration exempt me from?** The exemption allows a business owner to exempt him or herself from the requirement to carry workers' compensation insurance on him or herself.
- 3. Can I search for registrants on the Workers' Compensation Exemption Registry?** Yes. An online search is available at <http://tnbear.tn.gov/WC/WCFilingSearch.aspx>.
- 4. Who can qualify for an exemption?** An applicant must be an individual who is a sole proprietor and owns 100% of the assets of the business, or an officer of a corporation, or a member of a limited liability company with at least a 20% ownership interest, or a partner in a partnership with at least a 20% ownership interest. In addition, an applicant may qualify for the exemption if the applicant and members of the same family of the applicant hold at least 95% ownership of the business.
- 5. How many exemptions are allowed for each of the qualification types?** Effective October 1, 2011, each corporation, Limited Liability Company, Limited Liability Partnership, Limited Partnership, General Partnership and family owned business may have up to 5 individuals who can qualify to be exempt. A sole proprietor can only have 1 exemption.
- 6. Can a business entity apply for an exemption?** No. Registration is only available to individual business owners engaged in the construction services industry.
- 7. How do I apply for an initial workers' compensation exemption?** Business owners who meet the requirements of T.C.A. § 50-6-901 et seq. must complete an Initial Workers' Compensation Exemption Registration Application Form (ss-4523) which is available at <http://tnbear.tn.gov/wc/default.aspx> and submit the form along with the required filing fee using the e-file, print and mail, paper submission, or walk-in filing process.
- 8. How do I apply for a subsequent workers' compensation exemption?** Business owners who meet the requirements of T.C.A. § 50-6-901 et seq. must complete a Subsequent Workers' Compensation Exemption Registration Application Form (ss-4530) which is available at <http://tnbear.tn.gov/wc/default.aspx> and submit the form along with the required filing fee using either the e-file, print and mail, paper submission, or walk-in filing process.

- 9. Who is required to be registered as a construction services provider?** Only applicants who do not have an active contractor's license issued by the Board for Licensing Contractors.
- 10. Are there fees associated with the exemption?** Yes. For applicants with an active contractor's license issued by the Board for Licensing Contractors, the filing fee for an Initial Workers' Compensation Exemption is \$50.00. For applicants without an active contractor's license, the filing fee is \$100.00 which includes the cost of the Construction Services Provider Registration and the Initial Workers' Compensation Exemption Registration. The fee for each Subsequent Workers' Compensation Exemption Registration is \$20.00.
- 11. I'm associated with a general partnership. Is my general partnership required to be registered with the Secretary of State before I may apply for exemption?** Yes. A general partnership associated with an individual seeking exemption must be registered with the Secretary of State. To register a general partnership, you will need to submit a Statement of Partnership Authority, available at <http://state.tn.us/sos/forms/ss-4514.pdf> , along with the required filing fee.
- 12. What if I do not know my Secretary of State Control Number?** If you do not know your Secretary of State Control number, you may search for it online at <http://tnbear.tn.gov/Ecommerce/FilingSearch.aspx> or by contacting the Secretary of State at (615) 741-2286.
- 13. What if I do not know my Federal Employer Identification Number (FEIN)?** All business entities, through which an individual is seeking exemption, including sole proprietors, must have an FEIN to apply for exemption. Contact the Internal Revenue Service at <http://www.irs.gov/businesses/small/index.html> or by calling 1-800-829-4933.
- 14. Where can I get more information about business license requirements?** A list of counties, cities, and municipalities and their business license requirements are available by contacting the Secretary of State Business Services Division at (615) 741-2286.
- 15. What is "good standing"?** Good standing means a corporation, limited liability company, limited partnership or limited liability partnership is listed as active and in good standing on the records of the Secretary of State. To be active and in good standing you must have filed formation or registration documents with the Secretary of State and have filed all required annual reports and paid all fees. To be in good standing with the Tennessee Department of Revenue means the Secretary of State has received and verified that all fees, taxes, and penalties due to the Tennessee Department of Revenue have been paid.
- 16. How long is my exemption valid for?** Exemptions are valid for no less than two years. All registration notices will include an expiration date.

- 17. What if I received my registration notice and there is incorrect information listed?** Complete an Applicant Correction Form (ss-4526) available at <http://state.tn.us/sos/forms/4526.pdf>
- 18. What if my address, e-mail address, or telephone number changes?** Complete a Change of Address Form (ss-4524) available at <http://state.tn.us/sos/forms/4524.pdf>
- 19. What if I need to obtain a copy of a registration notice?** Requests for copies of a registration notice may be obtained by completing the required form available at <http://tnbear.tn.gov/wc/ExemptionCopyInstr.aspx> or by printing a copy of the required form available at <http://state.tn.us/sos/forms/4525.pdf> or by contacting the Secretary of State at (615) 741-2286. There is a filing fee of \$20.00 **per copy** requested.
- 20. I received a notice of revocation, what do I need to do to make sure my exemption is reinstated?** Please contact the Secretary of State Business Services Division by email at [WorkersComp.ExemptionRegistry@tn.gov](mailto:WorkersComp.ExemptionRegistry@tn.gov) or by phone at (615) 741-2286 to obtain instructions on how to reinstate your exemption.
- 21. What if I no longer wish to be exempt from workers' compensation exemption requirements?** An individual on the registry may voluntarily revoke their exemption at any time by completing a Voluntary Revocation Form (ss-4529) available at <http://state.tn.us/sos/forms/4529.pdf> and paying the filing fee of \$20.00.
- 22. When can I renew my initial exemption?** Sixty days prior to expiration, business owners will be able to renew their exemption by completing the exemption renewal form. A notice containing information on how to renew your exemption will be sent to you within 60 days of your exemption expiration date.
- 23. Who can qualify for a subsequent exemption?** If an applicant has an initial workers' compensation exemption on file and they meet the ownership requirements, then they may file a subsequent exemption.
- 24. How do I apply for a subsequent exemption?** Business owners who meet the requirements of T.C.A. 50-6-901 et seq. must complete a Subsequent Workers' Compensation Exemption Registration Application (ss-4530) which is available at <http://tnbear.tn.gov/wc/> and submit the form along with the required filing fee using the e-file, print and mail, paper submission, or walk-in filing process.
- 25. What is the filing fee for a subsequent exemption registration?** The filing fee is \$20.00.
- 26. How long is my subsequent exemption registration valid for?** Subsequent exemptions are valid for no less than two years. All subsequent notices will include an expiration date.

- 27. If my initial registration becomes revoked will my subsequent registration become revoked as well?** Yes your subsequent registrations will become revoked because your initial registration must be active and in good standing at all times.
- 28. I received a notice of revocation, what do I need to do to make sure my subsequent exemption is reinstated?** Please contact the Secretary of State Business Services Division by email at [WorkersComp.ExemptionRegistry@tn.gov](mailto:WorkersComp.ExemptionRegistry@tn.gov) or by phone at (615) 741-2286 to obtain instructions on how to reinstate your exemption.
- 29. When can I renew my subsequent exemption?** Sixty days prior to expiration, business owners will be able to renew their exemption by completing the exemption renewal form. A notice containing information on how to renew your exemption will be sent to you within 60 days of your exemption expiration date.
- 30. Do I have to have a separate FEIN for each subsequent workers' compensation exemption that I file?** Yes, you will have to have a separate FEIN for each subsequent exemption that you file.
- 31. Is there a limit to the number of subsequent exemptions that I can qualify for?** No, as long as you have filed an initial registration with our office and you meet the requirements for each subsequent registration you may file as many subsequent registrations as you need.
- 32. I have filed an initial workers' compensation exemption as a sole proprietor; can I file a subsequent registration?** Not as a sole proprietor. However, if you meet the qualifications of another qualification type you may file for a subsequent registration.