

CITY OF HAMILTON

200 S DAVIS
HAMILTON, MO 64644
816-583-4911
FAX: 816-583-4929

Dear Hamilton Merchant,

City of Hamilton Code Section 88.020 states in part:

EVERY PERSON ENGAGED IN BUSINESS IN THE CITY
SHALL OBTAIN FROM THE CITY COLLECTOR A LICENSE
AND EVERY PERSON IN BUSINESS SHALL MAINTAIN A
LICENSE SO LONG AS HE SHALL REMAIN IN BUSINESS...

Hamilton City Business License fee is \$ 25.00. All licenses are valid from July 1st-June 30th. Licenses are NOT pro-rated. **It is important that you obtain your business license on time.** If you fail to pay the business license fee on time, then there is interest that will be due and penalties for failure to file for the license and failure to pay as follows:

Interest at 3% per year, PLUS

Penalties of 5% per month up to 25% for failure to file the application, AND

Penalties of 5% for failure to pay.

Also, if you are operating without a license, it is a violation of City ordinances. A ticket for an ordinance violation may be issued to you. The fine for an ordinance violation is up to \$500.00 and each day that you are late is treated as a separate offense. In addition, the City can order you to cease operating your business without a license. **The City does not want to have to use either of these procedures, so please get your business license application turned in as soon as possible!**

Please return:

1. A completed Business License Application, (see page #1)
2. Certificate of Insurance for Workers' Compensation Liability Coverage (see page #2) and a copy of your Workers' Compensation Liability Coverage or the Affidavit of Exemption (page #3)
3. Sales Tax Information (see page #6)
4. No Tax Due Certificate if you are a Retail Business
5. Business License Fee of \$25.00 to City Hall.

If you have any questions, please contact City Hall at 816-583-4911.

Very truly yours,

Leslie Bretz
City Clerk
City of Hamilton

CITY OF HAMILTON

APPLICATION FOR BUSINESS LICENSE

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS PHONE: _____

OWNERS NAME: _____

OWNERS ADDRESS: _____

OWNERS PHONE: DAY: _____ NIGHT: _____

CELL: _____ PAGER: _____

MANAGERS NAME: _____

MANAGERS PHONE: DAY: _____ NIGHT: _____

CELL: _____ PAGER: _____

Please fill out contact information. The Hamilton Police Department will use this information in case of an emergency at your business.

1ST CONTACT

EMERGENCY CALL-OUT PERSON: _____

EMERGENCY CALL-OUT NUMBER: _____

ESTIMATED RESPONSE TIME TO BUSINESS: _____

2ND CONTACT

EMERGENCY CALL-OUT PERSON: _____

EMERGENCY CALL-OUT NUMBER: _____

ESTIMATED RESPONSE TIME TO BUSINESS: _____

3RD CONTACT

EMERGENCY CALL-OUT PERSON: _____

EMERGENCY CALL -OUT NUMBER: _____

ESTIMATED RESPONSE TIME TO BUSINESS: _____

**CERTIFICATE OF INSURANCE
FOR
WORKERS' COMPENSATION COVERAGE**

Contractors are required to have Workers' Compensation Liability Insurance or an Affidavit of Exemption. This document must be completed and returned with your business license application.

I, the undersigned applicant for a business license from the City of Hamilton, Missouri, pursuant to 287.061 RSMO, do hereby certify that:

_____ I am not required by Missouri law to cover my liability for Workers' Compensation **and have attached a signed/notarized Affidavit of Exemption.**

_____ I have produced with my application a copy of my certificate of insurance for Workers' Compensation coverage showing coverage in effect as of the date of my license.

Business: _____

Signed by: _____

Position: _____

Dated:

AFFIDAVIT OF EXEMPTION FOR WORKERS' COMPENSATION INSURANCE PURSUANT TO § 287.061, RSMO

Before me, the undersigned authority, personally appeared _____

who, being duly sworn on this oath states as follows:

1. My name is _____. I am of legal age and sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein. I understand that by submitting this affidavit to the City of Hamilton for an occupational or business license as a contractor in the construction industry, I am stating that my business is exempt from carrying workers' compensation insurance coverage.

2. I am the sole proprietor, owner or partner of _____, a business engaged in construction industry that is not required to purchase workers' compensation insurance coverage for the following reason:

(Check One)

___ I am a sole proprietor **and have no "employees"** as defined under the law, see page 2.

___ I am a partner in a partnership **with no "employees"** as defined under the law, see page 2.

___ I have filed a Notice of Employer's Exemption with the Missouri Division of Workers' Compensation (Division) for _____ (corporation) to be withdrawn from coverage because there are no more than two owners of the corporation who are also the only employees of the corporation. A copy of the acknowledgement letter from the Division dated _____, 202__, is enclosed.

Further, I have not filed a notice to withdraw this exemption for my corporation with the Division and my corporation has no other workers' compensation insurance coverage.

3. I have read and reviewed the concept of "statutory employment" explained on pages 2-3. My business operation is not being carried out by persons who may be regarded as statutory employees.

4. I understand that providing fraudulent information on this affidavit is unlawful under §§287.128, 287.061(3), 570.090, 575.040, 575.050, and/or 575.060, RSMO, and may be either a misdemeanor or a felony, punishable by imprisonment and fine, as indicated on page 3.

Affiant

Date

STATE OF MISSOURI)
)
COUNTY OF _____)

Subscribed and sworn to before me this ___ day of _____, 202__.

Notary Public

Affidavit of Exemption for Workers' Compensation Insurance Applicable Statutory Provisions and Guidelines to be followed

The Division has developed the "Affidavit of Exemption for Workers' Compensation Insurance Pursuant to §287.061, RSMO that is required to be filed by a contractor in the construction industry when he/she applies for an occupational or business license in any city or county only if the contractor does not have proof of workers' compensation insurance coverage. If a contractor fails to comply with the requirements relating to providing proof of coverage or completing the "Affidavit of Exemption" form, he/she shall be denied the business license until the contractor obtains a certificate of insurance. If the contractor submits the "Affidavit of Exemption" form to obtain the business license he/she should familiarize himself/herself with the following key statutory provisions. Those who are unsure as to whether they may lawfully submit such affidavit should seek competent legal advice.

Every employer who is subject to the requirements of chapter 287, RSMO must insure its workers' compensation liability with an insurance company authorized to insure such liabilities in the state of Missouri by the Missouri Department of Insurance Financial Institutions and Professional Registration or meet the Division's requirements to be self-insured. If an employer fails to obtain the insurance coverage he/she may be held liable to an injured employee for all of the benefits under the Law in either a civil law suit or in an administrative proceeding before the Division.

Employee: §287.020, RSMO: The definition of "employee" includes both full- and part-time employees, and includes every person in the service of an employer under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of a corporation. It includes minors whether or not they are employed in violation of the law and family members. It may include volunteer workers who do not receive any income or compensation unless the exception noted below applies.

Please Note: As an exception, the workers' compensation law does not apply to volunteers if:

- The entity is a tax-exempt organization which operates under the standards of section 501 (c)(3) of the federal Internal Revenue Code;
- The volunteers are not paid wages; and
- The volunteers provide services purely on a charitable and voluntary basis.

All three requirements must be met in order for a volunteer worker not to be classified as an employee under §287.020, RSMO.

Employer: §287.030, RSMO, that defines "employer" includes a very broad category and states that every employer who has five or more employees must carry workers' compensation insurance with one exception for construction industry employers who erect, alter, demolish or repair improvements who must purchase workers' compensation insurance if they have one or more employees.

Sole Proprietor and Partner: §287.035, RSMO, provides that natural persons who are sole proprietors or partners are employers and they do not have to purchase workers' compensation insurance on themselves but they may voluntarily choose to do so. Further, close relatives by blood or marriage of sole proprietors or partners may be withdrawn from coverage but, under §287.030, these relatives are still considered to be "countable" employees. Note that these provisions do not apply if the business is a corporation or a Limited Liability Company [LLC].

Corporate Exemption (Two Owners/Employees): §287.090.5, RSMO. A corporation may withdraw from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the Division notice of election to be withdrawn. The election shall take effect and continue from the date of filing with the Division by the corporation of the notice of withdrawal from liability under this chapter.

Any corporation making such an election may withdraw its election by filing with the Division a notice to withdraw the election, which shall take effect thirty days after the date of the filing or at such later date as may be specified in the notice of withdrawal.

Statutory Employer: §287.040, RSMO, provides that certain independent contractors may be considered to be "employees" of the person who hired them for workers' compensation purposes, under the legal principle known as "statutory employment." Missouri Law does not define "independent contractor." Missouri courts use three factors to determine when a statutory employment relationship exists: (1) the work is performed pursuant to a contract; (2) the injury occurs on or about the premises of the statutory employer; and (3) the work is in the usual course of the statutory employer's business. An employer cannot avoid its workers' compensation liability by hiring independent contractors to perform jobs that would otherwise be performed by its employees. A contract need not be in writing. The Missouri courts have ruled that the "employer's premises" can include a location where the employer is carrying on its business temporarily. As a construction industry employer you may be held responsible to pay workers' compensation benefits to an independent contractor or uninsured subcontractor or their employees. The immediate contractor or subcontractor is liable as an employer of the employees of the subcontractor. The liability of the immediate employer is primary and that of the others is secondary and any compensation benefits that are paid by those who are secondarily liable may be recovered from those primarily liable.

Please Note: A general contractor can require subcontractors to carry workers' compensation insurance. Generally, the Law says that the general contractor is liable for any injuries sustained by uninsured subcontractors or their uninsured employees (§287.040, RSMO). Because of this, the general contractor's insurer will charge an additional premium if the subcontractor cannot provide proof of coverage, even if the subcontractor has no employees. If the general contractor says he/she will not hire the subcontractor unless he/she has a policy and insures himself/herself, the subcontractor would need to buy a policy covering their business or himself/herself or work for a general contractor who does not make this a requirement.

Criminal Penalties: §287.128, RSMO makes it unlawful for any person to knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit. This is considered a class D felony punishable by fine up to \$10,000 or double the value of the fraud whichever is greater. A subsequent violation is a class C felony.

Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. A subsequent violation is a class D felony. Any employer who knowingly fails to insure his liability pursuant to this chapter shall be guilty of a class A misdemeanor and, in addition, is liable to the state of Missouri for a penalty in an amount up to three times the annual premium the employer would have paid had such employer been insured or up to \$50,000, whichever amount is greater. A subsequent violation is a class D felony.

Further, providing false information with the intent to deceive also can constitute a felony under §§570.090 (Forgery) and 575.040 (Perjury), and a misdemeanor under §§575.050 (False Affidavit) and 575.060 (False Declaration).

SALES TAX INFORMATION

City of Hamilton Code Section 88.020 states in part:

Every individual, partnership, and corporation doing business in the City of Hamilton upon application for a business license must show proof that they have registered with the State of Missouri and the Department of Revenue of the State of Missouri and have obtained a sales tax number and proof that there is no sales tax due. Failure to furnish such proof will result in the refusal to issue a City business license.

A. *Please provide:

- 1. Your Sales Tax # _____, and
- 2. Proof that no sales tax is due to the Missouri Department of Revenue, by providing a no sales tax due form.

You must call or write to the Missouri Department of Revenue to get the no sales tax due form.

(Please see address and phone number below.)

Signature of Owner: _____

OR

B. *I am exempt from Sales Tax because my business does not engage in retail sales and is a service only.

Signature of Owner: _____

This is the address and phone number you may use to get the no sales tax due form requested above:

Missouri Department of Revenue
 Division of Taxation and Collection
 P.O. Box 3666
 Jefferson City, Missouri 65105
 573-751-7200
 www.dor.mo.gov