



Las Cruces

**STEPS TO START AND
REGISTER YOUR BUSINESS
IN LAS CRUCES and DONA ANA COUNTY
NEW MEXICO**

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STEPS TO START AND REGISTER YOUR BUSINESS IN LAS CRUCES and DONA ANA COUNTY, NEW MEXICO

1) Choose a Business Name: Keep the following tips in mind:

1. Choose a name that appeals not only to you but also to the kind of customers you are trying to attract.
2. Choose a familiar name that conjures up pleasant memories so customers respond to your business on an emotional level.
3. Don't pick a name that is long or confusing.
4. Stay away from cute puns that only you understand.
5. Don't use the word "Inc." after your name unless your company is actually incorporated.

When you form a business, the legal name of the business defaults to the name of the person who owns the business, unless you choose to rename it and register it as a DBA (Doing Business As) name.

Trademark infringement can carry a high cost for your business. Before you decide on a name, use the U.S. Patent and Trademark Office's trademark electronic search system (TESS) at <http://tess2.uspto.gov/> to see if a similar name, or variations of it, is trademarked.

To see if the name you have chosen is available in New Mexico, go to the New Mexico Secretary of State website at www.sos.state.nm.us. At that site, select "Corporations". Under "E-file and Online Services" select "Search Corporations and LLCs". Type in the name you want to search for to determine if it is already taken in New Mexico

2) Select a Type of Business: There are many types of ownership:

1. Sole Proprietorship: A sole proprietorship is the most basic type of business to establish. You alone own the company and are responsible for its assets and liabilities.
2. Limited Liability Company (LLC): An LLC is designed to provide the limited liability features of a corporation and the tax efficiencies and operational flexibility of a partnership.
3. C Corporation: A corporation is more complex and generally suggested for larger, established companies with multiple employees.
4. Partnership: There are several different types of partnerships, which depend on the nature of the arrangement and partner responsibility for the business.
5. S Corporation: An S corporation is similar to a C corporation but you are taxed only on the personal level.

Each method of ownership has advantages and disadvantages in terms of ease and cost of formation and maintenance, taxation, and protection against lawsuits. Your accountant, attorney or your SCORE mentor can assist in determining the type of corporation that would best fit your business.

3) Register with the New Mexico Secretary of State: Once you have decided on the name of your business and if you are a partnership, corporation, or LLC, you must register with the New Mexico Secretary of State. Sole proprietorships do not have to register with the New Mexico Secretary of State.

For specific instructions go to www.sos.state.nm.us. On that site, select “Corporations”. To the right on that webpage, in the black box under “Popular Pages” are instructions, information and forms for registering your business. Select “Corporation Forms and Fees Overview”. Or you can telephone 505-827-3614 for assistance. The offices are located at the New Mexico Capitol Annex North, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501.

4) Obtain your Federal Employers Identification Number (FEIN): If you are a partnership, corporation, or LLC, you must obtain a Federal Employer ID Number called an EIN or FEIN, and sometimes a Taxpayer ID Number, TIN. Banks often require the number even if you are a sole proprietorship before they allow

you to open a commercial checking account. There is no charge to obtain the FEIN.

The application form, SS-4, is available at <https://www.irs.gov/pub/irs-pdf/fss4.pdf>

Or you can apply for the FEIN online at [https://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Apply-for-an-Employer-Identification-Number-\(EIN\)-Online](https://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Apply-for-an-Employer-Identification-Number-(EIN)-Online).

Additional assistance can be obtained at the Internal Revenue Service (IRS) Las Cruces Office, 505 S. Main, Ste. 149 Las Cruces, NM 88001, Tel: 575- 526-0161, <https://www.irs.gov/uac/Contact-My-Local-Office-in-New-Mexico>

5) Register with the New Mexico Taxation and Revenue Department:

All businesses must register with the New Mexico Tax & Revenue Department to obtain a New Mexico tax identification number also known as a CRS number. There is no charge to get the number. You can apply for a CRS identification number online at <https://tap.state.nm.us/tap/>. Or you can submit a completed Form ACD-31015, Application for Business Tax Identification Number to the New Mexico Tax & Revenue Dept., 2540 El Paseo, Bldg 2, Las Cruces, NM 88004, Tel: 575-528-6142. Further information is available at <http://www.tax.newmexico.gov/Businesses/default.aspx>

6) Register your Business locally: If your business is located within the city of Las Cruces, obtain your business license and other applicable licenses at the City of Las Cruces Community Development Office – Business Registrations, 700 North Main Street, 1st Floor, Las Cruces, NM 88005, 575-541-2287 or 575-528-3059. Depending on the nature of your business, the fee will range between \$35.00 and \$40.00. For instructions and forms go to <http://www.lascruces.org/departments/community-development/forms--applications--fees>

There are several types of business registrations for Las Cruces:

1. Home Occupation Registration: Required for operating a business from your home.
2. Commercial Business Registration: Required for operating a business in a commercial location.
3. Special/Temporary Business Registration: Required for operating a temporary business, such as a firework stand, seasonal sales, or special events.
4. Door-to-Door Solicitation Registration: Required for operating a stand-alone door-to-door business. Door-to-door sales also can be done by businesses with a valid Commercial Business Registration.

If your business is located outside of Las Cruces but within Dona Ana County, contact the Dona Ana County Clerk , 845 North Motel Blvd., Las Cruces, NM 88007, Tel: 575-647-7421 to register your business. If your business is home based, a Home Occupation Business Registration form must be submitted along with the initial business registration form. If not home based, you must also obtain zoning approval from the County Planning Department. Additional instructions are located at their website at <https://donaanacounty.org/clerk/business> . There is a \$35 registration fee.

7) Register with the New Mexico Department of Workforce Solutions:

All businesses must register with the New Mexico Department of Workforce Solutions to obtain a New Mexico employment tax identification number. There is no charge for this number. The form ES-802 can be obtained at The Department of Workforce Solutions, 226 S. Alameda Blvd, Las Cruces, NM 88005, Tel: 575-524-6385, or access their web page at <https://www.jobs.state.nm.us/>

Even if you have no employees, you will still need to fill out form ES-802. With no employees, The Department of Workforce Solutions will give you a letter exempting you from the \$4.30 per quarter per employee assessment.

8) Obtain Employee Tax Forms: If you have employees, contact the [IRS](#) and the [New Mexico Taxation and Revenue Department](#) or your tax accountant for the appropriate forms and rates for the following:

- A. State Unemployment Tax (SUTA)
- B. Federal Unemployment Tax (FUTA)
- C. Federal Income Tax (FIT)
- D. State Income Tax (SIT)
- E. Social Security Withholding (FICA)
- F. Medicare withholding
- G. Immigration and Naturalization Service (INS) Form I-9 for employment eligibility verification.

9) Environmental Permits, Licenses, and Certificates: Examples of businesses subject to licensing by the New Mexico Environment Department are restaurants, food trucks, bakeries, snack bars, certain construction projects, medical equipment, chemicals, liquid or solid waste and others. Contact the offices at The New Mexico Environment Department, Las Cruces (Main District Office), 2301 Entrada Del Sol, Las Cruces, NM 88001, Tel: 575-288-2050 or research their website at <https://www.env.nm.gov/permits.html> to see if your business is subject to regulatory licensing.

10) Special Licenses or Permits: If your type of business involves a special license or permit, such as an alcohol, beer or wine license, you will need to research the requirement and obtain the licensing forms at the New Mexico Regulation & Licensing Department. Telephone 505-476-4500 or access their website at http://www.rld.state.nm.us/Contact_Us.aspx

11) Obtain an Attorney: Optional, but highly recommended. Possible items for discussion with your attorney include: Leasing Agreements, Contracts, Patents, Copyrights, Intellectual Property and Licensing Agreement Requirements.

12) Research the Guidelines for Compliance with the Americans with Disabilities Act (ADA). The latest information can be obtained on the following website: <http://adata.org/learn-about-ada>

13) Establish a Business Bank Account: If you plan to accept credit cards, it will be necessary to set up a Merchants Bank Account. Consider consulting your accountant.

14) Research and Obtain your Insurance Coverage: The following are some, but not all, insurance policies that you need to consider: Property and Liability, Business Interruption, Product and Professional Liability, Comprehensive General Liability (sometimes called an umbrella policy), Motor Vehicle, Special Types such as bonds, completion bonds, credit, crop, cast, Life and Health, etc.

GOOD LUCK!

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SCORE is a nonprofit association dedicated to helping small businesses start up, grow and achieve their goals through education and mentorship. Because our work is supported by the U.S. Small Business Administration (SBA), and thanks to our network of volunteers, we are able to deliver our services at no charge. Our volunteer advisors offer expertise in a variety of fields and industries. Contact us at:

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Email: score.397@scorelascruces.org,

Website: <http://www.scorelascruces.org>

LOCAL RESOURCE PARTNERS: The following partners also provide advice and assistance to businesses:

NM SMALL BUSINESS DEVELOPMENT CENTER
2345 East Nevada Avenue, Ste 101, Las Cruces, NM
88001-3902, (575) 527-7676
<http://www.nmsbdc.org/las-cruces.aspx>

WESST ENTERPRISE CENTER
221 N. Main St., Ste. 104A Las Cruces, NM 88001
(575) 541-1583
<http://www.wesst.org>

GREATER LAS CRUCES CHAMBER OF COMMERCE
505 S. Main St., Ste. 134 Las Cruces, NM 88005
(575) 524-1968
<http://www.lascruces.org/>

MESILLA VALLEY ECONOMIC DEVELOPMENT ALLIANCE
(MVEDA), 227 E. Amador Avenue, Suite 304 Las Cruces,
NM 88001 (575) 525-2852
<http://www.mveda.com/>

LAS CRUCES HISPANIC CHAMBER OF COMMERCE
277 E. Amador Avenue, Ste. 305 Las Cruces, NM
880041 (575) 524-8900
<http://www.lascruceshispanicchamber.com/>

STATE OF NEW MEXICO ECONOMIC DEVELOPMENT
DEPARTMENT, Arrowhead Research Park New Mexico
State University 3655 Research Drive,
Las Cruces, NM 88003
<http://www.gonm.biz/>

NM GREEN CHAMBER OF COMMERCE
221 N. Main St. Las Cruces, NM 88001 (575) 323-1575
<http://www.nmgreenchamber.com/>

DEPARTMENTS AND AGENCIES: The following is a listing of the departments and offices cited in this document:

U.S. Patent and Trademark Office U.S. Copyright Office
Toll Free: 1-800-786-9199
www.uspto.gov

Dona Ana County
Office of the County Clerk
845 North Motel Boulevard, Las Cruces, New Mexico
88007, Tel: 575- 647-7421
<https://www.donaanacounty.org/clerk/business>

New Mexico Secretary of State
325 Don Gaspar, Suite 300, Santa Fe, NM 87501
Toll Free: 1.800.477.3632
www.sos.state.nm.us

New Mexico Department of Workforce Solutions
226 S. Alameda Blvd, Las Cruces, NM 88005
Tel: 575-524-6385
<https://www.jobs.state.nm.us/>

Internal Revenue Service (IRS) Las Cruces
505 S. Main, Ste. 149, Las Cruces, NM 88001
Tel: 575- 526-0161
<https://www.irs.gov/uac/Contact-My-Local-Office-in-New-Mexico>

The New Mexico Environment Department
Las Cruces (Main District Office)
2301 Entrada Del Sol, Las Cruces, NM 88001
Tel: 575-288-2050
<https://www.env.nm.gov/permits.html>

New Mexico Tax and Revenue Department
Las Cruces District Office, 2540 S. El Paseo, Bldg. #2, Las
Cruces, NM 88004, Tel: 575- 524-6225
<http://www.tax.newmexico.gov/>

New Mexico Regulation & Licensing Department
Tony Anaya Building, 2550 Cerrillos Road, Santa Fe, NM
87505, Tel: 505-476-4500
<http://www.rld.state.nm.us>

City of Las Cruces, Community Development
Department, City Hall, 700 N. Main St. Suite 1100, Las
Cruces, NM 88001, Tel: 575-541-2000
<http://www.las-cruces.org/departments/community-development/>