

Kansas SBDC

Forming an LLC in Kansas



Agenda

- Welcome and SBDC Overview
- Definitions and Why form an LLC
- LLC vs. Insurance
- LLC and taxes
- Registration Process and fees
- Best Practices
- Next Steps:
 - SBDC Client Signup
 - Other SBDC courses



What is the Kansas SBDC?

What We Do

The Kansas Small Business Development Center network is a statewide, inter-institutional program to enhance economic growth in Kansas by providing management, marketing, and technical assistance to small businesses.

Whether it's an existing business looking to boost sales or a start-up trying to get off the ground, we provide our customers with quality and professional care.

Our purpose:

Empower entrepreneurs and small businesses with the knowledge, skills, and resources they need to start, grow and prosper.



WORKFORCE
DEVELOPMENT
& CONTINUING
EDUCATION



U.S. Small Business
Administration



Find YOUR SBDC at
<https://www.kansassbdc.net/>

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English

KANSAS SMALL BUSINESS DEVELOPMENT CENTER

What We Do

The Kansas Small Business Development Center network is a statewide, inter-institutional program to enhance economic growth in Kansas by providing management, marketing, and technical assistance to small businesses. Professional business advisors are available in 7 Small Business Development Centers (SBDC) and several outreach centers across the state.

Whether it's an existing business looking to boost sales or a start-up trying to get off the ground, we provide our customers with quality and professional care.

[Our 2025 Annual Report](#)

[Kansas SBDC Testifies for Kansas Legislature](#)




Advanced Manufacturing


Capital Access Center


Partners

Legal Disclaimer

Educational Information, Not Legal Advice

The Kansas Small Business Development Center provides general information regarding business structures (e.g., LLCs, Corporations), business naming, business taxes and regulatory requirements for educational purposes only.

- **Not Legal Advice:** The information provided during our sessions does not constitute legal advice and should not be relied upon as a substitute for the advice of a qualified attorney.
- **No Attorney-Client Relationship:** Our communication does not create an attorney-client relationship. We are business advisors, not legal counsel.
- **Jurisdictional Variations:** Laws regarding business formation and naming vary significantly by state and locality. We recommend that you consult with a licensed legal professional to ensure your specific business needs and legal obligations are met.

Client Responsibility: Any decisions made regarding the legal structure or naming of your business are the sole responsibility of the business owner.



LLC – What and Why?

LLC stands for **Limited Liability Company**

An LLC acts as a firewall between business assets and personal assets. If an LLC is sued, the only assets that are at risk are the assets of the business.

Kansas, as a homestead state, has some of the strongest protections of the home and personal vehicle in the U.S.

Kansas is in the Top 5 for such protections!

Sole Member LLCs vs. Multi Member LLCs vs. Partnerships

Myth: An LLC needs at least two members.

Fact: You can be the single or sole member of your LLC and still receive personal asset protection.

Partnership: The personal assets of any/all partners are at risk in a lawsuit. Opposing counsel is not bound by your Operating Agreement, so even if you're 50:50, if you have the assets, they'll seek them.

Bottom line: An LLC is a safer mechanism for working together, in terms of asset protection.

Definitions

LLC: Limited Liability Company

Member(s): The individuals who own the LLC (don't use the word "partners")

Resident Agent: An individual or business in KS authorized to receive official correspondence and legal notices on behalf of the business

Foreign corporation: A legal entity formed outside of KS but doing business in KS

Operating Agreement: A legal document detailing how risk, decision-making, compensation and more are divided between the members

Disregarded Entity: An IRS term that describes how an LLC is taxed – see below

Pass through entity: Profits are not taxed on the LLC itself, they flow to the members who then pay personal income taxes on those profits

LLC – What it Isn't

An LLC is not a substitute for liability insurance.

If your business gets sued, an LLC will not send an attorney to protect you, while an insurance company, with \$1 million+ in coverage at risk, almost certainly will.

The LLC doesn't necessarily have the funds to cover a judgement in a lawsuit. Insurance pays damages up to your chosen coverage for General / Professional Liability.

LLC Vs. Insurance

Think of insurance as the "cake" part of your protection and the LLC as the "frosting."



Other requirements

An LLC is not a license to operate a business. There may be state, county and city license requirements.



Sales Taxes: If you sell (or rent) tangible personal goods – and certain services - you will need a Kansas Retail Sales Tax number from the Kansas Dept. Of Revenue.

See: <https://www.ksrevenue.gov/pdf/cr16.pdf>

LLC – When it Won't Work

There are two instances where you will generally be required to provide a personal guaranty, even though you've formed an LLC:

- When you apply for a commercial loan
- When you sign a lease.

LLCs and Taxes

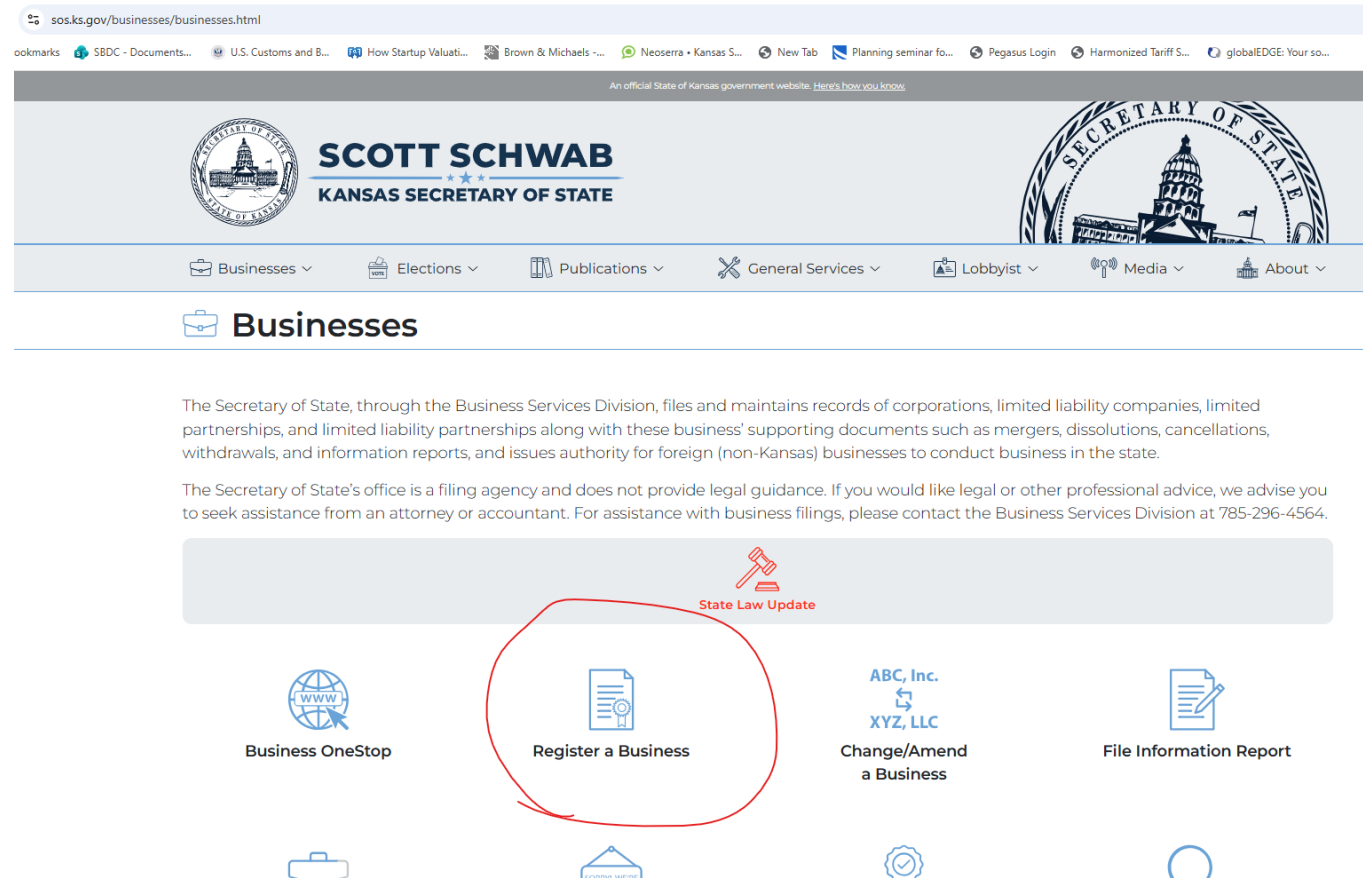
The IRS designates LLCs as "disregarded entities." You will also hear of them referred to as "pass through" entities. An LLC is taxed like a sole proprietorship (if one member) or a partnership (if two or more members).

In other words, an LLC does not pay taxes on its own. The profit (or loss) from an LLC passes through to the individual owner(s) or member(s) of the LLC, who then pay personal income taxes.

An LLC does not offer any tax savings over a sole proprietorship or partnership.

<https://sos.ks.gov/businesses/businesses.html>

Forming an LLC



Sign in or Create an Account (Free)



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OFFICE OF THE SECRETARY OF STATE

[Help](#)

User Login

- This system was launched in January 2024. The first time using this system in 2024 or subsequent years the user must click "Create Account" as user data was not transferred from previous systems.
- This account is intended for individual users and is not tied to businesses in any way.

Sign in

User Account (Email Address):

Please enter your user account

Password:

☐ Show Password

[Sign In](#)

[Forgot Password](#)

[Resend Activation Code](#)

Create an Account

[Create Account](#)

DID YOU KNOW: Business Search and Login Video Tutorial



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Create a Business



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Kansas Business Filing Center

Welcome to the Kansas Secretary of State's Online Filing Website. Please choose one of the available options below.

Please note that information provided on documents filed with the Secretary of State is public record that is subject to public access and disclosure (per K.S.A. 45-215 through K.S.A. 45-223).

File Online

[File Information Report \(Formerly Annual Report\)](#)

[Create a Business: corporation, limited liability company or limited partnership](#)

[Change Resident Agent/Registered Office](#)

[Close a Business](#)

[Update Principal Office Address](#)

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Pending Filings

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Completed Filings

[View My Filings and Purchased Certified Copy/Certificate of Good Standing](#)

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New: Lower fee!



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Business Formation

Entity Type Selection

The Secretary of State's office provides online, real-time filing of new corporations, LLCs and LPs. Online filing is immediate, and provides instant access to the certified filing, which can be printed.

- Note: The State of Kansas does not register sole proprietorships, d/b/a names, assumed names, trade names, or fictitious names.
- The form for foreign (non-Kansas) registration is available at sos.ks.gov.

- ☐ Kansas for profit corporation \$85.00
- ☐ Kansas not for profit corporation \$20.00
- ☒ Kansas limited liability company \$85.00
- ☐ Kansas limited partnership \$85.00

[Cancel](#)

[Next](#)



Business Name

Business Formation

Business Type

Name

Resident Agent

Review

Signatures

Business Name

Every entity type has requirements for the business name. This designation usually comes at the end of the name, for example: ABC LLC. [Open name requirement information below](#)

* Business Name:

Your New Business LLC

Cancel

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Check Name

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Business Formation

Business Type

Name

Resident Agent

Review

Signatures

Business Name

Your New Business LLC **Name is available**

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Important note on your Business Name!

The Secretary of State's site only checks for an exact match, letter for letter, with other registered names in Kansas and will let you proceed with registration if your name is just one character different from another registered name in the state.

However, the legal standard for trademark infringement is "likelihood of confusion." A judge in the trademark owner's state will decide, quite subjectively, if people might be confused by the similarity of the names.

Thus, if you try to register "Your New Business LLC" and someone has registered the name of their farm as "Your Gnu Business LLC" the site will let you register the name in KS but you may face an infringement lawsuit. Have your attorney check on the TRUE availability of the name at the U.S. Patent and Trademark Office's site.

Resident Agent



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OFFICE OF THE SECRETARY OF STATE

Help Account Cart(1) Logout

Business Formation

Business Type

Name

Resident Agent

Review

Signatures

Resident Agent

The resident agent is a person or business that is authorized to accept service of process (lawsuits) on behalf of the business.

- This does not necessarily mean that the agent is being sued, but that the agent has the authority and responsibility to accept service of process on behalf of the business.

☐ An individual (a person) in Kansas

☐ The Business itself may be its own Resident Agent

☐ A business registered with the Kansas Secretary of State's office

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Your Registered Agent isn't necessarily anyone who's in charge. It just someone with a Kansas address who will receive legal and tax notices for the business.

Your Registered Agent can be you, the business itself (as long as it's in KS) or another KS business.

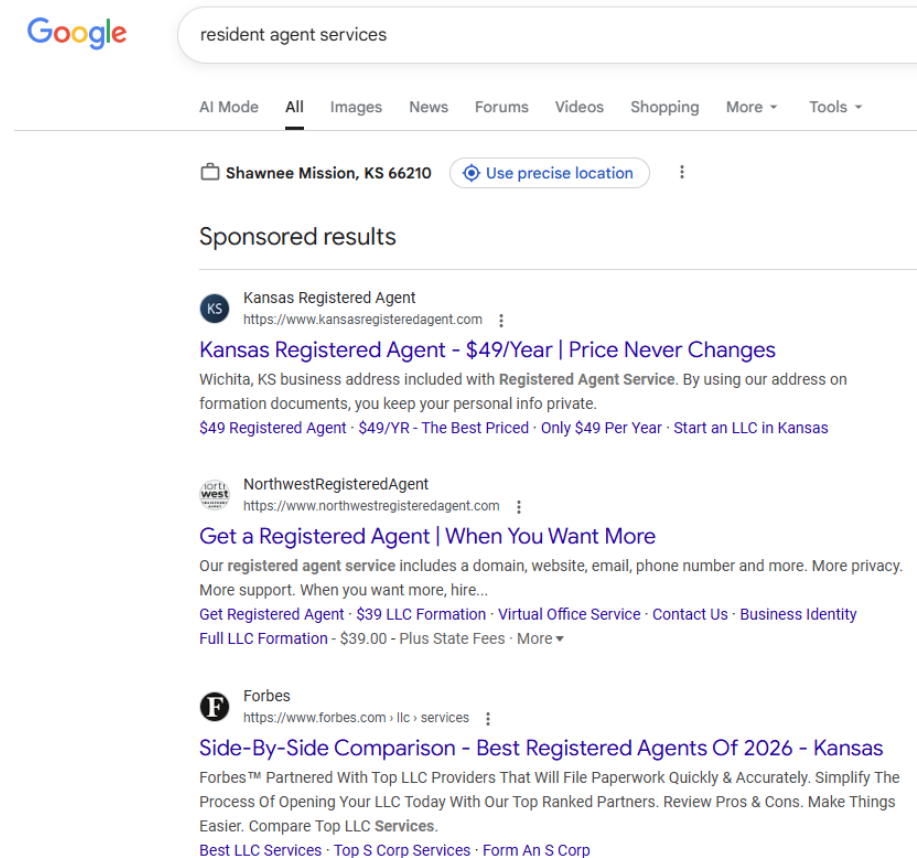


Resident Agent Services

You can pay a company to be your Resident Agent.

Some people don't wish to have the ownership details of their LLC available to the public, for example.

You can also have the company itself be its own Registered Agent so you don't have your name listed, as long as the company has a valid Kansas physical address.



Google

resident agent services

AI Mode All Images News Forums Videos Shopping More Tools

Shawnee Mission, KS 66210 Use precise location

Sponsored results

Kansas Registered Agent
https://www.kansasregisteredagent.com

Kansas Registered Agent - \$49/Year | Price Never Changes
Wichita, KS business address included with Registered Agent Service. By using our address on formation documents, you keep your personal info private.
\$49 Registered Agent · \$49/YR - The Best Priced · Only \$49 Per Year · Start an LLC in Kansas

NorthwestRegisteredAgent
https://www.northwestregisteredagent.com

Get a Registered Agent | When You Want More
Our registered agent service includes a domain, website, email, phone number and more. More privacy. More support. When you want more, hire...
Get Registered Agent · \$39 LLC Formation · Virtual Office Service · Contact Us · Business Identity
Full LLC Formation - \$39.00 - Plus State Fees · More

Forbes
https://www.forbes.com › llc › services

Side-By-Side Comparison - Best Registered Agents Of 2026 - Kansas
Forbes™ Partnered With Top LLC Providers That Will File Paperwork Quickly & Accurately. Simplify The Process Of Opening Your LLC Today With Our Top Ranked Partners. Review Pros & Cons. Make Things Easier. Compare Top LLC Services.
Best LLC Services · Top S Corp Services · Form An S Corp

Review the Details



Business Formation

Your New Business LLC

- Business Type
- Name
- Resident Agent
- Review
- Signatures

Review Formation Information Below

Carefully review the information you provided below for the formation filing.

- You may edit the information by clicking on the links below.
- If the information below is correct or all edits have been made then select the "Next" button.

Business Type: Domestic Limited Liability Company

Business Name: Your New Business LLC

Resident Agent Name: Joseph Smyth

Registered office in Kansas for the resident agent: [Edit](#)

Address: 123 Main St.

City: OVERLAND PARK **State:** KS **Zip:** 66210

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Add E-mail(s) and Sign



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Business Formation

Your New Business LLC

Business Type

Name

Resident Agent

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Notification Emails

List up to four email addresses of the individuals who you wish to be notified of subsequent amendments and notices related to this business. Click **Save Email** after entering email.
Previously stored emails will be removed and replaced by emails entered now. Emails cannot be added until the next online filing for the business.

E-mail Address	EDIT	DELETE
	Save Email	

Signature

Sign by typing name in below.

I declare under penalty of perjury pursuant to the laws of the state of Kansas that the foregoing is true and correct.

Signature of Authorized Person	EDIT	DELETE
	Save Signature	

Cancel

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Submit

To save the data on this page, click Submit

Now **\$85**

The LLC will be in good standing for two years

(Previously, it was \$160 and only for one year)



Pay the fee

Documents – Make sure to download!

Articles of Formation

STATE OF KANSAS
LIMITED LIABILITY COMPANY
Articles of Organization

Pursuant to Kan. Stat. Ann. § 17-7673, the undersigned submits the following articles of organization for purposes of qualification to establish a limited liability company within the state of Kansas.

First: The name of the limited liability company is _____.

Second: The name of the registered agent and the address of the registered office in the state of Kansas is:
_____.

Third: The mailing address of the limited liability company is:
_____.

Fourth: The tax closing month of the limited liability company is _____.

Under penalty of perjury pursuant to the laws of Kansas, I affirm that the foregoing is true and correct.

Signature of Authorized Person

Name of Authorized Person

Date

Letter of Good Standing

STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE
KRIS W. KOBACH

Example

I, KRIS W. KOBACH, Secretary of State of the state of Kansas, do hereby certify, that according to the records of this office.

Business Entity ID Number: 0031468

Entity Name: UNIVERSITY OF KANSAS CENTER FOR RESEARCH, INC.

Entity Type: DOM:NOT FOR PROFIT CORPORATION

State of Organization: KS

Resident Agent: Gina Cregg

Registered Office: UNV KANSAS CENTER FOR RESEARCH 2385 IRVING HILL ROAD, LAWRENCE, KS 66045

was filed in this office on June 12, 1962, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.

In testimony whereof I execute this certificate and affix the seal of the Secretary of State of the state of Kansas on this day of February 01, 2018

 KRIS W. KOBACH
SECRETARY OF STATE

Certificate ID: 1030448 - To verify the validity of this certificate please visit <https://www.kansas.gov/bess/flow/validate> and enter the certificate ID number.

Company Documents from
SystemDay

Danger!

Once you file the formation documents for your LLC, you will likely receive a very official looking letter telling you that you need to pay \$75 for a Letter of Good Standing in order to get a loan, open a bank account, etc.

This is a private company, not the Kansas Secretary of State!

You can print a Letter of Good Standing from the Secretary of State's official website for \$10!

**STATE OF KANSAS**
OFFICE OF THE SECRETARY OF STATE

Business Certified Copy Search

The business name or identification number on file with the Secretary of State. ?

☒ By business name ☐ By Kansas Secretary of State Business ID

Type here

☒ Contains ☐ Starts With

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Operating Agreement

An **Operating Agreement** is the underlying contract between members of the LLC.

It spells out how risk, reward, decision-making and more are shared.

It should also state how a member can leave the LLC, perhaps via a buyout from the remaining member(s) - and for how much.

Death, debt, sickness, divorce are all topics to be addressed.

A sole-member LLC's Operating Agreement is quite concise. [Templates](#) may be found online.

For an LLC with more than one member, the Operating Agreement should be much more robust. An excellent article on what to discuss between the members is available [here](#). Then:

Please have an attorney draw up your multi-member Operating Agreement.

Operating Agreement, cont'd

Your Operating Agreement doesn't get filed with the Secretary of State

Draft it, print/save it and keep it safe with your other important business documents

You will need to provide it in a lawsuit – and not having one will expose your personal assets.

You will also need it for a business loan.



Best Practices: DBA

An LLC can choose to be **Doing Business As** (DBA) another business name.

Ex: A holding Company, *All the Stuff, LLC* could choose to do business as *Some Stuff*.

However, you still want public notice and disclosure of the LLC, typically with wording such as:

"All the Stuff, LLC d/b/a Some Stuff"

"Some Stuff, a trade name of All the Stuff, LLC"

Where? Website, receipts, invoices, e-mail signatures, correspondence.

Best Practices: EIN

When you have a child, you get a Social Security number for that child.

Similarly, when you form an LLC or other legal entity, you need a tax number for that entity.

That tax number is known as an **EIN**, or Employer Identification Number.

Even if you are a sole-member LLC (just one owner) with no employees, your LLC needs an EIN.

<https://www.irs.gov/businesses/small-businesses-self-employed/get-an-employer-identification-number>

Make sure that you are on the official IRS.gov website!

An EIN is free from the official site.

Best Practices: Separate Bank Account



While not required by law, your LLC should have a separate bank account.

In the event of a lawsuit, if you and the business are using one bank account, opposing counsel will cite precedent and will use that against you to show that the LLC is not legally separate from you.

That will expose your personal assets.

This tactic is called "piercing the corporate veil" and it's very common.

(Not having an Operating Agreement is another red flag and an opening to expose your personal assets!)

Best Practices: (Bi)Annual Reports

To remain in good standing, Kansas requires an **Information Report** every two years

<https://www.sos.ks.gov/businesses/information-reports.html>



The Information Report is submitted every two years by any business on file with the Kansas Secretary of State.

When to File

Information reports are filed biennially. Businesses forming in even years file reports in each succeeding even year. Businesses forming in odd years file reports in each succeeding odd year. All for profit businesses are due by April 15th of their respective odd or even year, and all not for profit businesses are due by June 15th of their respective odd or even year.

Delinquency Status for Failure to File

Every business is afforded a delinquency period for their business registration. This is a three-month interval after the due date when the information report may still be filed. Once a business has become delinquent, the business will be limited on what documents may be filed.

Forfeiture for Failure to File

If the three-month delinquency interval has passed, a business will forfeit. This status indicates the business failed to file an information report on time. Once a business has forfeited, the business won't be able to file any other document with the Secretary of State until it has submitted past due reports and has been reinstated. (See the [Reinstate a Business](#) page)

Want tax savings?

An LLC can elect to be taxed as an S Corporation.

You needn't actually change your LLC or form a corporation.

Use IRS for 2553 within the first 70 days of the tax year.

Work with your accountant on this election and potential savings.

Why?

An LLC is taxed as a sole proprietorship or partnership and you will pay Self Employment taxes on most (if not all) of your profits, on top of federal, state and possibly local income taxes.

With an S corp election, you take a reasonable salary and pay taxes on that, but the remainder is a dividend – and self-employment taxes aren't levied on dividends.

Next Steps



**Sign up for Kansas SBDC
advising services at**
<https://ksbdc.ecenterdirect.com/signup>



**View other JCCC course
opportunities at**
www.jcccsbdc.com/classes

Thank you

www.kansassbdc.net

