

BOI Entity Exemptions Guide: "Is my company exempt from the reporting requirements?"





The reporting rule exempts **23 specific types of entities** from the reporting requirements. An entity that qualifies for any of these exemptions is not required to submit BOI reports to FinCEN.

The criteria for each exemption are provided in a check-box format in the following pages to assist business owners in answering questions regarding reporting exemptions.

Exemption	Exemption Short Title
#1	Securities reporting issuer
#2	Governmental authority
#3	Bank
#4	Credit Union
#5	Depository institution holding company
#6	Money transmitter business
#7	Broker or dealer in securities
#8	Securities exchange or clearing agency
#9	Other Exchange Act registered entity
#10	Investment company or investment advisor
#11	Venture capital fund adviser
#12	Insurance company
#13	State-licensed insurance producer
#14	Commodity Exchange Act registered entity
#15	PCAOB-Registered public accounting firm
#16	Public utility
#17	Financial market utility
#18	Pooled investment vehicle*
#19	Tax-exempt entity
#20	Entity assisting a tax-exempt entity
#21	Large operating company
#22	Subsidiary of certain exempt entities
#23	Inactive entity

\*Special rule for <u>foreign pooled investment vehicles</u>: If an entity meets the criteria of Exemption #18 and is formed under the laws of a foreign country, the entity is subject to a separate reporting requirement. These companies are referred to as "foreign pooled investment vehicles" in the Reporting Rule. Companies do not need to report information about each Beneficial Owner and Company Applicant if the company was formed under the laws of a foreign country and would be a Reporting Company if not for the pooled investment vehicle exemption. If this special rule applies, the company must report on an individual who exercises substantial control over the company. No Company Applicants need to be reported. If more than one individual exercise substantial control over the company, they must report information about the individual with the greatest authority over the strategic management of the company.

For reference to regulations: U.S.C. = United States Code | C.F.R. = Code of Federal Regulations

# #1 Securities reporting issuer

An entity qualifies for this exemption if **either** of the following two criteria apply:

<b>1. The entity is an issuer of a class of securities registered under section 12 of the Securities Exchange</b> Act of 1934 (15 U.S.C. 781: It shall be unlawful for any member, broker, or dealer to affect any transaction in any security on a national securities exchange unless a registration is effective.)	Yes	No No	
2. The entity is required to file supplementary and periodic information under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d): It shall be unlawful for any broker or dealer to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase of sale of, any security unless such broker or dealer is registered.)	Yes	□ No	



# **W** #2 Governmental authority

An entity qualifies for this exemption if **both** of the following criteria apply:

1. The entity is <b>established under the laws</b> of the United States, an Indian tribe, a State, or a political subdivision of a State, or under an interstate compact between two or more States.	Yes	No No	
2. The entity <b>exercises governmental authority</b> on behalf if the United States or any such Indian tribe, State, or political subdivision.	Yes	No No	

#### **#3 Bank**

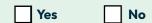
An entity qualifies for this exemption if **any** of the following three criteria apply:

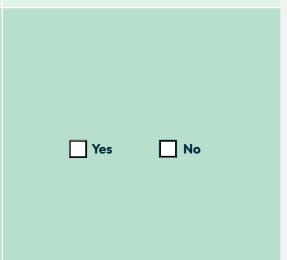
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2. The entity is a "bank" as defined in section 2(a) of the Investment Company Act of 1940 (15 U.SS.C. 80a-2(a): "Bank" means (A) a depository institution (as defined in section 1813 of title 12) or a branch or agency of a foreign bank (as such terms are defined in section 3101 of title 12), (B) a member bank of the Federal Reserve System, (C) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under the authority of the Comptroller of the Currency, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this subchapter, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.)

#### 3. The entity is a "bank" as defined in section 202(a) of the

**Investment Advisers Act of 1940** (15 U.S.C. 80b-2(a): "Bank" means (A) a banking institution organized under the laws of the United States or a Federal savings association, as defined in section 1462(5) of title 12, (B) a member bank of the Federal Reserve System, (C) any other banking institution, savings association, as defined in section 1462(4) of title 12, or trust company, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under the authority of the Comptroller of the Currency, and which is supervised and examined by State or Federal authority having supervision over banks or savings associations, and which is not operated for the purpose of evading the provisions of this subchapter, and (D) a receiver, conservator, or other liquidating agent of any institution or firm.)





#### #4 Credit Union

An entity qualifies for this exemption if either of the following two criteria apply:

**1. The entity is a "Federal Credit Union" as defined in section 101 of the Federal Credit Union Act** (12 U.S.C. 1752: the term "Federal credit union" means a cooperative association organized in accordance with the provisions of this chapter for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes

2. The entity is a "State credit union" as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752: The terms "State credit union" and "State-chartered credit union" mean a credit union organized and operated according to the laws of any State, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, which laws provide for the organization of credit unions similar in principle and objectives to Federal credit unions.)

Yes	─ No
Yes	No No

# **#5 Depository institution holding company**

An entity qualifies for this exemption if **either** of the following two criteria apply:

<b>1. The entity is a "bank holding company" as defined in section 2 of the Bank Holding Company Act of 1956</b> (12 U.S.C. 1467 a(a): Any company which has control over any bank or over any company that is or becomes a bank holding company by virtue of this chapter. (2) Any company has control over a bank or over any company if— (A) the company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank or company; (B) the company controls in any manner the election of a majority of the directors or trustees of the bank or company; or (C) the Board determines, after notice and opportunity for hearing, that the company directly or indirectly or indirectly exercises a controlling influence over the management or policies of the bank or company.)	🗌 Yes 📄 No
<b>2. The entity is a "savings and loan holding company" as defined in section 10(a) of the Home Owners' Loan Act</b> (12 U.S.C. 1467a(a): (a) Definitions (1) In general As used in this section, unless the context otherwise requires- (A) Savings association The term "savings association" includes a savings bank or cooperative bank which is deemed by the Director to be a savings association under subsection (I) of this section.)	Yes No



 $\checkmark$ 

# #6 Money transmitter business

An entity qualifies for this exemption if **either** of the following two criteria apply:

<b>1. The entity is a money transmitting business registered with FinCEN under</b> 31 U.S.C. 5530: Any person who owns or controls a money transmitting business shall register the business (whether or not the business is licensed as a money transmitting business in any State) with the Secretary of the Treasury not later than the end of the 180-day period beginning on the later of— (A) the date of enactment of the Money Laundering Suppression Act of 1994; or (B) the date on which the business is established.	🗌 Yes 📄 No
2. The entity is a money service business registered with FinCEN under 31 CFR 1022.380: Each money services business (whether or not licensed as a money services business by any State) must register with FinCEN. Each provider of prepaid access must identify each prepaid program for which it is the provider of prepaid access. Each money services business must, as part of its registration, maintain a list of its agents as required by <b>31 U.S.C. 5330</b> and this section. This section does not apply to the United States Postal Service, to agencies of the United States, of any State, or of any political subdivision of a State.)	🗌 Yes 🗌 No



An entity qualifies for this exemption if **both** of the following criteria apply:

1. The entity is a "broker" or "dealer," as those terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c: The term "broker" means any person engaged in the business of effecting Yes No transactions in securities for the account of others. A dealer is registered under this chapter under which the broker or dealer offers brokerage services on or off the premises.) 2. The entity is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 780: It shall be unlawful for any broker or dealer which is either a person other than a natural person or a natural person not associated with a broker or dealer which is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who Yes does not make use of any facility of a national securities exchange) to make use No of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with subsection (b) of this section.)

#### #8 Securities exchange or clearing agency

An entity qualifies for this exemption if **both** of the following criteria apply:

# 1. The entity is an "exchange" or "clearing agency," as those terms are defined in section 3 of the Securities Exchange Act of 1934

(15 U.S.C. 78c: It is unlawful for any person to engage in a security-based swap unless that person submits such security-based swap for clearing to a clearing agency that is registered under this chapter or a clearing agency that is exempt from registration under this chapter if the security-based swap is required to be cleared. Section 3 also establishes the system and Federal Reserve System, and to insure the maintenance of fair and honest markets in such transactions. Section 3(a)(55)(A) of the Securities Exchange Act of 1934 defines the term "security future" as a contract of sale for future delivery of a single security or of a narrow-based security index.)

#### 2. The entity is registered under section 6 or 17A of the Securities

**Exchange Act of 1934** (15 U.S.C. 78f, 78q-1: An exchange may be registered as a national securities exchange under the terms and conditions hereinafter provided in this section and in accordance with the provisions of section 78s(a) of this title, by filing with the Commission an application for registration in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.)

Yes	No No	
Yes	No	



An entity qualifies for the exemption if **both** of the following criteria apply:

1. The entity is not a securities reporting issuer as defined in <b>Exemption #1</b> , broker or dealer in securities as defined in <b>Exemption #7</b> , or securities exchange or clearing agency as defined in <b>Exemption #8</b> .	Yes	No No
<b>2. The entity is registered with Securities and Exchange Commission under the Securities Exchange Act of 1934</b> (15 U.S.C. 78a et seq.: The Williams Act of 1968 amended this act to require mandatory disclosure of information regarding cash tender offers. The act is enforced by the Securities and Exchange Commission (SEC), which has the power to investigate violations of the act and require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.)	Yes	No No



## #10 Investment company or investment advisor

An entity qualifies for this exemption if **both** of the following criteria apply:

# 1. The entity is an "investment company" or "investment adviser" defined as either:

- An investment company in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3: Engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.) **or**
- An investment adviser in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2: Defines "investment adviser" in part as "any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities.")

#### 2. The entity registered with the Securities and Exchange Commission under with of these authorities:

- The Investment Act of 1940 (15 U.S.C. 80a-1 et seq.); or
- The Investment Advisors Act of 1940 (15 U.S.C. 80b-1 et seq.)

rs	Yes	<mark>∏</mark> No	
	Yes	No	

# 🏹 🛛 #11 Venture capital fund adviser

An entity qualifies for this exemption if **both** of the following criteria apply:

1. The entity is an investment adviser that is described in section 203(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(1): Any investment adviser, other than an investment adviser who acts as an investment adviser to any private fund, all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange.)	Yes	No
2. The entity has filed <b>Item 10, Schedule A</b> , and <b>Schedule B</b> of <b>Part</b> <b>1A of Form ADV</b> , or any successor thereto, with the Securities and Exchange Commission.	Yes	No No



# 💙 🛛 #12 Insurance company

An entity qualifies for this exemption if the following criterion applies:

1. The entity is an "insurance company" as defined in section 2 of the Investment Company Act of 1940 (U.S.C. 80a-2: "Insurance company" means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner or a similar official or agency of a State; or any receiver or similar official or any liquidating agent for such a company, in his capacity as such.)

Yes No
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### #13 State-licensed insurance producer

An entity qualifies for this exemption if **both** of the following criteria apply:

1. The entity is an insurance producer that is authorized by a State and subject to <b>supervision by the insurance commissioner</b> or a	Yes	No
similar official or agency of a State. 2. The entity has an <b>operating presence at a physical office within</b> <b>the United States</b> . The term "operating presence at a physical office within the United States" means that an entity regularly conducts its business at a physical location in the United States that the entity	Yes	No
owns or leases and that is physically distinct from the place of the business of any other unaffiliated entity.		

# **#14 Commodity Exchange Act registered entity**

An entity qualifies for the exemption if **either** of the following criteria apply:

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<b>1. The entity is a "registered entity" as defined in section la of the</b> <b>Commodity Exchange Act</b> (7 U.S.C. 1a: A federal law that regulates the trading of commodity futures and options in the United States. The section defines various terms used in the act, such as "board of trade" and "security futures product". A board of trade is any exchange or association of persons who buy or sell commodities or receive them for sale on consignment. A security futures product is a security future or an option on a security future.)	Yes	No No	
<ul> <li>2. The entity is one of these entities registered with the Commodity Futures Trading Exchange Act:</li> <li>"Future commission merchant" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a:</li> <li>"Introducing broker" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a:</li> <li>"Swap dealer" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a:</li> <li>"Major swap participant" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a:</li> <li>"Major swap participant" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a:</li> <li>"Commodity pool operator" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a:</li> <li>"Commodity pool operator" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a):</li> <li>"Commodity trading adviser" as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); or</li> <li>"Retail foreign exchange dealer"as defined in section 2 (c)(2) (B) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B): A retail foreign exchange dealer that maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is registered in such capacity with the Commission, subject to such terms and conditions as the Commission shall prescribe, and is a member of a futures association registered under section 21 of this title.)</li> </ul>	☐ Yes	□ No	

# #15 PCAOB-Registered public accounting firm

An entity qualifies for this exemption if the following criterion applies:

<b>1. The entity is a public accounting firm registered in accordance</b> <b>with section 102 of the Sarbanes-Oxley Act of 2002</b> (15 U.S.C. 7011(a) (33)(A): A public accounting firm shall use such form as the Board may prescribe, by rule, to apply for registration under this section.	Yes No	
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### 🖌 #16 Public utility

An entity qualifies for this exemption of **both** of the following criteria apply:

**1. The entity is a "regulated public utility" as defined in** 26 U.S.C. 7701(a) (33)(A): The term "regulated public utility" means— (A) A corporation engaged in the furnishing or sale of— (i) electric energy, gas, water, or sewerage disposal services, or (ii) transportation (not included in subparagraph (C)) on an intrastate, suburban, municipal, or interurban electric railroad, on an intrastate, municipal, or suburban trackless trolley system, or on a municipal or suburban bus system, or (iii) transportation (not included in clause (ii)) by motor vehicle.

2. The entity provides telecommunications services, electrical power, natural gas, or water and sewer services within the United States.

Yes	□ No
Yes	No No



# 🏹 🛛 #17 Financial market utility

An entity qualifies for this exemption if the following criterion applies:

1. The entity is a financial market utility designated by the Financial Stability Oversight Counsel under section 804 of the Payment. Clearing, Settlement Supervision Act of 2010 (12 U.S.C. 5463: The Council, on a nondelegable basis and by a vote of not fewer than 2/3 of members then serving, including an affirmative vote by the Chairperson of the Council, shall designate those financial market utilities or payment, clearing, or settlement activities that the Council determines are, or are likely to become, systemically important.)

Yes 🔲 No
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### #18 Pooled investment vehicle

An entity qualifies for this exemption if **both** of the following criteria apply:

#### 1. The entity is a pooled investment vehicle if either of these statements apply to the entity:

• Is an investment company, as defined in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a): "investment company" means any issuer which—(A)is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities;(B)is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificate outstanding; or(C)is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

 Is a company that would be an investment company under that section but for the exclusion provided from that definition by paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a-3(c)); and is identified by its legal name by the applicable investment adviser in its Form ADV, (or successor form) filed with the Securities Exchange Commission or will be so identified in the next annual updating amendment to Form ADV required to be filled by the applicable investment adviser pursuant to rile 204-1 under Investment Advisers Act of 1940 (17 CFR 275.204-1: When amendment is required. You must amend your Form ADV (17 CFR 279.1): (1) Parts 1 and 2: (i) At least annually, within 90 days of the end of your fiscal year; and (ii) More frequently, if required by the instructions to Form ADV. (2) Part 3 at the frequency required by the instructions to Form ADV.)

- The entity is operated or advised by any of these types of exempt entities:
  - Bank, as defined in Exemption #3;
  - Credit union, as defined in **Exemption #4**;
  - Broker or dealer in securities as defined in **Exemption #7**;
  - Investment company or investment adviser, as defined in Exemption #10; or
  - Venture capital fund adviser, as defined in Exemption #11.



### 💙 #19 Tax-exempt entity

An entity qualifies for this exemption if **any** of the following four criteria apply:

1. The entity is an organization that is described in section 501(c) of the Internal Revenue Code of 1986 (Code) (determined without regard to section 508(a) of the Code) and exempt from tax under section 501(a) of the Code. Section 501(a) of the Internal Revenue Code of 1986 provides an exemption from income taxes for organizations which are described in section 501 (c) or (d) and section 401 (a)1. However, this exemption does not apply to feeder organizations (see section 502) or to organizations that engage in a transaction described in section 5031. The following organizations are referred to in subsection (a): any corporation organized under Act of Congress which is an instrumentality of the United States, but only if such corporation is exempt from Federal income taxes under such Act as amended and supplemented before July 18, 19842.

2. The entity is an organization that is described in section 501(c) if the Code, and was exempt from tax under section 501(a) of the Code, but lost its tax-exempt status less than 180 days ago.

3. The entity is a political organization, as defined in section 527€91) of the Code, and is exempt from tax under section 527(a) of the Code.

4. The entity is a trust described in paragraph (1) or (2) of section 4947(a) of the Code.

Yes	<mark>□</mark> No
Yes	No No
Yes	No No
Yes	No No

Yes

Yes

No

No



# #20 Entity assisting a tax-exempt entity

An entity qualifies for this exemption if **all four** of the following criteria apply:

<ol> <li>The entity operates exclusively to provide financial assistance to, or hold governance rights over, any tax-exempt entity described by Exemption #19.</li> </ol>	Yes	No No
2. The <b>entity is a United States person</b> as defined in section 7701(a) (30) of the Internal Revenue Code of 1986.	Yes	No No
3. The entity is <b>beneficially owned or controlled exclusively by one</b> <b>or more United States persons</b> that are United States citizens or lawfully admitted for permanent residence. "Lawfully admitted for permanent residence" is defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a):	Yes	No No
4. The entity derives at least a majority of its funding or <b>revenue</b> <b>from one or more United States persons</b> that are United States citizens or lawfully admitted permanent residence.	Yes	No No



# #21 Large operating company

An entity qualifies for this exemption if **all six** of the following criteria apply:

1. The entity employees <b>more than 20 full time employees</b> , when applying the meaning of full-time employee provided in 26 CFR 54.498H-1(a) and 54.4980H-3. In general, "full-time employee" means, with respect to a calendar month, an employee who is employed an average of at least 30 hours of service per week with an employer.	Yes	No No
2. More than 20 full-time employees of the entity are <b>employed in</b> <b>the "United States,"</b> as that term is defined in 31 CFR 1010.100(hhh)	Yes	Νο
3. The entity has an operating presence at a <b>physical office within</b> <b>the United States</b> . "Operating presence at a physical office within the United States" means that an entity regularly conducts its business at a physical location in the United States that the entity owns or leases and that is physically distinct from the place of business of any other unaffiliated entity.	Yes	No No
4. The entity <b>filed a Federal income tax or information return in</b> <b>the United States for the previous year demonstrating more than</b> <b>\$5,000,000 in gross receipts or sales</b> . If the entity is part of an affiliated group of corporations within the meaning of 26 U.S.C. 1504, refer to the consolidated return for such group.	Yes	Νο

5. The entity reported a greater-than-\$5,000,000 amount in gross receipts or sales (net of returns and allowances) on the entity's IRS Form 1120, consolidated IRS Form 1120, IRS Form 1120-S, IRS Form 1065, or other applicable IRS forms.	Yes	No No	
6. When gross receipts or sales from sources outside the United States, as determined under Federal income tax principle, are <b>excluded from the entity's amount of gross receipts or sales, the</b> <b>amount remains greater than \$5,000,000</b> .	Yes	No No	

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# **#22 Subsidiary of certain exempt entities**

An entity qualifies for this exemption if the following criterion applies:

<ol> <li>The entity's ownership interests are controlled or wholly owned, directly or indirectly, by any of these types of exempt entities:         <ul> <li>Securities reporting issuer, as defined in Exemption #1;</li> <li>Governmental authority, as defined in Exemption #2;</li> <li>Bank, as defined in Exemption #3;</li> <li>Credit union, as defined in Exemption #4;</li> <li>Depository institution holding company, as defined in Exemption #5;</li> <li>Broker or dealer in securities, as defined in Exemption #7;</li> <li>Securities exchange or clearing agency, as defined in Exemption #8;</li> <li>Other Exchange Act registered entity, as defined in Exemption #9;</li> <li>Investment company or investment adviser, as defined in Exemption #10;</li> <li>Venture capital fund adviser, as defined in Exemption #11;</li> <li>Insurance company, as defined in Exemption #12;</li> <li>State-licensed insurance producer, as defined in Exemption #13;</li> <li>Commodity Exchange Act registered entity, as defined in Exemption #13;</li> <li>Commodity Exchange Act registered entity, as defined in Exemption #13;</li> <li>Commodity Exchange Act registered entity, as defined in Exemption #13;</li> <li>Commodity Exchange Act registered entity, as defined in Exemption #13;</li> <li>Commodity Exchange Act registered entity, as defined in Exemption #14;</li> <li>Accounting firm, as defined in Exemption #15;</li> <li>Public utility, as defined in Exemption #16;</li> <li>Financial market utility, as defined in Exemption #17;</li> </ul> </li> </ol>	e e e e e e e e e e e e e e e e e e e	
• • • •		
<ul> <li>Financial market utility, as defined in Exemption #17;</li> </ul>		
<ul> <li>Tax-exempt entity, as defined in Exemption #19; or</li> </ul>		
• Large operating company, as defined in <b>Exemption #21</b> .		

### #23 Inactive entity

An entity qualifies for this exemption if **all six** of the following criteria apply:

1. The entity was in existence on or <b>before</b> January 1, 2020.	Yes	No
2. The entity is <b>not</b> engaged in active business.	Yes	No
3. The entity is <b>not owned by a foreign person</b> , whether directly or indirectly, wholly or partially. "Foreign persons" means a person who is not a United States person. A United States person is defined in section 7701(a)(30) of the Internal Revenue Code of 1986 as a citizen or resident of the United States, domestic partnership and corporation, and other estates and trusts.	Yes	No No
4. The entity has <b>not</b> experienced any changes in ownership in the preceding twelve-month period.	Yes	No No
5. The entity has <b>not</b> sent or received any funds in an amount greater than \$1,000, either directly or through any financial account in which the entity or any affiliate of the entity had an interest, in the preceding twelve-month period.	Yes	No No
6. The entity does <b>not</b> otherwise hold any kind of type assets, whether in the United States or abroad, including any ownership interest in any corporation, limited liability company, or other similar entity.	Yes	No No

If you would like assistance with determining your company's exemption status, check out FileForms' Premium BOI filing option including a full legal counsel review, analysis and support by licensed attorney.

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