

How to Form an LLC in Delaware Yourself (2026 Costs and Steps)

A free step-by-step guide from BusinessOwner.com. State information verified from official sources on September 15, 2026.

Quick answer

The total state cost to file online is \$110. File your Certificate of Formation with the Delaware Department of State, Division of Corporations at <https://corp.delaware.gov/document-upload-service-information/>.

Step 1: Check that your LLC name is available

Search the agency's business name records before filing to ensure your desired name is available.

Step 2: Choose a registered agent

Your registered agent may be the LLC itself or an individual resident in Delaware, so a Delaware-resident member qualifies. The agent must have a physical street address in Delaware and be generally present there during normal business hours. A virtual office or mail-forwarding service alone is not permitted. A business physically located in Delaware may act as its own agent.

Step 3: File your Certificate of Formation of a Limited Liability Company

Submit the form to the Delaware Department of State, Division of Corporations. The filing fee is \$110 for both online and mail filings. You may pay additional fees for expedited processing if you need faster service:

- **24-Hour (Next Day) service:** \$50. Must be received by 7:00pm ET. Completed the next business day of receipt.
- **Same Day service:** \$100. Must be received before 2:00pm ET.
- **Priority 2 (2-Hour) service:** \$500. Per document/request. Processed within two hours of receipt. Must be received by 7:00pm ET.
- **Priority 1 (1-Hour) service:** \$1,000. Per document/request. Processed within one hour of receipt. Must be received by 9:00pm ET.

Step 4: Create an operating agreement

An operating agreement outlines the ownership structure, member roles, voting rights, and procedures for what happens if a member leaves the LLC.

Step 5: Get your EIN from the IRS

Get your Employer Identification Number from the IRS for free at <https://www.irs.gov/ein>.

Step 6: Keep your LLC in good standing

Delaware LLCs are not required to file an initial report or an Annual Report. However, you must pay the Limited Liability Company Annual Tax of \$400. This tax is due on or before June 1 of each year following the close of the calendar year in which the Certificate of Formation becomes effective. Late payment adds a penalty plus interest per month.

Frequently asked questions

Does Delaware require an annual report for LLCs?

No. Delaware LLCs are not required to file an Annual Report. They pay only the annual LLC tax.

What is the deadline for the Limited Liability Company Annual Tax?

The tax is due on or before June 1 of each year following the close of the calendar year in which the Certificate of Formation becomes effective.

Can I use a virtual office as my registered agent address in Delaware?

No. A virtual office or mail-forwarding service alone is not permitted. The agent must have a physical street address in Delaware and be generally present there during normal business hours.

What happens if I pay the annual tax late?

Late payment adds a penalty plus interest per month.

Is the Limited Liability Company Annual Tax based on income?

No. It is a flat annual tax on every domestic LLC regardless of income or activity.

Want us to file it for you? \$249 plus state fees.

Want the whole business set up? Book a call with BusinessOwner.com.

Sources

Official sources, last verified September 15, 2026:

- [Document Filing and Certificate Request Information - Division of Corporations - State of Delaware](#)

- <https://corp.delaware.gov/document-upload-service-information/>
- [corpfiles.delaware.gov: AugustFee2026.pdf](https://corpfiles.delaware.gov/AugustFee2026.pdf)
https://corpfiles.delaware.gov/Fee_Schedule/AugustFee2026.pdf
 - [corpfiles.delaware.gov: LLC Formation.pdf](https://corpfiles.delaware.gov/LLC_Forms/LLC%20Formation.pdf)
https://corpfiles.delaware.gov/LLC_Forms/LLC%20Formation.pdf
 - [Expedited Services - Division of Corporations - State of Delaware](https://corp.delaware.gov/expserv/)
<https://corp.delaware.gov/expserv/>
 - [How to Form a New Business Entity - Division of Corporations - State of Delaware](https://corp.delaware.gov/howtoform/)
<https://corp.delaware.gov/howtoform/>
 - [Frequently Asked Questions - Division of Corporations - State of Delaware](https://corp.delaware.gov/faqs/)
<https://corp.delaware.gov/faqs/>
 - [Annual Report and Tax Information - Division of Corporations - State of Delaware](https://corp.delaware.gov/frtax/)
<https://corp.delaware.gov/frtax/>
 - [Delaware Code Online \(delcode.delaware.gov/title6/c018/sc11/index.html\)](https://delcode.delaware.gov/title6/c018/sc11/index.html)
<https://delcode.delaware.gov/title6/c018/sc11/index.html>
 - [Delaware Code Online \(delcode.delaware.gov/title6/c018/sc01/index.html\)](https://delcode.delaware.gov/title6/c018/sc01/index.html)
<https://delcode.delaware.gov/title6/c018/sc01/index.html>
 - [IRS: Get an employer identification number](https://www.irs.gov/ein)
<https://www.irs.gov/ein>

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