

## **Licensing Requirements for Manufacturers, Importers and Distributors of Motor Vehicle, Recreational Vehicles and Mobile Homes**

If you are considering becoming a manufacturer, importer or distributor in the State of Florida; what do you plan to distribute?

An applicant must decide what they plan to distribute: Motor Vehicles, Motorcycles, Low speed vehicles (LSV), Mini-Trucks, and Tri-Vehicles, Recreational vehicles, or Mobile homes?

### **THE LAW**

**The Department strongly recommends applicants for a motor vehicle manufacturer, distributor or importer license to become familiar with the requirements of [sections 320.60-320.70, Florida Statutes](#). On-line access is at [www.flsenate.gov](http://www.flsenate.gov).**

**Manufacturer:** A manufacturer is defined in [section 320.60\(9\), Florida Statutes](#), as any person, whether a resident or non-resident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipments which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term “manufacturer” includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products.

**Distributor:** A distributor is defined in [section 320.60\(5\), Florida Statutes](#), as a person, resident or nonresident, who, in whole or in part, sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives.

**Importer:** An importer is defined in [section 320.60\(7\), Florida Statutes](#), as any person who imports vehicles from a foreign country into the United States or into this state for the purpose of sale or lease.

### **There are three types of licenses:**

Manufacturers license with a prefix MV

Importers License with a prefix MI

Distributors License with a prefix MD

### **The Licensing periods are as follows:**

Manufacturers of motor vehicles (MV)                      October 1-September 30

Distributors of motor vehicles (MD)                      October 1-September 30

Importers of motor vehicles (MI)                              October 1-September 30

**Licensing requirements for applicants for a manufacturer, importer or distributor license for motor vehicles, motorcycles with an engine displacement greater than 50 cc's, and low speed vehicles (LSV).**

The following documents are required by the Department from a manufacturer, importer or distributor license applicant for motor vehicles, or motorcycles with an engine displacement greater than 50 cc's, or low speed vehicles (LSV) manufacturer, importer or distributor licenses.

1. Completed application form [HSMV 84256](#). This form can be accessed at the Department's website at [www.flhsmv.gov/html/forms.html](http://www.flhsmv.gov/html/forms.html).
2. Distributor or importer applicants must provide copies of an agreement between the manufacturer and themselves authorizing the applicant to distribute or import the manufacturer's vehicles. The agreement must be dated and signed by both parties.
3. A current financial statement.
4. A certified copy of the product warranty in any way connected with the motor vehicle or any component thereof.
5. Federal Employer's Identification Number.
6. Articles of Incorporation.
7. Proof of registration with the Florida Secretary of State, Division of Corporations to conduct business in Florida, must be provided with your application. You may find information about this process on-line from the [Division of Corporations](#) at [www.sunbiz.org](http://www.sunbiz.org).
8. Proof of registration of fictitious name(s) with the Florida Secretary of State, [Division of Corporations](#) (on-line access at [www.sunbiz.org](http://www.sunbiz.org).)
9. Pursuant to [section 320.645, Florida Statutes](#), a licensed manufacturer, distributor or importer can either wholesale or retail. This means the law does not permit a licensed manufacturer, distributor or importer to engage in both retail and wholesale at the same time. Therefore, if you wish to wholesale through franchised dealers; a list of authorized Florida dealers must be submitted with the application, or if you wish to retail by engaging in direct sale; you must submit an affidavit stating that you will be applying for your franchise dealer's license as soon as you are licensed by the Department as a manufacturer, distributor or importer.
10. Manufacturers of Low Speed Vehicles (LSV) - All Manufacturers' Certificates of Origin (MCO) must include the statement: "This Vehicle conforms to Federal Regulations under Title 49 CFR Part 571.500."
11. If applicable, a copy of dealer service agreement.
12. An affidavit acknowledging the fact that the terms or provisions of the agreement, or any related document, are not inconsistent with, or contrary to the provisions contained in [sections 320.60-320.70, F.S.](#) The affidavit must include any franchise agreement offered to a motor vehicles dealer in this state and shall provide that all terms and conditions in such agreement inconsistent with the laws and rules of this state are of no force and effect.
13. Copies of all applicable warranty labor rates and parts agreements.
14. A certified copy of all applicable preparation and delivery charge obligations of the dealer must be submitted with application.
15. Check payable to DHSMV in the amount of \$300.

16. A photo of the vehicle(s) being manufactured, distributed or imported, or a brochure with pictures of the vehicles.
17. An affidavit stating that the line-make(s) meets all certification requirements set forth by the U.S. Department of Transportation.
18. World Manufacturing Identifier (WMI). Further information regarding registration as a manufacturer, importer or distributor may be obtained on-line from the National Highway Safety Administration ([NHTSA](http://www.nhtsa.gov)) at [www.nhtsa.gov](http://www.nhtsa.gov). Before a manufacturer can offer motorcycles for sale in the United States, a manufacturer must designate an agent for service of process in this country (Title 49 CFR 551.45) (Procedural Rules). It must also apply for its own world manufacturing identifier (WMI), comprising the first three characters of the vehicle identification number which must be affixed to the vehicles it manufactures. In addition, 49 CFR part 565 (Vehicle Identification Number Requirements), Title 49 CFR part 566 (Manufacturer Identification) and Title 49 CFR part 567 (Certification) the certification label constitutes the manufacturer's certification that the motor vehicle "conforms to all applicable federal motor vehicle safety standards in effect on the date of manufacture." Copies of any letters from [NHTSA](http://www.nhtsa.gov) verifying that these requirements have been met.

Additional information on other requirements for new vehicle manufacturers can be obtained from [NHTSA](http://www.nhtsa.gov) by telephone at 202-366-5302, or by fax 202-493-0073, or on-line at [www.nhtsa.gov](http://www.nhtsa.gov).

19. Once the Department receives your application and the required documentation listed on this checklist, the Department will request the National Crime Information Center (NCIC) to assign you a "line make" which will be reflected on your Manufacturer's Statement of Origin (MSO) or your Manufacturer's Certificate of Origin (MCO). Once the line make has been assigned, please provide a copy of the MSO or MCO that your company intends to issue stamped "Void" or "Specimen" across the front to the Department. The MSO or MCO must be printed in accordance with the attached specification set forth by the State of Florida. The MSO or MCO must include the brake horsepower and the displacement of the engine in cubic centimeters.

#### **Additional Requirements for 1st and 2nd Stage Manufacturers**

20. Pursuant to section 320.60 (9), Florida Statutes, a manufacturer means any person, whether a resident or non-resident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term "Manufacturer" includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products.
21. Pursuant to section 319.21(2), Florida Statutes, "When a motor vehicle is built in two or more stages, each manufacturer must provide a manufacturer's statement of origin for each stage." Such a manufacturer must be registered with a National license with the Department. The second stage Manufacturer's Statement of Origin (MSO) from the final

stage manufacturer of the incomplete chassis will reflect their own line-make (assigned by National Crime Investigation Center) and vehicle identification number (VIN) of the manufacturer of the truck chassis. A second stage manufacturer must provide both the first stage and second stage manufacturer's statement of origin to their dealers as they are both required in the title and registration process at the tax collectors' offices. Original samples of both the 1st and 2nd stage MCOs must be submitted with the application.

### **Additional Requirements for Tri-Vehicle Manufacturers, Importers, or Distributors**

22. Please submit a copy of the registration from the National Highway Traffic Safety Administration certifying that the Tri-Vehicle is equipped with:
  - Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating Systems" (49 C.F.R. s. 571.207);
  - A seat belt for each vehicle occupant certified to meet 263 the requirements of Federal Motor Vehicle Safety Standard No. 24 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);
  - A windshield and an appropriate windshield wiper and 266 washer system that are certified by the vehicle manufacturer to 267 meet the requirements of Federal Motor Vehicle Safety Standard 268 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal 269 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and 270 Washing Systems" (49 C.F.R. s. 571.104); and
  - A vehicle structure certified by the vehicle 272 manufacturer to meet the requirements of Federal Motor Vehicle 273 Safety Standard No. 261, "Rollover crush resistance" (49 C.F.R. 274 s. 571.216).
  - Additional information on other requirements for new vehicle manufacturers can be obtained from NHTSA by phone at 202-366-5302, or by fax 202-493-0073, or on-line at [www.nhtsa.gov](http://www.nhtsa.gov).
  
23. An affidavit or a statement on your business letterhead stating that the Tri-Vehicle is equipped with:
  - A steering wheel used to maneuver the vehicle;
  - A propulsion unit located forward or aft of the 261 enclosed occupant compartment;

### **Licensing requirements for applicants for a manufacturer, importer or distributor license for motorcycles with an engine displacement 50 cc's, or less.**

The following documents are required by the Department from a manufacturer, importer or distributor license applicant of motorcycles with an engine displacement 50 cc's, or less:

1. Completed application form [HSMV 84256](#). This form can be accessed at the Department's website at [www.flhsmv.gov/html/forms.html](http://www.flhsmv.gov/html/forms.html).

2. Distributor or importer applicants must provide copies of an agreement between the manufacturer and themselves authorizing the applicant to distribute or import the manufacturer's vehicles. The agreement must be dated and signed by both parties.
3. A current financial statement.
4. A certified copy of the product warranty in any way connected with the motor vehicle or any component thereof.
5. Federal Employer's Identification Number.
6. Articles of Incorporation.
7. Proof of registration with the Florida Secretary of State, Division of Corporations to conduct business in Florida, must be provided with your application. You may find information about this process on-line from the [Division of Corporations](http://www.sunbiz.org) at [www.sunbiz.org](http://www.sunbiz.org).
8. Proof of registration of fictitious name(s) with the Florida Secretary of State, [Division of Corporations](http://www.sunbiz.org) (on-line access at [www.sunbiz.org](http://www.sunbiz.org).)
9. A check payable to DHSMV in the amount of \$300.
10. A photo of the vehicles(s) being manufactured, distributed or imported, or a brochure with pictures of the vehicle(s).
11. An affidavit stating that the line-make(s) meets all certification requirements set forth by the U.S. Department of Transportation.
12. World Manufacturing Identifier (WMI) - Further information regarding registration as a manufacturer, importer or distributor may be obtained on-line from the National Highway Safety Administration at [www.nhtsa.gov](http://www.nhtsa.gov). Before a manufacturer can offer motorcycles for sale in the United States, a manufacturer must designate an agent for service of process in this country (Title 49 CFR 551.45) (Procedural Rules). It must also apply for its own world manufacturing identifier (WMI), comprising the first three characters of the vehicle identification number which must be affixed to the vehicles it manufactures. In addition, Title 49 CFR part 565 (Vehicle Identification Number Requirements), Title 49 CFR part 566 (Manufacturer Identification) and Title 49 CFR part 567 (Certification), the certification label constitutes the manufacturers certification that the motor vehicle "conforms to all applicable federal motor vehicle safety standards in effect on the date of manufacture." Copies of any letters from [NHTSA](http://www.nhtsa.gov) verifying that these requirements have been met.  
Additional information on other requirements for new vehicle manufacturers can be obtained from [NHTSA](http://www.nhtsa.gov) by telephone at 202-366-5302, or by fax 202-493-0073, or on-line at [www.nhtsa.gov](http://www.nhtsa.gov).
13. Once the Department receives your application and the required documentation listed on this checklist, the Department will request the National Crime Information Center (NCIC) to assign you a "line make" which will be reflected on your Manufacturer's Statement of Origin (MSO) or your Manufacturer's Certificate of Origin (MCO). Once the line make has been assigned, please provide a copy of the MSO or MCO that your company intends to issue stamped "Void" or "Specimen" across the front to the Department. The MSO or MCO must be printed in accordance with the attached specification set forth by the State of Florida. The MSO or MCO must include the brake horsepower and the displacement of the engine in cubic centimeters.

Pursuant to [section 320.645, Florida Statutes](#), “No distributor, manufacturer, or agent of a manufacturer or distributor, or any parent, subsidiary, common entity, or officer or representative of the licensee shall own or operate, either directly or indirectly, a motor vehicle dealership in this state for the sale or service of motor vehicles which have been or are offered for sale under a franchise agreement with a motor vehicle dealer in this state....” What this means is that a licensed manufacturer, distributor or importer can either wholesale or retail. The law does not permit a licensed manufacturer, distributor or importer to engage in both retail and wholesale at the same time. Therefore, a licensed manufacturer, distributor or importer can wholesale through franchised dealers who must be approved by the Department or retail by engaging in direct sale and meeting the licensing requirements as a franchise dealer.

[Section 320.60-320.70, Florida Statutes](#), defines the licensing requirements for manufacturer, importers and distributors of new motor vehicles and their sales through franchised dealers only. [Florida Administrative Code 15C-7.004](#), further specifies the licensing requirements for a franchised dealer. Please be aware that any time a manufacturer, importer or distributor desires to engage in business through franchised dealers, they would have to meet the requirements of [section 320.642, Florida Statutes](#). Pursuant to this section, the Department must receive a written notice from the licensed manufacturer, importer or distributor, stating their intent to establish a new dealership for the sale of their line-make and also give details of dealers in the same county or adjacent county with a standing to protest selling the same line-make. Effective for publications scheduled for September 4, 2009, and all subsequent publications in the Florida Administrative Weekly, manufacturers, importers, and distributors must submit to the Department with their written notice to establish or relocate a dealership, a check in favor of DHSMV for \$77.50 (breakdown: \$75 publication fee and \$2.50 service charge) for each publication. The Department will cause this notice to be published in the Florida Administrative Weekly and will advise the dealers with standing to protest giving those dealers 30 days to protest. If protest(s) is received the case will be forwarded for an administrative hearing. If no protest is received a Final Order will be signed by the Director of the Division of Motorist Services. A copy will be mailed to the manufacturer, dealer and the Regional Office. Thereafter, the dealer **must** submit an application at the Regional Office either to apply for a franchise license or add the line-make if the dealers is already a licensed franchise dealer. No motorcycle shall be distributed until this process is complete. **Distributing motorcycles over 50cc’s without the proper paperwork is a violation of [section 320.60, Florida Statutes](#).**

Applicants are advised that they may not engage in business until all licensing requirements have been met. To do otherwise is a serious violation of the law and title work will not be processed. Applicants should be aware that any unauthorized vehicles sold to unlicensed dealers will not be titled or registered at the Tax Collectors' Offices and will force the Department to file an administrative complaint to revoke their manufacturer, importer or distributor license.

### **Who is a final stage manufacturer and what requirements must be meet?**

Pursuant to [section 320.60, Florida Statutes](#), a manufacturer means any person, whether a resident or non-resident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment

which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term “Manufacturer” includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products.

Pursuant to [section 319.21\(2\), Florida Statutes](#), “When a motor vehicles is built in two or more stages, each manufacturer must provide a manufacturer’s statement of origin for each stage.” Such a manufacturer must be registered with National Highway Traffic Safety Administration as a final stage manufacturer and must apply for a manufacturer’s license with the Department. The second stage Manufacturer’s Statement of Origin (MSO) from the final stage manufacturer of the incomplete chassis will reflect their own line-make (assigned by National Crime Investigation Center) and vehicle identification number (VIN) of the manufacturer of the truck chassis.

**Please note:** The manufacturer, importer or distributor licensed by the Department is authorized to distribute **only** the line-make(s) they have been approved for. In order to be approved for additional line-make(s), the licensed manufacturer, importer or distributor must submit additional documents to the Department. A new application and fee is not required. No shipment or sale can take place prior to meeting the licensing requirements. Please also note that after the additional line-make(s) have been approved, the dealers also have to meet the licensing requirements before any display or sale can take place.

The check list to add line-make(s) to existing licensed manufacturers, importers or distributors license can be accessed at <http://www.flhsmv.gov/dmv/forms/BFO/84256.pdf>.

### **Licensing requirements for a mobile home manufacturer’s license and recreational vehicle manufacturer, importer or distributor’s license**

Pursuant to [section 320.8225, Florida Statutes](#), a license is required if any person who engages in the business of a mobile home manufacturer or a recreational vehicle manufacturer, distributor, or importer in this state, or who manufactures mobile homes or recreational vehicles out of state which are ultimately offered for sale in this state, shall obtain annually a license for each factory location in this state and for each factory location out of state which manufactures mobile homes or recreational vehicles for sale in this state, prior to distributing or importing mobile homes or recreational vehicles for sale in this state.

#### **There is one type of mobile home manufacturer license:**

Mobile home manufacturer’s license with a prefix MH

#### **There are three types of recreational vehicle manufacturer, distributor and importer license:**

Recreational vehicle manufacturer’s license with a prefix MR

Recreational vehicle distributor’s License with a prefix RD

Recreational vehicle importer’s License with a prefix RI

#### **The Licensing periods are as follows:**

Mobile home manufacturer's license (MH) October 1-September 30  
Recreational vehicle manufacturer's license (MR) October 1-September 30  
Recreational vehicle distributor's license (RD) October 1-September 30  
Recreational vehicle importer's license (RI) October 1-September 30

**An applicant for a mobile home manufacturer's license must submit the following documents with his/her application:**

1. Completed application [form 84256](#). This form can be accessed at the Department's website at [www.flhsmv.gov/html/forms.html](http://www.flhsmv.gov/html/forms.html).
2. Check payable to DHSMV in the amount of \$340.
3. A current financial statement.
4. A copy of the product warranty.
5. Complete statement of any service agreement or policy to be utilized by the applicant.
6. Original surety bond or Letter of Credit in the amount of \$50,000 for mobile home manufacturers. [Form HSMV 86050, Surety Bond Mobile Home Manufacturer](#) can be accessed on the Departments website at [www.flhsmv.gov/html/forms.html](http://www.flhsmv.gov/html/forms.html).
7. Federal Employer's Identification Number (FEIN).
8. For corporations, a copy of their Articles of Incorporation as filed with the Division of Corporations in the office of the Secretary of State. A foreign corporation (i.e., one from out-of-state) must also submit a copy of its Articles of Incorporation as filed with the Secretary of State or a copy of its Articles of Incorporation as filed in their home state.
9. Proof of registration with the Florida Secretary of State, Division of Corporations to conduct business in Florida, must be provided with the application. Further information about this process can be accessed on-line from the [Division of Corporations](#) at [www.sunbiz.org](http://www.sunbiz.org).
9. Proof of registration of fictitious name(s) with the Florida Secretary of State, Division of Corporations must be provided with the application. Further information about this process can be accessed on-line from the [Division of Corporations](#) at [www.sunbiz.org](http://www.sunbiz.org).
10. A sample of the original Manufacturer's Statement of Origin (MSO) or Manufacturer's Certificate of Origin (MCO) your company intends to issue. The MSO or MCO must be printed in accordance with the attached specification set forth by the State of Florida. The MSO can be stamped "Void" or "Specimen" across the front.

**An applicant for a recreational vehicle manufacturer, importer, or distributor's license must submit the following documents with his/her application:**

1. Complete both sides of the application [form 84256](#). This form can be accessed at the Department's website [www.flhsmv.gov/html/forms.html](http://www.flhsmv.gov/html/forms.html).
2. Check payable to DHSMV in the amount of \$340.
3. Distributor or importer applicants must provide copies of an agreement between the manufacturer and themselves authorizing the applicant to distribute or import the manufacturer's recreational vehicles. The agreement must be dated and signed by both parties.
4. A current financial statement.
5. A copy of the product warranty.
6. Original surety Bond in the amount of \$10,000 for recreational vehicle manufacturers, distributors or importers. [Form HSMV 86051, Surety Bond Recreational Vehicle Manufacturer or Van Converter](#), can be accessed on the Department's website at [www.flhsmv.gov/html/forms.html](http://www.flhsmv.gov/html/forms.html).
7. Federal Employer's Identification Number (FEIN).
8. For corporations, a copy of their Articles of Incorporation as filed with the [Division of Corporations](#) in the office of the Secretary of State. A foreign corporation (i.e., one from out-of-state) must also submit a copy of its Articles of Incorporation as filed with the Secretary of State or a copy of its Articles of Incorporation as filed in their home state.
9. Proof of registration with the Florida Secretary of State, Division of Corporations to conduct business in Florida must be provided with the application. Further, information about this process can be accessed on line from [Division of Corporations](#) at [www.sunbiz.org](http://www.sunbiz.org).
10. Proof of registration of fictitious name(s) with the Florida Secretary of State, Division of Corporations must be provided with the application. Further information about this process can be accessed on-line from the [Division of Corporations](#) at [www.sunbiz.org](http://www.sunbiz.org).
11. If applicable, a copy of the dealer service agreement.
12. A photo of the recreational vehicle(s) being manufactured, distributed or imported; or a brochure with pictures of the recreational vehicle(s).
13. An affidavit stating that the line-make(s) meets all certification requirements set forth by the U.S. Department of Transportation.

**Please Note:** This affidavit is not required for applicants applying for a recreational vehicle manufacturer's license for park model trailers and for conversion companies that add living quarters to trailers.

14. World Manufacturing Identifier (WMI) - Further information regarding registration as a manufacturer, distributor or importer may be obtained on-line from the National Highway Traffic Safety Administration ([NHTSA](#)) at [www.nhtsa.gov](http://www.nhtsa.gov). This certification constitutes the manufacturer's certification that the recreational vehicle "conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture." Copies of any letters from [NHTSA](#) verifying that the manufacturer has met these requirements must be provided to the Department with the application.  
Additional information and requirements for new recreational vehicle manufacturers can be obtained from [NHTSA](#) by telephone at 202-366-5302, or by fax 202-493-0073, or on-line at [www.nhtsa.gov](http://www.nhtsa.gov).

**Please Note:** The above stated [NHTSA](#) registration is not required for applicants applying for a recreational vehicle manufacturer's license for park model trailers.  
The above stated [NHTSA](#) registration is not required for conversion companies that add living quarters to trailers and are applying for a recreational vehicles manufacturer's license.

15. Conversion companies that add living quarters to trailer must submit a copy of their registration with [NHTSA](#) for Title 49 CFR Part 567.2 -.3 - .4 etc., where an alterer must affix its alterer's certification label adjacent to the original manufacturer's certification label (in the case of a trailer altered to include living quarters), the pair of certification labels must be visible at the left (driver's side) front corner of the trailer.
16. Once the Department receives your application with all the required documents listed in the check list, a line-make will be assigned by the National Crime Information Center (NCIC). This line-make must be reflected under the "make" in your Manufacturer's Statement of Origin (MSO). Please provide a sample of the original Manufacturer's Statement of Origin (MSO) or Manufacturer's Certificate of Origin (MCO) that your company intends to issue. The MSO or MCO must be printed in accordance with the attached specification set forth by the State of Florida. The MSO can be stamped "Void" or "Specimen" across the front.
17. Additional Requirements for Conversion Companies:  
Submit 1st and 2nd Stage Manufacturer's Certificate of Origin as per section 319.21 (2), Florida Statutes.