

## Frequently Asked Questions

### Manufacturers, Importers and Distributors of Motor Vehicles, Motorcycles, Low Speed Vehicles, and Mini-Trucks

#### 1) Who is a manufacturer?

A manufacturer is defined in [section 320.60\(9\), Florida Statutes](#) (F.S.), 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.

#### 2) Who is a final stage manufacturer?

A final stage manufacturer is a person who assembles 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 final stage manufacturer completes the vehicle and issues a 2<sup>nd</sup> stage MCO (Manufacturer's Certificate of Origin). See question 11.

#### 3) Who is an 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.

#### 4) Who is a 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.

#### 5) What is a motor vehicle?

"Motor vehicle" means any new automobile, motorcycle, or truck, including all trucks, regardless of weight, including "heavy truck" as defined in s. [320.01\(10\), F.S.](#), and "truck" as defined in s. [320.01\(9\), F.S.](#), the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser.

#### 6) What is a motorcycle?

[Section 320.01\(27\), Florida Statutes](#), defines: "Motorcycle" as any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in

contact with the ground, excluding a vehicle in which the operator is enclosed in a cabin unless it meets the requirements set forth by the National Highway Safety Administration for a motorcycle.

A motorcycle can be gas powered or electric and can have a engine displacement greater than 50cc or 50cc or less.

**7) What is a low speed vehicle?**

"Low-speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and [s. 316.2122, Florida Statutes](#).

**8) What is a mini-truck?**

"Mini truck" means any four-wheeled, reduced-dimension truck that does not have a National Highway Safety Administration truck classification, with a top speed of 55 miles per hour, and which is equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, and seat belts.

**9) What is a line-make? Who assigns it?**

"Line-make vehicles" are those motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same.

The line-make is assigned by the National Crime Investigation Center (NCIC).

**10) What is a Manufacturer's Certificate of Origin (MCO)?**

Pursuant to [section 319.21\(1\), Florida Statutes](#), "No manufacturer, distributor, licensed dealer, or other person shall sell or otherwise dispose of a new motor vehicle or a new mobile home to a distributor, licensed dealer, or other person without delivering to such distributor, licensed dealer, or other person a manufacturer's statement of origin duly executed and with such assignments thereon as may be necessary to show title in the purchaser thereof, on forms approved by the department; nor shall any distributor, licensed dealer, or other person purchase, acquire, or bring into the state, except for temporary use and not for sale, a new motor vehicle or a new mobile home without obtaining from the seller thereof the manufacturer's statement of origin. Such statement of origin shall be in the English language. In addition to the assignments stated herein, the manufacturer's statement of origin shall contain a certification of the identification and description of the motor vehicle or mobile home delivered and the name and address of the distributor, licensed dealer, or other person to whom the motor vehicle or mobile home was originally sold, over the signature of an authorized official of the manufacturer who made the original delivery; however, no statement of origin shall be required for any new motor vehicle or new mobile home

purchased from a person other than a manufacturer or a representative of a manufacturer in a state which does not require such statement of origin. Prior to the issuance of a certificate of title for any such new motor vehicle or new mobile home, the holder of any security interest therein may demand and receive from the owner thereof the manufacturer's statement of origin and may retain it as long as he or she holds the security interest.

**11) What is a 2<sup>nd</sup> stage MCO?**

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.” The 2<sup>nd</sup> stage MCO will show the Vehicle Identification Number (VIN) of the truck chassis. However, the line-make will be assigned by NCIC for the final stage manufacturer.

**12) What is a World Manufacturing Identifier (WMI) and who assigns it?**

WMI is a world manufacturing identifier assigned by the National Highway Traffic Safety Administration ([NHTSA](#)). This is a part of the Vehicle Identification Number (VIN).

**13) Where can I find information regarding the licensing procedures for manufacturers, importers and distributors of Motor Vehicles, Motorcycles, Low Speed Vehicles and Mini -Trucks?**

You can log on to the Department's website at <http://www.flhsmv.gov/html/titlinf.html> and click on “[Dealer, Manufacturer, Distributor and Importer Information](#)” and “[Learn More About Manufacturer, Importer or Distributor License.](#)”

**14) Where can I download the application form for manufacturers, importers and distributors of Motor Vehicles, Motorcycles, Low Speed Vehicles, and Mini-Trucks?**

You can download the application form HSMV 84256 [Application for a License as a Motor Vehicle Manufacturer, Importer, Distributor, Mobile Home, or Recreational Vehicle Manufacturer](#) from the Department's website at <http://www.flhsmv.gov/html/titlinf.html> and click on [motor vehicle forms](#).

**15) What is the licensing period?**

The licensing period is from October 1-September 30.

**16) How much is the initial licensing fee for a motor vehicle manufacturer, importer or distributor?**

The initial licensing fee for a motor vehicle manufacturer, importer or distributor is \$300.

**17) Do I have to renew my manufacturer, importer or distributor license annually with the Department?**

Yes. You must renew your manufacturer, importer or distributor license annually with the Department in order to conduct business in the State of Florida.

**18) Does the Department mail the renewal application form to the licensed manufacturers, importers or distributors? If so when can we expect to receive it?**

The Department mails the renewal application form with a checklist of required documents and a minority dealer point questionnaire. This is mailed on July 14<sup>th</sup> of each year.

**19) How much is the renewal fee for manufacturer, importer or distributor license?**

The renewal fee is \$100.

**20) If I fail to renew my license before September 30th, can I renew with a delinquent fee?**

No. There is no delinquent fee. Failure to renew your license before September 30th will result in the expiration of your license. Thereafter, you will have to apply for a new license with a new application.

**Please note:** failure to renew will halt your business in the State of Florida and your approved franchise dealers will be notified of the expired status of your license.

**21) What form should I use to renew my manufacturer, importer or distributor license? Where can I download the form?**

You must complete form HSMV form 86219 [Renewal Application for a Motor Vehicle Manufacturer, Importer or Distributor](#). You can download this form from the Department's website at <http://www.flhsmv.gov/html/forms.html>.

**22) What required documents must I submit with my renewal form?**

You can log on to the Department's website at <http://www.flhsmv.gov/html/titlinf.html> and click on "[Dealer, Manufacturer, Distributor and Importer Information](#)" and "[Learn More About Manufacturer, Importer or Distributor License](#)." This site will guide you in detail regarding the required documents.

**23) Do I have to complete a minority dealer point questionnaire and submit it with my renewal application annually? What is a minority?**

[Section 320.63\(3\), Florida Statutes](#), requires "The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points, including difficulties encountered under ss. [320.61-320.70](#), F.S. For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. [288.703\(3\), F.S.](#)" You can download the Minority

Dealer Point Questionnaire form from the Department's website at <http://www.flhsmv.gov/dmv/forms/BFO/86219.pdf>.

**24) What documents must I submit to the Department if I wish to add additional line-make(s) to my manufacturer, distributor or importer license?**

In order to add additional line-makes to your license, you must submit certain required documents to the Department. You can download this check list at the Department's website at <http://www.flhsmv.gov/html/forms.html> and access form [HSMV 84256](#). The check list to add additional line-make(s) is attached to this form. A new application and fee is not required to add additional line-make(s) to a license.

**25) Are manufacturers, importers or distributors of motorcycles with an engine displacement greater than 50cc required to be licensed by the Department?**

Yes. Manufacturers, importers or distributors of motorcycles with an engine displacement greater than 50cc are required to be licensed by the Department.

**26) After I am licensed by the Department as a manufacturer, importer or distributor of motorcycles with an engine displacement greater than 50cc can I retail and wholesale at the same time?**

After you are licensed as a manufacturer, importer or distributor you must either retail by applying for your own franchise dealer's license or wholesale by establishing franchise dealers who have to be approved and licensed by the Department to sell your line-make(s) for you. [Section 320.645, Florida Statutes](#), prohibits a licensed manufacturer, importer or distributor from retailing and wholesaling at the same time.

Section [320.60-320.70, Florida Statutes](#), defines the licensing requirements for manufacturers, 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](#).

**27) Are the dealers I wish to establish to sell my motor vehicle, motorcycles greater than 50cc or Low speed Vehicles required to meet the licensing requirements?**

Yes. The dealers must be established as per [section 320.642, Florida Statutes](#), and must meet the licensing requirements of the Department to sell your line-make(s) for you.

**28) Is a manufacturer, importer or distributor license required to distribute mini-trucks?**

Yes. A manufacturer, importer or distributor license is required to distribute mini-trucks in the State of Florida.

**29) Is a dealer required to be licensed to sell the mini-trucks?**

Yes. A dealer must be licensed by the Department as a franchise dealer in order to sell the mini-trucks.

**30) What process must I follow to establish dealers in the State of Florida to sell my line-make(s)?**

Pursuant to [section 320.642, Florida Statutes](#), 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 DMV. A copy will be mailed to the manufacturer, dealer and the DMV Regional Office. Thereafter, the dealer **must** submit an application at the DMV 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 before a dealer is licensed to sell the line-make is a violation of section [320.60, Florida Statutes](#).**

**31) Are manufacturers, importers or distributors of motorcycles with an engine displacement 50cc or less required to be licensed by the Department?**

Yes. Manufacturers, importers or distributors of motorcycles with an engine displacement 50cc or less are required to be licensed by the Department.

**32) After I am licensed as a manufacturer, importer or distributor of motorcycles with an engine displacement 50cc or less do the dealers require a license to sell it?**

After you are licensed as a manufacturer, importer or distributor of motorcycles with an engine displacement 50cc or less, you can sell it to anyone. There is no requirement to be licensed as a dealer to sell motorcycles 50cc or less.

**33) Does a person need a dealer's license to sell motorcycles with an engine displacement 50cc or less?**

No. A person does have to be licensed as a dealer to sell motorcycles with an engine displacement 50cc or less. However, the manufacturer, importer or distributor of

motorcycles with an engine displacement 50cc or less must meet the licensing requirements of the Department.

**34) Is it necessary to register my business and fictitious name with the Division of Corporations?**

Yes. It is necessary to register your business name and fictitious name with the Division of Corporations. In order to conduct business in the State of Florida, registration of your business with the Division of Corporations is required. A copy of this registration must be submitted with your application for a manufacturer, importer or distributor license to the Department.

**35) Where should I register my business name and fictitious name?**

You can register your business name and fictitious name with the Division of Corporations at <http://www.sunbiz.org/>. This registration must be kept active in order to conduct business in the State of Florida.

**36) Is it required for the manufacturer to be registered with NHTSA?**

Yes. It is required to be registered with the [NHTSA](#) as a manufacturer. A copy of your registration with [NHTSA](#) showing your registration, WMI, and confirming your vehicle meets the Federal Motor Vehicle Safety Standards (FMVSS) must be submitted with your application to the Department.

**37) What NHTSA requirements must I comply with as a manufacturer that I must submit with my application? Should I attach a copy of my registration with [NHTSA](#) with my application?**

You must comply with [NHTSA](#) for the following registration:

- 49 CFR part 565: Vehicle Identification Number;
- 49 CFR part 566: Manufacturer Identification; and
- 49 CFR part 567: Certification that vehicle conforms to all Federal Motor Vehicle Safety Standards.

A copy of the above registration must be submitted with your application to the Department.

**38) Am I required to be registered with [NHTSA](#) if I am a final stage manufacturer?**

Yes, you must register with [NHTSA](#) as a final stage manufacturer. A copy of the registration must be submitted with your application.

**39) Are importer and distributor license applicants required to submit a copy of the certification of registration from [NHTSA](#) for the manufacturer of the line-make they wish to distribute?**

Yes importer and distributor license applicants are required to submit a copy of registration from [NHTSA](#) for the manufacturer of the line-make they wish to distribute.

**40) Why is the submission of a copy of registration with [NHTSA](#) by a manufacturer, importer or distributor applicant so important?**

As per section 320.605, Florida statutes, “It is the intent of the Legislature to protect the public health, safety, and welfare of the citizens of the state by regulating the licensing of motor vehicle dealers and manufacturers, maintaining competition, providing consumer protection and fair trade and providing minorities with opportunities for full participation as motor vehicle dealers.”

What the above means is that it is the responsibility of the department to protect the public health, safety and welfare by regulating the licensing of the dealers and manufacturers. In order to achieve the aforementioned responsibilities the Department must ensure that the dealers, manufacturers, distributors and importers are licensed for vehicles that meet the requirements of [NHTSA](#) including the Federal Motor Vehicle safety Standards (FMVSS).

**41) Do I need to renew my manufacturer, importer or distributor license? If so when?**

All licensed manufacturer, importers and distributors must renew their license annually with the Department. The licensing period for manufacturer, importers and distributors is from October 1-September 30. You can access the form [HSMV 86219, Renewal Application for a Motor Vehicle Manufacturer, Importer or Distributor](#) at the Department’s website at <http://www.flhsmv.gov/html/forms.html>.

**42) What is the renewal fee?**

The renewal fee for manufacturer, importer and distributor is \$100.

**43) What are the documents that are required with the application?**

You can log on to the Department’s website at <http://www.flhsmv.gov/html/titlinfo.html> and click on “[Dealer, Manufacturer, Distributor and Importer Information](#)” and “[Learn More About Manufacturer, Importer or Distributor License.](#)” This site will guide you in detail regarding the required documents.

**44) How soon can I expect to receive my manufacturer, importer or distributor license from the time I submit my application?**

The documents required to be licensed are important and have to be thoroughly reviewed and processed with utmost accuracy and care. Therefore, you may find that after the Dealer License Section in Tallahassee receives your application for a manufacturer, importer or distributor license, the staff will be in touch with you by mail, e-mail, fax or telephone regarding any missing documents or information. The Department grants 90 days from the date the application is received to submit all required documents required to process the

application. However, you can expect your license as soon as the completed application, fee and all required documents are received.

**45) Can I start shipping as soon as I get my manufacturer, importer or distributor license?**

You cannot start shipping and selling as soon as you get your manufacturer, importer or distributor license for motor vehicles, motorcycles greater than 50cc and Low Speed Vehicles.

However, you can sell the motorcycles 50cc or less to anyone as soon as you are licensed by the Department for the line-make.

**46) When can I start shipping and selling?**

You can start shipping and selling to your dealers **ONLY** after they have met the licensing requirements and have been approved and licensed to sell your line-make(s) for you.

If you opt to retail on your own you must first apply for a franchise dealer's license before you display units for sale.

**47) Is it against the law to ship and sell before licensing requirements are met? What are the consequences?**

Yes. It is a violation of [section 320.642, Florida Statutes](#), to distribute for sale motor vehicles, motorcycles greater than 50cc or low speed vehicles to dealers before they have met the licensing requirements. Unauthorized sale to unlicensed dealers can result in the Department filing for an administrative action which could lead to fines or the revocation of your license.

**48) Does my manufacturer, importer or distributor license allow me to sell any line-make I wish?**

Your license as a manufacturer, importer or distributor allows you to sell only the line-make(s) that have been approved for you. Therefore, each time you want to add a line-make to your license you must submit certain required documents to the Department for approval. A new license application and fee is not required. You can download the check list from the Department's website at [License as a Motor Vehicle Manufacturer, Importer, Distributor, Mobile Home, or Recreational Vehicle Manufacturer](#).

**49) Is it against the law to sell unauthorized line-makes?**

Yes. It is a violation of [section 320.60, Florida Statutes](#), to sell any line-make(s) you are not approved and license to sell in the State of Florida.

**50) Is it against the law to sell to unlicensed dealers?**

Yes. It is a violation of [section 320.642, Florida Statutes](#), to sell to unlicensed dealers in the State of Florida.

**51) How important is it to issue a correct MCO? What are the consequences of issuing an incorrect MCO?**

It is very important to issue a correct MCO. At the time of licensing the Dealer License Section staff provides guidance in issuing an accurate MCO for each line-make the applicant is being licensed to sell.

An incorrect issuance of MCO delays title and registration process for the consumers. Further it is a violation of [section 320.64\(12\), Florida Statutes](#), and can result in the Department filing for an administrative action which could lead to fines or the revocation of your license.

**52) Who assigns the line-make?**

The line-make is assigned by the National Crime Investigation Center (NCIC).

**53) Why is it so important to state the correct line-make on the MCO?**

It is important for the MCO to show clearly the NCIC assigned line-make under the field for "MAKE". The Tax Collectors' Offices associate the line-make to the distributor's license. They ensure that the motor vehicle database shows that distributor is licensed for the line-make. An incorrect line-make will delay the title and registration process for the consumer.

**54) Why is it so important to state the correct World Manufacturing Identifier (WMI) on the MCO?**

The WMI is assigned by the National Highway Traffic Safety Administration ([NHTSA](#)) for the specific manufacturer and type of vehicle that is registered with them. Therefore, it is very important the MCO shows the correct WMI. The staff at the Tax Collectors' Office verifies the WMI assignment for the manufacturer registered with [NHTSA](#). Incorrect WMI will delay the title and registration process for the consumer.

**55) If the body type on the MCO is a low speed vehicle what other information should the MCO state?**

If the body type of the vehicle is a Low Speed Vehicle, the MCO must state, "This vehicle conforms to Federal Regulations under Title 49 CFR Part 571.500."

**56) What is the most important information that must be stated accurately on an MCO?**

The following information is required on an MCO:

- Name of the manufacturer registered with National Highway Traffic Safety Administration ([NHTSA](#)) on the top of the MCO;
- Correct World Manufacturing Identifier (WMI) as assigned by [NHTSA](#);
- Correct National Crime Investigation Center (NCIC) assigned line-make under the “make”;
- Correct body type;
- If a motorcycle, the correct displacement expressed in cubic centimeters;
- Name of the licensed manufacturer, distributor or importer at the bottom of the MCO;
- Name and address of the licensed franchise dealer in the middle if the vehicle is a motorcycle with an engine displacement greater than 50cc;
- Name of the purchaser in the middle if the vehicle is a motorcycle with an engine displacement 50cc or less.

In order to facilitate the processing of titles and registrations at the Tax Collector Offices, the Department requires manufacturers, importers and distributors to indicate the displacement in cubic centimeters on the Manufacturer’s Certificate of Origin (MCO).

**57) Who issues the 2<sup>nd</sup> stage MCO?**

The final stage manufacturer licensed by the Department issues the 2<sup>nd</sup> stage MCO.

**58) What must the 2<sup>nd</sup> stage MCO state on it?**

The MCO must state that it is a “2<sup>nd</sup> stage MCO.”

**59) Is it against the law to issue incorrect MCOs? What are the consequences?**

An incorrect issuance of MCO is a violation of [section 320.64\(12\), Florida Statutes](#), and can result in the Department filing for an administrative action to revoke the manufacturer, importer or distributor license.

**60) Who is responsible for correct issuance of MCOs?**

The manufacturer, importer or distributor licensed by the Department is responsible for the correct issuance of the MCO.

**61) What is a moped? Is a manufacturer, importer or distributor of mopeds required to be licensed?**

Pursuant to [section 320.01\(27\), Florida Statutes](#), “Moped” means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

The Department does not license manufacturers, importers or distributors of mopeds. A dealer's license is not required to sell mopeds.

**62) Are manufacturers of ATV, Go Carts, Golf Carts, and Off Highway Motorcycles required to be licensed?**

The Department does not license manufacturers, importers or distributors of ATV, Golf Carts, and Off Highway Motorcycles.

**63) Are persons that convert Golf Carts to Low Speed Vehicle (LSV) required to be licensed by the Department as manufacturers? If they are required to be licensed as a manufacturer, what is the process to retail or wholesale?**

A person that buys new golf carts and converts them into LSV and sells them as new, is required to be licensed by the Department as a manufacturer.

Once a manufacturers license has been issued, they can retail by applying for a franchise dealer's license or wholesale by establishing franchise dealers that have to be approved and licensed by the Department to sell their LSV in the State of Florida, as per requirements of sections [320.645](#) and [320.642](#), Florida Statutes.

**64) Is a person that sells new golf carts to customers, and also sells kits to convert them into LSV, but does not do the conversion for the customer required to be licensed as a manufacturer by the Department?**

If the person is only selling the kit and does not do the conversion, they are not required to be licensed as a manufacturer by the Department.

**65) Are trailer manufacturers required to be licensed?**

The Department does not license manufacturers, importers or distributors of trailers unless it is a trailer with living quarters which would be classified as a recreational vehicle.

**66) Is a dealer's license required to sell trailers?**

An independent motor vehicle dealer's license is required if a person sells over 25 trailers a year, each trailer weighing over 2000 pounds.