

# **Frequently Asked Questions**

## **Motor Vehicle, Recreational Vehicle, and Mobile Home Dealers**

### **DEFINITIONS**

#### **1) Who is a dealer?**

"Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. [320.60](#)(1), Florida Statutes. Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. [320.01](#)(1)(b)1.-6. and 8, Florida Statutes, acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. [320.77](#), Florida Statutes. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. [320.08](#)(2)(b),(c), and (d), Florida Statutes, using a manufacturer's statement of origin as permitted by s. [319.23](#)(1), Florida Statutes, only if such dealer is authorized by a franchised agreement as defined in s. [320.60](#)(1), Florida Statutes, to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle."

If a leasing company offers the consumers an option to the purchase the vehicles at the end of the lease, commonly known as an "open ended lease", the leasing company is required to obtain a dealer's license.

#### **2) 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), Florida Statutes, and "truck" as defined in s. [320.01](#)(9), Florida Statutes, the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser.

**3) What is a motorcycle?**

"Motorcycle" means 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, but excluding a tractor, a moped, or a vehicle in which the operator is enclosed by a cabin. The engine displacement could be greater than 50 cc's or 50 cc's or less.

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

"Mini truck" means any four-wheeled, reduced-dimension truck that does not have a National Highway Traffic 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.

**5) What is a tri-vehicle?**

Tri-vehicle is an enclosed three-wheeled passenger vehicle that:  
Is designed to operate with three wheels in contact with the ground;  
Has a minimum unladen weight of 900 pounds;  
Has a single, completely enclosed, occupant compartment;  
Is produced in a minimum quantity of 300 in any calendar year; and  
Is capable of a speed greater than 60 miles per hour on level ground.

**6) 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.

**7) Who is an independent motor vehicle dealer?**

Section 320.27(1)(c)2, Florida Statutes, states "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles."

Independent motor vehicle dealers can engage in the business of buying, selling or dealing in used motor vehicles only.

**8) Who is a wholesale dealer?**

As per section 320.27(1)(c)(3), Florida Statutes, " "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who

is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

**9) Who is an auction dealer?**

Section 320.27(1)(c)(4), Florida Statutes, "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer."

**10) Who is a salvage dealer?**

Section 320.27(1)(c)(5), Florida Statutes, "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

**11) Who is a franchise dealer?**

As per section 320.27(1)(c)(1), Florida Statutes, "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. [320.60](#)(1), Florida Statutes."

The above means that franchise dealers can sell new and used vehicles at their location. In order to sell new line-makes they must have an agreement with the manufacturer, importers or distributors and meet with the requirements of section 320.642, Florida Statutes.

**12) Who is a service facility dealer?**

A service facility is a location that is associated with the licensed franchise dealership and provides service only. Section 320.642(6), Florida Statutes, defines a service facility as a location that provides only service, and will not or does not sell or lease new motor vehicles.

**13) Who is a motor vehicle broker?**

"Motor vehicle broker" means any person engaged in the business of offering to procure or procuring motor vehicles for the general public, or who holds himself or herself out through solicitation, advertisement, or otherwise as one who offers to procure or procures

motor vehicles for the general public, and who does not store, display, or take ownership or possession of any vehicles for the purpose of selling such vehicles.

## **MOBILE HOME DEALERS AND MOBILE HOME BROKERS**

### **1) Who is a mobile home dealer?**

As per section 320.77(1)(a), Florida Statutes, "Dealer" means any person engaged in the business of buying, selling, or dealing in mobile homes or offering or displaying mobile homes for sale. The term "dealer" includes a mobile home broker. Any person who buys, sells, deals in, or offers or displays for sale, or who acts as the agent for the sale of, one or more mobile homes in any 12-month period shall be prima facie presumed to be a dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "dealer" does not include banks, credit unions, and finance companies that acquire mobile homes as an incident to their regular business and does not include mobile home rental and leasing companies that sell mobile homes to dealers licensed under this section.

### **2) Who is exempt from the licensing requirements of a mobile home dealer?**

The term "dealer" does not include banks, credit unions, and finance companies that acquire mobile homes as an incident to their regular business and does not include mobile home rental and leasing companies that sell mobile homes to dealers licensed under this section.

### **3) Are licensed mobile homes dealers allowed to sell recreational vehicles in their location?**

Yes, mobile homes dealers may sell recreational vehicles at their licensed location provided they submit an application at the Division of Motorist Services, Motor Vehicle Field Offices responsible for their dealership to add the recreational vehicle endorsement. The mobile home dealer must also submit a garage liability insurance coverage certificate which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection.

### **4) Are mobile home dealers allowed to transact business in recreational vehicles with a motor vehicle auction?**

A mobile home licensed dealer with a recreational vehicle endorsement on his/her license may transact business in recreational vehicles with a motor vehicle auction as defined in s. [320.27\(1\)\(c\)4](#), Florida Statutes.

**5) Is a licensed mobile home dealer allowed the benefit of using a dealer license plate?**

Any licensed dealer dealing exclusively in mobile homes shall not have benefit of the privilege of using dealer license plates.

**6) Who is a mobile home broker?**

As per 320.77(1)(b), Florida Statutes, "Mobile home broker" means any person who is engaged in the business of offering to procure or procuring used mobile homes for the general public; who holds himself or herself out through solicitation, advertisement, or otherwise as one who offers to procure or procures used mobile homes for the general public; or who acts as the agent or intermediary on behalf of the owner or seller of a used mobile home which is for sale or who assists or represents the seller in finding a buyer for the mobile home.

**7) Who is a mobile home salesperson?**

As per section 320.77(1)(c)1, Florida Statutes, "Mobile home salesperson" means a person not otherwise expressly excluded by this section who:

- a. Is employed as a salesperson by a mobile home dealer, as defined in s. [320.77](#), Florida Statutes, or who, under any contract, agreement, or arrangement with a dealer, for a commission, money, profit, or any other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate a sale or exchange of an interest in a mobile home required to be titled under this chapter;
- b. Induces or attempts to induce any person to buy or exchange an interest in a mobile home required to be registered and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value from the seller or purchaser of the mobile home; or
- c. Exercises managerial control over the business of a licensed mobile home dealer or who supervises mobile home salespersons employed by a licensed mobile home dealer, whether compensated by salary or commission, including, but not limited to, any person who is employed by the mobile home dealer as a general manager, assistant general manager, or sales manager, or any employee of a licensed mobile home dealer who negotiates with or induces a customer to enter into a security agreement or purchase agreement or purchase order for the sale of a mobile home on behalf of the licensed mobile home dealer.

**8) Are mobile home dealers required to register the salesperson(s) in their hire with the Department? What form should be completed?**

Section 320.77(9), Florida Statutes, requires mobile home dealers to register the salesperson(s) in their hire with the Department.

- a. Each licensee shall register with the Department, within 30 days after the date of hire, the name, local residence address, and home telephone number of each person employed by such licensee as a mobile home salesperson. A licensee may not provide a post office box in lieu of a physical residential address.
- b. Each time a mobile home salesperson employed by a licensee changes their residence address, the salesperson must notify the Department within 20 days after the change.
- c. Quarterly, each licensee shall notify the Department of the termination or separation from employment of each mobile home salesperson employed by the licensee. Each notification must be on a form prescribed by the Department.

Form HSMV 84045 must be completed and submitted by the licensed mobile home dealer to the Division of Motorist Services, Regional Office responsible for their dealership. Form [Registration of Mobile Home Dealer's Salesperson\(s\)](#) (84045) can be accessed at the Department's website at <http://www.flhsmv.gov/html/forms.html>.

**9) Where can I find information regarding the licensing procedures for mobile home dealers or mobile home brokers?**

Please visit the Department's website at <http://www.flhsmv.gov/html/titlinf.html>, click on "[Dealer, Manufacturer, Distributor and Importer Information](#)."

### **RECREATIONAL VEHICLE DEALERS**

**1) Who is a recreational vehicle dealer?**

Section 320.771(1)(a), Florida Statutes, "Dealer" means any person engaged in the business of buying, selling, or dealing in recreational vehicles or offering or displaying recreational vehicles for sale. The term "dealer" includes a recreational vehicle broker. Any person who buys, sells, deals in, or offers or displays for sale, or who acts as the agent for the sale of, one or more recreational vehicles in any 12-month period shall be prima facie presumed to be a dealer.

**2) Who is exempt from the licensing requirements of a recreational vehicle dealer?**

The term "dealer" does not include banks, credit unions, and finance companies that acquire recreational vehicles as an incident to their regular business and does not include mobile home rental and leasing companies that sell recreational vehicles to dealers licensed under this section.

**3) Are recreational vehicle dealers allowed to transact business in recreational vehicles with a motor vehicle auction?**

A licensed recreational vehicle dealer may transact business in recreational vehicles with a motor vehicle auction as defined in s. [320.27](#)(1)(c)4, Florida Statutes.

**4) Are licensed recreational vehicle dealers allowed to retail or wholesale a motor vehicle they have acquired in exchange for the sale of a recreational vehicle?**

Yes, a licensed recreational vehicle dealer may, at retail or wholesale, sell a motor vehicle, as described in s. [320.01](#)(1)(a), Florida Statutes, acquired in exchange for the sale of a recreational vehicle, if such acquisition is incidental to the principal business of being a recreational vehicle dealer.

**5) Can a licensed recreational vehicle dealer buy a motor vehicle for the purpose of resale?**

A licensed recreational vehicle dealer may not buy a motor vehicle for the purpose of resale unless licensed as a motor vehicle dealer pursuant to s. [320.27](#), Florida Statutes.

**6) If I want to sell used recreational vehicles only, what kind of license should I apply for? What is the correct box I must check on the application?**

You must apply for a recreational vehicle dealer's license with a prefix RU. Please check the box for "RU" on the application form. Form HSMV 86056, Application for a License as a Motor Vehicle, Mobile Home or Recreational Vehicle Dealer, can be downloaded from the Department's website at <http://www.flhsmv.gov/html/forms.html>.

**7) If I want to sell both new and used recreational vehicles only, what kind of license should I apply for? What is the correct box I must check on the application?**

You must apply for a recreational vehicle dealer's license with a prefix RV on form HSMV 86056, Application for a License as a Motor Vehicle, Mobile Home or Recreational Vehicle Dealer. Please check the box for "RV" on the application form. In order to be established as a recreational vehicle dealer selling new recreational vehicles the Department must receive a letter of approval from the manufacturer approving you as their recreational vehicle dealer to sell their line-make. Form HSMV 86056, Application for a License as a Motor Vehicle, Mobile Home or Recreational Vehicle Dealer, can be downloaded from the Department's website at <http://www.flhsmv.gov/html/forms.html>.

**8) Are licensed independent dealers and franchise dealers allowed to sell new self-propelled recreational vehicles, example: motor homes, van conversions and private coaches?**

Licensed independent motor vehicle dealers and franchise dealers cannot sell new recreational vehicles that are self-propelled. They must apply for a recreational vehicle

dealer's license on form HSMV 86056, Application for a License as a Motor Vehicle, Mobile Home or Recreational Vehicle Dealer, with a prefix "RV". The licensed manufacturer of the recreational vehicle must advise the Department in writing of their approval to establish the dealer to sell their line-make. Form HSMV 86056, Application for a License as a Motor Vehicle, Mobile Home or Recreational Vehicle Dealer, can be downloaded from the Department's website at <http://www.flhsmv.gov/html/forms.html>.

- **Please note:** a recreational vehicle dealer's license is required to sell non self propelled and self propelled recreational vehicles, except pop up trailers and camping trailers.

**9) Are park trailers considered recreational vehicles in the State of Florida?**

Yes. Park trailers are considered recreational vehicles in the State of Florida. As per section 320.01(1)(b)7, Florida Statutes, a park trailer is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

**10) Are camping trailers considered recreational vehicles in the State of Florida?**

Camping trailers are not considered recreational vehicles in the State of Florida.

**11) Where can I find information regarding the licensing procedures for recreational vehicle dealers?**

Please visit the Department's website at <http://www.flhsmv.gov/html/titlinf.html>, click on "[Dealer, Manufacturer, Distributor and Importer Information](#)"

## WHOLSALE DEALERS

- 1) **I wish to wholesale used motor vehicles only. I will only buy and sell used motor vehicles between other licensed motor vehicle dealers. I will not be engaging in retail sale. What type of license should I apply for?**

You must apply for a wholesale dealer's license. Please check the box "VW" on the application form HSMV 86056, Application for a License as a Motor Vehicle, Mobile Home or Recreational Vehicle Dealer.

Please visit the Department's website at <http://www.flhsmv.gov/html/titlinf.html>, click on "[Dealer, Manufacturer, Distributor and Importer Information](#)."

- 2) **Are wholesale dealers exempt from display provisions?**

Yes, wholesale dealers are exempt from display requirements since no retail sales will be conducted.

- 3) **Are wholesale dealers allowed the privilege of using dealer plates?**

Wholesale dealers are not allowed the privilege of using dealer plates.

- 4) **Who can a wholesale dealer sell to?**

A wholesale dealer can only sell to licensed dealers.

## AUCTION DEALERS

- 1) **Who is allowed to bid at an auction?**

Only licensed dealers are allowed to bid at an auction or bona-fide employees of such dealership who are authorized by the dealership to bid on behalf of the dealership.

- 2) **I am an auction dealer licensed by the Department. Can I retail vehicles to the public?**

No, a licensed auction is not permitted to retail to the public. If an auction wishes to sell used vehicles at retail, an independent dealer's license must be obtained.

## INDEPENDENT DEALERS AND SALVAGE DEALERS LICENSE

- 1) **I buy and sell used vehicles. Do I need a motor vehicle dealer's license? If yes, what kind of license should I apply for?**

Yes, you must apply for an independent motor vehicle dealer's license with a prefix "VI". You must complete form HSMV 86056, [Application for License as a Motor Vehicle, Mobile Home, or Recreational Vehicle Dealer](#).

Please visit the Department's website at <http://www.flhsmv.gov/html/titlinf.html>, click on "[Dealer, Manufacturer, Distributor and Importer Information](#)."

- 2) **Can independent motor vehicle dealers and franchise motor vehicle dealers sell recreational vehicles acquired in trade?**

Yes, independent motor vehicle dealers and franchise motor vehicle dealers can sell recreational vehicles that they acquire in trade.

However, in order to sell new/used recreational vehicles that were not acquired in trade, a recreational vehicle dealer's license is required.

- **Please note:** a recreational vehicle dealer's license is required to sell non self propelled and self propelled recreational vehicles.

- 3) a. **I am a licensed independent dealer. Can I apply for a salvage dealer's license at the same location?**

Yes, you can apply for a salvage dealer's license at the same location.

- b. **I am a licensed independent dealer. I buy and sell salvage vehicles. Am I required to apply for a salvage dealer's license?**

You are not required to apply for a salvage dealer's license if you possess an independent dealer's license. However, some states require a dealer to be licensed in their state as a salvage dealer in order to bid at their auctions. If you as an independent dealer bid at such state auctions you may wish to apply for a salvage dealer's license with the Department.

- 4) **I am not currently licensed as a motor vehicle dealer. I now want to obtain both an independent dealer's license (VI) as well as a salvage dealer's license (SD) at the same location. Do I need to complete the initial license application for HSMV 86056, Application for a License as a Motor Vehicle, Mobile Home or Recreational Vehicle Dealer, for each license or can I just check VI and SD on one application with one fee?**

You must submit two separate applications, fees and required documents for independent dealer's license (VI) as well as a salvage dealer's license (SD).

- 5) **I am not currently licensed. I now want to obtain both an independent dealer's license (VI) as well as a salvage dealer's license (SD) at the same location. My VI license application will have one fictitious name (d/b/a name) and my SD will have another fictitious name. Does my lease have to include my licensee name and both the fictitious name? Can I use the same lease for both applications?**

The d/b/a names are not required on the lease agreement. The lease agreement must have the licensee name. If both the VI and SD license have the same business name; one lease agreement will be sufficient. A copy of the lease agreement must be submitted with both applications.

Two separate lease agreements are required if the licensee name is going to be different.

- 6) **I am not currently licensed as a motor vehicle dealer. I now want to obtain both an independent dealer's license (VI) as well as a salvage dealer's license (SD) at the same location. A dealer is required to maintain a location address for the place of business which is assigned by the US Postal Service. Does the VI and the SD have to have their own individual location address or can they share the same one?**

A dealer applicant may apply for two or more licenses of any license type at the same location provided the location meets the requirements for both types of licenses and the dealership is owned and operated by the same applicant. Therefore, if the VI and SD are owned and operated by the same person(s) and officers on both licenses they can be licensed at the same location. Both the VI and SD licenses can have the same location address.

- 7) **I am not a licensed motor vehicle dealer and I now want to obtain both an independent dealer's license (VI) as well as a salvage dealer's license (SD) at the same location. The law requires dealers to have a permanent sign identifying the dealership at its place of business. Can I use one sign with the names of its VI and SD businesses on it or does each have to have its own sign?**

One sign for VI and SD can be displayed as long as both dealerships are identified on the sign and it is not misleading to the public.

The FAC rule 15C-7.003, states, "Shall have a permanent sign identifying the dealership at its place of business. Such sign shall clearly identify the dealership and shall use lettering or other graphic representation of sufficient size and color so as to be visible and readable at a distance of 50 yards from the public right-of-way serving the dealership.

- 8) **I am not a licensed motor vehicle dealer and I now want to obtain both an independent dealer's license (VI) as well as a salvage dealer's license (SD) at the same location. A dealer must have display space under the exclusive control of the**

**dealer and it must be divided from any other dealer's display space by a 3 feet permanent barrier. Should the VI and the SD have their own individual display space(s) or can they be combined?**

Yes, the SD and VI dealers each have to have their own individual display space.

- 9) I am not a licensed motor vehicle dealer and I now want to obtain both an independent dealer's license (VI) as well as a salvage dealer's license (SD) at the same location. A dealer is supposed to have an office clearly separated from any other business being operated at the location. Can the VI and SD share the same office or must each have their own individual office with separate entrances?**

The dealer can have the same office provided they maintain separate records for their VI and SD license. The records must be available for audit and record inspection.

- 10) I am not a licensed motor vehicle dealer and I now want to obtain both an independent dealer's license (VI) as well as a salvage dealer's license (SD) at the same location. A dealer is required to maintain records. Can the VI and SD combine their records or must each maintain its own records separately?**

The VI and SD must maintain their records separately. The records must be available for audit and record inspection.

- 11) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at the same location. Must my lease be modified to include the d/b/a name of my SD business?**

This is not necessary provided the licensee name remains the same.

- 12) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at the same location. Must I have a bond rider to reflect the d/b/a name(s) of my SD Business?**

Yes, a bond rider is required to reflect the d/b/a name(s).

- 13) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at the same location. Do I have to obtain a new, separate address for my SD location address from the Post Office?**

No, you do not have to obtain a new separate address for the SD location.

- 14) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at the same location. Do I have to obtain a new sign for the SD business name? Can I add the SD name to my existing VI business name sign?**

One sign can be used as long as both dealerships are clearly identified on the sign. The Florida Administrative Code (FAC) 15C-7.003 rule states “Shall have a permanent sign identifying the dealership at its place of business. Such sign shall clearly identify the dealership and shall use lettering or other graphic representation of sufficient size and color so as to be visible and readable at a distance of 50 yards from the public right-of-way serving the dealership.

- 15) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at the same location. Do I have to create a new office for my SD business that is separate from my VI office?**

No. The same office is acceptable provided the accounts and inventory are maintained separately and are available for audit at all times.

- 16) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at another location. Must I obtain a new certificate of garage liability insurance which includes my licensee name, the VI d/b/a name(s), and the d/b/a name(s) of my SD business?**

A new certificate of garage liability insurance is not required, provided the licensee name remains the same.

- 17) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at another location. Must the lease for the SD location include my licensee name and the SD d/b/a name(s) business name?**

The licensee name is sufficient on the lease at the location the SD will be established.

- 18) I am a licensed independent motor vehicle dealer (VI) and now want to open a salvage dealer location (SD) at another location. I know I must have display space, an office, a sign, a location address assigned by the Post Office, my d/b/a name(s) registered with [www.sunbiz.org](http://www.sunbiz.org). Is there anything else I must have?**

A copy of the Garage Liability Insurance, Surety Bond, and dealer training school certificate that was submitted with the VI license; and the lease agreement must be submitted with the SD license application provided the licensee name for VI and SD is the same.

- 19) I am a towing company with an independent dealer’s license (VI) and I do not purchase wrecked or rebuilt vehicles. I acquire vehicles by operation of law (towing/storage lien issues). I use the parts from those vehicles to fix/repair vehicles in my inventory. I then retail those vehicles using my VI license. I do not sell parts to the public. Do I need an SD license?**

No, you do not need a SD license. VI dealers are allowed to sell used cars, salvage or wrecked cars under their license.

SD licenses allow for the purchase and sale of salvage vehicles, derelict vehicles and their parts.

- 20) I am currently licensed as an independent dealer (VI) with an active license and want to apply for a salvage dealer's license (SD). Should I be fingerprinted again in the SD license?**

You are not required to be fingerprinted again in the SD license if you are currently licensed as a VI dealer, unless you have been arrested or convicted in any jurisdiction since your last renewal.

- 21) I am a licensed independent dealer (VI). What documents must I submit to the Division of Motorist Services, Bureau of Motor Vehicle Field Operations, Regional Office responsible for my dealership in order to be licensed as a salvage dealer (SD) at the same location?**

An existing VI dealer applying for a SD license at the same location under the same licensee name must submit to the Regional Office:

- Completed form HSMV 86056 (Available on-line at the Department's website at <http://www.flhsmv.gov/html/forms.html> );
- \$300.00 original license fee;
- A copy of the Surety Bond/Irrevocable Letter of Credit that was submitted with the VI license application;
- Surety Bond rider, if the SD license will be using a new fictitious name
- A copy of the Garage Liability Insurance Certificate of Insurance that was submitted with the VI license application;
- A true copy of the lease agreement or proof of ownership; ( a true copy is a complete and accurate photographic copy of a document which reflects all characters, marks and signatures contained in the original.)
- A copy of the Dealer Training School Certificate that was submitted with the VI license application. (Copy is sufficient);
- A copy of the Articles of Incorporation if the dealership is a corporation; Articles of Organization and Operating Agreement if the dealership is a Limited Liability Company; or a Partnership Agreement if the dealership is a Partnership that was submitted with the VI license application;
- A copy of certification from the Division of Corporations showing current registration of business to conduct business in the State of Florida. (On-line access at [www.sunbiz.org](http://www.sunbiz.org) );
- A copy of the fictitious name(s) (if applicable) registration with the Division of Corporations. (On-line access at [www.sunbiz.org](http://www.sunbiz.org)). and

- 22) I am licensed as an independent dealer (VI) dealer as XYZ, Inc., and want to apply for a salvage dealer's license (SD) license as PQR, Inc., in the same location or**

**another location. What are the documents I must submit to the Regional Office responsible for my dealership?**

An existing VI dealer applying for a SD license at the same location or another location under a different licensee name must submit to the Regional Office:

- Completed form HSMV 86056 (Available on-line at the Department's website at <http://www.flhsmv.gov/html/forms.html> );
- \$300.00 original license fee;
- Surety Bond/Irrevocable Letter of Credit (Division of Motorist Services forms only. Available on-line at the Department's website at [www.flhsmv.gov](http://www.flhsmv.gov) );
- A copy of the Garage Liability Insurance Certificate (GLI) or General Liability Insurance policy coupled with Business Automobile policy in the amount of \$25,000 combined single limit liability coverage including bodily injury and property damage protection, and \$10,000 personal injury protection. Since both VI and SD are owned and operated by the same dealer; the GLI for XYZ, Inc., can include PQR, Inc. coverage for \$25,000 for **each** business and one PIP coverage for \$10,000 (as it is per occurrence). The GLI must show both dealership names on the certificate.
- A true copy of the lease agreement or proof of ownership;
- Dealer Training School Certificate (copy that was submitted with the VI license is sufficient);
- Articles of Incorporation if the dealership is a corporation; Articles of Organization and Operating Agreement if the dealership is a Limited Liability Company; or a Partnership Agreement if the dealership is a Partnership;
- Copy of certification from the Division of Corporations showing current registration of business to conduct business in the State of Florida. (On-line access at [www.sunbiz.org](http://www.sunbiz.org) );
- Copy of fictitious name(s) (if applicable) registration with the Division of Corporations. (On-line access at [www.sunbiz.org](http://www.sunbiz.org) );and

**23) I have a salvage dealer's license. Can I retail salvage rebuilt vehicles to a consumer?**

No. If you rebuild it and wish to retail it, you must apply for an independent dealer's license. You must also apply for a title to state the vehicle is salvage rebuilt.

**24) Is there a limit to the number of salvage vehicles a licensed salvage dealer can sell per year?**

No. There is no limit to the number of salvage vehicles a licensed salvage dealer can sell per year.

**25) Will a licensed salvage dealer have access to salvage/recycler tags that can be used to transport salvage vehicles when necessary?**

A vehicle that is branded “salvage rebuildable” should never be driven on the roads of this state with the exception of being driven to a Regional Office for a rebuilt inspection. When this occurs, a temporary license plate is assigned to the vehicle. Dealer plates will not be issued to salvage dealers.

**26) What licenses are required to purchase a derelict vehicle?**

A person must be licensed by the Department of Highway Safety and Motor Vehicle as a salvage dealer or must be registered as a secondary metals recycler through the Department of Revenue.

**27) What form must be used to apply for a derelict motor vehicle certificate and request cancellation of title? Can this form be downloaded?**

Form HSMV 82137, Application for Derelict Motor Vehicle Certificate and request to Cancel Title must be used. This can be downloaded at the Department’s website at [http://www.flhsmv.gov/html/forms-NUMBER\\_DMV.html](http://www.flhsmv.gov/html/forms-NUMBER_DMV.html).

**28) Can towing companies purchase a derelict vehicle? Can they sell it to a licensed salvage dealer or secondary metal recycler?**

No, a towing company cannot purchase a derelict vehicle unless they are licensed as a salvage dealer by the Department or they possess a secondary metal recycler license from the Department of Revenue.

**FRANCHISE DEALERS**

**1) I wish to sell only new motor vehicles. What kind of license do I need?**

In order to sell new motor vehicles you must apply for a franchise dealer’s license on form HSMV 86056 Application for a [License as a Motor Vehicle, Mobile Home, or Recreational Vehicle Dealer](http://www.flhsmv.gov/html/forms.html) that can be accessed at the Department’s website at <http://www.flhsmv.gov/html/forms.html>. A franchise dealer is authorized to sell new and used vehicles.

**2) I want to be established as a franchise dealer. What are the requirements I must meet to be established as a franchise dealer for a licensed manufacturer, importer or distributor?**

In order to apply for a franchise dealer’s license the Department must receive a written notification from the licensed manufacturer, importer or distributor approving you to sell their line-make(s).

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. 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 and a check for \$77.50 made in favor of DHSMV for publication of the notice in the Florida Administrative Weekly. 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 to the Division of Administrative Hearing. If no protest is received a Final Order will be signed by the Director of Division of Motorist Services. A copy will be mailed to the manufacturer, dealer and the Division of Motorist Services, Regional Office. Thereafter, you **must** submit an application at the Division of Motorist Services, Regional Office either to apply for a franchise license or add the line-make if you are already a licensed franchise dealer. No motor vehicle, motorcycle greater than 50cc, low speed vehicle, tri-vehicles or mini-trucks shall be distributed or sold until this process is complete.

**Display and/or sale of motor vehicles by a dealer without meeting the licensing requirements is a violation of section 320.642, Florida Statutes.**

**3) 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 Federal Bureau of Investigation's National Crime Information Center (NCIC) for the manufacturer who is registered with National Highway Traffic Safety Administration.

**4) What is a Manufacturer's Certificate of Origin (MCO) or a Manufacturer's Statement of Origin (MSO)?**

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.

**5) 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.”

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

The [Society of Automotive Engineers](#) (SAE) in the US assigns WMIs to manufacturers located in the US and will update National Highway Traffic Safety Administration. (NHTSA).

Other countries must assign the WMIs to their manufacturers and send the information to SAE. SAE will update (NHTSA).

It is, therefore, very important that the MCO shows the correct WMI. This is a part of the Vehicle Identification Number (VIN).

This WMI is a part of the seventeen digits Vehicle Identification Number (VIN).

**7) Where can I find information regarding the licensing procedures for motor vehicle dealers?**

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](#).”

**8) Does a person need a dealer’s license to sell gas powered motorcycles with an engine displacement of 50 cc’s or less or electric motorcycles with an engine displacement of 1492 watts or less?**

No. A person does not require a dealer's license to sell gas powered motorcycles with an engine displacement of 50 cc's or less or electric motorcycles with an engine displacement of 1492 watts or less. However, the manufacturer, importer or distributor of motorcycles with an engine displacement 50 cc's or less or 1492 watts or less must meet the licensing requirements of the Department.

**9) Is it necessary to register my business and fictitious name with the Division of Corporations? Where should I register my business name and fictitious name?**

Yes. It is necessary to register your business name and fictitious name(s) 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 dealer, manufacturer, importer or distributor license to the Department.

You can register your business name and fictitious name(s) with the Division of Corporations at <http://www.sunbiz.org/>.

**10) How soon can I expect to receive my dealer's license from the time I submit my application to the Division of Motorist Services, Regional Office responsible for my dealership?**

The Department will issue your license within five working days provided the application, fee and required documents are in order. License issuance may get delayed if the application is incomplete, documents are missing or incorrect documents have been submitted.

**11) Can I start display and sale as soon as I receive my dealer's license from the Department?**

Yes, you can begin display and sale as soon as you receive your dealer's license from the Department.

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

Yes. It is a violation of section 320.27, Florida Statutes, to display for sale motor vehicles, motorcycles greater than 50cc or low speed vehicles (LSV) by dealers before they have met the licensing requirements. Unauthorized sale by unlicensed dealers can result in the Department filing for an administrative action against a dealer's license.

**13) Does my franchise dealer's license allow me to sell any line-make I wish?**

Your license franchise dealer's allows you to sell only the line-make(s) that has been approved for you.

**14) How can I add a line-make to my license at my existing licensed location?**

In order to add a line-make to your license at your existing licensed location, the manufacturer, importer or distributor must advise the Department of their intent to establish you as their franchise dealer with a check for \$77.50 made in favor of DHSMV and meet the requirements of section 320.642, Florida Statutes. 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 to the Division of Administrative Hearing. If no protest is received a Final Order will be signed by the Director of Division of Motorist Services. A copy will be mailed to the manufacturer, you and the Division of Motorist Services, Regional Office. Thereafter, the line-make will be added to your license by the Department and you and your manufacturer will be advised of this via e-mail. Once this is complete you can commence display and sale of the new line-make at your existing location.

**Display and/or sale of motor vehicles by a dealer without meeting the licensing requirements is a violation of section 320.642, Florida Statutes**

**15) How can I add a line-make to my license at my different location?**

In order to open an additional location the manufacturer, importer or distributor must 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 and a check for \$77.50 made in favor of DHSMV for publication of the notice in the Florida Administrative Weekly. 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 to the Division of Administrative Hearing. If no protest is received a Final Order will be signed by the Director of Division of Motorist Services. A copy will be mailed to the manufacturer, dealer and the Division of Motorist Services, Regional Office. Thereafter, you **must** submit an application on form HSMV 86072, at the Division of Motorist Services, Regional Office to be licensed at the new additional location. No motor vehicle, motorcycle greater than 50cc, low speed vehicle, tri-vehicles or mini-trucks shall be distributed or sold until this process is complete. You can download form HSMV 86072 at [http://www.flhsmv.gov/html/forms-NUMBER\\_DMV.html](http://www.flhsmv.gov/html/forms-NUMBER_DMV.html).

**Display and/or sale of motor vehicles by a dealer without meeting the licensing requirements is a violation of section 320.642, Florida Statutes.**

**16) Is it against the law to sell unauthorized line-makes by franchise dealers?**

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.

## **Manufacturer's Certificate of Origin (MCO) or Manufacturer's Statement of Origin (MSO)**

- 1) **How important is it for a franchise dealer, recreational vehicle dealer and mobile home dealer to have a MCO from their manufacturer, importer or distributor? What are the consequences of issuing an incorrect MCO?**

It is very important for a manufacturer 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 that 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 to revoke the license of the manufacturer, importer or distributor.

- 2) **Why is it important for a franchise dealer to have the correct MCO from the manufacturer 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 manufacturer, importer or distributor's license and verify that the dealer's license in the motor vehicle database shows that both distributor and dealer are licensed for the line-make. An incorrect line-make will delay the title and registration process for the consumer.

- 4) **Why is it important for a dealer to have a correct MCO to state the correct World Manufacturing Identifier (WMI) on the MCO?**

The [Society of Automotive Engineers](#) (SAE) in the US assigns WMIs to manufacturers located in the US and will update National Highway Traffic Safety Administration. (NHTSA).

Other countries must assign the WMIs to their manufacturers and send the information to SAE. SAE will update (NHTSA).

It is, therefore, very important that the MCO shows the correct WMI. This is a part of the Vehicle Identification Number (VIN).

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. The three characters of the WMI provide a unique identifier for every manufacturer. The characters one and two indicate the country where the vehicle was built, while characters two and three designate the manufacturer (or division within a larger group).

**5) What must be stated on the MCO for low speed vehicles (LSV) by the manufacturer?**

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."

**6) What information 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 Vehicle Identification Number (VIN) as assigned by NHTSA;
- Correct National Crime Information Center (NCIC) assigned line-make under the "make";
- Correct body type;
- Correct displacement expressed in cc if the vehicle is a gas powered motorcycle; or correct displacement in watts if the vehicle is an electric motorcycle;
- 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 greater than 50 cc's or greater than 2 bhp or greater than 1492 watts;
- Name of the purchaser in the middle if the vehicle is a motorcycle and is 50 cc's or less or 2 bhp or less or 1492 watts 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 if the motorcycle is gas powered or in watts if the motorcycle is electric.

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

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

**8) 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 manufacturers, importers or distributors license.

## LICENSING PRODEDURES FOR ALL LICENSE CATEGORIES

- 1) **Where can I find information on the licensing procedures for various categories of licenses issued by the Department?**

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.](#)"

- 2) **What is the first step for me if I wish to be a dealer?**

The dealer license applicant is required to comply with the location requirements as specified in Florida Administrative Code (FAC)15C-7.003. Once the applicant has a location that meets the requirement of FAC 15C-7.003, they must contact the Division of Motorist Services, Regional Office to schedule an appointment for a site inspection. The Compliance Officer/Examiner will contact the applicant and get directions and any other information that is needed. It is advisable for an applicant to have the location approved before entering into a lease agreement.

The Dealer applicant or a full time employee in a management position must successfully complete training conducted by a Department approved Dealer Training School.

- 3) **Are dealers allowed to have multiple licenses in the same location?**

Yes. Dealers are allowed to have multiple licenses in the same location provided the owner(s) and officer(s) of both dealerships are the same.

- 4) **Is it necessary to register my business and fictitious name(s) with the Division of Corporations? Where should I register my business name and fictitious name?**

Yes. It is necessary to register your business name and fictitious name(s) 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.

You can register your business name and fictitious name with the Division of Corporations at <http://www.sunbiz.org/>.

- 5) **I am interested in becoming a motor vehicle dealer but I have been convicted previously of a felony. Will this conviction prohibit me from obtaining a motor vehicle dealer's license?**

If you have been convicted of a previous felony you will be required to provide documentation that your civil rights have been restored.

However, if the conviction is regarding a motor vehicle crime, the Department will not grant a license regardless of whether the civil rights have been restored pursuant to the provisions in section 112.011(1)(b), Florida Statutes.

Pursuant to sections 320.27(9), 320.77(5) and 320.771(5), Florida Statutes, the Department has the discretion of denying a license to someone who has violated any provisions of chapters 319 or 320, Florida Statutes, in a previous dealership regardless of whether he/she was ever arrested and convicted in a criminal court for such violations.

**6) I am interested in becoming a motor vehicle dealer and I currently have a Florida corporation with more than one officer listed. Do I have to list all the officers on my application?**

All the officers listed with the Division of Corporations for the business must be listed on the application and must be electronically fingerprinted by a FDLE authorized service provider. Proof of electronic fingerprint from a FDLE authorized service provider must be submitted with the application for all new officers. A list of FDLE approved service providers can be accessed at the Department's website at <http://flhsmv.gov/dmv/FDLEApprovedServiceProviderListForElectronicFingerprints.pdf>.

**7) If I change officers in my corporation that is registered with the State of Florida, do I need to notify the DHSMV Regional Office of the changes made to my corporation?**

If you change the officers in your corporation you must submit a completed form HSMV 86056 (on-line access at <http://www.flhsmv.gov/html/forms.html>) for a corporate update to the Division of Motorist Services, Regional Office responsible for your dealership. This change must be registered with the Division of Corporations also. (On-line access at [www.sunbiz.org](http://www.sunbiz.org))

**8) I am interested in applying for a motor vehicle dealer's license. What requirements must I meet for the office space and location?**

You must ensure that the location meets the requirements as specified in Florida administrative Code 15C-7.003(4) and (5). The very first step is for the location to be inspected and approved by a Division of Motorist Services Personnel.

**As per FAC 15C-7.003(4):**

Requirements for Office Space.

(a) Each licensed motor vehicle dealer shall maintain an office as part of his place of business. The offices of motor vehicle dealers shall conform to the following standards:

1. No office shall be operated from or maintained in any residence.

2. The office must be in a permanent structure at the licensed location. In the case of an office trailer, the office must be anchored or tied down as required by Rule 15C-1.010, F.A.C.
3. Each office shall have a minimum of 100 square feet of interior floor space exclusive of any hallways, closets or restrooms and a minimum 7' ceiling.
4. The office must be clearly separated from any other business which is being operated in the structure or building which houses the dealership.

**As per FAC 15C-7.003(5):**

Requirements for Display Space.

- (a) Each licensed motor vehicle dealer shall maintain a display space as part of his place of business.
- (b) Such display space shall be for the purpose of displaying motor vehicles offered for sale by the motor vehicle dealer and shall conform to the following specifications:
  1. The display space of each licensed motor vehicle dealer will be of a sufficient size to store and display all vehicles offered for sale. The display space may be located within a building.
  2. Display spaces shall be under the exclusive control of the motor vehicle dealer and shall not include an area or space set aside for customer, employee or general public parking nor shall it include any public right-of-way.
  3. Display spaces shall be contiguous to the dealership office or shall be situated so as to allow easy access by dealership customers.
  4. Display spaces, whether outside or inside a building, shall have immediate and direct access to a public street or highway or be situated on property, owned or leased by the dealer, to which public access has been granted.
  5. Display spaces shall physically be divided from any other motor vehicle dealer's display space by a permanent barrier no less than three feet in height and erected in such a manner as to clearly distinguish one dealer's display space from another dealer's display space.

**9) I am currently a dealer for used motor vehicles and I am in the process of relocating my dealership to a different location. What steps do I need to take to change my location address for my dealer's license?**

If you are a licensed dealer planning to relocate you should notify the Regional Office responsible for your dealership for assistance with the new location requirements. Please have the location inspected and approved by your local Regional Office before you enter into a lease agreement. Thereafter, you must submit a completed form HSMV 86072 with the required documents and fee to the Division of Motorist Services, Regional Office responsible for your dealership. (On-line access for form HSMV 86072 is at <http://www.flhsmv.gov/html/forms.html>.)

**10) I am currently a motor vehicle dealer and have registered some of my bona fide employees and independent contractors with the auctions so that they can help**

**transport vehicles from the auctions. What paperwork must I show the Division of Motorist Services, Regional Office personnel to prove these employees are bona fide employees of the dealership?**

Pursuant to section 320.27, Florida Statutes, "Bona fide employee" means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer."

As per the above, you must provide the Division of Motorist Services, Regional Office personnel, one of the following:

- IRS form W-2; ( for bona fide employees)
- Written contract between your dealership and the independent contractor; and IRS form 1099. (for independent contractors)

**11) I am currently a motor vehicle dealer and I am considering turning in my license. What steps should I take to turn my license in?**

You can surrender your license any time to the Division of Motorist Services, Regional Office responsible for your dealership. You must complete a form called "Agreement for Voluntary Revocation of License" (available at your local Division of Motorist Services, Regional office) and submit it along with your dealer license for cancellation, Dealer license Plates and Temporary Tags to the Division of Motorist Services, Regional Office responsible for your dealership.

**Please note:** You must complete any transactions for title and registration of vehicle sold by you that are pending with your EFS vendor before you relinquish your license.

**12) I am currently a motor vehicle dealer and I have lost one of my dealer tags. What steps need to be taken to report this tag lost? What paperwork does the Division of Motorist Services personnel require when completing a Records Inspection when reviewing my dealer tags and a tag has been lost or stolen?**

In order to avoid misuse of your lost dealer tag you must immediately inform the law enforcement agency. Once your complaint is registered they will assign you a case number.

When completing a records inspection, the Division of Motorist Services personnel will require the case number assigned by the law enforcement agency for verification.

**13) What is an Electronic Temporary registration? Where can I find more information on it?**

Electronic Temporary Registration (ETR) is a legislatively authorized program associated with issuing temporary license plates. This new program requires dealers to report the issuance of temporary license plates to the Department through approved providers. Dealerships will issue temporary license plates to customers and electronically submit customer and vehicle information to the Department in real time. Real time access to temporary license plate data will provide law enforcement with critical information in protecting the citizens of Florida.

You can access more information on ETR and frequently asked questions at the Department's website at <http://www.flhsmv.gov/etr/etr-dfaq.html>.

For additional information on the Electronic Temporary Registration System, please refer to the Division of Motor Vehicles' Procedure RS-31, Temporary License Plates.

This procedure can be viewed on-line at:

<http://www3.hsmv.state.fl.us/Intranet/dmv/Manuals/DMVProcedures/BTR/rs/RS-31.pdf>

The Bureau of Issuance Oversight (formerly Bureau of Titles and Registrations) has added some Q&As and redesigned the website to provide more information on ETR and EFS – please see the links below.

FAQ page: [http://www.flhsmv.gov/dmv/FAQ/efs+etr\\_faq.htm](http://www.flhsmv.gov/dmv/FAQ/efs+etr_faq.htm)

The ETR page: <http://www.flhsmv.gov/etr/etr.html> (FAQ link is near bottom)

The EFT page: <http://www.flhsmv.gov/html/dmv/EFS.html> (FAQ link is near bottom)

And the [Main DMV page](#) now includes ETR and EFS in the right column.

## **EXEMPTIONS FROM LICENSING REQUIREMENTS**

### **1) Is a motor vehicle broker required to meet licensing requirements?**

Department does not license motor vehicles brokers.

As per section 320.27 (1)(c)5, Florida Statutes, “The term motor vehicle dealer does not include..... motor vehicles brokers.”

However, if the motor vehicle broker takes possession of the vehicle, or takes title in their name or stores the vehicles in a warehousing facility, an independent dealer's license would be required.

### **2) Who are exempt from the licensing requirements as a motor vehicle dealer, mobile home dealer and recreational vehicle dealer?**

As per section 320.27(1)(c)5, Florida Statutes, “The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the Department.”

Pursuant to section 320.77(1)(a), Florida Statutes, “The term “dealer” does not include banks, credit unions, and finance companies that acquire mobile homes as an incident to their regular business and does not include mobile home rental and leasing companies that sell mobile homes to dealers licensed under this section.”

Pursuant to section 320.771(1)(a), Florida Statutes, “The term “dealer” does not include banks, credit unions, and finance companies that acquire recreational vehicles as an incident to their regular business and does not include mobile home rental and leasing companies that sell recreational vehicles to dealers licensed under this section.

### **MOPEDS, ATVs, BUSES, GO CARTS, GOLF CARTS, OFF HIGHWAY MOTOR VEHICLES AND TRAILERS**

#### **1) What is a moped? Is a dealer required to be licensed?**

Pursuant to 320.01(28), 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 dealers of mopeds. A dealer's license is not required to sell mopeds.

**2) Are manufacturers of ATVs, Go Carts, Golf Carts, Off Highway Motor Vehicles required to be licensed?**

ATV's, Golf Carts, Go Carts and Off Highway Motor Vehicles are off highway vehicles. The Department does not license manufacturers, importers or distributors of ATVs, Golf Carts, Go Carts and Off Highway Motor Vehicles.

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

The Department does not license manufacturers, importers or distributors of trailers. However, such manufacturers must meet the requirements of the National Highway Traffic Safety Administration (NHTSA) as a final stage manufacturer if they manufacture the trailer in two stages. Trailer manufacturers who manufacture in two stages must provide their dealers or customers the 1<sup>st</sup> stage Manufacturer's Certificate of Origin (MCO) and 2<sup>nd</sup> stage MCO for the purpose of titling and registering the units at the Tax Collector's Office.

**4) 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 in a 12 month period, each trailer weighing over 2000 pounds.

**5) Are bus manufacturers required to be licensed by the Department?**

The Department does not license manufacturers, importers or distributors of buses. However, such manufacturers must meet the requirements of the National Highway Traffic Safety Administration (NHTSA) as a final stage manufacturer if they manufacture the bus in two stages. Bus manufacturers who manufacture in two stages must provide their dealers or customers the 1<sup>st</sup> stage Manufacturer's Certificate of Origin (MCO) and 2<sup>nd</sup> stage MCO for the purpose of titling and registering the units at the Tax Collector's Office.

**6) Is a dealer's license required to sell buses?**

An independent motor vehicle dealer's license is required if a person sells buses.

**7) Should the bus manufacturer provide both the 1<sup>st</sup> stage MCO and 2<sup>nd</sup> stage MCO to their dealers if it is built in two stages?**

Yes. The bus manufacturers must provide their dealers with both the 1<sup>st</sup> stage and 2<sup>nd</sup> stage MCO if it is built in two stages as they are required for processing titles and

registration. The first stage MCO must clearly state that it is a 1<sup>st</sup> stage MCO and must have the Vehicle Identification Number (VIN) of the incomplete chassis.

The second stage MCO must state that it is a 2<sup>nd</sup> stage MCO and will carry forward the VIN of the incomplete chassis.

Section 319.21(2), Florida Statutes, states, “When a motor vehicle is built in two or more stages, each manufacturer must provide a manufacturer's statement of origin for each stage.”

### **ELECTRONIC TEMPORARY REGISTRATION (ETR)**

- 1) I am an independent dealer and I participate in the ETR program. Can I issue my customer a temporary license plate and then submit the paperwork to the tax collector’s office to have the appropriate title and registration issued to the consumer?**

If you are an independent dealership participating in the Electronic Temporary Registration program:

- 1) You may electronically issue the customer a temporary license plate and then submit the paperwork to the tax collector’s office to have the appropriate title and registration issued to the consumer. OR
- 2) You may electronically temporarily transfer the metal plate and then submit the paperwork to the tax collector’s office to have the appropriate title and registration issued to the consumer.

- 2) I am independent dealer and do not participate through a third party provider, What are my options to issue a temporary plate to my customer?**

If you are an independent dealer and do not participate through a third part provider, you have two options:

- 1) Visit the tax collector’s office to have a temporary license plate issued OR
- 2) Visit the tax collector’s office to have the appropriate title and registration issued.

- 3) I am an independent dealer and I participate in the Electronic Filing System program. Can I issue an appropriate title and registration via EFS system?**

If you are an Electronic Filing System (EFS) participant, you may issue the appropriate title and registration via the EFS system.

**Please Note:** It is also important to remember that the Department only prints paper titles on request and Florida Law requires assessment of an additional fee for paper titles. Therefore,

having access to the internet will be of great assistance to you in verifying vehicle information such as ownership, brands, stops and lien holder information on any vehicle you take in on trade.

## **CURBSTONING**

### **1) What is curbstoning? Where can I find more information on curbstoning.**

Curbstoning is a term used to describe the practice of parking a vehicle upon a public street, highway, a public parking lot, or public or private property where the public has a right to travel by motor vehicle, for the purpose of and intent of displaying the vehicle for sale, hire, or rent.

Section 316.1951(1), Florida Statutes, provides that it is unlawful for any person to park a motor vehicle, as defined in section 320.01, Florida Statutes, upon a public street or highway, upon a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by municipal or county regulation, and the person is in compliance with all the municipal and county licensing regulations.

Section 316.1951(2), Florida Statutes, does not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental.

Section 316.1951(3), Florida Statutes, does not prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off-premises sales, as provided in s. 320.27(5), and has complied with the requirements in subsection (1). A vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning.

Section 316.1951(4), Florida Statutes, states that a local government may adopt an ordinance to allow the towing of a motor vehicle parked in violation of this section. A law enforcement officer, compliance officer, code enforcement officer from any local government agency, or supervisor of the Department may issue a citation on form HSMV 84117 and cause to be immediately removed at the owner's expense any motor vehicle found in violation of subsection (1), except as provided in subsections (2) and (3), or in violation of subsection (5), subsection (6), subsection (7), or subsection (8), and the owner shall be assessed a penalty as provided in section 318.18(21), Florida Statutes, by the government agency or authority that orders immediate removal of the motor vehicle. A motor vehicle removed under this section shall not be released from an impound, or

towing and storage facility before a release form prescribed by the department has been completed verifying that the fine has been paid to the government agency or authority that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to section 713.78, Florida statutes, before payment of the fine or release form has been completed. Form HSMV 84060- "Authorization to Release Vehicle After Curbstoning Citation" is the Department approved form for a person to complete and pay the fine to the department prior to getting the motor vehicle released from the impound or storage and towing facility.

Section 318.18(21), Florida Statutes, provides a fine of one hundred dollars for a violation of section 316.1951, Florida Statutes, for a vehicle that is unlawfully displayed for sale, hire or rental.

Section 316.1951(5), Florida Statutes, states that it is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered, or defaced, as described in s. 319.33(1)(d), Florida statutes. A vehicle found in violation of this subsection is subject to immediate removal without warning.

Section 316.1951(6), Florida Statutes, states that it is unlawful to knowingly attach to any motor vehicle a registration that was not assigned or lawfully transferred to the vehicle pursuant to s. 320.261, Florida Statutes. A vehicle found in violation of this subsection is subject to immediate removal without warning.

Section 316.1951(7), Florida Statutes, states that it is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in s. 320.02, Florida Statutes. A vehicle found in violation of this subsection is subject to immediate removal without warning. This subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions as defined in s. 320.27(1)(c)4, Florida Statutes.

Section 316.1951(8), Florida Statutes, states that a vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.

Section 316.1951(9), Florida Statutes, states that any other provision of law to the contrary notwithstanding, a violation of subsection (5), subsection (6), subsection (7) or subsection (8) shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle and a fine as required by section 318.18, Florida Statutes.

Section 316.1951(10), Florida Statutes, states that this section does not prohibit the governing body of a municipality or county, with respect to streets, highways, or other property under its jurisdiction, from regulating the parking of motor vehicles for any purpose.

Section 316.1951(11), Florida Statutes, states that a violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, unless otherwise mandated by general law.

You can log on to [www.flsenate.gov](http://www.flsenate.gov) and access Florida Statutes, 320.1951 for more information.