

New Online Licensing System (eLICENSING) Coming Soon



Texas Department of Motor Vehicles
HELPING TEXANS GO. HELPING TEXAS GROW.



This message contains information applicable to all motor vehicle licensees and salvage dealers regulated by Texas Department of Motor Vehicles (TxDMV). Please review and distribute as appropriate.

Coming soon, you will be able to apply for, renew, or amend licenses online. The Texas Department of Motor Vehicles (TxDMV) is replacing its current paper-based licensing system with eLICENSING, an online self-service hub for all motor vehicle and salvage licensees operating in Texas.

eLICENSING will provide many user benefits, including 24-hour access to licensing information, the elimination of paper processing, the ability to submit license applications and payments online, a guided application process facilitating faster approvals, and the ability to track the progress of submitted applications.

TxDMV will provide instructions and other support resources to help you access and use the system as the release date approaches. **Licensees must have an email address on file with TxDMV to receive important updates and use the new system.** Licensees can receive more information by emailing TxDMV at MVDLicensing@TxDMV.gov, calling 1-888-DMV-GOTX (368-4689), or visiting our website at www.TxDMV.gov/dealers.

Sincerely,

Daniel Avitia

Daniel Avitia, Director
Texas Department of Motor Vehicles
Motor Vehicle Division



Representative Instruction Packet

Purpose:

This application is for a license to represent a manufacturer, distributor, or converter. This instruction packet is a companion to Form LF401. The *Application for New Motor Vehicle Representative License* (representative application) is also imbedded in forms LF201 and LF 301. For other types of licenses visit www.TxDMV.gov/dealers or call us at (512) 465-3000 or toll-free (888) 368-4689.

Important:

Before you begin: Please read all information carefully before completing your application. Incomplete or inaccurate information may delay issuance of your license.

When applying for a license, **PLEASE FILE EARLY TO AVOID DELAYS.**

1. **The following pages guide you through the application step by step. Please read the instructions carefully and contact us if you have any questions.**
2. **A license will not be issued until an applicant has met all the requirements.**
3. **Make sure that each document you submit shows your business name and DBA.**

Licensing Notes:

- A **representative license** allows a person or business entity to act as an agent for a manufacturer, distributor, or converter.
- A separate license must be obtained for each company represented.
- The representative's license term matches the entity being represented (manufacturer, distributor, or converter). Likewise, it expires and is renewed with the entity's license.
- A representative is not allowed to sell new or used motor vehicles to Texas consumers, including municipalities.
- The definition of representative does not include office or clerical personnel, production personnel, etc., whose duties do not include contacting franchised dealers or dealership employees. See TEXAS OCCUPATIONS CODE §2301.002(29) and TEXAS ADMINISTRATIVE CODE §215.102 for details.
- You can find more about the license application process online at: <http://www.TxDMV.gov/dealers>

INSTRUCTIONS by Page, LF401 Page One

1. BUSINESS TO BE REPRESENTED:

- A. Check the appropriate box indicating whether applicant intends to represent a manufacturer, distributor, or converter.
- B. Enter the name of the manufacturer, distributor, or converter that the applicant will represent and their license number (if there is one).

2. APPLICANT'S NAME:

Enter your business name matching the appropriate business type:

- A. **For a Sole Proprietor:** The business name is the owner's name.
- B. **For a Partnership:** The business name is the name of each partner.
- C. **For a Business Entity:** The name entered for the corporation, LLC, LP, LLP, or LTD, must match your legal name recorded with the Secretary of State.

3. DBA/ASSUMED NAME: (Name under which this location will operate)

Enter any assumed name(s) (also called DBA, for "Doing Business As") you will be using.

- A. The assumed name(s) must be registered with the proper authority.
 - (1) In Texas, the proper authority for corporations, LLCs, LPs and LLPs is the Secretary of State, (512) 463-5555. <http://www.sos.state.tx.us/corp/>
 - (2) Sole proprietors and general partnerships in Texas must register with their County Clerk in the county where the office will be located.
 - (3) Businesses located out of Texas should register with the appropriate authority for your state.
- B. The assumed name you put on this application must exactly match the assumed name as it is registered.
- C. **Attach copies of the Assumed Name Certificates for the name(s) you will be using. Label the copies as "Rep Application, Attachment B."** Do not send your filing documents.

4. JOB TITLE:

If the applicant is an individual, enter the job title of the applicant. This is not required if the applicant is a corporation, LLC, LP, or other type of business entity.

5. PHYSICAL ADDRESS:

Enter the street number and name, city, state, and zip code of the physical address where applicant conducts business as a representative.

Items 6 - 9 must reflect the manufacturer's, distributor's, or converter's contact information

(If you are typing into form LF201 or LF301, these fields should already be completed for you.)

6. MAILING ADDRESS:

Enter the manufacturer's, distributor's, or converter's mailing address if it is different from your physical address. This is the address TxDMV will use to mail all correspondence, licenses, etc.

7. BUSINESS PHONE NUMBER & BUSINESS FAX NUMBER:

Enter the manufacturer's, distributor's, or converter's phone and fax number(s).

8. BUSINESS EMAIL & BUSINESS WEBSITE:

Enter the manufacturer's, distributor's, or converter's email address and website (if available).

9. CONTACT NAME, PHONE NUMBER, & EMAIL:

Enter the name, phone number, and email of a person TxDMV may communicate with concerning applications and license(s). This must match the manufacturer's, distributor's, or converter's contact person.

10. – 12. MILITARY SERVICE:

Answer the questions and provide documentation if applicable. If you have any questions, please call TxDMV Contact Center at 888-368-4689.

13. FEES:

Determine the total fees required:

- A. The representative fee is \$200.
- B. Payment and mailing instructions are on page 6 of the application. If paying with a credit card, use page 7 of the application package or separate form 2293.

LF401 Page Two

Please enter the representative's name and business being represented on the top of this page. (If you are typing into the dynamic version of this form, this should already be completed for you.)

14. – 18. YES/NO QUESTIONS:

- A. All questions must be answered.
- B. Attach detailed explanations, as necessary.
- C. The TEXAS OCCUPATIONS CODE Chapter 2301 restricts manufacturer, distributor, or converter ownership or

control of a dealer or dealership. Manufacturer/distributor ownership or control of a dealership is generally prohibited, with two exceptions:

- (1) Dealerships that were purchased by the manufacturer/distributor from a franchised dealer and that are for sale at a reasonable price and on reasonable terms and conditions.
- (2) Dealer development dealerships operated under a plan for the dealer to acquire full ownership within a reasonable time and under reasonable terms and conditions. In order to qualify for this exemption:
 - (a) The dealer must be a member of a group that has been historically underrepresented in the manufacturer's, distributor's, or converter's dealer body, OR
 - (b) The dealer must be a qualified person who lacks the resources to purchase a dealership outright.

19. AUTHORIZED APPOINTMENT

The application must be signed by the manufacturer, distributor, or converter to verify the applicant is an authorized representative.

20. CERTIFICATION OF RESPONSIBILITY

The application must be signed by the applicant (owner, officer, managing partner, or authorized agent). By signing this application, the applicant swears that:

- A. The applicant or an authorized agent hereby certifies that statements made above and on attachments and documents submitted are true and correct, and that all documents submitted with this application are complete, submitted in their entirety, and are accurately represented.
- B. Applicant acknowledges that the department may deny an application for a license or revoke or cancel a license if the applicant submits false or misleading information, makes a false statement, or refuses or fails to provide information requested by the department.
- C. Applicant further acknowledges that making a false statement in an application for a license may subject applicant to criminal prosecution. See Texas Occupations Code §2301.651, Texas Transportation Code §503.034 and §503.038, Texas Government Code §2005.052 and §2005.053, Texas Penal Code §37.10, and department rules.
- D. Applicant swears they are not at this time delinquent in any court-ordered obligation to pay child support.

LF401 Page Three

Please enter the representative's name and business being represented on the top of this page. (If you are typing into the dynamic version of this form, this should already be completed for you.)

21. ATTACHMENTS TO THE REP APPLICATION

A. REPRESENTATIVE INFORMATION:

Use pages 4 and 5 of the application package or a separate copy of *Form LF603*. You may duplicate page 5, as needed.

B. ASSUMED NAME CERTIFICATES:

Provide a copy of the assumed name certificate issued by the proper authority. The assumed name(s) must be registered with the proper authority.

1. Businesses located outside Texas should register with the appropriate authority for your state.

2. If you are physically located in Texas:

- a. The proper authority for corporations, LPs, LLPs, and LLCs is the Texas Secretary of State (SOS).
- b. The proper authority for sole proprietors and general partnerships is the county clerk for the county where the office is located.

3. The assumed name you list on this application must match the assumed name exactly as it is registered.

C. CERTIFICATE OF INCORPORATION, ORGANIZATION, OR PARTNERSHIP:

If you will be physically located in Texas, a *Certificate of Filing* or *Certificate of Authority* from the Texas SOS is acceptable. (If the entity was formed out of state and will be located in Texas, submit a *Certificate of Authority* issued by the Texas SOS.) If you are located outside Texas, submit documentation from the appropriate authority for your state. We do not need copies of your corporate charter.

D. FEES:

Payment can be made by Credit Card, Personal Check, Money Order, Cashier Check, or Wire Transfer.

- A. **If the representative application is included with a manufacturer/distributor or converter application, the fees may be combined into one payment.**
- B. Submit this form, all fees, and attachments, to the address matching your type of payment. Failure to do so will result in delays. (See the *Dealer Payment Information and Credit Card Payment Form (2293)* for submission information.)
- C. Checks and money orders should be made payable to the Texas Department of Motor Vehicles. A fee of \$30 will be charged for returned checks.
- D. If paying by credit card, you may fax the entire package (including the credit card form) to (512) 465-4190. If you choose to do this, do NOT mail the package.
- E. DO NOT submit the application via two methods; pick only one.
- F. If you wish to overnight your application, please note that only the U.S. Postal Service delivers overnight mail to post office boxes.

LF401 Page Four and Five

This is the *Representative Information*. It is **Attachment A** to the representative application. You may use this instead of downloading LF603 separately.

Please enter the representative's name and business being represented on the top of this page. (If you are typing into the dynamic version of this form, this should already be completed for you.)

LF401 Page Six

This is the Payment and Mailing instructions. Please enter the representative's name and business being represented on the top of this page; however, this page does not need to be submitted. It is included for your information.

LF401 Page Seven

This is the credit card form, *Form 2293 Payment by Credit Card*. If you choose to pay your application fees via credit card, you may use this instead of downloading Form 2293 separately.

Please enter the representative's name and business being represented on the top of this page. (If you are typing into the dynamic version of this form, this should already be completed for you.)

Application Processing and General Information:

1. Application Processing & Time:

- A. Your application fees are processed by the State Comptroller's Office before TxDMV may begin application processing.
- B. Applications are processed in the order received. However, if more information is needed, these are noted as deficiencies.
- C. You can find more about the *License Application Process* and *Application Tips* (including common deficiencies) online at: <http://www.TxDmv.gov/dealers>

2. Approving applications:

- A. When there are no application deficiencies, the license is approved. Your license is printed and mailed (along with your metal plates, if any).
- B. If there are deficiencies, you will be contacted by a licensing specialist.
 - (1) Contact by phone or email will be attempted before a list of deficiencies is mailed.
 - (2) Please correct any deficiencies and return the appropriate documentation.

3. Making Changes to your License:

You must submit an *Application to Amend Representative License* (Form LF422) when information about your business has changed. Some examples are:

- A. Change in business name (individual or company).
- B. Change or addition to the DBA (company only).
- C. Change of physical address (individual or company).

Changes in ownership: Under some circumstances, you may need to file a new application. For example, if you are

currently licensed as a Sole Proprietor and become incorporated, you will need to file a new application. If you are a corporation and do a conversion to a Limited Partnership, you will only need to amend your license. Please contact our office in order to complete the appropriate forms.

If you have any questions about the changes you are making to your business, please call us at (888) 368-4689 or (512) 465-3000.

4. Duplicate Licenses:

- A. To request a reprint or a duplicate license please complete form LF901.
- B. You may fax this request to (512) 465-4190 or mail to:
TxDMV Motor Vehicle Division
P.O. Box 26487
Austin, TX 78755
- C. The fee for this request is \$50.

5. License Renewal:

- A. Your license term matches the entity you are representing.
- B. The renewal fee is \$200 for each representative.
- C. MVD will mail the renewal notice to the entity you are representing 75 to 90 days prior to license expiration.
- D. This entity should return the renewal package at least 45 days prior to license expiration to ensure that the license does not expire.
- E. Penalty fees are assessed for each 30 day period past the license expiration date. These penalty fees are 50% of the total license fee for each 30 day period in default. If a license renewal is not received within 90 days of the expiration date, then you will be required to re-apply.