



# NM Motor Vehicle Sales Finance Company Out Of State

## New Application Checklist (Company)

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### CHECKLIST SECTIONS

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### GENERAL INFORMATION

#### Who Is Required to Have This License?

No person shall engage in the business of a sales finance company in this state without a license therefor as provided in the Motor Vehicle Sales Finance Act [58-19-1 NMSA 1978]. This license is for a Motor Vehicle Sales Finance Company that is located out of state. A Motor Vehicle Sales Finance Company means a person engaged in whole or in part in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to a bank, trust company, private banker, small loan licensee, industrial bank or investment company, if so engaged; the term also includes a retail seller engaged in whole or in part in the business of creating and holding retail installment contracts that exceed a total aggregate outstanding indebtedness of one hundred thousand dollars (\$100,000);.

#### Activities Authorized Under This License

This license authorizes the following activities...

- Sales finance company activities – motor vehicles

#### Pre-Requisites for License Applications

- None

The New Mexico Financial Institutions Division (FID) does not issue paper licenses for this license type.

#### Document Uploads Guidance

Documents that must be uploaded to the *Document Uploads* section of the Company Form (MU1) in NMLS are indicated in the checklist below. When uploading documents:

- Follow the guidance in [Document Upload Descriptions and Examples](#).
- Only upload documents relevant to the company application.
- Only upload documents where there is a selectable document category. If inappropriate documents are uploaded that should not be, you will be contacted by your regulator and asked to remove them from NMLS.

- Do not upload the same company documents multiple times. Generally, unless the document is state-specific, if the document has already been uploaded for another state, a new upload is not required unless changes have been made.
- If a document previously uploaded has been revised, delete the old document and replace it with the new document (history of the old document will remain in NMLS).
- For state-specific documents (e.g., Surety Bonds), be sure to indicate the applicable state.

### Helpful Resources

- [Company Form \(MU1\) Filing Instructions](#)
- [Document Upload Descriptions and Examples](#)
- [Individual Form \(MU2\) Filing Quick Guide](#)
- [Financial Statements Quick Guide](#)
- [Payment Options Quick Guide](#)
- [License Status Definitions Quick Guide](#)

### Agency Contact Information

Contact Licensing Specialist, Kim Kreiensiack at 505-476-4559 or via e-mail [Kim.Kreiensiack@state.nm.us](mailto:Kim.Kreiensiack@state.nm.us)

Contact Industry Manager Juan Trevizo at 505-476-4519 or via e-mail [Juan.Trevizo@state.nm.us](mailto:Juan.Trevizo@state.nm.us)

*For U.S. Postal Service & Overnight Delivery:*

*New Mexico Financial Institutions Division  
2550 Cerrillos Road  
PO Box 25101  
Santa Fe, New Mexico 87504*

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE AGENCY SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.

**LICENSE FEES** - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.

| Complete                 | NM Motor Vehicle Sales Finance Company Out Of State                                     | Submitted via...                |
|--------------------------|---|---------------------------------|
| <input type="checkbox"/> | <b>NM License/Registration Fee:</b> \$500.00<br><b>NMLS Initial Processing Fee:</b> \$0 | <b>NMLS (Filing submission)</b> |

**REQUIREMENTS COMPLETED IN NMLS**

| Complete                 | NM Motor Vehicle Sales Finance Company Out Of State  | Submitted via... |
|--------------------------|--|------------------|
| <input type="checkbox"/> | <b>Submission of Company Form (MU1):</b> Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the license/registration through NMLS.  | <b>NMLS</b>      |
| <input type="checkbox"/> | <b>Financial Statements:</b> Upload a copy of the company’s financial statements signed and dated by a Certified Public Accountant or an Officer of the Company in accordance with Generally Accepted Accounting Principles dated within 90 days of your fiscal year end. Financial statements should include a balance sheet, income statement, and statement of cash flows and all relevant notes thereto. If applicant is a start-up company, only an initial statement of condition is required.<br><br><b>Note:</b> Financial statements are uploaded separately under the Filing tab and <i>Financial Statement</i> submenu link. See the <a href="#">Financial Statements Quick Guide</a> for instructions. | <b>NMLS</b>      |
| <input type="checkbox"/> | <b>Other Trade Name:</b> If operating under a name that is different from the applicant’s legal name, that name (“Trade Name”, “Assumed Name” or “DBA”) must be listed under the <i>Other Trade Names</i> section of the Company Form (MU1). FID does not limit the number of other trade names.   | <b>NMLS</b>      |
| <input type="checkbox"/> | <b>Resident/Registered Agent:</b> The Resident/Registered Agent, or Direct owner, etc. must be listed under the <i>Resident/Registered Agent</i> section of the Company Form (MU1) and must match the information currently on record with FID.  | <b>NMLS</b>      |
| <input type="checkbox"/> | <b>Primary Contact Employees:</b> The following individuals must be entered into the <i>Contact Employees</i> section of the Company Form (MU1). <ol style="list-style-type: none"> <li>1. <b>Primary Company Contact.</b></li> <li>2. <b>Primary Consumer Complaint Contact.</b></li> </ol>   | <b>NMLS</b>      |

|                          |   |  |
|--------------------------|---|--|
| <input type="checkbox"/> | <p><b>Non-Primary Contact Employees:</b> FID <b>requires</b> that an individual(s) be identified as a <b>Non-Primary Contact</b> for the following areas. These contacts must be listed in the <i>Contact Employees</i> section of the Company Form (MU1).</p> <ol style="list-style-type: none"> <li>1. Licensing</li> <li>2. Consumer Complaint (Public)</li> <li>3. Exam Delivery</li> <li>4. Consumer Complaint (Regulator)</li> <li>5. Pre-Exam Contact</li> </ol> | <p><b>NMLS</b></p>   |
| <p>Note</p>              | <p><b>Bank Account:</b> Bank account information is not required. The <i>Bank Account</i> section of the Company Form (MU1) can be left blank.</p>  | <p><b>N/A</b></p>  |
| <input type="checkbox"/> | <p><b>Disclosure Questions:</b> Provide a complete and detailed explanation and document upload for each “Yes” response to Disclosure Questions made by the company or related control persons (MU2).<br/>See the <a href="#">Company Disclosure Explanations Quick Guide</a> for instructions.</p>   | <p><b>Upload in NMLS</b> in the <i>Disclosure Explanations</i> section of the Company Form (MU1) or Individual Form (MU2).</p> |
| <p>Note</p>              | <p><b>Qualifying Individual:</b> The <i>Qualifying Individual</i> section is not required to be completed for NM on the Company Form (MU1).</p>   | <p><b>N/A</b></p>  |
| <input type="checkbox"/> | <p><b>Control Person (MU2) Attestation:</b> Complete the Individual Form (MU2) in NMLS. This form must be attested to by the applicable control person before it is able to be submitted along with the Company Form (MU1).</p>   | <p><b>NMLS</b></p>   |
| <p>Note</p>              | <p><b>Credit Report:</b> Individuals in a position of control are NOT required to authorize a credit report through NMLS.</p>   | <p><b>N/A</b></p>  |
| <p>Note</p>              | <p><b>MU2 Individual FBI Criminal Background Check Not Required Through NMLS:</b> Direct Owners/Executive Officers, Indirect Owners, and Qualifying Individuals are NOT required to authorize a FBI criminal background check (CBC) through NMLS.</p>   | <p><b>N/A</b></p>  |

**REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS**

| Complete                 | NM Motor Vehicle Sales Finance Company Out Of State   | Submitted via...   |
|--------------------------|---|--|
| <input type="checkbox"/> | <p><b>Formation Documents:</b> Determine classification of applicant’s legal status and submit a State certified copy of the requested applicable documentation detailed below. Original formation documents and all subsequent amendments, thereto including a list of any name changes.</p> <p><b>Sole Proprietor</b></p> <p><b>Unincorporated Association:</b></p> <ul style="list-style-type: none"> <li>• By-Laws or constitution (including all amendments).</li> </ul> <p><b>General Partnership:</b></p> <ul style="list-style-type: none"> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Liability Partnership:</b></p> <ul style="list-style-type: none"> <li>• Certificate of Limited Liability Partnership; and</li> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Partnership:</b></p> <ul style="list-style-type: none"> <li>• Certificate of Limited Partnership; and</li> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Liability Limited Partnership:</b></p> <ul style="list-style-type: none"> <li>• Certificate of Limited Liability Limited Partnership; and</li> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Liability Company (“LLC”):</b></p> <ul style="list-style-type: none"> <li>• Articles of Organization (including all amendments);</li> <li>• Operating Agreement (including all amendments);</li> <li>• IRS Form 2553 or IRS Form 8832 if S-corp treatment elected; and</li> <li>• LLC resolution if authority not in operating agreement.</li> </ul> <p><b>Corporation:</b></p> <ul style="list-style-type: none"> <li>• Articles of Incorporation (including all amendments);</li> <li>• By-laws (including all amendments), if applicable;</li> <li>• Shareholder Agreement (including all amendments), if applicable;</li> <li>• IRS Form 2553 if S-corp treatment elected; and</li> <li>• Corporate resolution if authority to complete application not in By-Laws or Shareholder Agreement, as amended, as applicable.</li> </ul> <p><b>Not for Profit Corporation</b></p> <ul style="list-style-type: none"> <li>• Documents requested of a Corporation; and</li> <li>• Proof of nonprofit status                             <ul style="list-style-type: none"> <li>○ Internal Revenue Service (“IRS”) 501(c)(3) designation letter; or</li> <li>○ statement from a State taxing body or the State attorney general certifying that: (i) the entity is a nonprofit organization operating within the State; and (ii) no part of the entity’s net earnings may lawfully benefit any private shareholder or individual; or</li> <li>○ entity's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or</li> <li>○ Any of the three preceding items described, if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.</li> </ul> </li> </ul> <p><b>Trust (Statutory)</b></p> <ul style="list-style-type: none"> <li>• Certificate of Trust; and</li> <li>• Governing instrument (all amendments).</li> </ul> | <p><b>Upload in NMLS:</b> under the Document Type <u>Formation Document</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>This document should be named <i>Formation Documentation [Date of Creation (MM-DD-YYYY)]</i>.</p> |

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| <input type="checkbox"/>   | <p><b>Management Chart:</b> Submit a Management chart displaying the applicant's directors, officers, and managers (individual name and title). Must also identify compliance reporting and internal audit structure.</p> <p>This document should be named <i>[Company Legal Name] Management Chart</i>.</p> <p><b>Note:</b> If the existing uploaded management chart already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart.</p>  | <p><b>Upload in NMLS:</b> under the Document Type <u>Management Chart</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>                 |
| <input type="checkbox"/>   | <p><b>Organizational Chart/Description:</b> Submit a chart showing (or a description which includes) the percentage of ownership of:</p> <ul style="list-style-type: none"> <li>• Direct Owners (total direct ownership percentage must equate to 100%)</li> <li>• Indirect Owners</li> <li>• Subsidiaries and Affiliates of the applicant/licensee</li> </ul> <p>This document should be named <i>[Company Legal Name] Organizational Chart – Description</i>.</p> <p><b>Note:</b> If the existing uploaded Organizational Chart/Description already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart.</p> | <p><b>Upload in NMLS:</b> under the Document Type <u>Organizational Chart/Description</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |
| <p><b>INDIVIDUAL (MU2) DOCUMENTS UPLOADED IN NMLS</b></p>  |  |   |
| <p>No individual (MU2) documents are required to be uploaded into NMLS for this license/registration at this time.</p> |  |   |

|  |   |                                |
|--|---|--------------------------------|
| <p><b>REQUIREMENTS SUBMITTED OUTSIDE OF NMLS</b></p>   |   |                                |
| <p><b>Complete</b></p>   | <p><b>NM Motor Vehicle Sales Finance Company Out Of State</b></p> | <p><b>Submitted via...</b></p> |
| <p>No items are required to be submitted outside of NMLS for this license/registration at this time.</p> |   |                                |