



NY Sales Finance Company License New Application Checklist (Company)

CHECKLIST SECTIONS

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GENERAL INFORMATION

Who Is Required to Have This License?

The license requirements for sales finance companies are found primarily in Article 11-B of the New York Banking Law (BL) and regulations thereunder. BL Section 492 provides, in part:

No person, except a bank, savings bank, savings and loan association, trust company, private banker, credit union, investment company organized under article twelve of this chapter and authorized to accept deposits, national bank, federal savings association, federal credit union, or out-of-state state bank, as such term is defined in subdivision two of section two hundred twenty-two of this chapter, or lender licensed pursuant to article nine of this chapter, shall engage in the business of a sales finance company in this state without a license therefor obtained from the superintendent, as provided in this article.

In addition to the items listed in this [checklist below](#), the New York State Department of Financial Services (NY-DFS) may require, as it deems necessary, the submission of any other information or documentation.

Note: If you are seeking the NY Sales Finance Company License at more than one location, [see the NY Sales Finance Company Branch License New Application Checklist for more information.](#)

Activities Authorized Under This License

This license authorizes the following activities:

- Sales finance company activities - motor vehicles
- Sales finance company activities - general

Pre-Requisites for License Applications

- None.

NY-DFS does 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., Certificate of Authority/Good Standing Certificate), 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 NY-DFS licensing staff by phone at (212) 709-5507.

*For U.S. Postal Service & Overnight Delivery:
New York State Department of Financial Services
Licensed Financial Services – Applications Unit
One State Street
New York, NY 10004-1511*

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	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	NY Application Fee: \$3,000 NMLS Initial Processing Fee: \$0	NMLS (Filing submission)
<input type="checkbox"/>	Credit Report for Control Persons: \$15 per control person.	NMLS (Filing submission)

REQUIREMENTS COMPLETED IN NMLS

Complete	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	Submission of Company Form (MU1): Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the license/registration through NMLS.	NMLS
<input type="checkbox"/>	Financial Statements: Upload the two most recent years' Audited financial statements prepared by a Certified Public Accountant 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. <i>If Audited financials are unavailable, provide an Unaudited statement and include an explanation.</i>	NMLS Note: Financial statements are uploaded separately under the Filing tab and <i>Financial Statement</i> submenu link. See the Financial Statements Quick Guide for instructions.
<input type="checkbox"/>	Other Trade Name: 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). NY-DFS does not limit the number of other trade names. If operating under an "Other Trade Name," upload documentation regarding ability to do business under that trade name. This document should be named <i>[State-License Type] Trade Name – Assumed Name</i> . Note: Corporations, limited liability companies, and limited partnerships proposing to conduct business under an assumed name (e.g., DBA) must apply to the Secretary of State for authorization to do so. Individuals, general partnerships, and limited liability partnerships proposing to conduct business under an assumed name must apply to the County Clerk of each county in which the business will operate for permission to do so. In either case, certified copies of the applicable authorization must also be submitted to NY-DFS. See also the Restricted Words item below.	NMLS Upload in NMLS: under the Document Type <u>Trade Name/Assumed Name Registration Certificates</u> in the <i>Document Uploads</i> section of the Company Form (MU1).

Complete	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	<p>Resident/Registered Agent: The Resident/Registered Agent must be listed under the <i>Resident/Registered Agent</i> section of the Company Form (MU1).</p> <p>Note: The resident/registered agent is the entity that will receive service of legal process on behalf of your company in the state identified.</p>	NMLS
<input type="checkbox"/>	<p>Primary Contact Employees: The following individuals must be entered into the <i>Contact Employees</i> section of the Company Form (MU1).</p> <ol style="list-style-type: none"> 1. Primary Company Contact. 2. Primary Consumer Complaint Contact. 	NMLS
<input type="checkbox"/>	<p>Non-Primary Contact Employees: NY-DFS requires that an individual(s) be identified as a Non-Primary Contact 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"> 1. Accounting 2. Licensing 3. Consumer Complaint (Public) 4. Consumer Complaint (Regulator) 5. Legal 6. Pre-Exam Contact 	NMLS
Note	<p>Bank Account: Bank account information is not required. The <i>Bank Account</i> section of the Company Form (MU1) can be left blank.</p>	N/A
<input type="checkbox"/>	<p>Disclosure Questions: 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).</p> <p>See the Company Disclosure Explanations Quick Guide for instructions.</p>	<p>Upload in NMLS in the <i>Disclosure Explanations</i> section of the Company Form (MU1) or Individual Form (MU2).</p>
<input type="checkbox"/>	<p>Qualifying Individual: The applicant for a license shall demonstrate to the Superintendent’s satisfaction that it has five years verifiable experience in the business of sales finance or similar lending and credit evaluation experience or that it has engaged or will engage in its employ one or more persons having such experience. Such person must be listed in the Qualifying Individual section of the Company Form (MU1).</p> <p>The Superintendent may permit other relevant educational or business experience to be credited towards satisfaction of the lending and credit evaluation experience requirement.</p> <p>This individual must be listed in the <i>Qualifying Individual</i> section of Company Form (MU1).</p>	NMLS
<input type="checkbox"/>	<p>Control Person (MU2) Attestation: 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>	NMLS

Complete	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	<p>Credit Report: Control persons are required to authorize a credit report through NMLS. Individuals will be required to complete an Identity Verification Process (IDV) along with an individual attestation before a license request for your company can be filed through NMLS. This authorization is made when the Individual Form (MU2) is submitted as part of the Company Form (MU1).</p>	NMLS
Note	<p>MU2 Individual FBI Criminal Background Check Not Required Through NMLS: Direct Owners/Executive Officers, Indirect Owners, and Qualifying Individuals are NOT required to authorize a FBI criminal background check (CBC) through NMLS.</p> <p>Note: See the Requirements Completed Outside of NMLS section for CBC requirements.</p>	N/A

REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS		
Complete	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	<p>Business Plan: Upload a business plan with detailed information in the following areas:</p> <ul style="list-style-type: none"> • Marketing strategies. • Products. • Any other business that will be conducted at the proposed licensed location. • Target markets. • Fee schedule. • Operating structure the applicant intends to employ. • Names and addresses of the anticipated sources from whom sales finance contracts are to be acquired. • A current financial statement is to be submitted by each applicant. If the corporation is a newly formed corporation, a pro-forma (projection) financial statement for the applicant’s first year of operations is to be submitted. Should a net loss be reported, an estimate of the period of time required for the operation to reach a break-even point as to profitability with supporting documentation need to be submitted. • A projection, by source, of the dollar amount of sales finance contracts estimated to be outstanding at the end of the first year of operation. • A written statement describing the availability of capital and financing with which to handle the projected volume, listing all sources of capital and financing available to the applicant and including copies of written confirmation of extensions of credit to the applicant. 	<p>Upload in NMLS: under the Document Type <u>Business Plan</u> in the <u>Document Uploads</u> section of the Company Form (MU1).</p>

	<ul style="list-style-type: none"> • State Regulators Information - List of all states in which applicant and/or any affiliated company is licensed to operate in the field of finance including banking, insurance, sales finance, small loans, insurance premium finance, etc. together with the name of the operating company and the name, title and address of the state supervisor, that is not already listed in NMLS. • The applicant should submit any additional information which it deems pertinent and which may bear upon a determination that the business will be conducted honestly, fairly, and efficiently within the intent and purpose of the law and in such manner as to command the confidence of the community. • Fair Lending Plan Requirement - NY-DFS must ensure that the application and underwriting processes for loans in New York State made pursuant to the provisions of Article 11-B of the Banking Law do not violate Section 296-a of the Executive Law, which is New York's Fair Lending Statute. As part of our effort to eliminate prohibited practices, we require applicants seeking a license to become a sales finance company to submit a satisfactory Fair Lending Plan as part of their application. Please be advised that the implementation of this requirement is not an attempt to compel a licensee to abandon the use of objective factors in evaluating the creditworthiness of a borrower when determining whether to underwrite a loan. Risk based pricing is and continues to be valid in New York, provided that it is not impermissibly tied to a protected class. Please refer to the July 19, 1999 Industry Letter and the subsequent revision thereto dated December 24, 2003, available on our website, for your guidance. <p>This document should be named <i>[Company Legal Name] Business Plan</i>.</p> <p>Note: If the existing uploaded business plan already includes the above information, an additional document does not need to be uploaded. A company should only upload a single business plan. If state-specific material is required, this information should be added to the existing uploaded business plan.</p>	
<input type="checkbox"/>	<p>Certificate of Authority/Good Standing Certificate: Upload a State-issued and approved document (typically by the Secretary of State's office), dated not more than 60 days prior to the filing of the application through NMLS that demonstrates authorization to do business in the applicant's state of formation.</p> <p>This document should be named <i>[[State prefix] Certificate of Authority OR [State prefix] Certificate of Good Standing]</i>.</p>	<p>Upload in NMLS: under the Document Type <u>Certificate of Authority/Good Standing Certificate</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>
<input type="checkbox"/>	<p>Company Staffing and Internal Policies: Upload document(s) including information on staffing and internal organizational policies and procedures. If submitting multiple policies, upload and name each policy separately.</p> <p>This document should be named <i>[Name of Policy]</i>.</p>	<p>Upload in NMLS: under the Document Type <u>Company Staffing and Internal Policies</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>

Complete	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	<p>Document Samples: Upload copies of the following sample documents used in the regular course of business in connection with this license:</p> <p>A copy of the proposed loan instrument and rate chart (or, if a computer program will be used to calculate the required disclosures on the loan form, ten-sample loan instruments with the computer calculated disclosures), which the applicant intends to use, is to be submitted, including the following, if applicable:</p> <ol style="list-style-type: none"> a. Any rate chart(s) setting forth rates or amounts of interest to be used in its sales finance operation; b. Any form or forms of loan agreement or related security instruments to be used in its sales finance operation; and c. Every form of loan agreement or related security instrument and every rate chart(s) of which a copy or copies are required to be filed with the Superintendent shall indicate a date of issuance and an identifying symbol consisting of a combination of numbers and/or letters. <p>This document should be named <i>[Name of Document Sample]</i>.</p>	<p>Upload in NMLS: under <u>Document Samples</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>
<input type="checkbox"/>	<p>Formation Documents: Determine classification of applicant’s legal status and submit a State certified copy of the requested applicable documentation detailed below. Submit copies of the original formation documents and all subsequent amendments thereto, including a list of any name changes.</p> <p>Sole Proprietor</p> <ul style="list-style-type: none"> • NY-DFS will request additional documentation for sole proprietors on a case by case basis. <p>Unincorporated Association:</p> <ul style="list-style-type: none"> • By-Laws or Constitution (including all amendments). <p>General Partnership:</p> <ul style="list-style-type: none"> • Partnership Agreement (including all amendments). <p>Limited Liability Partnership:</p> <ul style="list-style-type: none"> • Certificate of Limited Liability Partnership; and • Partnership Agreement (including all amendments). <p>Limited Partnership:</p> <ul style="list-style-type: none"> • Certificate of Limited Partnership; and • Partnership Agreement (including all amendments). <p>Limited Liability Limited Partnership:</p> <ul style="list-style-type: none"> • Certificate of Limited Liability Limited Partnership; and • Partnership Agreement (including all amendments). <p>Limited Liability Company (“LLC”):</p> <ul style="list-style-type: none"> • Articles of Organization (including all amendments); • Operating Agreement (including all amendments); • IRS Form 2553 or IRS Form 8832 if S-corp treatment elected; and • LLC resolution if authority not in Operating Agreement. <p>Corporation:</p> <ul style="list-style-type: none"> • Articles of Incorporation (including all amendments); • By-Laws (including all amendments), if applicable; • Shareholder Agreement (including all amendments), if applicable; • IRS Form 2553 if S-corp treatment elected; and 	<p>Upload in NMLS: under <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>

	<ul style="list-style-type: none"> Corporate resolution of authority to complete application not in By-Laws or Shareholder Agreement, as amended, as applicable. <p>Not for Profit Corporation</p> <ul style="list-style-type: none"> Documents requested of a Corporation; and Proof of not for profit status <ul style="list-style-type: none"> Internal Revenue Service (“IRS”) 501(c)(3) designation letter; or 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 entity’s certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or 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. <p>Trust (Statutory)</p> <ul style="list-style-type: none"> Certificate of Trust; and Governing instrument (all amendments). 	
<input type="checkbox"/>	<p>Management Chart: Submit a Management chart displaying the applicant’s directors, officers, and managers (individual name and title). Must also identify company organization chart indicating all front office business units and back office reporting for compliance, internal audit and IT infrastructure. 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>Note: 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>Upload in NMLS: under <u>Management Chart</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>
<input type="checkbox"/>	<p>Organizational Chart/Description: Submit a chart showing (or a description which includes) the percentage of ownership of:</p> <ul style="list-style-type: none"> Direct Owners (total direct ownership percentage must equate to 100%) Indirect Owners Subsidiaries and Affiliates of the applicant/licensee All 10% or greater owners <p>Applicants are required to list branches, subsidiaries, affiliates and parent company operating in this state, whether or not engaged in the business of a sales finance company.</p> <p>Note: 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 Organizational Chart/Description.</p>	<p>Upload in NMLS: under <u>Organizational Chart/Description</u> in the <i>Document Uploads</i> section of the Company Form (MU1). This document should be named <i>[Company Legal Name] Organizational Chart – Description</i>.</p>

INDIVIDUAL (MU2) DOCUMENTS UPLOADED IN NMLS

<input type="checkbox"/>	<p>Credit Report Explanations: Submit a line by line, detailed letter of explanation of all derogatory credit accounts along with proof of payoffs, payment arrangements and evidence of payments made, or evidence of any formal dispute filed (documents must be dated). Accounts to address include, but are not limited to: collections items, charge offs, accounts currently past due, accounts with serious delinquencies in the last 3 years, repossessions, loan modifications, etc.</p> <p>Note: Items regarding bankruptcy, foreclosure actions, outstanding judgments or liens, or delinquent child support payments should be addressed in the <i>Disclosure Explanations</i> section of your Individual Form (MU2).</p> <p>This document should be named <i>Credit Report Explanations – [Sub Name] – [Document Creation Date]</i>.</p>	<p>Upload in NMLS: under the Document Type <u>Credit Report Explanations</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p>
<input type="checkbox"/>	<p>Legal Name/Status Documentation: For each individual in a position of control, upload a copy of the individual’s driver’s license or passport.</p> <p>This document should be named <i>Driver’s License or Passport</i>.</p>	<p>Upload in NMLS: under the Document Type <u>Legal Name/Status Documentation</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p>
<input type="checkbox"/>	<p>Personal Financial Statement: The following individuals, as specified below, on the Company Form (MU1) are required to upload a personal financial statement.</p> <p><i>Direct Owners</i></p> <ul style="list-style-type: none"> • 10% or more <p><i>Executive Officers</i></p> <ul style="list-style-type: none"> • All officers <p><i>Indirect Owners</i></p> <ul style="list-style-type: none"> • Involved in the everyday operations of the applicant <p>Click here to access the form.</p> <p>This document should be named <i>NY – Personal Financial Statement</i>.</p>	<p>Upload in NMLS: under the Document Type <u>Personal Financial Statement</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p>
<input type="checkbox"/>	<p>Authority to Release Information: Each control individual must submit a Authority to Release Information Form. Click here to access the form.</p> <p>This document should be named <i>NY Authority to Release Information</i>.</p>	<p>Upload in NMLS: under the Document Type <u>State Background Check Authorization</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p>

NMLS ID Number	
Applicant Legal Name	

REQUIREMENTS SUBMITTED OUTSIDE OF NMLS		
Complete	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	<p>Certificate of Fair Lending Compliance: A Certificate of Fair Lending Compliance, in accordance with Section 296-a(9) of the New York Executive Law, must be completed and submitted to NY-DFS. The proper section of the Banking Law under which application for license is being made is to be entered on the form. Click here to access the form.</p>	Mail to NY-DFS
<input type="checkbox"/>	<p>Restricted Words: If the name of the applicant contains certain words, the approval of the Superintendent must be obtained. This applies to licensees as well as other non-licensed entities. The restricted words include, for example, "acceptance," "bank," "finance," "investment," "loan," "mortgage," "savings," "trust" and their derivatives. The process for approval for the use of any of these restricted words can be found here.</p>	<p>Mail to NY-DFS Attn: Office of General Counsel, Name Approval One State Street New York, NY 10004</p>
<input type="checkbox"/>	<p>Fingerprints for Control Individuals: Every officer, director, stockholder, and owner of an applicant or, for a change of control, all individuals not currently employed by a licensee, must follow the "Fingerprint Instructions" posted on the NY-DFS website. If you have any questions concerning this procedure, please contact NY-DFS at (212) 709-5507.</p>	Mail to NY-DFS

Complete	NY Sales Finance Company License	Submitted via...
<input type="checkbox"/>	<p>Information Regarding Control Persons Residing in Foreign Jurisdictions: If any control person <u>does not or has not resided in the US for the last 5 years</u>, an investigation background report must be prepared by an <u>acceptable search firm</u>.</p> <p>At minimum, the firm must demonstrate that it has sufficient resources and is properly licensed to conduct the research of the background and that the firm is not affiliated with or an interest of any of the individuals under investigation. The cost of the report must be borne by the applicant or the individual.</p> <p>The background report must be in English and submitted directly to NY-DFS in addition to other background information required in the application.</p> <p>At minimum the report must contain the following:</p> <ul style="list-style-type: none"> - A comprehensive credit report/history, including a search of the court data in the countries, states, and towns. Where the individual resided, and worked and in contiguous areas; - Criminal records for the past 10 years, including felonies, misdemeanors and violations including a search of court data in the countries, states and towns. Where the individual resided, and worked and in contiguous areas; - Employment history; - Media history including an electronic search of national and local publications, wire services and business applications; and - Regulatory history, particularly securities, insurance, mortgage-related, real estate, etc., if applicable. 	<p>Mail to NY-DFS</p>
<p>Note</p>	<p>Multiple Sales Finance Company License Application: If you are seeking more than three New York Sales Finance Company Licenses at the same time, please contact NY-DFS before submitting any application through NMLS.</p>	<p>N/A</p>