

<p>Georgia State Board of Registration of Used Motor Vehicle Dealers Board Meeting January 21, 2009</p>
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A meeting of The Georgia State Board of Registration of Used Motor Vehicle Dealers was held on January 21, 2009 at 237 Coliseum Drive, Macon, Georgia. Jeff Wilkinson, Chairman, called the meeting to order at 9:52 a.m.

A quorum was established with members present being Jeff Wilkinson, Chairman; Dewell Sanford; Diana Waldrop; Doug Hooper and Victor Hudson with the Governor's Office of Consumer Affairs.

Others present were as follows: Steve Lindsey, Executive Director; Melanie Brown, Board Support Specialist; Graham Barron; Assistant Attorney General.

Diana Waldrop moved, Dewell Sanford seconded, and the Board voted to adopt the meeting agenda.

Diana Waldrop moved, Dewell Sanford seconded, and the Board voted to approve the minutes of the November 12, 2009 minutes.

Victor Hudson moved, Dewell Sanford seconded, and the Board voted to ratify the following licenses issued since the November 12, 2009 meeting:

<u>License No.</u>	<u>Name</u>	<u>License Type</u>
UCAR038202	Atlanta Auto Lease LLC	Used Motor Vehicle Dealer
UCAR038203	3 J's Auto Sales	Used Motor Vehicle Dealer
UCAR038204	Best Buy Motors LLC	Used Motor Vehicle Dealer
UCAR038205	4 U Auto Sales LLC	Used Motor Vehicle Dealer
UCAR038206	D-N-V Autos	Used Motor Vehicle Dealer
UCAR038207	Woody's Used Cars	Used Motor Vehicle Dealer
UCAR038208	Copart Auto Auctions	Used Motor Vehicle Dealer
UCAR038209	Kristal City Motors	Used Motor Vehicle Dealer
UCAR038210	Chapel Hill All-Pro Sales & Service	Used Motor Vehicle Dealer
UCAR038211	Badar Auto Broker LLC	Used Motor Vehicle Dealer
UCAR038212	RB Kings Bay Auto Sales Inc	Used Motor Vehicle Dealer
UCAR038213	Ardex Motors	Used Motor Vehicle Dealer
UCAR038214	Cars & Credit Assistance Inc	Used Motor Vehicle Dealer
UCAR038215	Xciting Autos Inc	Used Motor Vehicle Dealer
UCAR038216	Calhoun Auto Sales LLC	Used Motor Vehicle Dealer
UCAR038217	Buy Right Auto Brokers	Used Motor Vehicle Dealer
UCAR038218	Select Auto Brokers	Used Motor Vehicle Dealer
UCAR038219	Fineline Auto Brokers Inc	Used Motor Vehicle Dealer
UCAR038220	Garcia Trucks	Used Motor Vehicle Dealer

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UCAR038221	L S Expert Inc	Used Motor Vehicle Dealer
UCAR038222	Hi-Performance Auto Sales	Used Motor Vehicle Dealer
UCAR038223	Charles Motor Company	Used Motor Vehicle Dealer
UCAR038224	California Car Company	Used Motor Vehicle Dealer
UCAR038225	Shafi Auto Brokers LLC	Used Motor Vehicle Dealer
UCAR038226	Roeland Motors	Used Motor Vehicle Dealer
UCAR038227	Nice Rides LLC	Used Motor Vehicle Dealer
UCAR038228	FasCars Auto Sales	Used Motor Vehicle Dealer
UCAR038229	Drivesource Inc	Used Motor Vehicle Dealer
UCAR038230	Auto Sense LLC	Used Motor Vehicle Dealer
UCAR038231	NCTS LLC	Used Motor Vehicle Dealer
UCAR038232	Progressive Auto Brokers LLC	Used Motor Vehicle Dealer
UCAR038233	Mullis Garage and Auto Parts LLC	Used Motor Vehicle Dealer
UCAR038234	Georgia Motors	Used Motor Vehicle Dealer
UCAR038235	Corado's Auto Sales LLC	Used Motor Vehicle Dealer
UCAR038236	Car Outlet LLC	Used Motor Vehicle Dealer
UCAR038237	Ortiz Auto Repair Inc	Used Motor Vehicle Dealer
UCAR038238	Georgia Auto Brokers LLC	Used Motor Vehicle Dealer
UCAR038239	Granger Motorsports LLC	Used Motor Vehicle Dealer
UCAR038240	PJ Auto Broker	Used Motor Vehicle Dealer
UCAR038241	Old 411 Classic Cars	Used Motor Vehicle Dealer
UCAR038242	L & L Used Cars	Used Motor Vehicle Dealer
UCAR038243	Andrew Auto Brokers Inc	Used Motor Vehicle Dealer
UCAR038244	Mogletree Motorcars	Used Motor Vehicle Dealer
UCAR038245	Birdie Auto Sales	Used Motor Vehicle Dealer
UCAR038246	Atlanta Dealer Trades Inc	Used Motor Vehicle Dealer
UCAR038247	E-Z Finance Auto Outlet Inc	Used Motor Vehicle Dealer
UCAR038248	The Auction Way Co Inc	Used Motor Vehicle Dealer
UCAR038249	Mouries Auto Sales Inc	Used Motor Vehicle Dealer
UCAR038250	Auto Connection of Valdosta LLC	Used Motor Vehicle Dealer
UCAR038251	Navigator	Used Motor Vehicle Dealer
UCAR038252	Navigator	Used Motor Vehicle Dealer
UCAR038253	Navigator	Used Motor Vehicle Dealer
UCAR038254	Navigator	Used Motor Vehicle Dealer
UCAR038255	Victory Lane Auto Sales Inc	Used Motor Vehicle Dealer
UCAR038256	Smithwick Used Car Sales Inc	Used Motor Vehicle Dealer
UCAR038257	Grace & Mercy Auto Brokers LLC	Used Motor Vehicle Dealer
UCAR038258	Holbrook Auto Brokers Inc	Used Motor Vehicle Dealer

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UCAR038259	SmartMove Auto, LLC	Used Motor Vehicle Dealer
UCAR038260	SmartMove Auto, LLC	Used Motor Vehicle Dealer
UCAR038261	SmartMove Auto, LLC	Used Motor Vehicle Dealer
UCAR038262	SmartMove Auto, LLC	Used Motor Vehicle Dealer
UCAR038263	SmartMove Auto, LLC	Used Motor Vehicle Dealer
UCAR038264	Vantage Auto Sales LLC	Used Motor Vehicle Dealer
UCAR038265	WKT Auto Brokers Inc	Used Motor Vehicle Dealer
UCAR038266	Meco International, LLC	Used Motor Vehicle Dealer
UCAR038267	Auto-N-Cycle Connect Inc	Used Motor Vehicle Dealer
UCAR038268	Atlanta Car Club Inc	Used Motor Vehicle Dealer
UCAR038269	K-Knight Auto Sales Inc	Used Motor Vehicle Dealer
UCAR038270	D & S Motors LLC	Used Motor Vehicle Dealer
UCAR038271	Bill's Cars & Trucks Inc	Used Motor Vehicle Dealer
UCAR038272	J & S Automotive, LLC	Used Motor Vehicle Dealer
UCAR038273	Savannah Autohaus	Used Motor Vehicle Dealer
UCAR038274	JB & L Auto Sales Inc	Used Motor Vehicle Dealer
UCAR038275	Lito's Auto Sales LLC	Used Motor Vehicle Dealer
UCAR038276	McCallister Auto Broker	Used Motor Vehicle Dealer
UCAR038277	Auto Export Group Inc	Used Motor Vehicle Dealer
UCAR038278	Easy Rider Auto Brokers LLC	Used Motor Vehicle Dealer
UCAR038279	Effingham Auto Sales	Used Motor Vehicle Dealer
UCAR038280	Matador Motors LLC	Used Motor Vehicle Dealer
UCAR038281	A & S Auto Sales, LLC	Used Motor Vehicle Dealer
UCAR038282	A M Used Cars Inc	Used Motor Vehicle Dealer
UCAR038283	Goodwill Car Sales	Used Motor Vehicle Dealer
UCAR038284	Goodwill Car Sales	Used Motor Vehicle Dealer
UCAR038285	Deals on Wheels Used Car Sales, LLC	Used Motor Vehicle Dealer
UCAR038286	Luxury Cars of Buckhead	Used Motor Vehicle Dealer
UCAR038287	All American Motor Co Inc	Used Motor Vehicle Dealer
UCAR038288	Off Lease Auto Atlanta Inc	Used Motor Vehicle Dealer

Diana Waldrop moved to enter into Executive Session to deliberate on applications, complaints, and investigations, as authorized by O.C.G.A. § 43-1-2 (k) and 43-1-19 (h). Dewell Sanford seconded the motion. The motion was carried Jeff Wilkinson, Chairman; Dewell Sanford; Diana Waldrop; Doug Hooper and Victor Hudson. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

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Diana Waldrop moved, Dewell Sanford seconded, and the Board voted to accept the recommendations made in Executive Session on the following applications:

<u>Applicant</u>	<u>Recommendation</u>
S C E	License by consent order with probation until 3/31/10
The House of Cars Designee: Johnny Mays Macon, GA	Deny
Gator's Auto Sales Inc Designee: Larry Lee Butler Jasper, GA	Approve
H L	License by consent order with probation until 3/31/10
Value Car Sales, Inc.	Approve
Taye Cars, Inc.	Deny
L R U C	License by consent order with acknowledgement of unlicensed practice and fine of \$500 & probation till 3/31/10
Thomasville Quality Used Cars	Approve
H A S	License pending receipt of payment for unpaid fines under Acceptance Auto Sales, Inc.

Victor Hudson moved, Dewell Sanford seconded, and the Board voted to take the following action on the cases presented by the Attorney General:

<u>Complaint Number</u>	<u>Recommendation</u>
UMVD080044	Close
UMVD090027	Close
UMVD080461	Accept Voluntary Surrender
UMVD090081	Close
UMVD090033	Close
UMVD090280	Signed order sent to Board

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	office on 12/5/08 for approval
UMVD090138	Close
UMVD070340 UMVD090102	Close
UMVD090200	Close
UMVD080564	Accept Voluntary Surrender
UMVD090234	Close
UMVD090126	Close
UMVD090310	Close

Dewell Sanford moved, Victor Hudson seconded, and the Board voted to accept the recommendations made in Executive Session on the following complaint and compliance issues:

Board Ordered Inspections

<u>Complaint Number</u>	<u>Recommendation</u>
UMVD070035 UMVD070036	reinspect in 30 days
UMVD090113	Bill for unpaid fine
UMVD090160	Close
UMVD090161	Close
UMVD090214	Close
UMVD090215	Table for further review
UMVD090216	Close
UMVD090217	Close
UMVD090218	Assess Fine \$500
UMVD090219	Table for further information
UMVD090220	Table for further information
UMVD090221	Table for further review

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UMVD090222	Close
UMVD090237	Re-inspect in 30 days
UMVD090246	Re-inspect in 30 days
UMVD090247	Close
UMVD090135	Accept Voluntary Surrender
UMVD080296	Table for further review
UMVD090104	Request investigation
UMVD090119	Close

Complaints

<u>Complaint Number</u>	<u>Board Recommendation</u>
UMVD090242	Send to Attorney General for voluntary surrender and send bond information to consumer
UMVD090286	Send to Attorney General for voluntary surrender and send bond information to consumer
UMVD090223	Refer to law enforcement
UMVD090227	Close
UMVD090231	Send to Attorney General to call and refer to the Dept. of Revenue
UMVD080372	Letter to send in license
UMVD90278	Send bond information
UMVD060291	Close
UMVD090320	Send to Attorney General
UMVD090259	Send bond information and refer for voluntary surrender
UMVD090263	Send bond information and refer for voluntary surrender
UMVD090264	Close
UMVD090269	Send bond info and refer for voluntary surrender
UMVD090185	Send bond information
UMVD090186	Send bond information

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UMVD090187	Send bond information
UMVD090296	Send bond information
UMVD090272	Send to Attorney General
UMVD090290	Close
UMVD090281	Send to Attorney General
UMVD090297	Close
UMVD090292	Send to Attorney General
UMVD090301	Send to Attorney General
UMVD090300	Send to Attorney General
UMVD090303	
UMVD090287	Close
UMVD090275	Close & reinspect in 30 days
UMVD090293	Send letter to return license
UMVD090295	Send to Attorney General
UMVD090294	Send to Attorney General
UMVD090299	Send to Attorney General
UMVD090326	Close
UMVD090315	Close
UMVD090262	Send bond information
UMVD090270	Close civil matter
UMVD090274	Send bond information
UMVD090289	Close
UMVD090298	Close civil matter
UMVD090284	Send bond information & refer for voluntary surrender
UMVD090282	Refer to Attorney General; re-inspect in 30 days
UMVD070035	Re-inspect
UMVD070036	Re-inspect
UMVD090271	Refer to Attorney General
UMVD090273	Close
UMVD090119	Close
UMVD090023	Close

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Cease and Desist Orders

<u>Name</u>	<u>Violation</u>	<u>Recommendation</u>
Larry Mannion & M&M Motors Inc. Hinesville, GA	Unlicensed Practice	Accept
Tennessee-Ga. Auto Auction Ringgold, GA	Unlicensed Practice	Accept
Cashlink Title Pawn Macon, GA	Unlicensed Practice	Accept
Off Lease Auto Source Decatur, GA	Failure to apply for a change of location	Accept

Orders Accepting Fine Money

<u>Name</u>	<u>Violation</u>	<u>Total Amount Accepted</u>	<u>Recommendation</u>
Car Corner	(2) FTC Buyers Guides	\$500	Accept
Deal or No Deal	Surety Bond	\$500	Accept
Sunset Auto Sales	(5) FTC Buyer's Guides	\$1250	Accept
Discount Auto Sales (J&E Auto Sales Inc.)	Surety Bond, FTC Buyer's Guides Fined \$1250	\$750	Accept
Interstate Motors	Cited \$250 for failure to submit application for change of address within 30 days of effective date, failure to display license in a conspicuous place, and inappropriate signage.	\$250	Accept
Credit Cars	Title/tag, Emission Control violations	\$1500	Accept

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Routine Inspections

<u>Complaint Number</u>	<u>Violations</u>	<u>Recommendation</u>
UMVD090302	Fined \$1000	Billing letter
UMVD090283	Fined \$500	Billing letter
UMVD090305		Re-inspect
UMVD090307	Fined \$1000	Billing letter
UMVD090308	Fined \$3000	Billing letter
UMVD090311	Fined \$500	Billing letter
UMVD090350	Fined \$250	Billing letter
UMVD090343	Fined \$500	Billing letter
UMVD090351	Fined \$1000	Billing letter
UMVD090359	Fined \$500	Billing letter
UMVD090360		Re-inspect
UMVD090361		Re-inspect
UMVD090362		Re-inspect
UMVD090364	Fined \$3000	Billing letter

Diana Waldrop moved, Dewell Sanford seconded, and the Board voted to accept the recommendations made on the following items of other business:

- Open records request Patricia Krogh Approve
- Request to Rescind fine Savannah Sports Deny

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The Board voted to post the following amendments to the Board Rules:

681-3-.01 Complete Applications Forms Required.

- (1) No application shall be accepted for review until the application is complete in every respect.
- (2) A "complete application" shall include:
 - (a) an application form on which each and every question is answered to the applicant's best knowledge and abilities;
 - (b) a bond in the amount of \$35,000 for used motor vehicle dealers and \$10,000 for used motor vehicle parts dealers, as required by O.C.G.A. Section 43-47-8(h). Following the initial licensing period, the Bond shall then run concurrently with the licensing period. At no time should the licensee be without a bond during any licensing period;
 - (c) a certificate of insurance as required as by O.C.G.A. Section 43-47-8(k), including policy number, policy limits, expiration date, name and address of insured exactly as they appear on the application, and certificate holder listed as "State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217", which identifies the appropriate division. Garage Liability Insurance must be indicated for the appropriate policy limits for used motor vehicle dealers and used parts dealers who offer rebuilt vehicles for sale.
 - (d) fingerprints scanned at an approved GAPS print site for reporting by GCIC and NCIC as required by O.C.G.A. Section 43-47-8(a);
 - (e) proof that the applicant has attended the seminar as required by O.C.G.A. Section 43-47-8(d);
 - (f) proof that the applicant has applied for a sales tax registration number in the exact same name listed on the used motor vehicle dealer or used motor vehicle parts dealer application, as required by O.C.G.A. Section 43-47-8(f);
 - (g) photographs as required by Rule 681-3-.02; ~~except that without photographs the Division may approve a license pending receipt of the photographs within a time limit set by the Division;~~
 - (h) the appropriate fee as contained in the fee schedule;
 - (i) any other information which may be required by statute or rule.

681-5-.02 Change of Location.

- (1) In the event the location of the business is changed, the dealer shall, within thirty (30) days of the relocation, submit a Change of Location request form and submit appropriate photographs as required by Rule 681-3-.02.
- (2) Provided the new location meets the requirements of the Act and the Rules, the Division shall approve the change of location without charge; however, a fee shall be charged for reprinting the license.
- (3) If the new location fails to meet the requirements, the licensee shall be given thirty (30) days to comply with the Act and these Rules. Thereafter, the licensee shall cease to operate as a used car dealer until the requirements have been met.

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- (4) Division approval of a change of location cancels the rights of the licensee to do business at the previous location.
- (5) If a licensee's location is vacated for thirty (30) days without application for change of address a hearing for revocation of the license may be called.

681-5-.03 Change in Ownership or Registered Agent.

Within thirty (30) days of any change in ownership of the business, partnership, association, or corporation ~~or the designee of partnership/corporation~~, a new application shall be submitted to the Division. The Division shall be provided with thirty (30) days written notice of any change in the registered agent of the corporation. The notice shall include the name, address, and telephone number of the current registered agent.

681-8-.01 Fees.

(1) Each license issued by the Used Car Division shall expire on March 31 of each even numbered year and shall become invalid on that date. Each license issued by the Used Parts Division shall expire on December 31 of each odd numbered year and shall become invalid on that date.

(2) Fees will be charged according to the fee schedule, as determined by the Board. A copy of the current fee schedule of the Board may be obtained without charge online, in person or by writing to:

STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE
DEALERS AND USED MOTOR VEHICLE PARTS DEALERS

~~Used Motor Vehicle Division~~

~~166 Pryor Street, S.W.~~ 237 Coliseum Drive

~~Atlanta~~ Macon, Georgia ~~30303~~ 31217

A copy of the fee schedule shall be included with all copies of applications which the Division sends or gives to prospective applicants.

(3) Fees shall be set by the Board. The Board shall not change the amount of any fee unless it was announced at a previous Board meeting that a change in the fee schedule would be considered at the next board meeting. Changes in the fee schedule shall become effective immediately upon approval by the Board.

(4) As noted in the fee schedule, penalty fees may be imposed for doing business as a used motor vehicle dealer or a used parts dealer prior to issuance of a license by the appropriate Division.

(5) Penalty fees, in addition to the ~~reinstatement~~ renewal fee, may be required for renewal of a license which has expired if application is made within the two month period following expiration. Any request for reinstatement, after the two month period following expiration, will require that a new application and supporting documentation be submitted for the appropriate Division's review and that a penalty fee be paid in addition to the new application fee.

(6) Application for renewal of a Used Motor Vehicle Dealer license shall be made ~~between February 1 and~~ prior to March 31 of even number years, and fees will be payable at the time

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application is made. Application for renewal of a Used Parts Dealer license shall be made prior to December 31 of odd number years, and fees will be payable at the time application is made.

(7) Any indebtedness to the Division/Board caused by a returned check will be dealt with in accordance with criminal provisions in O.C.G.A. Section 16-9-20.

(8) In cases where an application is rejected by the Division, the applicant's license fee will be retained to cover the processing and administrative costs incurred in processing and reviewing the application.

681-9-.02 Responsibilities of a Used Motor Vehicle Dealer

(1) Every used motor vehicle dealer licensed in this state shall be required to comply with the laws of this state and the federal government regarding the operations of a used motor vehicle dealership. This includes, but is not limited to, laws that require each licensee to:

(a) Maintain an established place of business as required by O.C.G.A. § 43-47-2(3) and Board Rule 681-6-.01 for each location at which used motor vehicle sales are conducted. The established place of business must comply with local zoning standards, and proof of compliance must be provided to the Board as part of the application for licensure and all subsequent requests for changes of location, which must be approved by the Board;

(b) Acquire and maintain a Certificate of Registration, Department of Revenue Form ST-2, commonly known as a sales & use tax number certificate, as required in O.C.G.A. § 48-8-50 and O.C.G.A. § 43-47-8(f), and post such certificate in a conspicuous place at the established place of business;

(c) Maintain proof of the surety bond and certificate of liability insurance required by O.C.G.A. § 43-47-8(g) & (k) at the established place of business for inspection by the Board;

(d) Obtain a temporary site permit prior to operating as a used motor vehicle dealer at any location other than the established place of business approved by the Board, as required by O.C.G.A. § 43-47-8.2;

(e) Display the license issued by the Board for each location in a conspicuous place at the established place of business of each location licensed;

(f) Maintain for a period of three years the records required by O.C.G.A. § 43-47-12;

(g) Apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, as required in O.C.G.A. § 40-3-33;

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(h) Complete the assignment and warranty of title upon transfer of the vehicle to another person, other than by the creation of a security interest as required by O.C.G.A. § 40-3-33;

(i) Check the appropriate box on the odometer disclosure statement and certificate of title, as required by O.C.G.A. § 40-3-25;

(j) Provide the appropriate documentation to a retail purchaser of a vehicle to obtain a tag for the vehicle within 30 calendar days after the date of purchase, as required by O.C.G.A. § 40-2-20. These documents may include, but are not limited to, a certificate of title, or an application for certificate of title;

(k) Display a properly completed buyer's guide on each vehicle offered for sale, as prescribed by the Federal Trade Commission at 16 C.F.R. Part 455; provided, however, that any vehicle on the premises that is not being offered for sale shall be clearly labeled as "Not for Sale," until such time that the vehicle is offered for sale and displayed with a buyer's guide;

(l) Properly complete a "finance contract" which complies with the Federal Reserve System, Title I, Regulation Z (Truth in Lending Act – 15 U.S.C. § 1601 et seq; 12 C.F.R. Part 226) when financing vehicles which are being sold to purchasers;

(m) Make application for a change of name or a change of address within 30 days of the change, as required by Board Rules 681-5-.01 and 681-5-.02;

(n) Make application for a new license within 30 days of a change of ownership, as required by Board Rule 681-5-.03;

(o) Obtain a bill of sale and odometer statement from the individual or company from which the licensee purchased a vehicle, as required in 49 USC Sec. 32705 & 49CFR580;

(p) Refuse to allow an unlicensed person to sell a vehicle using the license granted by the Board to the licensee, as required by O.C.G.A. §§ 43-47-10(N) and 43-47-7;

(q) List the licensee's name and appropriate information on the titles of all vehicles sold on consignment, as required by O.C.G.A. § 43-47-19;

(r) Obtain a passing emissions inspection on all vehicles sold to purchasers who will register the vehicles in covered emissions counties, as required by Department of Natural Resources Rule 391-3-20-18.

(2) The Board shall have the authority to impose the fines listed in Rule 681-16-.01 for violations of the provisions of this rule, and may impose further disciplinary action as the

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Board may deem necessary to protect the interests of the public as provided in O.C.G.A. §§ 43-47-10 and 43-1-19.

681-11-.02 Criteria for Approval of Seminar.

In order to be approved by the Division a seminar must meet the following criteria to the satisfaction of the Division:

(a) the names of the individuals who will be conducting the seminar must be submitted with the application for approval of the seminar. Such instructor or instructors shall demonstrate a knowledge of O.C.G.A. Chapter 43-47 and the rules and regulations of the Division by demonstrating, at least, a minimum of five years of experience with either the used car business or an industry related to the used car business, and any other requirement the Division may require. If new seminar instructors are added, their credentials must be presented to the Division for approval.

(b) the proposal for approval of a seminar shall include a course outline, along with proposed materials to be used in the instruction. The course outline must include, at a minimum, instruction in each of the following areas:

1. license requirements;
2. overview of Board/Division statutes, rules and regulations;
3. laws concerning titles, tags, and taxes;
4. sales tax reporting;
5. other tax reporting;
6. required paperwork and record-keeping;
7. the Fair Business Practices Act, including but not limited to:
 - (i) advertising;
 - (ii) unfair and deceptive sales practices;
 - (iii) odometer requirements;
 - (iv) deceptive non-disclosure; and
 - (v) Secretary of State Rules and Regulations Chapter 122-3; and
8. general discussion items.

Instruction in the above areas shall total no less than four (4) hours and no more than six (6) hours per seminar.

(c) the proposal for approval of a seminar must also include a list of the proposed times, dates, price per attendee, and locations for the seminar.

(d) the proposal shall also include an agreement by the seminar presenter certifying, to the Executive Director of the Division, an accurate electronic attendance report immediately following each offering of the seminar. The Executive Director of the Division shall provide the appropriate email address for submission of the electronic attendance report.

(e) each seminar presenter and instructor must sign include a prominently-displayed statement on a page at the beginning of each seminar instruction manual evidencing his/her agreement not to solicit business during the presentation of the seminar or to permit others to engage in such activity at this time and to restrict from including advertisements or solicitations in the course materials. Each presenter shall ensure that an instructor from the

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seminar shall make the following statement at the beginning of each seminar: "Attendees are NOT required to buy any products or services in conjunction with this seminar." ~~Each presenter shall ensure that each attendee sign a statement that reads: "I understand that I am not obligated to buy any products or services in conjunction with this seminar." This statement must be submitted to the Division immediately after the presentation of each seminar.~~

(f) each course shall be videotaped and a dated copy of such videotape shall be kept by the presenter for a twelve month period during which time it shall be made available to the Division for review upon request.

(2) Current Division-approved seminars remain in approved status but must act to comply with the requirements in this rule within one year and meet the review requirements laid out in 681-11-.03 to maintain that status.

681-12-.01 Corporations: Application for Licensure.

(1) In the event that a corporation, duly licensed to do business in the State of Georgia, makes application for licensure, such corporation shall designate as the "applicant:"

- (a) the President of the corporation;
- (b) the Secretary of the corporation; or
- (c) a designated Corporate Agent who is a full-time employee of the corporation.

(2) In the event that a corporation shall make application through a designated agent or "designee," such application shall be accompanied by an affidavit signed by the President or Secretary of the corporation, naming that person as the designated agent for such corporation for purposes of licensing. Such affidavit shall give to the designee all rights and responsibilities of a license holder on behalf of the corporation, and shall provide that actions or omissions of the corporation, its officers, employees, agents, assigns, or designees in violation of the act or in violation of these rules shall subject the license holder and the corporation to any sanctions which may be imposed under the Act or under these Rules.

(3) If the license holder for a corporation, whether President, Secretary, or designated agent, should leave the corporation for any reason, the corporation shall be required to inform the Division of such fact immediately, but in no event later than ten (10) business days from the separation. Such corporation shall be required to submit to the Division within thirty (30) days of such notification on a form provided by the Division:

- (a) an affidavit designating new licensee for the corporation;
- (b) all personal information required for licensing such individual;
- (c) fingerprint-based criminal background check obtained through processing of fingerprints by a GAPS print site cards and other information for that person as required by the Georgia Crime Information Center and by the Federal Bureau of Investigation;
- (d) proof that the proposed license holder has attended the required seminar (except that the Division may, at its discretion, approve a license pending receipt of proof of this requirement within a time period set by the Division); and
- (e) the appropriate fee as prescribed by the ~~Division~~ Board.

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(4) Failure to provide the requisite information within the prescribed period shall necessitate the submission of a new application and registration fee and all other items as are required for a new license.

681-12-.02 Partnerships: Application for Licensure.

- (1) In the event that a partnership, duly licensed to do business in the State of Georgia, makes application for licensure, such partnership shall designate as the "applicant";
- (a) one of the partners; or
 - (b) a designated agent of partnership who is a full-time employee of the partnership.
- (2) A partnership application shall be accompanied by an affidavit, signed by all partners, naming the applicant for licensure. Such affidavit shall give to the applicant all rights and responsibilities of a license holder on behalf of the partnership, and shall provide that actions or omissions of the partnership, its employees, agents, and assigns in violation of these rules shall subject the license holder and the partnership to any sanctions which may be imposed under the Act or under these Rules.
- (3) If the license holder for a partnership should leave the partnership for any reason, the partnership shall be required to inform the Division of such fact immediately, but in no event later than ten (10) business days from the separation. Such partnership shall be required to submit to the Division, within thirty (30) days of such notification on a form provided by the Division:
- (a) an affidavit designating a new licensee for the partnership;
 - (b) all personal information required for licensing such individual;
 - (c) fingerprint-based criminal background check obtained through processing of fingerprints by a GAPS print site cards and other information as required by the Georgia Crime Information Center and by the Federal Bureau of Investigation;
 - (d) proof that the proposed license holder has attended the required seminar (except that the Division may, within its discretion, approve a license pending receipt of proof of this requirement within a time period set by the Division); and
 - (e) the appropriate fee as prescribed by the Board.
- (4) Failure to provide the requisite information within the prescribed period shall necessitate the submission of a new application and registration fee and other items as required for a new license.

681-13-.01 Continuing Education for Renewal.

Whenever any licensee makes application for renewal of a license, the licensee shall ~~submit with the renewal form proof, in a form acceptable to the Division, that the licensee has attended Division approved Continuing Education~~ attest on the renewal application that he or she has completed the required Division approved Continuing Education within nine (9) months prior to the renewal of the license, and that he or she can provide proof of completion of the required Continuing Education course at the Division's request.

681-13-.02 Hour Requirement. Amended.

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Renewal of a license shall not be granted unless the licensee submits satisfactory proof of at least six (6) hours of attendance at Board approved Continuing Education within nine (9) months prior to renewal of a license, even year. A minimum of ~~three (3)~~ one (1) hours of Continuing Education must be related to the processing of tags and titles. Upon completion of the seminar, the certificate must be issued in the same name as the company employing the instructors.

681-13-.03 Division Approval of a Continuing Education Program.

(1) In the discretion of the Division, the Division may grant prior approval to any of the following types of educational activities to meet Continuing Education requirements:

- (a) the Division approved seminar(s);
- (b) national or state automobile association sponsored seminars, courses of instruction, or meetings;
- (c) courses related to used motor vehicles at any state certified institution of higher learning;
- (d) seminars or courses related to used cars sponsored or participated in by any state or federal agency;
- (e) any other seminar, course, or meeting which the Division deems to be appropriately related to the used car business.

(2) Requests for approval of any educational activity must be submitted to the Division prior to the date of the educational activity, and shall include a complete and specific description of the educational activity, a description of how it will benefit licensees in conducting their businesses, the number of hours involved, a description of the method which will be used to ensure attendance, and copies of any instructional materials which will be provided to attendees. The proposal shall also include an agreement by the seminar presenter certifying, to the Executive Director of the Division, an accurate electronic attendance report immediately following each offering of the seminar. The Executive Director of the Division shall provide the appropriate format for submission of the electronic attendance report. At the time approval is granted, the Division shall also determine how many hours of continuing education a licensee may receive by attending the program. At any time the Division deems that a previously approved educational activity is not meeting the requirements for Continuing Education, it may revoke the approval of the activity.

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The next meeting of the Board will be March 18, 2009, at 9:30 a.m. at 237 Coliseum Drive, Macon, GA.

There being no further business, the meeting was adjourned at 1:03 p.m.

Minutes approved at the March 18, 2009 board meeting.