

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS  
CHAPTER 681-1 DEFINITIONS, RULE 681-1-.01 DEFINITIONS  
AND NOTICE OF PUBLIC HEARING**

**RULE 681-1-.01, DEFINITIONS**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes an amendment to Rule 681-1-.01, Definitions (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m. January 31, 2023, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 27, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on December 14, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 40-2-8, 43-47-1, 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-9, 43-47-10, and 48-2-2. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 40-2-8, 43-47-1, 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-9, 43-47-10, and 48-2-2 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rule 681-1-.01 pursuant to authority contained in O.C.G.A. §§ 40-2-8, 43-47-1, 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-9, 43-47-10, and 48-2-2.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



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Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22

**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
RULE 681-1-.01 DEFINITIONS**

**Purpose:** The purpose of the proposed adoption is to amend the rule to update and clarify language and to remove obsolete and conflicting language.

**Rule 681-1-.01 Definitions**

As used in these Rules and Regulations and in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act, the following terms shall mean the following:

- (a)(1) "Administrative Procedures Act" means O.C.G.A. Chapter 50-13.
- (b)(2) "Alter ego" means a person who ~~is actually acting~~ acts to obtain licensure on behalf of and, or in the place of, someone who another person for purposes of being licensed or seeking licensure under this act, where the person on whose behalf the other person is acting is ineligible to obtain for licensure under Section 681-12-.05 of these rules.
- (e)(3) "Applicant for a new license" means an individual or designee on behalf of a partnership, limited liability company, or corporation, who submits an application for a new license.
- (d) ~~"Application for a new license" means an application made by an individual who has not held a valid license within the twelve months prior to the date of the application, except that any application made by an individual who has never attended the seminar shall be considered an application for a new license.~~
- (e)(4) "Appropriate permanent ~~sign~~ signage" means signage which meets the requirements as described in Board Rule 681-6-.01(e).a sign of sufficient size so as to apprise a reasonable consumer that a used motor vehicle business is being conducted at said location, identifying the business as a retail used car motor vehicle dealer, and using the name under which the applicant is to be licensed. The sign must meet the requirements in Board Rule 681-6-.01.
- (f) ~~"Building" means a permanent structure affixed to real property and shall include modular or manufactured office building, tied down and on blocks, with the wheels removed.~~
- (g)(5) "Business License" means any license required by any municipality, county, or other political subdivision of this state a city, county, or other municipality as a prerequisite to operating a business within such municipality, county, or other political subdivision of this state. the city, county, or municipality.
- (h)(6) "Conspicuously displayed" means posted inside the permanent building in an area which is ~~most likely to be visited by~~ clearly visible to consumers upon entry into the

permanent building; licenses shall be ~~and posted in~~ displayed in a manner which allows consumers ~~the consumer~~ to easily read and copy from the license.

~~(i)(7)~~ "Consumer," for the purposes of these rules, means anyone who is solicited to purchase, or anyone who seeks to purchase a used motor vehicle or used motor vehicle part.

(8) "Deal Jacket" consists of all the relevant documents included in the sale of a used motor vehicle.

A "deal jacket" shall include all of the following documents:

(a) Bills of sale for the vehicle; to include the purchase (by the dealer) and sale (to the customer) of the vehicle;

(b) Proof of passing emission inspection as required by the Department of Natural Resources Rule 391-3-20-.18;

(c) Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;

(d) Copy of purchaser's driver's license, or government issued identification;

(e) Copy for front and back of buyer's guide;

(f) Copy of front and back of title;

(g) Copy of MV-7D; Department of Revenue "State and Local Title Ad Valorem Tax (TAVT) Fees" form, or its equivalent for the vehicle (if applicable);

(h) Copy of MV-1; Department of Revenue "Motor Vehicle Tag/Title Application" form, or its equivalent for the vehicle (if applicable), and;

(i) Copy of all Temporary Operating Permits (TOPs) issued by the dealer to the purchaser.

~~(j)(9)~~ "Dealers' registration plate" means the license plates issued to dealers by the State Revenue Commissioner as described in Georgia Code Annotated Section 40-2-38.

(10) "Designee" means the designated agent for a used motor vehicle dealer or a used motor vehicle parts dealer.

(11) "Established Place of Business" is defined in O.C.G.A. § 43-47-2.

~~(k)(12)~~ "Fee schedule" means a written listing of the amounts of all fees charged by the Board.

~~(l)~~ "Investigate" means ~~to conduct fact finding inquiries and activities in the public interest in order to arrive at an objective conclusion on the full and complete facts regarding a particular complaint, complaints, incident, or incidents. Investigations shall include those investigations:~~

1. ~~conducted by the Board, its designee, or by investigators assigned to the Board;~~  
of

2. ~~conducted by the Administrator of the Fair Business Practices Act of 1975, or conducted by the State Revenue Commissioner or by his employees, where a violation found in such investigations would also be a violation of the Used Motor Vehicle Dealers' Registration Act.~~

~~(m)~~(13) "Maintenance of records by licensees" means maintaining, at a designated sales office, at the established place of business, all records as prescribed by Rule 681-10-.01, such as the books and files necessary to conduct such business. Further, at such designated sales location, there shall be a working land line telephone listed in the licensee's trade name and where the licensee maintains appropriate signage whereby a reasonable consumer would know the business of used car sales, used car rebuilding, used parts sales, or salvage operation is taking place.

~~(n)~~(14) "Motor vehicle" or "car" means every vehicle which is self propelled and required to be registered under the laws of this state, except trackless trolleys (which are classified as streetcars) motorcycles, motor driven cycles, or go-carts. is defined in O.C.G.A. § 43-47-2(7).

~~(o)~~(15) "Odometer disclosure forms" ~~mean form~~ means those forms the form required under the Federal Motor Vehicle Information and Cost Savings Act, 15 U.S.C. Sections 1081 through 1991, regulations found at 49 C.F.R. Part 580, and O.C.G.A. Subsection 10-1-393(b)(15).

~~(p)~~(16) "Open Lot" means a lot where used motor vehicles or used motor vehicle parts that are offered for sale are to be displayed, and upon which the applicant or licensee has a legal right to display such used motor vehicles or used motor vehicle parts.

~~(q)~~(17) "Penalty fee or fine" means a fee assessed by the ~~Division~~ Board ~~without the necessity of a hearing~~ for failure on the part of a licensee or applicant to act in an appropriate or timely manner under the Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act or under these Rules.

~~(r)~~ "Permanent license" means all licenses issued by the Division, except for Temporary Site Permits.

~~(s)~~(18) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

~~(t)~~(19) "Photograph" means an image produced on film or digitized and printed which is an exact likeness of the subject matter depicted ~~facility~~, and not an artist's rendition or depiction.

~~(u)~~(20) "Procedural safeguards" ~~mean~~ means those procedures required by a used car motor vehicle dealership or used motor vehicle parts dealership of its employees, agents,

or principals, to reasonably ensure that the activities described in O.C.G.A. Section 43-47-10(2) do not occur at the dealership.

~~(v)~~(21) "Purchaser" means a consumer who has completed a transaction to obtain a ~~used car or~~ used motor vehicle from a ~~used car motor vehicle dealership or a used motor vehicle~~ or used motor vehicle part from a used motor vehicle parts dealer.

~~(w)~~(22) "Records" ~~mean~~ means all originals, photocopies, carbon copies, files, books, memoranda, etc., ~~and shall include~~ and data maintained on an electronic data storage and retrieval system, provided ~~such~~ the data can be retrieved and copied.

~~(x)~~ (23) "Reinstatement" means re-issuance of an expired or revoked license.

~~(y)~~(24) "Salesroom" and "sales office" are synonymous and ~~mean within a permanent building on an open lot, furnished with a working telephone listed in the applicant's trade name.~~ must meet the requirements of Rule 681-6-.01 Established Place of Business.

~~(z)~~(25) "State Revenue Commissioner" means the office created in O.C.G.A. Section 43-2-2.

~~(aa)~~(26) "Supplemental license" means an additional license issued to a person who already maintains a current Georgia used ~~car~~ motor vehicle dealer or used motor vehicle parts dealer license. A supplemental license may be issued for an additional location operated under the same name by the licensee, but which location is not immediately adjacent to the principal place of business.

(27) "Temporary Plate" means a temporary operating permit issued by a dealer pursuant to O.C.G.A. § 40-2-8.

~~(bb)~~(28) "Temporary Site" means a location at which used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the ~~board~~ Board in accordance with Code Section 43-47-8.2 and Rule 681-3-.06, which location is:

1. ~~Used for a period not to exceed 96 hours in any 30 day period of time;~~
2. ~~Located in the county in which the established place of business of the used motor vehicle dealer using the temporary site is located or an adjoining county;~~ and
3. ~~Used not more than three times in any calendar year.~~

~~(ee)~~(29) "Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act" and "Act" are synonymous and mean Chapter 47 of Title 43 of the Official Code of Georgia Annotated.

(30) "Working telephone" means an active and operating telephone line.

**Authority: O.C.G.A. §§ 40-2-8, 43-47-1, 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-9, 43-47-10, and 48-2-2.**

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS  
CHAPTER 681-5 CHANGES, RULE 681-5-.01 CHANGE IN NAME OF  
BUSINESS  
AND NOTICE OF PUBLIC HEARING**

RULE 681-5-.01, CHANGE IN NAME OF BUSINESS

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes an amendment to Rule 681-5-.01, Change in Name of Business (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m. January 31, 2023, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 27, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on December 14, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-47-6, 43-47-7, and 43-47-8. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-47-6, 43-47-7, and 43-47-8 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rule 681-5-.01 pursuant to authority contained in O.C.G.A. §§ 43-47-6, 43-47-7, and 43-47-8.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



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Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22



**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
RULE 681-5-.01 CHANGE IN NAME OF BUSINESS**

**Purpose:** The purpose of the proposed adoption is to amend the rule to update and clarify language and to remove obsolete and conflicting language.

**Rule 681-5-.01 Change in Dealership Name, of Business Ownership or Designee**

- (1) Should a currently licensed dealer change the name of the dealership as licensed by the Division, he the licensee shall be required to submit a Request for Name Change of Name form within thirty (30) days prior to of the change of name.
- (2) Should a licensed dealer change the designee, a new application shall be submitted to the Division within thirty (30) days of change. The application shall include the name, address, and telephone number of the designee.

**Authority:** O.C.G.A. §§ 43-47-6, 43-47-7, 43-47-8.

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS  
CHAPTER 681-5 CHANGES, RULE 681-5-.02 CHANGE OF LOCATION  
AND NOTICE OF PUBLIC HEARING**

**RULE 681-5-.02, CHANGE OF LOCATION**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes an amendment to Rule 681-5-.02, Change of Location (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m. January 31, 2023, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 27, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

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The Board voted to post this Notice of Intent at its meeting on December 14, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-47-6. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §43-47-6 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rule 681-5-.02 pursuant to authority contained in O.C.G.A. § 43-47-6.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



\_\_\_\_\_  
Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22

**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
RULE 681-5-.02 CHANGE OF LOCATION**

**Purpose:** The purpose of the proposed adoption is to amend the rule to update and clarify language and to remove obsolete and conflicting language.

**Rule 681-5-.02 Change of Location**

- (1) ~~In the event the location of the business is changed, the~~ A licensed dealer shall, within at least thirty (30) days prior to of the relocation of the dealership, submit a Change of Location request form and submit along with 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.~~
- ~~(4)~~(3) Division approval of a change of location cancels the rights of the licensee to do business at the previous location.
- ~~(5)~~(4) If a licensee's location is found to have been vacated for thirty (30) days without the Board receiving a Change of Location form, the license status shall be changed to Facility Closed until the licensee notifies the Board that the location is not closed. ~~application for change of address a hearing for revocation of the license may be called.~~

**Authority: O.C.G.A. § 43-47-6**

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
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CHAPTER 681-5 CHANGES, RULE 681-5-.03 CHANGE OF OWNERSHIP OR  
REGISTERED AGENT  
AND NOTICE OF PUBLIC HEARING**

RULE 681-5-.03, CHANGE OF OWNERSHIP OR REGISTERED AGENT

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter “Board”) proposes an amendment to Rule 681-5-.03, Change of Ownership or Registered Agent (herein after “proposed rule”).

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board’s website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

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According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rule 681-5-.03 pursuant to authority contained in O.C.G.A. § 43-47-6.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



\_\_\_\_\_  
Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22

**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
RULE 681-5-.03 CHANGE OF OWNERSHIP OR REGISTERED AGENT**

**Purpose:** The purpose of the proposed repeal is to remove obsolete and conflicting language.

**Rule 681-5-.03 ~~Change in Ownership or Registered Agent~~ REPEALED**

~~Within thirty (30) days of any change in ownership of the business, partnership, association, or 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.~~

**Authority:** O.C.G.A. § 43-47-6

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
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CHAPTER 681-6 ESTABLISHED PLACE OF BUSINESS, RULE 681-6-.01  
ESTABLISHED PLACE OF BUSINESS  
AND NOTICE OF PUBLIC HEARING**

**RULE 681-6-.01, ESTABLISHED PLACE OF BUSINESS**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes an amendment to Rule 681-6-.01, Established Place of Business (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m. January 31, 2023, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 27, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.



The Board voted to post this Notice of Intent at its meeting on December 14, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-47-2, 43-47-6, and 43-47-7. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-47-2, 43-47-6, and 43-47-7 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rule 681-6-.01 pursuant to authority contained in O.C.G.A. §§ 43-47-2, 43-47-6, and 43-47-7.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



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Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22

**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
RULE 681-6-.01 ESTABLISHED PLACE OF BUSINESS**

**Purpose:** The purpose of the proposed adoption is to amend the rule to update and clarify language and to remove obsolete and conflicting language.

**Rule 681-6-.01 Established Place of Business**

- (a)(1) Used motor vehicle dealers and used motor vehicle parts dealers shall be required to maintain an "established place of business", which to include the following requirements: shall be
- (a) a permanent building; meeting the requirements of Rule 681-1-.01(f) where the records required to be kept in Rule 681-1-.01(y) are located and from which sales are negotiated. In determining whether the building meets the requirements of Rule 681-1-.01(f), the Board will allow modular or manufactured office buildings that are tied down and on blocks, with the wheels removed. Effective January 1, 2007, the Board will not allow storage buildings or similar moveable structures that are clearly manufactured or constructed for purposes unrelated to office use. Any dealer who has previously obtained licensure in such a building will be allowed to remain in such building as long as the dealer remains at the location of licensure; however, effective January 1, 2007, if the dealer changes location, or allows the license to lapse, the dealer must meet the requirements of this rule.
  - (b) be where the required records as stated in Rule 681-1-.07(22) are kept;
  - (c) be the location from which sales are negotiated
  - (d) have a working telephone as required by Rule 681-1-.01(30). The telephone listing shall be in the same name listed on the application and shall also be the same information that is publicly posted at the established place of business, listed on the dealer's website, and included in any advertisements by the dealer made available to consumers;
  - (e) erect and maintain appropriate signage in compliance with Board rules and the local ordinances of the city or county in which the established place of business is located. If no local ordinance exists, then the Board's criteria for appropriate permanent signage shall be met. Signage and any advertisement for the dealership shall list the trade name of the licensee, which shall be the same as that which is listed on the application. Such signage shall clearly display to consumers that the business of used motor vehicle sales , or used motor vehicle parts sales, or used motor vehicle salvage is being conducted at the location. If

the telephone number is listed on any signage or used in any advertisement for the dealership, it shall be the same number as listed on the application.

- (f) Free standing signs shall be affixed to a metal base or frame with concrete footings. Signs affixed to the building shall be affixed by metal bolts on a metal frame affixed to the building by metal bolts. Signs shall be professionally designed on a permanent material, and lettering applied on the sign shall be a minimum of six (6) inches in height. At least one sign must be located and positioned to be clearly visible to consumers from the street. Signs may be painted on the building, as long as the painted signs meet local ordinances and/or Board criteria for lettering size and visibility to consumers from the street.
- ~~(b)(2)~~ A dealer who operates an open lot, according to Rule ~~681-1-.01(r)~~ 681-1-.01(16), shall conduct business in a building on the same property as the display lot. ~~If the dealer is a used car broker, and will not display an inventory of vehicles for sale, the requirements of this rule for an established place of business shall still be met, with the exception of the display area for vehicles. Effective January 1, 2007, for new applicants, only one dealer shall be licensed to operate an open lot on a plat of property as defined by the county tax assessor's office records. Once a dealer is licensed to operate an open lot on a defined plat of property, no other dealer, including a broker, shall be licensed to operate on the same plat of property. Dealers who allow their licenses to lapse must meet the requirements of this rule in order to reinstate the license.~~
- ~~(c)~~ The established place of business shall also have installed and maintain a working land line telephone whose number shall be listed in the licensee's trade name, the same as that which is listed in the application and in any advertisement by the dealer made available to the consumer. The established place of business shall also erect and maintain a permanent sign which shall be in compliance with board rules and the local ordinances of the particular city or county in which the established place of business is located. If no local ordinances exist, then the Board's criteria for an appropriate permanent sign shall be met. The sign shall list the trade name of the licensee, the same as that which is listed in the application and in any advertisement by the dealer. If the telephone number is listed on the sign, it shall be the phone number listed in the application and in any advertisement by the dealer.
- ~~(d)~~ Free standing signs shall be affixed to a metal base or frame with concrete footings. Signs affixed to the building shall be so affixed by metal bolts or on a metal frame affixed to the building by metal bolts. Signs shall be professionally designed on permanent material, and the lettering applied on the sign shall be a minimum of six inches in height. At least one sign must be located and positioned to be clearly visible to consumers from the street. Signs painted on the building, or on the door or window of the building are allowed, as long as the painted sign meets local ordinances and/or board criteria for size of lettering and visibility to consumers from the street.

- (e)(3) ~~Effective January 1, 2007, a~~ A used motor vehicle dealer may operate from an office suite in an office complex, provided that the facility meets the criteria established ~~in this rule and~~ in Board Rule 681-3-.05 and is open to the public during reasonable business hours. ~~The~~ Appropriate permanent ~~sign~~ signage for the ~~dealer dealership~~ must be erected at the nearest point of public access from the street to the ~~building office complex~~ in which the dealer has established ~~the~~ an office. Local ~~ordinance~~ ordinances and property lease regulations will authorize where the ~~sign signage~~ may be erected and displayed. At a minimum, the ~~sign signage~~ shall be at the entrance to the ~~building office complex~~, in a publicly displayed marquee in the lobby of the ~~building office complex~~ that lists all businesses within the ~~building office complex~~, and directly outside the entrance to the ~~office of the dealer dealer's office.~~ The facility shall be readily accessible to the public and to official Board inspectors and investigators during regular business hours.
- (f)(4) ~~Effective January 1, 2007, A~~ used motor vehicle ~~dealers~~ dealer may ~~be permitted to~~ operate from a residential address, as ~~long as~~ allowed by local ordinances ~~allow such operations in a residential area,~~ and in accordance with Board rules. The requirement for ~~an~~ appropriate permanent ~~sign signage~~ must be met at the location. The ~~office of~~ the used motor vehicle ~~dealer~~ dealer's office shall be a separate building that is detached from the residence. ~~Such office and~~ shall be readily accessible to the public and to ~~official~~ Board inspectors during regular business hours. Such office shall have a ~~dedicated working telephone phone~~ line for the business telephone required by OCGA § 43-47-2(3), as well as for computers and related equipment used exclusively for the business. The office shall also contain the office furnishings and filing cabinets necessary to file the records required by OCGA §§ 43-47-2(3) and 43-47-12. The license issued by the appropriate division of the Board shall be displayed in a conspicuous place within the office, ~~as well as~~ as along with the local business license and the sales & use tax number issued by the Georgia Department of Revenue, ~~and the local business license.~~

**Authority: O.C.G.A. §§ 43-47-2, 43-47-6, 43-47-7**

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS  
CHAPTER 681-10 RECORDS, RULE 681-10-.01 RECORDS TO BE KEPT  
AND NOTICE OF PUBLIC HEARING**

RULE 681-10-.01, RECORDS TO BE KEPT

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes an amendment to Rule 681-10-.01, Records to be Kept (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m. January 31, 2023, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 27, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on December 14, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-47-6, 43-47-7, 43-47-10, and 43-47-12. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-47-6, 43-47-7, 43-47-10, and 43-47-12 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rule 681-10-.01 pursuant to authority contained in O.C.G.A. §§ 43-47-6, 43-47-7, 43-47-10, and 43-47-12.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



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Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22

**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
RULE 681-10-.01 RECORDS TO BE KEPT**

**Purpose:** The purpose of the proposed adoption is to amend the rule to update and clarify language and to remove obsolete and conflicting language.

**Rule 681-10-.01 Records ~~to be Kept~~ Retention**

(1) Every licensee shall maintain in the ~~salesroom or sales office of the~~ established place of business for three (3) years (or for a longer period of time if required by other statute, law, or regulation), and have available at all times for inspection, the following records:

- (a) all records associated with odometers as required by ~~O.C.G.A. Section 40-1-393(b)(15); in 15 U.S.C. Sections 1981 through 1991; and 49 C.F.R. Part 580.~~ (These records are required by law and regulations to be maintained for five years.)
- (b) all bills of sale, buyer's guides, contracts, financing contracts and other evidence of sales or financing transactions with consumers.
- (c) records of all purchases or sales of used motor vehicles, including a vehicle description of vehicle, bills of sale, vehicle identification numbers, purchase date of purchase, the name, and address, and driver's license number or state issued identification of the party from whom the purchase was made or to whom the sale was made, ~~that person's driver's license number or social security number~~, and copies of all contracts or other evidence of the purchase or sale.
- (d) copies of all insurance policies and surety bonds as required ~~in~~ by the Act.
- (e) copies of leasing or rental records of any used motor vehicle which is intended for sale or is actually sold, including mileage records, the names and addresses of all persons who have rented or leased the vehicle, rental or lease contracts, vehicle identification numbers, and any damage repair records.
- (f) records reflecting any repairs made to any motor vehicle by or on behalf of the licensee.
- (g) copies of all applications for motor vehicle titles.
- (h) all sales tax records, including exemptions, as required by law.
- ~~(i) a copy of the bond required by the Act.~~
- ~~(j)~~(i) records of all vehicles or vehicle bodies disposed of by licensee, including its description, vehicle identification number, date of disposition, and name,

address, and driver's license or ~~social security number~~ state issued identification of the person to whom it was disposed; pursuant to U.S.C. 49 Section 30501, et. Seq., known as the National Motor Vehicle Title Information System (NMVTIS);

(j) current proof of compliance with continuing education requirements as required by Rule 681-13.

(2) Any document electronically stored must be immediately available for inspection upon request by the Board or one of its appointed representatives.

**Authority: O.C.G.A. §§ 43-47-6, 43-47-7, 43-47-10, and 43-47-12.**



**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS  
CHAPTER 681-14 CRIMINAL OFFENSES  
RULES 681-14-.01 THROUGH 681-14-.10**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes an amendment to Rule 681-14, "Criminal Offenses" which includes the following proposed Rules 681-14-.01 through 681-14-.10 (herein after "proposed rules").

- RULE 681-14-.01 PURPOSE**
- RULE 681-14-.02 CRIMES INVOLVING VIOLENCE OR MORAL  
TURPITUDE, FELONIES AND OTHER CRIMES**
- RULE 681-14-.03 DIVISION REVIEW OF CONVICTION**
- RULE 681-14-.04 SPECIAL CIRCUMSTANCES**
- RULE 681-14-.05 CATEGORY "A" CRIMES**
- RULE 681-14-.06 CATEGORY "B" CRIMES**
- RULE 681-14-.07 CATEGORY "C" CRIMES**
- RULE 681-14-.08 CATEGORY "D" CRIMES**
- RULE 681-14-.09 CATEGORY "E" CRIMES**
- RULE 681-14-.10 APPLICANTS INDICATING CRIMINAL BACKGROUND**

This notice, an exact copy of the proposed rules, and a synopsis of the proposed rules are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m. January 31, 2023, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 27, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and

addressed to Gabriel Sterling, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on December 14, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-47-6. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. § 43-47-6, to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rules 681-14-.01 through 681-14-.10 pursuant to authority contained in O.C.G.A. §§ 43-47-6.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



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Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22

**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
CHAPTER 681-14 CRIMINAL OFFENSES  
RULES 681-14-.01 THROUGH 681-14-.10**

**Purpose:** The purpose of the proposed adoption is to amend the rule to remove obsolete language.

**Chapter 681-14 ~~CRIMINAL OFFENSES~~ REPEALED**

**~~Rule 681-14-.01 Purpose~~**

~~In an effort to maintain consistency in the denial of an application for or the sanction of a used motor vehicle dealer's license when a criminal act has been committed by an applicant or a licensee, the Used Motor Vehicle Division (hereinafter, the Division) has adopted specific, but not all inclusive, sanctions for convictions. It is the Division's intention for the sanctions and denials of licensure set forth in this Chapter to be diligently administered; however, the Division reserves the right and authority to make exceptions in special situations where the Division deems it to be appropriate.~~

**~~Rule 681-14-.02 Crimes Involving Violence or Moral Turpitude, Felonies and Other Crimes~~**

~~All convictions for crimes, pleas of guilty, pleas of nolo contendere or other offenses for which first offender treatment was received shall be reported by applicants on the application for licensure; and for licensees, they shall be reported in a written notification to the Division within ten (10) days after the date of conviction. The conviction of, plea of guilty to, or plea of nolo contendere to, or receiving first offender treatment for a crime involving violence, or any other felony or any other crime involving moral turpitude shall be conclusive evidence of the commission of such crime. Crimes involving tax evasion or failure to pay taxes shall be considered crimes involving moral turpitude. A fine or sentence based on a conviction of, or a plea of nolo contendere to a charge or indictment by either the federal or state be considered a crime involving moral turpitude.~~

**~~Rule 681-14-.03 Division Review of Conviction~~**

~~At its discretion, the Division may review all instances in which an applicant for licensure or a licensee has been convicted of a crime involving violence, moral turpitude, or other felonies or crimes, and may apply any sanction available to the Division under the laws of this State, including, but not limited to, a denial of licensure or a revocation of a current license. All offenses for which the Division may deny or sanction a license shall be divided into five separate categories based upon the gravity of the offense. Each category will have a period of sanction during which time no application for license or reinstatement shall routinely be considered, unless the applicant or licensee shall have received a pardon for the offense. The period of sanction shall commence on the date of conviction.~~

#### **Rule 681-14-.04 Special Circumstances**

During the period of sanction, the Division may grant a license, with or without a sanction, to an applicant or impose a sanction less than revocation, including no sanction, on a current license based on consideration of the nature of the offense, the date of the conviction, the nature of the resolution of the prosecution (e.g. conviction, plea of nolo contendere, or first offender treatment), the date of release from custody or supervision (e.g. confinement, or probation), the age of the offender when the crime was committed, or any other special circumstance. Further, the Division may deny a license or otherwise refuse to reinstate a license after the period of sanction has expired if the offender is guilty of multiple offenses, if he has shown a disregard for the law, if he has not been released from confinement for at least twelve (12) months or if there is any other reason for which the Division, in its discretion, is of the opinion that the offender is not fit or qualified to engage in the used car dealer business.

#### **Rule 681-14-.05 Category "A" Crimes**

The period of sanction for category "A" crimes shall be twelve (12) years. Category "A" crimes include the following:

- (a) — armed robbery;
- (b) — arson;
- (c) — child molestation;
- (d) — kidnapping;
- (e) — murder;
- (f) — odometer tampering;
- (g) — rape;
- (h) — stolen vehicles.

#### **Rule 681-14-.06 Category "B" Crimes**

The period of sanction for category 'B' crimes shall be ten (10) years. Category 'B' crimes include the following:

- (a) — burglary;
- (b) — drug possession with the intent to distribute;
- (c) — manslaughter;
- (d) — robbery;
- (e) — vehicular homicide.

#### **Rule 681-14-.07 Category "C" Crimes**

The period of sanction for category "C" crimes shall be five (5) years. Category "C" crimes include the following:

- (a) — aggravated assault;
- (b) — aggravated battery;
- (c) — drug possession or use;
- (d) — entering an automobile illegally;
- (e) — felony theft by conversion;
- (f) — felony theft by deception;
- (g) — felony theft by receiving stolen property;
- (h) — felony theft by taking;
- (i) — habitual violation conviction;
- (j) — possession of break-in tools.

**Rule 681-14-.08 Category "D" Crimes**

The period of sanction for category "D" crimes shall be three (3) years. Category "D" crimes include all felonies not included in categories "A", "B", or "C".

**Rule 681-14-.09 Category "E" Crimes**

Category "E" crimes include all misdemeanor offenses that are not included in Categories A, B, and C. Generally, category "E" offenses will not affect the status of an application or a current license so long as the applicant or licensee does not have more than three (3) category "E" offenses and properly notified the Division of that fact.

**Rule 681-14-.10 Applicants Indicating Criminal Background**

Upon receipt of an application for licensure as a Used Motor Vehicle Dealer, and whereupon the applicant has indicated a prior criminal conviction, the Division may approve the application, provided that the applicant lists on said application or on an attachment thereto, ALL criminal convictions. The application and attachments must be accompanied by a signed affidavit, along with a certified copy of the disposition(s) from the appropriate court for each conviction. Failure to report any conviction shall be cause for revocation of a license by the Division or the Board.

**Authority: O.C.G.A. § 43-47-6**

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS  
CHAPTER 681-16 SCHEDULE OF FINES, RULE 681-1-.01 SCHEDULE OF  
FINES AND NOTICE OF PUBLIC HEARING**

RULE 681-16-.01, SCHEDULE OF FINES

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes an amendment to Rule 681-16-.01, Schedule of Fines (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-registration-used-motor-vehicle-dealers>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m. January 31, 2023, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 27, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on December 14, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-47-6, 43-47-10, and 43-47-14. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 40-2-8, 43-1-19, 43-47-6, 43-47-10, and 43-47-14 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers.

According to the Department of Law of the State of Georgia, the Georgia State Board for the Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers has the authority to adopt proposed Rule 681-1-.01 pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-47-6, 43-47-10, and 43-47-14.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 22nd day of December, 2022.



\_\_\_\_\_  
Gabriel Sterling  
Division Director  
Professional Licensing Boards Division

Posted: 12/22/22

**SYNOPSIS OF PROPOSED CHANGES OF TO THE  
THE GEORGIA STATE BOARD FOR THE REGISTRATION OF USED MOTOR  
VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS RULES  
CHAPTER 681-16 SCHEDULE OF FINES  
RULE 681-16-.01 SCHEDULE OF FINES**

**Purpose:** The purpose of the proposed adoption is to amend the rule to update and clarify language and to remove obsolete and conflicting language.

**Chapter 681-16 SCHEDULE OF FINES**

**Rule 681-16-.01 Schedule of Fines**

(1) ~~The Used Motor Vehicle Division~~ Board may impose fines for violations of O.C.G.A. ~~Chapter Title 43- Chapter 47. A Schedule of Fines shall be published, which The fines~~ shall not exceed \$500 per violation. A licensee, ~~who actually holds a license or a person who is required to be licensed by this Chapter, who commits a violation as listed below, may be fined as indicated. However, the Division~~ The Board may, in its discretion, impose nonmonetary discipline for violations of O.C.G.A. § 43-47-10. ~~change the Schedule of Fines in whole or in parts as necessary. Further, the licensee shall pay the fine within thirty (30) days after receiving written notification from either the appropriate division or a representative of the Division unless the licensee requests, in writing, a hearing before the Division. Such request for a hearing must be received by the Division within thirty (30) days after receipt of the written notification from the Division. Failure either to pay the fine or request a hearing shall result in immediate suspension of the license pending a hearing by the Division to determine whether revocation or other disciplinary action should be imposed on the licensee. In addition to the fine schedule, the Division may impose further disciplinary action against a dealer who is cited for repeated violations. The Division may impose the following progressive disciplinary action:~~

- (a) ~~First violation within a six-month period: Appropriate fine for the violation as listed in this rule;~~
- (b) ~~Any subsequent violation within a six-month period: A Public Consent Order with appropriate fine for the violation as listed in this rule and Probation for 12 months;~~
- (c) ~~Any violation during Probationary period: Suspension of the license for six months. At the end of the six-month suspension period, the applicant may make written request to the Division to release the suspension of the license. If the Division grants the lifting of the suspension, the license shall be reactivated by Public Consent Order with Probation for 12 months. Any operations of the dealership during the period of Suspension shall be grounds for and may result in Revocation of the license.~~
- (d) ~~Any violation during this Probationary period shall be grounds for and may result in Revocation of the license.~~



(e)(2) ~~The violations and Fines~~ for violation of this Chapter and O.C.G.A. § 43-47 are as follows:

- ~~1.~~(a) Failure to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale; \$500 per violation;
- ~~2.~~(b) ~~In possession~~ Possession of an open title not properly assigned as prescribed by O.C.G.A. Title 40: \$250 per violation;
- ~~3.~~(c) Failure to display a properly completed ~~buyers~~ buyer's guide as prescribed by the Federal Trade Commission Rules: \$250 per for the first violation, and \$100 for each additional violation;
4. ~~The display or sale of a vehicle for profit in violation of O.C.G.A. Chapter 43-47 by unlicensed persons who have not properly titled and tagged, in their name, the vehicle offered for sale:~~ \$500 per violation;
- ~~5.~~(d) Failure to furnish to the retail purchaser of a vehicle the proper documents in order ~~for said the purchaser to obtain a tag for that vehicle within thirty (30) calendar days from of~~ the date of purchase: \$500 per violation;
- ~~6.~~(e) Aiding and abetting an unlicensed person in selling vehicles by allowing the unlicensed person to sell those vehicles using a license granted by the Division: \$500 per violation; and
- ~~7.~~(f) ~~Failing~~ Failure to properly complete a "finance contract" which complies with the Federal Reserve System, Title I, Regulation Z (Truth In Lending Act) when financing vehicles which are being sold to purchasers: \$500 per violation.
- ~~8.~~(g) ~~Failing~~ Failure to maintain the required surety bond ~~or liability insurance~~: \$500 shall be imposed;
- (h) Failure to maintain the required garage liability insurance: \$500 shall be imposed;
- ~~9.~~(i) Failure to properly make application to the Division for a name change within the required (30) day period: \$250 shall be imposed;
- (j) ~~or~~ Failure to properly make application to the Division for a change of location at least within the required (30) day days prior to the relocation: period: \$250 shall be imposed or the Board may change the status of the license to Facility Closed;
- ~~10.~~(k) Failure to make application for an off-premises temporary license: \$250 per violation;
- ~~11.~~(l) Failure to check the appropriate box on odometer disclosure statement and certificate of title: \$500 per violation; and

- ~~12.(m)~~ Failure to submit an application for change of ownership, registered agent, or designee ~~in~~ within the required thirty (30) day period: \$100 shall be imposed.
- ~~13.(n)~~ Failure to obtain or appropriately generate, and maintain, the following records: \$100 per violation; ~~a bill of sale or odometer statement from the individual or company from which the licensee acquired the vehicle: \$250 per violation. (Such information must be maintained in the records of the licensee.)~~
- ~~(i)~~ Bills of Sale for the vehicle; to include the purchase (by the dealer) and the sale (to the customer) of the vehicle;
  - ~~(ii)~~ Purchase agreements or contracts, financing contracts or other evidence of sales or of financing transactions;
  - ~~(iii)~~ Proof of passing emissions inspection for the vehicle as required by the Department of Natural Resources Rule 391-3-20-.18;
  - ~~(iv)~~ Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;
  - ~~(v)~~ Copy of purchaser's driver's license, or government issued identification;
  - ~~(vi)~~ Copy of front and back of the vehicle's buyer's guide;
  - ~~(vii)~~ Copy of front and back of the vehicle's title;
  - ~~(viii)~~ Copy of MV-7, Department of Revenue "Application for a Replacement License Plate (Tag) or Decal", or its equivalent for the vehicle;
  - ~~(ix)~~ Copy of MV-1, Depart of Revenue "Motor Vehicle Tag/Title Application", or its equivalent for the vehicle;
  - ~~(x)~~ Copy of all temporary operating permits (TOPS) issued by the dealer to the purchaser;
  - ~~(xi)~~ Copies of leasing or rental records of any motor vehicle intended for sale or that have been sold;
  - ~~(xii)~~ Records reflecting repairs made to motor vehicles by licensee;
  - ~~(xiii)~~ Any other tax records or exemption records relating to the purchase or sale of a vehicle.
- ~~(o)~~ Failure to issue a temporary plate, or issuing a temporary plate to aid and abet an unlicensed person, for any vehicle for which the dealer has no assignment or that has more than one (1) temporary plate in violation of O.C.G.A. § 40-2-8: \$500 per violation;

- (p) Inspectors or investigators inability to conduct a facility inspection after three (3) documented attempts, in accordance with O.C.G.A. § 43-47-17: \$500 fine;
- (q) Failure to post current license or current copy of online verification from the Board's website in a conspicuous location: \$100 fine;
- (r) Failure to display/possess current sales tax certificate: \$100 fine;
- (s) Failure to provide proof that licensee or designee has completed the continuing education requirement: \$500 fine;
- (t) Failure to remit taxes and/or fees as required by O.C.G.A. § 48-5-10: \$500 per violation.

**Authority: O.C.G.A. §§ 43-1-19, 43-47-6, 43-47-10, and 43-47-14.**

## Chapter 681-1 DEFINITIONS

### Rule 681-1-.01 Definitions

As used in these Rules and Regulations and in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act, the following terms shall mean the following:

- (1) "Administrative Procedures Act" means O.C.G.A. Chapter 50-13.
- (2) "Alter ego" means a person acts on behalf of and/or in the place of another person for the purpose of being licensed or seeking licensure under this act, whereby the person acting in place of and/or on the behalf of another is ineligible for licensure under Section 681-12-.05 of these rules.
- (3) "Applicant for a new license" means an individual or designee on behalf of a partnership, limited liability company, or corporation, who submits an application for a new license.
- (4) "Appropriate permanent signage" means signage which meets the requirements as described in Board Rule 681-6-.01(e).
- (5) "Business License" means any license required by any municipality, county, or other political subdivision of this state as a prerequisite to operating a business within such municipality, county, or other political subdivision of this state.
- (6) "Conspicuously displayed" means posted inside the permanent building in an area which is clearly visible to consumers upon entry into the permanent building; licenses shall be displayed in a manner which allows consumers to easily read and copy from the license.
- (7) "Consumer," for the purposes of these rules, means anyone who is solicited to purchase, or anyone who seeks to purchase a used motor vehicle or used motor vehicle part.
- (8) "Deal Jacket" consists of all the relevant documents included in the sale of a used motor vehicle. A "deal jacket" shall include all of the following documents:
  - (a) Bills of sale for the vehicle; to include the purchase (by the dealer) and sale (to the customer) of the vehicle;
  - (b) Proof of passing emissions inspection as required by the Department of Natural Resources Rule 391-3-20-.18;
  - (c) Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;
  - (d) Copy of purchaser's driver's license, or government issued identification;
  - (e) Copy of front and back of buyer's guide;
  - (f) Copy of front and back of title;
  - (g) Copy of MV-7D; Department of Revenue "State and Local Title Ad Valorem Tax (TAVT) Fees" form, or its equivalent for the vehicle (if applicable);
  - (h) Copy of MV-1; Department of Revenue "Motor Vehicle Tag/Title Application" form, or its equivalent for the vehicle (if applicable); and
  - (i) Copy of all Temporary Operating Permits (TOPs) issued by the dealer to the purchaser .

- (9) "Dealers' registration plate" means the license plates issued to used motor vehicle dealers by the State Revenue Commissioner as described in Georgia Code Annotated Section 40-2-38.
- (10) "Designee" means the designated agent for a used motor vehicle dealer or a used motor vehicle parts dealer.
- (11) "Established place of business" is defined in O.C.G.A. § 43-47-2 and is a location which complies with Rule 681-6-.01.
- (12) "Fee schedule" means a written listing of the amounts of all fees charged by the Board.
- (13) "Maintenance of records by licensees" means maintaining at the established place of business, all records as prescribed by Rule 681-10-.01.
- (14) "Motor vehicle" or "car" is defined in O.C.G.A. § 43-47-2(7)
- (15) "Odometer disclosure form" means the form required under the regulations found at 49 C.F.R. Part 580.
- (16) "Open Lot" means a lot where used motor vehicles or used motor vehicle parts that are offered for sale are to be displayed, and upon which the applicant or licensee has a legal right to display used motor vehicles or used motor vehicle parts
- (17) "Penalty fee or fine" means a fee assessed by the Board for failure on the part of a licensee or applicant to act in an appropriate or timely manner under the Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act or under these Rules.
- (18) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.
- (19) "Photograph" means an image produced on film or digitized and printed which is an exact likeness of the facility, and not an artist's rendition or depiction.
- (20) "Procedural safeguards" means those procedures required by a used motor vehicle dealership or used motor vehicle parts dealership of its employees, agents, or principals, to reasonably ensure that the activities described in O.C.G.A. Section 43-47-10(2) do not occur at the dealership.
- (21) "Purchaser" means a consumer who has completed a transaction to obtain a used motor vehicle from a used motor vehicle dealership or a used motor vehicle or a used motor vehicle part from a used motor vehicle parts dealer.
- (22) "Records" means all originals, photocopies, carbon copies, files, books, memoranda, and data maintained on an electronic data storage and retrieval system, provided the data can be retrieved and copied.
- (23) "Reinstatement" means re-issuance of an expired or revoked license.
- (24) "Salesroom" and "sales office" are synonymous and must meet the requirements of Rule 681-6-.01 Established Place of Business.
- (25) "State Revenue Commissioner" means the office created in O.C.G.A. Section 48-2-2.
- (26) "Supplemental license" means an additional license issued to a person who already maintains a current Georgia used motor vehicle dealer or used motor vehicle parts dealer license. A

supplemental license may be issued for an additional location operated under the same name by the licensee, but which location is not immediately adjacent to the principal place of business.

- (27) "Temporary Plate" means a temporary operating permit issued by a dealer pursuant to O.C.G.A. § 40-2-8.
- (28) "Temporary Site" means a location at which used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the Board in accordance with Code Section 43-47-8.2 and Rule 681-3-.06.
- (29) "Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act" and "Act" are synonymous and mean Chapter 47 of Title 43 of the Official Code of Georgia Annotated.
- (30) "Working telephone" means a working telephone line where the complete number is clearly and permanently displayed to the public at the established place of business.

Cite as Ga. Comp. R. & Regs. R. 681-1-.01

Authority: O.C.G.A. Secs. 43-47-2, 43-47-3, 43-47-6, 43-47-8, 43-47-12.

History. Original Rule entitled "Organization of Board" adopted as ER. 681-1-0.1-.01. F. Aug. 7, 1995; eff. Aug. 2, 1995, as specified by the Board.

Amended: Permanent Rule entitled "Definitions" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. July 16, 2006; eff. Aug. 6, 2006.

Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.

## **Chapter 681-5 CHANGES**

### **Rule 681-5-.01 Change in Dealership Name, Ownership or Designee**

- (1) Should a licensed dealer change the name of the dealership as licensed by the Division, the licensee shall be required to submit a Request for Name Change form thirty (30) days prior to the change of name.
- (2) Should a licensed dealer change the designee, a new application shall be submitted to the Division within thirty (30) days of change. The application shall include the name, address, and telephone number of the designee.

Cite as Ga. Comp. R. & Regs. R. 681-5-.01

Authority: O.C.G.A. Sec. 43-47-6. / History. Original Rule entitled "Change in Name of Business" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

### **Rule 681-5-.02 Change of Location**

- (1) A licensed dealer shall, at least thirty (30) days prior to the relocation of the dealership, submit a Change of Location request form along with 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) Division approval of a change of location cancels the rights of the licensee to do business at the previous location.
- (4) If a licensee's location is found to have been vacated for thirty (30) days without the Board receiving a Change of Location form, the license status shall be changed to Facility Closed until the licensee notifies the Board that the location is not closed.

Cite as Ga. Comp. R. & Regs. R. 681-5-.02

Authority: O.C.G.A. Secs. 43-47-6, 43-47-9.

History. Original Rule entitled "Change of Location" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

### **Rule 681-5-.03 Reserved**

Cite as Ga. Comp. R. & Regs. R. 681-5-.03

Authority: O.C.G.A. Secs. 43-47-6, 43-47-9.

History. Original Rule entitled "Change in Ownership or Registered Agent" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

## Chapter 681-6 ESTABLISHED PLACE OF BUSINESS

### Rule 681-6-.01 Established Place of Business

- (1) Used motor vehicle dealers and used motor vehicle parts dealers shall maintain an "established place of business", to include the following requirements:
  - (a) a permanent building;
  - (b) be where the required records as stated in Rule 681-1-.07(22) are kept;
  - (c) be the location from which sales are negotiated
  - (d) have a working telephone as required by Rule 681-1-.01(30). The telephone listing shall be in the same name listed on the application and shall also be the same information that is publicly posted at the established place of business, listed on the dealer's website, and included in any advertisements by the dealer made available to consumers;
  - (e) erect and maintain appropriate signage in compliance with Board rules and the local ordinances of the city or county in which the established place of business is located. If no local ordinance exists, then the Board's criteria for appropriate permanent signage shall be met. Signage and any advertisement for the dealership shall list the trade name of the licensee, which shall be the same as that which is listed on the application. Such signage shall clearly display to consumers that the business of used motor vehicle sales, used motor vehicle rebuilding, used motor vehicle parts sales, or used motor vehicle salvage is being conducted at the location. If the telephone number is listed on any signage or used in any advertisement for the dealership, it shall be the same number as listed on the application.
  - (f) Free standing signs shall be affixed to a metal base or frame with concrete footings. Signs affixed to the building shall be affixed by metal bolts on a metal frame affixed to the building by metal bolts. Signs shall be professionally designed on a permanent material, and lettering applied on the sign shall be a minimum of six (6) inches in height. At least one sign must be located and positioned to be clearly visible to consumers from the street. Signs may be painted on the building, on the door of the building, or on a window of the building, as long as the painted signs meet local ordinances and/or Board criteria for lettering size and visibility to consumers from the street .
- (2) A dealer who operates an open lot, according to Rule 681-1-.01(16), shall conduct business in a building on the same property as the display lot.
- (3) A used motor vehicle dealer may operate from an office suite in an office complex, provided that the facility meets the criteria established in Board Rule 681-3-.05 and is open to the public during reasonable business hours. Appropriate permanent signage for the dealership must be erected at the nearest point of public access from the street to the office complex in which the dealer has established an office. Local ordinances and property lease regulations will authorize where the signage may be erected and displayed. At a minimum, the signage shall be at the entrance to the office complex, in a publicly displayed marquee in the lobby of the office complex that lists all businesses within the office complex, and directly outside the entrance to the dealer's office. The facility shall be readily accessible to the public and to official Board inspectors and investigators during regular business hours.



- (4) A used motor vehicle dealer may operate from a residential address, as allowed by local ordinances and in accordance with Board rules. The requirement for appropriate permanent signage must be met at the location. The used motor vehicle dealer's office shall be a separate building that is detached from the residence and shall be readily accessible to the public and to Board inspectors during regular business hours. Such office shall have a working telephone line for the business telephone required by OCGA § 43-47-2(3), as well as for computers and related equipment used exclusively for the business. The office shall also contain the office furnishings and filing cabinets necessary to file the records required by OCGA §§ 43-47-2(3) and 43-47-12. The license issued by the appropriate division of the Board shall be displayed in a conspicuous place within the office, as along with the local business license and the sales & use tax number issued by the Georgia Department of Revenue.

Cite as Ga. Comp. R. & Regs. R. 681-6-.01

Authority: O.C.G.A. Secs. 43-47-2, 43-47-6, 43-47-12.

History. Original Rule entitled "Established Place of Business" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.

### **Rule 681-10-.01 Records Retention**

- (1) Every licensee shall maintain in the established place of business for three (3) years (or for a longer period of time if required by other statute, law, or regulation), and have available at all times for inspection, the following:
  - (a) all records associated with odometers as required by 49 C.F.R. Part 580. These are required by law and regulations to be maintained for five years.
  - (b) all bills of sale, buyer's guides, contracts, financing contracts and other evidence of sales or financing transactions with consumers.
  - (c) records of all purchases or sales of used motor vehicles, including a vehicle description, bills of sale, vehicle identification numbers, purchase date, name, address, and driver's license number or state issued identification of the party from whom the purchase was made or to whom the sale was made, and copies of all contracts or other evidence of the purchase or sale.
  - (d) copies of all insurance policies and surety bonds as required by the Act.
  - (e) copies of leasing or rental records of any used motor vehicle which is intended for sale or is actually sold, including mileage records, the names and addresses of all persons who have rented or leased the vehicle, rental or lease contracts, vehicle identification numbers, and any damage repair records.
  - (f) records reflecting any repairs made to any motor vehicle by or on behalf of the licensee.
  - (g) copies of all applications for motor vehicle titles.
  - (h) all sales tax records, including exemptions, as required by law.
  - (i) records of all vehicles or vehicle bodies disposed of by licensee, including its description, vehicle identification number, date of disposition, and name, address, and driver's license or state issued identification of the person to whom it was disposed pursuant to U.S.C. 49 Section 30501, et. Seq., known as the National Motor Vehicle Title Information System (NMVTIS);
  - (j) current proof of compliance with continuing education requirements as required by Rule 681-13.
- (2) Any documents electronically stored must be immediately available for inspection upon request by the Board or one of its appointed representatives.

Cite as Ga. Comp. R. & Regs. R. 681-10-.01

Authority: O.C.G.A. Secs. 43-47-6, 43-47-12.

History. Original Rule entitled "Records to Be Kept" adopted F. Dec. 8, 1996; eff. Dec. 28, 1995.

## **Chapter 681-14 RESERVED**

Cite as Ga. Comp. R. & Regs. R. 681-14-.01

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Purpose" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.02

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Crimes Involving Violence or Moral Turpitude, Felonies and Other Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.03

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-1".

History. Original Rule entitled "Division Review of Conviction" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.04

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Special Circumstances" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.05

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Category 'A' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.06

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Category 'B' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.07

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Category 'C' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.08

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Category 'D' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Cite as Ga. Comp. R. & Regs. R. 681-14-.09

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Category 'E' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Sept. 16, 1998; eff. Oct. 6, 1998.

Cite as Ga. Comp. R. & Regs. R. 681-14-.10

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Applicants Indicating Criminal Background" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

## Chapter 681-16 FINES

### Rule 681-16-.01 Schedule of Fines, Payment of Fines; Hearings; Disciplinary Actions

- (1) The Board may impose fines for violations of O.C.G.A. Title 43 Chapter 47. A Schedule of Fines shall be published, which shall not exceed \$500 per violation. The Board may, in its discretion, impose non-monetary discipline for violations of O.C.G.A. § 43-47-10.
- (2) Fines for violation of this Chapter and O.C.G.A. § 43-47 are as follows:
  - (a) Failure to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale; \$500 per violation;
  - (b) Possession of an open title not properly assigned as prescribed by O.C.G.A. Title 40: \$250 per violation;
  - (c) Failure to display a properly completed buyer's guide as prescribed by the Federal Trade Commission Rules: \$250 for the first violation, and \$100 for each additional violation;
  - (d) Failure to furnish to the purchaser of a vehicle the proper documents in order for the purchaser to obtain a tag for that vehicle within thirty (30) calendar days of the date of purchase: \$500 per violation;
  - (e) Aiding and abetting an unlicensed person in selling vehicles by allowing the unlicensed person to sell those vehicles using a license granted by the Division: \$500 per violation; and
  - (f) Failure to properly complete a "finance contract" which complies with the Federal Reserve System, Title I, Regulation Z (Truth In Lending Act) when financing vehicles which are being sold to purchasers: \$500 per violation.
  - (g) Failure to maintain the required surety bond: \$500 shall be imposed;
  - (h) Failure to maintain the required garage liability insurance: \$500 shall be imposed;
  - (i) Failure to properly make application to the Division for a name change within the required (30) day period: \$250 shall be imposed;
  - (j) Failure to properly make application to the Division for a change of location at least (30) days prior to the relocation: \$250 shall be imposed or the Board may change the status of the license to Facility Closed;
  - (k) Failure to make application for an off-premises temporary license: \$250 per violation;
  - (l) Failure to check the appropriate box on odometer disclosure statement and certificate of title: \$500 per violation; and
  - (m) Failure to submit an application for change of ownership, registered agent, or designee within the required thirty (30) day period: \$100 shall be imposed.
  - (n) Failure to obtain or appropriately generate, and maintain, the following records: \$100 per violation:

- (i) Bills of Sale for the vehicle; to include the purchase (by the dealer) and the sale (to the customer) of the vehicle;
  - (ii) Purchase agreements or contracts, financing contracts or other evidence of sales or of financing transactions;
  - (iii) Proof of passing emissions inspection for the vehicle as required by the Department of Natural Resources Rule 391-3-20-.18;
  - (iv) Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;
  - (v) Copy of purchaser's driver's license, or government issued identification;
  - (vi) Copy of front and back of the vehicle's buyer's guide;
  - (vii) Copy of front and back of the vehicle's title;
  - (viii) Copy of MV-7, Department of Revenue "Application for a Replacement License Plate (Tag) or Decal", or its equivalent for the vehicle;
  - (ix) Copy of MV-1, Depart of Revenue "Motor Vehicle Tag/Title Application", or its equivalent for the vehicle;
  - (x) Copy of all temporary operating permits (TOPS) issued by the dealer to the purchaser;
  - (xi) Copies of leasing or rental records of any motor vehicle intended for sale or that have been sold;
  - (xii) Records reflecting repairs made to motor vehicles by licensee;
  - (xiii) Any other tax records or exemption records relating to the purchase or sale of a vehicle.
- (o) Failure to issue a temporary plate, or issuing a temporary plate to aid and abet an unlicensed person, for any vehicle for which the dealer has no assignment or that has more than one (1) temporary plate in violation of O.C.G.A. § 40-2-8: \$500 per violation;
  - (p) Inspectors or investigators inability to conduct a facility inspection after three (3) documented attempts, in accordance with O.C.G.A. § 43-47-17: \$500 fine ;
  - (q) Failure to post current license or current copy of online verification from the Board's website in a conspicuous location: \$100 fine;
  - (r) Failure to display/possess current sales tax certificate: \$100 fine;
  - (s) Failure to provide proof that licensee or designee has completed the continuing education requirement: \$500 fine;
  - (t) Failure to remit taxes and/or fees as required by O.C.G.A. § 48-5-10: \$500 per violation.

Cite as Ga. Comp. R. & Regs. R. 681-16-.01

Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10, 43-47-14.

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Amended: F. May 15, 1998; eff. June 4, 1998.

Amended: F. Sept. 16, 1998; eff. Oct. 8, 1998.

Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.