

**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, BOARD RULE 681-16-.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 rules amendment at a public hearing to be held at 9:00 a.m., September 12, 2024 in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Please see the 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 September 5, 2024. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Todd Zandrowicz, 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 July 17, 2024. 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, 43-47-8, 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. §§ 43-1-19, 43-47-6, 43-47-8, 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, 43-47-8, 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 9th day of August, 2024.



Todd Zandrowicz
Division Director
Professional Licensing Boards Division

Posted: 08.09.24

**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, Payment of Fines; Hearings; Disciplinary Actions

(1) ~~The Used Motor Vehicle Division~~ Board may impose fines for violations of O.C.G.A. Section 43-47. A Schedule of Fines shall be published, and ~~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, modify ~~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;
- ~~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.~~ ~~Failure to properly make application to the Division for a name change or change of location within the thirty day period: \$250 shall be imposed;~~
- ~~10.~~(i) Failure to make application for an off-premises temporary license: \$250 per violation;
- ~~11.~~(j) Failure to check the appropriate box on odometer disclosure statement and certificate of title: \$500 per violation;
- ~~12.~~(k) 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.~~(l) 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 MV-7D, Department of Revenue "Motor Vehicle Division State and Local Title Ad Valorem Tax (TAVT) Fees" or MV-7L Department of Revenue, "State and Local Title Ad Valorem Tax (TAVT) Fees for Leases", or their equivalent;~~
- ~~(xi) Copy of all temporary operating permits (TOPS) issued by the dealer to the purchaser;~~
- ~~(xii) Copies of leasing or rental records of any motor vehicle intended for sale or that have been sold;~~
- ~~(xiii) Records reflecting repairs made to motor vehicles by licensee;~~
- ~~(xiv) Any other tax records or exemption records relating to the purchase or sale of a vehicle;~~
- ~~(m) Failure to issue a temporary operating permit, or issuing a temporary operating permit 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 operating permit in violation of O.C.G.A. § 40-2-8: \$500 per violation;~~

- (n) 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;
- (o) Failure to post current license or current copy of online verification from the Board's website in a conspicuous location: \$100 fine;
- (p) Failure to display/possess current sales tax certificate: \$100 fine;
- (q) Failure to provide proof that licensee or designee has completed the continuing education requirement: \$500 fine;
- (r) Failure to remit taxes and/or fees as required by O.C.G.A. Section 48-5C-1 and 48-8-30: \$500 per violation.

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

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

CHAPTER 681-16

FINES

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 - (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;
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 - (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;
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 - (i) Bills of Sale for the vehicle; to include the purchase (by the dealer) and the sale (to the customer) of the vehicle;
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Authority: O.C.G.A. §§ 43-1-19, 43-47-6, 43-47-8, 43-47-10 and 43-47-14.