

NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE
DEALERS & USED MOTOR VEHICLE PARTS DEALERS RULES,
CHAPTER 681-12 APPLICANTS,
RULE 681-12-.01 *CORPORATIONS: APPLICATION FOR LICENSURE*,
AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Board of Registration of Used Motor Vehicle Dealers & Used Motor Vehicle Parts Dealers (hereinafter "Board") proposes amendments to the Georgia State Board of Registration of Used Motor Vehicle Dealers & Used Motor Vehicle Parts Dealers Rules, Chapter 681-12, Applicants, Rule 681-12-.01 Corporations: Application for Licensure (hereinafter "proposed rule amendments"). The proposed rule amendments include revisions to Rule 681-12-.01. The Board voted to post this notice of adoption and hearing at its board meeting on January 21, 2009.

The proposed rule amendments provide for a form for applying for changes of designee and clarify the fingerprinting process to reflect the process currently utilized by the Board.

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may 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. These documents will also be available for review on the Georgia State Board of Registration of Used Motor Vehicle Dealers & Used Motor Vehicle Parts Dealers' web page at <http://www.sos.ga.gov/plb/usedcar/>. Copies may also be requested by contacting the Georgia State Board of Registration of Used Motor Vehicle Dealers & Used Motor Vehicle Parts Dealers office at 478-207-2440.

A public hearing will be held at 9:00 a.m. on March 18, 2009 at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At 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 should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information for the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of

business (5:00 p.m.) on March 11, 2009. Written comments should be addressed to Randall D. Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Registration of Used Motor Vehicle Dealers & Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-314-9128.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Registration of Used Motor Vehicle Dealers & Used Motor Vehicle Parts Dealers at its meeting on March 18, 2009 scheduled to begin at 9:30 a.m. at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia. The Georgia State Board of Registration of Used Motor Vehicle Dealers & Used Motor Vehicle Parts Dealers has the authority to adopt proposed rule amendments to Rule 681-12-.01 pursuant to authority contained in O.C.G.A. §§ 43-47-6 and 43-47-8.

The Board will consider at its meeting on March 18, 2009 whether the formulation and adoption of this proposed rule amendment imposes excessive regulatory costs on any licensee or entity and whether any cost to comply with the proposed rule amendment could be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-47-6 and 43-47-8.

Additionally, at its meeting on March 18, 2009, the Board will consider whether it is legal or feasible in meeting the objectives of O.C.G.A. §§ 43-47-6 and 43-47-8 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The Board will consider whether the formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of used motor vehicle dealership.

For further information, contact the Board office at 478-207-2440.

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

This 5th day of February, 2009.

Randall D. Vaughn
Division Director
Professional Licensing Boards

Posted: February 5, 2009

**SYNOPSIS OF PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF USED MOTOR VEHICLE DEALERS & USED
MOTOR VEHICLE PARTS DEALERS RULES,
CHAPTER 681-12 APPLICANTS, RULE 681-12-.01 CORPORATIONS:
APPLICATION FOR LICENSURE.**

Purpose: The purpose of the proposed rule amendments is to establish a form for applying for a new designee for a corporate-owned licensed used motor vehicle dealer and to update the requirement for fingerprinting to reflect the fingerprinting process currently utilized by the Board.

Main Features: The main features provide for a form for applying for a change in designee for corporations, update the fingerprinting process currently utilized by the Board, and properly indicate the Board, instead of the Division, in sub-paragraph (3) (e).

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF USED MOTOR VEHICLE DEALERS & USED
MOTOR VEHICLE PARTS DEALERS RULES,
CHAPTER 681-12 APPLICANTS, RULE 681-12-.01 CORPORATIONS:
APPLICATION FOR LICENSURE.**

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

- (1) In the event that a corporation, duly licensed to do business in the State of Georgia, makes application for licensure, such corporation shall designate as the "applicant:"
 - (a) the President of the corporation;
 - (b) the Secretary of the corporation; or
 - (c) a designated Corporate Agent who is a full-time employee of the corporation.
- (2) In the event that a corporation shall make application through a designated agent or "designee," such application shall be accompanied by an affidavit signed by the President or Secretary of the corporation, naming that person as the designated agent for such corporation for purposes of licensing. Such affidavit shall give to the designee all rights and responsibilities of a license holder on behalf of the corporation, and shall provide that actions or omissions of the corporation, its officers, employees, agents, assigns, or designees in violation of the act or in violation of these rules shall subject the license holder and the corporation to any sanctions which may be imposed under the Act or under these Rules.
- (3) If the license holder for a corporation, whether President, Secretary, or designated agent, should leave the corporation for any reason, the corporation shall be required to inform the Division of such fact immediately, but in no event later than ten (10) business days from the separation. Such corporation shall be required to submit to the Division

within thirty (30) days of such notification on a form provided by the Division:

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

Authority: OCGA §§ 43-47-6 and 43-47-8