

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 681-3 LICENSING,
RULE 681-3-.01 *COMPLETE APPLICATION FORMS REQUIRED.*
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 681-3, Licensing, Rule 681-3-.01 Complete Application Forms Required. (hereinafter "proposed rule amendments"). The proposed rule amendments include revisions to Rule 681-3-.01. The Board voted to post this notice of adoption and hearing at its board meeting on January 21, 2008.

The proposed rule amendments update the fingerprint requirements to reflect the current procedure utilized by the Board and the requirement for photographs of the facility to accompany the application.

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 681-3-.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 681-3 LICENSING, RULE 681-3-.01 COMPLETE APPLICATION FORMS
REQUIRED.**

Purpose: The purpose of the proposed rule revision is to revise the requirements for the fingerprints and photographs to reflect the current process utilized by the Board.

Main Features: The main features update the rule to reflect the current fingerprinting process utilized by the Board and the requirement for photographs of the facility to accompany the application.

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 681-3 LICENSING, RULE 681-3-.01 COMPLETE APPLICATION FORMS
REQUIRED.**

681-3-.01 Complete Applications Forms Required.

(1) No application shall be accepted for review until the application is complete in every respect.

(2) A "complete application" shall include:

(a) an application form on which each and every question is answered to the applicant's best knowledge and abilities;

(b) a bond in the amount of \$35,000 for used motor vehicle dealers and \$10,000 for used motor vehicle parts dealers, as required by O.C.G.A. Section 43-47-8(h). Following the initial licensing period, the Bond shall then run concurrently with the licensing period. At no time should the licensee be without a bond during any licensing period;

(c) a certificate of insurance as required as by O.C.G.A. Section 43-47-8(k), including policy number, policy limits, expiration date, name and address of insured exactly as they appear on the application, and certificate holder listed as "State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217", which identifies the appropriate division. Garage Liability Insurance must be indicated for the appropriate policy limits for used motor vehicle dealers and used parts dealers who offer rebuilt vehicles for sale.

(d) fingerprints scanned at an approved GAPS print site for reporting by GCIC and NCIC as required by O.C.G.A. Section 43-47-8(a);

(e) proof that the applicant has attended the seminar as required by O.C.G.A. Section 43-47-8(d);

(f) proof that the applicant has applied for a sales tax registration number in the exact same name listed on the used motor vehicle dealer or used motor vehicle parts dealer application, as required by O.C.G.A. Section 43-47-8(f);

(g) photographs as required by Rule 681-3-.02, ~~except that without photographs the Division may approve a license pending receipt of the photographs within a time limit set by the Division;~~

(h) the appropriate fee as contained in the fee schedule;

(i) any other information which may be required by statute or rule.

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