

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 681-9 LICENSEES TO COMPLY WITH ALL LAWS,
RULE 681-9-.02 *RESPONSIBILITIES OF A USED MOTOR VEHICLE DEALER.*
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 681-9, Licensees to Comply With All Laws, Rule 681-9-.02 Responsibilities of a Used Motor Vehicle Dealer (hereinafter "proposed rule amendments"). The proposed rule amendments create Rule 681-9-.02. The Board voted to post this notice of adoption and hearing at its board meeting on January 21, 2009.

The proposed rule amendment details specific responsibilities of a used motor vehicle dealer in complying with applicable federal and state laws and rules.

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 681-9-.02 pursuant to authority contained in O.C.G.A. §§ 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-8.2, 43-47-10, 43-47-11.1, 43-47-12, 43-47-15, and 43-47-19.

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. §§ 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-8.2, 43-47-10, 43-47-11.1, 43-47-12, 43-47-15, and 43-47-19.

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. §§ 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-8.2, 43-47-10, 43-47-11.1, 43-47-12, 43-47-15, and 43-47-19 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 681-9 LICENSEES TO COMPLY WITH ALL LAWS, RULE 681-9-.02
RESPONSIBILITIES OF A USED MOTOR VEHICLE DEALER.**

Purpose: The purpose of the proposed rule is to establish clearly stated responsibilities of used motor vehicle dealers in complying with applicable federal and state laws and rules.

Main Features: The main features detail specific responsibilities of used motor vehicle dealers in complying with applicable federal and state laws and rules.

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 681-9 LICENSEES TO COMPLY WITH ALL LAWS, RULE 681-9-.02
RESPONSIBILITIES OF A USED MOTOR VEHICLE DEALER.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Obtain a bill of sale and odometer statement from the individual or company from which the licensee purchased a vehicle;

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

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

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

(2) The Board shall have the authority to impose the fines listed in Rule 681-16-.01 for violations of the provisions of this rule, and may impose further disciplinary action as the Board may deem necessary to protect the interests of the public as provided in O.C.G.A. §§ 43-47-10 and 43-1-19.

Authority: O.C.G.A. §§ 43-47-2, 43-47-6, 43-47-7, 43-47-8, 43-47-8.2, 43-47-10, 43-47-11.1, 43-47-12, 43-47-15, and 43-47-19.