

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 681-11 SEMINAR,
RULE 681-11-.02 *CRITERIA FOR APPROVAL OF SEMINAR.*

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 681-11, Seminar, Rule 681-11-.02 Criteria for Approval of Seminar (hereinafter "proposed rule amendments"). The proposed rule amendments create Rule 681-11-.02. The Board voted to post this notice of adoption and hearing at its board meeting on January 21, 2009.

The proposed rule amendments revise the procedure for reporting seminar attendance and for making a disclaimer by providers of seminars.

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 681-11-.02 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 681-11 SEMINAR, RULE 681-11-.02 CRITERIA FOR APPROVAL OF
SEMINAR.**

Purpose: The purpose of the proposed rule amendments is to revise the procedure for reporting seminar attendance and for making a disclaimer by providers of seminars.

Main Features: The main features revise the procedure for reporting attendance rosters and for making a disclaimer during seminars by providers.

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 681-11 SEMINAR, RULE 681-11-.02 CRITERIA FOR APPROVAL OF
SEMINAR.**

681-11-.02 Criteria for Approval of Seminar.

In order to be approved by the Division a seminar must meet the following criteria to the satisfaction of the Division:

(a) the names of the individuals who will be conducting the seminar must be submitted with the application for approval of the seminar. Such instructor or instructors shall demonstrate a knowledge of O.C.G.A. Chapter 43-47 and the rules and regulations of the Division by demonstrating, at least, a minimum of five years of experience with either the used car business or an industry related to the used car business, and any other requirement the Division may require. If new seminar instructors are added, their credentials must be presented to the Division for approval.

(b) the proposal for approval of a seminar shall include a course outline, along with proposed materials to be used in the instruction. The course outline must include, at a minimum, instruction in each of the following areas:

1. license requirements;
2. overview of Board/Division statutes, rules and regulations;
3. laws concerning titles, tags, and taxes;
4. sales tax reporting;
5. other tax reporting;
6. required paperwork and record-keeping;
7. the Fair Business Practices Act, including but not limited to:
 - (i) advertising;
 - (ii) unfair and deceptive sales practices;
 - (iii) odometer requirements;
 - (iv) deceptive non-disclosure; and

(v) Secretary of State Rules and Regulations Chapter 122-3; and
8. general discussion items.

Instruction in the above areas shall total no less than four (4) hours and no more than six (6) hours per seminar.

(c) the proposal for approval of a seminar must also include a list of the proposed times, dates, price per attendee, and locations for the seminar.

(d) the proposal shall also include an agreement by the seminar presenter certifying, to the Executive Director of the Division, an accurate electronic attendance report immediately following each offering of the seminar. The Executive Director of the Division shall provide the appropriate email address for submission of the electronic attendance report.

(e) each seminar presenter and instructor must ~~sign~~ include a prominently-displayed statement on a page at the beginning of each seminar instruction manual evidencing his/her agreement not to solicit business during the presentation of the seminar or to permit others to engage in such activity at this time and to restrict from including advertisements or solicitations in the course materials. Each presenter shall ensure that an instructor from the seminar shall make the following statement at the beginning of each seminar: "Attendees are NOT required to buy any products or services in conjunction with this seminar." ~~Each presenter shall ensure that each attendee sign a statement that reads: "I understand that I am not obligated to buy any products or services in conjunction with this seminar." This statement must be submitted to the Division immediately after the presentation of each seminar.~~

(f) each course shall be videotaped and a dated copy of such videotape shall be kept by the presenter for a twelve month period during which time it shall be made available to the Division for review upon request.

(2) Current Division-approved seminars remain in approved status but must act to comply with the requirements in this rule within one year and meet the review requirements laid out in 681-11-.03 to maintain that status.

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