Georgia Rules and Regulations
Administrative Bulletin for July 2025

OFFICE OF SECRETARY OF STATE
ADMINISTRATIVE PROCEDURE DIVISION
5800 Jonesboro Road
Morrow, GA 30260
470-312-2725

Final rules filed with the Georgia Secretary of State during the month of *July 2025:*

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750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS	750-3-.04	amended	July 9, 2025	Jul. 29
	750-4-.01, 750-4-.02	amended	July 9, 2025	Jul. 29

Department 120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-3. REGULATIONS REGARDING AGENTS, SUBAGENTS, COUNSELORS, ADJUSTERS, SURPLUS LINES BROKERS, AND AGENCIES

120-2-3-.48 Navigator and Georgia Access Specialist

(1) No person shall act as a Navigator, as defined in O.C.G.A. § 33-23-201(3), without first obtaining a license to act as such from the Commissioner.

(2) The Commissioner may not issue a Navigator license to any applicant until such applicant has:

(a) Submitted an application on forms provided by the Commissioner. Such form shall include an acknowledgement from the applicant that such applicant understands that a Navigator license is not alone sufficient to sell, solicit, or negotiate insurance in the State of Georgia;

(b) Submitted a résumé listing the applicant's educational background and experience related to the functions of a Navigator;

(c) Successfully completed not less than 35 hours of instruction;

(d) Passed an exam as required by the Commissioner;

(e) Attained the age of 18;

(f) Submitted electronic fingerprints through a vendor selected by the Department to run criminal background checks. The applicant shall bear the cost for electronic fingerprinting; and

(g) Submitted proof satisfactory to the Commissioner that such applicant (or such applicant's sponsoring entity) has been approved by the State authorities, by being awarded a grant or otherwise, to act as Navigator, as defined in O.C.G.A. § 33-23-201(3).

(3) Each license shall expire August 31.

(4) In determining whether any applicant has satisfied the pre-licensing education requirement set forth in subparagraph (d) of paragraph (2) of this regulation. Up to 25 hours of pre-licensing training may consist of education provided by approved provider provided that the applicant submits documentation, satisfactory to the Commissioner that the applicant has, in fact, spent the amount of time requested engaged in pre-licensing training. If the applicant completes 25 hours of navigator training, the remaining 10 hours must be satisfied by completing the 10 hour Navigator prelicensing course through an approved provider.

(5) The Commissioner may not renew a Navigator license until such applicant has:

(a) Submitted a license renewal on forms prescribed by the Commissioner;

(b) License renewals are due on or before the August 31 expiration date;

(c) Failure to file the required license renewal form shall result in the expiration of the license.

(d) Completed 10 hours of Continuing education; hours must be completed annually on or before the expiration date of the license. Up to 10 hours of Continuing Education may consist of education provided by approved provider provided that the licensee submits documentation, satisfactory to the Commissioner that the licensee has, in fact, spent the amount of time requested engaged in training.

(e) Submitted proof satisfactory to the Commissioner that such applicant (or such applicant's sponsoring entity) has been approved, by being awarded a federal grant or otherwise, to act as a Navigator.

(6) Georgia Access Specialist means an individual who is employed by or affiliated with a Certified Application Counselor Designated Organization and is licensed and trained by the State of Georgia to assist consumers, small businesses, and their employees as they compare options and apply for health coverage through Georgia Access. Georgia Access Specialists are not permitted to enroll consumers into a health plan and are not allowed to provide specific health plan advice. These individuals are required to be unbiased, and their services are free to consumers.

(7) No person shall act as a Georgia Access Specialist without first obtaining a license to act as such from the Commissioner.

(8) The Commissioner may not issue a Georgia Access Specialist license to any applicant until such applicant has:

(a) Submitted an application on forms provided by the Commissioner. Such form shall include an acknowledgement from the applicant that such applicant understands that a Georgia Access Specialist license is not alone sufficient to sell, solicit, or negotiate insurance in the State of Georgia;

(b) Completed Georgia Access Certification Training;

(c) Passed an exam as required by the Commissioner;

(d) Submitted a Counselor Designation Organization Affiliation form;

(e) Completed annual registration on Sircon for which no fee shall be collected.

(f) Submitted a Citizenship Affidavit;

(g) Attained the age of 18.

(9) The Commissioner may not renew a Georgia Access Specialist license until such applicant has:

(a) Submitted a license renewal on forms prescribed by the Commissioner;

(b) License renewals are due on or before the August 31 expiration date;

(c) Failure to file the required license renewal form shall result in the expiration of the license.

(10) Each Georgia Access Specialist license shall expire on August 31.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.48

AUTHORITY: O.C.G.A. §§ 33-2-9**,** 33-8-1**,** 33-23-5**,** 33-23-5.1**,** 33-23-9**,** 33-23-10**,** 33-23-44**,** 33-23-200**,** 33-23-201**,** 33-23-202**,** 33-23-203**,** 33-23-204**,** 33-23-205**,** 50-13-21**.**

HISTORY: New rule entitled "Severability" adopted. F. Sept. 10, 2012; eff. Sept. 30, 2012.

Repealed: New rule entitled "Violations" adopted. F. Nov. 26, 2012; eff. Dec. 16, 2012.

Repealed: New Rule entitled "Navigator" adopted. F. Oct. 15, 2013; eff. Nov. 4, 2013.

Amended: New title, "Navigator and Georgia Access Specialist." F. Sept. 20, 2023; eff. Aug. 1, 2023, as specified by the Agency.

Amended: F. July 9, 2025; eff. July 29, 2025.

Department 120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-4. OFF-DUTY POLICE EMPLOYMENT

120-2-4-.01 Definitions

For the purposes of this chapter, the term:

(a) "Commissioner" shall mean the Commissioner of Insurance.

(b) "Department" shall mean the Department of Insurance.

(c) "Sworn member" shall mean any person employed by the Commissioner of Insurance in a sworn law enforcement capacity.

(d) "Off-duty police employment" shall mean employment with an entity other than the Office of Commissioner of Insurance which entails actual or potential use of police authority and requires vested police powers as a condition of employment. Off-duty employment may be either by private or public entities. "Large off-duty police detail" shall mean a police detail requiring more than twelve sworn members.

(e) "Off-duty employment coordinator" shall mean any individual designated by the Commissioner of Insurance to coordinate requests to work off-duty employment, to maintain employer information, and to oversee the approval process for use of Departmental vehicles for off-duty police employment.

Cite as Ga. Comp. R. & Regs. R. 120-2-4-.01

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Scope and Purpose: Authority" was filed and effective on July 20, 1965.

Repealed: F. Sept. 10, 1992; eff. Sept. 30, 1992.

Adopted: New Rule entitled "Definitions." F. July 9, 2025; eff. July 29, 2025.

120-2-4-.02 Approval

(1) Prior to accepting off-duty police employment, a sworn member must obtain permission from the Commissioner or the Commissioner's designee. Requests for permission must be made on a form prescribed by the Commissioner and must be sent to the Commissioner or off-duty employment coordinator for approval. If the proposed employment conflicts with the sworn member's state employment or with any policy, rule, or regulation; of the Commissioner or the State Personnel Board, the request shall be disapproved. Approval will only be granted if there is no conflict of interest, the proposed employment does not interfere with the sworn member's primary duties, and the proposed employment is within the duties and responsibilities a sworn member performs or is reasonably expected to perform as part of his or her job duties and responsibilities. The Commissioner or his designee has the discretion to approve or disapprove any request.

(2) If approval is granted, a copy of the request form marked "approved" shall be maintained by the off-duty employment coordinator. The off-duty employment coordinator shall provide notice to each approved employer.

(3) In the event a request is made for emergency approval to work off-duty police employment, oral authorization may be granted by the Commissioner or his designee. Emergency approval will only be considered when the request from the employer is made 72 hours or less prior to the date of the off-duty police employment. If oral approval is granted, a written request, as provided above, must be prepared and forwarded on the form prescribed by the Department, through the chain of command, within 72 hours of the approval being granted.

(4) Approval for off-duty police employment may be suspended at any time that a conflict is found to exist, the employment interferes with the sworn member's primary duties, departmental procedures are violated, or otherwise in the discretion of the Special Agent in Charge or above, in consultation with the Director of Criminal Investigations or Commissioner. During the course of the employment, the Department may make reasonable inquiries of a sworn member to ensure that no conflict or violation of the Department's policy exists.

(5) Approval for off-duty police employment may be revoked at any time at the discretion of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-2-4-.02

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Kinds of Licenses Issued for Property and Allied Lines and Casualty, Surety and Allied Lines" was filed and effective on July 20, 1965.

Repealed: F. Sept. 10, 1992; eff. Sept. 30, 1992.

Adopted: New Rule entitled "Approval." F. July 9, 2025; eff. July 29, 2025.

120-2-4-.03 Eligibility

The following sworn members shall not be approved for off-duty police employment:

(a) Sworn members on suspension with or without pay;

(b) Sworn members assigned administrative duties for the purpose of investigation;

(c) Sworn members with an overall performance management assessment of "Does Not Meet Expectations";

(d) Sworn members approved for modified duty due to being physically or mentally incapable of performing his or her job duties;

(e) Sworn members on worker's compensation, sick leave, or FMLA leave; and

(f) Sworn members on any type of leave due to their own personal illness or injury.

Cite as Ga. Comp. R. & Regs. R. 120-2-4-.03

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Qualifications Required for Eligibility to Take License Examination" was filed and effective on July 20, 1965.

Repealed: New Rule of same title adopted. F. Aug. 24, 1989; eff. Sept. 15, 1989, as specified by the Agency.

Repealed: F. Sept. 10, 1992; eff. Sept. 30, 1992.

Adopted: New Rule entitled "Eligibility." F. July 9, 2025; eff. July 29, 2025.

120-2-4-.04 General Provisions

(1) Sworn members desiring to work off-duty police employment shall arrange such employment with the understanding that all matters related to the off-duty police employment shall be conducted at a time when the sworn member is not on duty.

(2) No scheduling, arranging employment, replacements, delivering paychecks, or any other off-duty police employment-related matters shall be performed while the sworn member is on duty with the Office of Commissioner of Insurance and Safety Fire; provided, however, that for off-duty police employment for which the sworn member receives his pay through the Department, the prohibition against the delivery of paychecks shall not apply.

(3) Sworn members are prohibited from leaving their assigned duty work zone for the purpose of off-duty police employment.

(4) Sworn members are prohibited from visiting off-duty work sites while on regularly assigned patrol shifts.

(5) Sworn members are prohibited from adjusting work schedules in order to accommodate off-duty police employment opportunities except when personally approved by the Special Agent in Charge or immediate supervisor.

(6) Sworn members working off-duty police employment shall be governed by OCI-CID Policy regarding outside employment.

(7) Off-duty police employment is prohibited with a private employer when the employer is involved in a labor strike. In cases where a private employer becomes involved in a labor strike subsequent to approval by the Commissioner, the approval shall be considered immediately withdrawn.

(8) All law enforcement decisions will be made by the sworn member and not by the off-duty police employer.

(9) Use of a department vehicle for off-duty police employment requires written approval in advance by the Commissioner, or his designee and the vehicle shall be used only in the manner and for the purpose approved.

(10) A sworn member may work a maximum of 64 hours of employment per workweek, whether the work is exclusively regular duty hours, or exclusively off-duty police employment, or a combination of regular duty hours and off-duty police employment. A maximum of 72 hours during one week may be approved by a sworn member's immediate supervisor. The Director has authority to determine that an overage of the 64 hours was unavoidable. Any deliberate omission or misrepresentation by the sworn member of hours worked on off-duty police employment shall result in disciplinary action, up to and including termination of employment. Exceptions will be made in the event of a riot, natural disaster, emergency situation, or other exigent circumstances, as determined by the Commissioner. A sworn member working off-duty police employment shall provide a minimum of six hours for rest between off-duty employment and regular on-duty assignments.

(11) A sworn member engaged in off-duty police employment is expected to take appropriate law enforcement action when a serious violation or life-threatening situation occurs (such as the commission of a felony). A sworn member responding under these conditions is considered "on-duty" and shall be afforded all protection consistent with the position of a sworn member. Law enforcement decisions must be made in accordance with Office of Commissioner of Insurance and Safety Fire policies, procedures, training, rules and regulations.

(12) The off-duty police employer may make general assignment of duties but, has no authority to control law enforcement activities of sworn members. Sworn members engaged in off-duty police employment will be subject to the same policies, rules and regulations as on-duty sworn member. While wearing any uniform of the Office of Commissioner of Insurance and Safety Fire, sworn members shall conduct themselves as professional law enforcement officers and are held to the same high standard and code of conduct as while on duty.

(13) The following rules apply to the use of state equipment in the course of Off-Duty Police Employment:

(a) When off-duty police employment is approved, the sworn member shall wear the Office of Commissioner of Insurance and Safety Fire, to include body armor, and may use Office of Commissioner of Insurance and Safety Fire equipment issued to the sworn member.

(b) Sworn members are permitted to use the department vehicle as authorized by O.C.G.A. § 33-2-8, in the manner and for the purpose approved by the Commissioner prior to the use of the vehicle, and only in accordance with the Commissioner's policies and procedures.

(c) The Commissioner may require reimbursement for the use of the vehicle by the off-duty employer pursuant to a Department-approved, written agreement between the Department and the off-duty police employer. The Commissioner's determination shall be made before the off-duty employment begins. The off-duty employer shall be responsible for furnishing lodging and meals to the sworn member if the assignment requires an overnight stay.

(14) A sworn member engaged in an off-duty police employment assignment must be available to be recalled to on-duty status. Notice of this requirement shall be given to the employer in accordance with departmental policy.

(15) Large off-duty police details shall require sufficient sworn off-duty Office of Commissioner of Insurance and Safety Fire, Criminal Investigations Division supervisors to supervise the detail. The Office of Commissioner of Insurance and Safety Fire, Criminal Investigations Division standard for supervisors requires the following, unless an exception is approved in advance by the Commissioner or his designee:

(a) One (1) Special Agent 3 is required for every 6 sworn employees assigned to a large off-duty police detail.

(b) One (1) Supervisory Special Agent or Special Agent in Charge is required for every two (2) Special Agent 3s assigned to supervise a large off-duty police detail.

(16) Sworn members who have an agreement with a property owner or manager to pay a reduced amount of rent or no rent for merely residing at an apartment complex, house, or mobile home park are considered to be engaged in off-duty police employment.

(17) If any type of regularly scheduled service such as security checks are part of the agreement, sworn members are considered to be engaged in off-duty police employment. Each member with such an agreement, either written or oral, shall request approval as stated in this chapter.

(18) The request for off-duty police employment in a rental agreement situation must clearly state the conditions of the agreement.

Cite as Ga. Comp. R. & Regs. R. 120-2-4-.04

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Required or Approved Study Material for Meeting Requirements for License Examinations" was filed and effective on July 20, 1965.

Amended: Rule repealed and a new Rule entitled "Schedule of License Examinations" adopted. Filed May 21, 1982; effective June 10, 1982.

Repealed: New Rule same title, adopted. F. Jun. 25, 1991; eff. July 15, 1991.

Repealed: F. Sept. 10, 1992; eff. Sept. 30, 1992.

Adopted: New Rule entitled "General Provisions." F. July 9, 2025; eff. July 29, 2025.

120-2-4-.05 Unacceptable Employment

Off-duty police employment which is not acceptable to the Office of Commissioner of Insurance and Safety Fire includes, but is not limited to:

(a) Employment involving wrecker companies, bail bonding companies, private investigation services, security company, paralegal services, pawn brokers, nightclubs, bars, adult entertainment establishments, employment in which the primary source of revenue is the sale of alcoholic beverages, precious metal dealers, any licensed agent, subagent, or person licensed through the Department of Insurance generally, employers known to have a lawsuit or administrative hearing pending involving the State of Georgia, and any employment that would require a sworn member to testify in court in opposition to another law enforcement agency. Approval may be granted on an individual basis when the sale and consumption of alcohol beverages is incidental to the primary function or purpose of the enterprise such as sports facilities and civic centers. The Commissioner may make reasonable inquiries of the member to ensure that the continued outside employment does not constitute a conflict of interest.

(b) Any other off-duty police employment determined by the Commissioner, in his or her discretion, to be inconsistent, incompatible, in conflict with or that would bring discredit upon the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-2-4-.05

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Standards for Evaluating Approved Classroom Courses Sponsored by Colleges, Extension Divisions, Associations and Companies" was filed and effective on July 20, 1965.

Repealed: F. Sept. 10, 1992; eff. Sept. 30, 1992.

Adopted: New Rule entitled "Unacceptable Employment." F. July 9, 2025; eff. July 29, 2025.

120-2-4-.06 Off-Duty-Employer Responsibilities

(1) The Department will not be responsible for a sworn member's actions if the sworn member is acting in the scope of employment for the outside employer. Except as provided in this rule, state benefits and protection, including liability insurance coverage and workers compensation benefits for related injuries and disability, will not apply while the sworn member is performing off-duty police employment.

(2) If such employment is by another state department, that agency, rather than the Office of Commissioner of Insurance and Safety Fire, will be responsible for such coverage.

(3) If use of the department vehicle has been approved for use in off-duty police employment in accordance with O.C.G.A. § 33-2-8, the sworn member is deemed to be acting within the scope of his/her official duties and employment and shall be afforded liability coverage for claims arising out of such approved use of the vehicle.

(4) Requests for employment by another state agency shall be in writing and shall conform to the requirements for Off-Duty Police Employment. In addition to the requirement stated in this policy, a release shall be provided by the sworn member which states:

(a) In the event that the hours worked for the Department and another state agency result in the sworn member being eligible for overtime, the overtime shall be the responsibility of the other agency up to the maximum hours worked by the other agency, and

(b) In the event the sworn member requests or becomes entitled to overtime pay as a result of working outside the Department for another agency, the outside employer or other state agency shall bear the expense or liability and must agree to such in writing.

Cite as Ga. Comp. R. & Regs. R. 120-2-4-.06

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Classroom Courses" was filed and effective on July 20, 1965.

Repealed: F. Sept. 10, 1992; eff. Sept. 30, 1992.

Adopted: New Rule entitled "Off-Duty-Employer Responsibilities." F. July 9, 2025; eff. July 29, 2025.

Department 120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-112. GEORGIA ACCESS

120-2-112-.01 Authority

This Subject is promulgated by the Commissioner of Insurance pursuant to the authority set forth in O.C.G.A. §§ 33-1-23; 33-2-9; 33-23-44; 50-13-21.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.01

AUTHORITY: O.C.G.A. §§ 33-1-23**,** 33-2-9**,** 33-23-44**,** 50-13-21**.**

HISTORY: Original Rule entitled "Authority" adopted. F. July 9, 2025; eff. July 29, 2025.

120-2-112-.02 Purpose

The purpose of this Subject is to do establish the rules necessary to implement, establish, administer, and operate Georgia Access, a state-based health exchange to facilitate the purchase and sale of qualified health plans to eligible individuals and qualified employers.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.02

AUTHORITY: O.C.G.A. §§ 33-1-23**,** 33-2-9**,** 33-23-44**,** 50-13-21**.**

HISTORY: Original Rule entitled "Purpose" adopted. F. July 9, 2025; eff. July 29, 2025.

120-2-112-.03 Definitions

(1) "Commissioner" means the Commissioner of Insurance.

(2) "Eligible individual" means an individual or consumer who has been determined eligible to enroll through Georgia Access in a qualified health plan in the individual market.

(3) "Exchange" means a state, federal, or partnership exchange or marketplace operating in Georgia pursuant to Section 1311 of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152 (referred hereinafter as the "Federal Act").

(4) "Georgia Access" means the State-based Exchange of the State of Georgia.

(5) "Issuer" means an insurance company licensed by the Georgia Office of Commissioner of Insurance and Safety Fire to engage in the business of selling, soliciting, or negotiating insurance in Georgia.

(6) "Open enrollment" is the annual period when eligible individuals may enroll in an individual health or dental insurance plan for the upcoming year.

(7) "Plan year" is the 12-month period of benefit coverage under a health or dental plan. For Georgia Access, a plan year begins January 1st of each year and rules through December 31st of the same year.

(8) "Stand-alone dental plan" or "SADP" is a dental insurance plan certified by Georgia Access that is not included as part of a health plan.

(9) "Qualified Health Plan or "QHP" is a health or dental insurance plan that is certified by Georgia Access.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.03

AUTHORITY: O.C.G.A. §§ 33-2-9**,** 50-13-21**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. July 9, 2025; eff. July 29, 2025.

120-2-112-.04 Certification and Decertification of Qualified Health Plans and Stand Alone Dental Plans

(1) **Certification.** Georgia Access is authorized to certify issuers seeking QHP certification of plan(s) to be offered on Georgia Access, regardless of licensure type. Georgia Access will publish certification criteria and guidelines annually.

(2) Georgia Access shall publish minimum standards that comply with federal and state requirements for participation in Georgia Access.

(a) Georgia Access shall certify all plans meeting the requirements of § 1311(c) of the Federal Act for participation in Georgia Access unless it is not in the interest of eligible individuals and qualified employers in the State of Georgia.

(b) Certification criteria shall be applied consistently across all issuers participating in Georgia Access.

(3) **Annual Certification Timeline.** Georgia Access shall establish an annual certification process and timeline for all participating QHP issuers.

(4) **Issuer Agreements.** All QHP issuers must enter into an Issuer Agreement with Georgia Access describing the issuer's obligations regarding offering products or services on Georgia Access.

(5) **Decertification.** Georgia Access is authorized to:

(a) establish a process for decertification; and

(b) decertify a QHP if it is determined that it is not in the public interest to permit such plan(s) to be offered through Georgia Access.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.04

AUTHORITY: O.C.G.A. §§ 33-1-23**,** 33-2-9**,** 50-13-21**.**

HISTORY: Original Rule entitled "Certification and Decertification of Qualified Health Plans and Stand Alone Dental Plans" adopted. F. July 9, 2025; eff. July 29, 2025.

120-2-112-.05 User Fees

Pursuant to O.C.G.A. § 33-1-23, the Commissioner is authorized to impose fees on Issuers offering QHPs. Failure to timely remit fees may result in the assessment of penalties.

(a) **Annual User Fee.** To support the functions of Georgia Access, issuers offering QHPs must remit a user fee to Georgia Access each month, in a timeframe and manner established by Georgia Access, equal to a percentage of the monthly premium charged by the issuer for each policy under the plan where enrollment is through Georgia Access.

(b) **Publication of Fee Percentage.** Georgia Access will publish its user fee percentage for each plan year before the beginning of the open enrollment period.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.05

AUTHORITY: O.C.G.A. §§ 33-1-23**,** 33-2-9**,** 50-13-21**.**

HISTORY: Original Rule entitled "User Fees" adopted. F. July 9, 2025; eff. July 29, 2025.

120-2-112-.06 Enrollment Periods

Open Enrollment Period.

(a) Georgia Access will establish the annual open enrollment period and shall provide a minimum of one hundred twenty (120) days advance public notice prior to its first day.

(b) Georgia Access shall comply with federal requirements with respect to the length of the annual open enrollment period.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.06

AUTHORITY: O.C.G.A. §§ 33-1-23**,** 33-2-9**,** 50-13-21**.**

HISTORY: Original Rule entitled "Enrollment Periods" adopted. F. July 9, 2025; eff. July 29, 2025.

120-2-112-.07 Penalties

Any issuer, representative, officer, or employee of such issuer failing to comply with the requirements of the Subject shall be subject to such penalties and other enforcement actions as may be appropriate under the insurance laws of this State.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.07

AUTHORITY: O.C.G.A. §§ 33-1-23**,** 33-2-9**,** 33-2-24**,** 33-23-44**,** 50-13-21**.**

HISTORY: Original Rule entitled "Penalties" adopted. F. July 9, 2025; eff. July 29, 2025.

120-2-112-.08 Severability

If any provision of this Subject or the application thereof to any person or circumstance is for any reason held to be invalid by a court of competent jurisdiction, the remainder of the Subject or the applicability of such provision to other persons or circumstances shall not be affected.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.08

AUTHORITY: O.C.G.A. §§ 33-1-23**,** 33-2-9**,** 33-23-44**,** 50-13-21**.**

HISTORY: Original Rule entitled "Severability" adopted. F. July 9, 2025; eff. July 29, 2025.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-13. FEES AND EXCISE TAXES

Subject 560-13-2. STATE HOTEL-MOTEL FEE

560-13-2-.01 State Hotel-Motel Fee

(1) **Purpose**. This Rule addresses the state hotel-motel fee imposed pursuant to O.C.G.A. §§ 48-13-50.2, 48-13-50.3, and 48-13-50.4.

(2) **Definitions**. For purposes of this Rule only:

(a) "Accommodation" means the "retail sale", as defined under O.C.G.A. § 48-8-2(31), of any room or lodging that is furnished for value to the public and provides physical shelter.

(b) "Extended Stay Rental" means an Accommodation for longer than 30 consecutive days to the same customer;

(c) "Franchisee" means a franchisee as defined in 16 C.F.R. 436.1.

(d) "Franchisor" means a franchisor as defined in 16 C.F.R. 436.1.

(e) "Innkeeper" means:

1. Any person that furnishes Accommodations in a county or municipality and that is licensed by, or required to pay business or occupation taxes to, such municipality or county for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place where Accommodations are regularly furnished for value; or

2. a Marketplace Innkeeper.

(f) "Marketplace Innkeeper" means a person, except for certain franchisors as set forth in paragraph (6)(h),

1. who contracts with a Marketplace Seller, in exchange for any form of consideration, to make available or facilitate on behalf of the Marketplace Seller the rental or lease of any Accommodation by (directly or through any agreement or arrangement with another person):

(i) collecting, charging, processing, or otherwise similarly facilitating payment of such rental or lease on behalf of the Marketplace Seller; and

(ii) providing a service that makes available or facilitates such rental or lease in any manner. Such service may include, but is not limited to, promoting, marketing, advertising, taking orders or reservations for such rental or lease; providing the physical or electronic infrastructure that brings purchasers and Marketplace Sellers together for such rental or lease; or otherwise similarly assisting the Marketplace Seller in making such rental or lease, or transmitting or otherwise similarly communicating the offer and acceptance between the Marketplace Seller and the purchaser for such rental or lease, or otherwise similarly assisting the Marketplace Seller for such rental or lease. Such service excludes merely processing the payments for such rental or lease; and

2. who facilitates, in the manner described in paragraph (2)(f)1. above, retail sales (including rentals and leases of Accommodations) that are subject to Georgia sales and use tax, if the total value such facilitated sales, combined with the facilitator's own retail sales that are subject to Georgia sales and use tax, equals or exceeds $100,000.00 in aggregate in the previous or current calendar year.

(g) "Marketplace Seller" means a person that conducts a retail sale through or facilitated by any physical or electronic marketplace or platform operated directly or indirectly by a Marketplace Innkeeper or marketplace facilitator as defined in O.C.G.A. § 48-8-2(18.1), regardless of whether such Marketplace Seller is required to be registered with the Department pursuant to Code Section 48-8-59.

(3) **Imposition.** In addition to taxes of every kind imposed by law, Innkeepers must charge a state hotel-motel fee of $5.00 per night tax imposed on the rental or lease by an Innkeeper of any Accommodation, unless the rental or lease is exempted or excluded under paragraph (6) or is an "Extended Stay Rental" under paragraph (7).

(4) **Liability of Innkeepers, Customers, Marketplace Sellers, Marketplace Innkeepers, and Third Parties.**

(a) The state hotel-motel fee is a debt from the customer to the Innkeeper until it is paid and is recoverable at law in the same manner as authorized for the recovery of other debts. Any Innkeeper who neglects, fails, or refuses to collect the state hotel-motel fee is liable for the fee. The rental or lease of an Accommodation is subject to the state hotel-motel fee only if it is provided by an Innkeeper. However, a Marketplace Innkeeper is an Innkeeper and must remit the fee, even if the owner on whose behalf the Marketplace Innkeeper facilitates the sale is not an Innkeeper.

1. Example 1: Owner advertises her house as a guest rental Accommodation on a website operated by the local newspaper. Neither the county nor the city in which Owner's house is located requires Owner to be licensed or pay business or occupation taxes for furnishing an Accommodation. Accordingly, Owner is not an Innkeeper and is not required to remit the state hotel-motel fee on the rental of her house. However, Owner is required to remit sales and use tax on the sales price of the guest's stay.

2. Example 2: Assume the same facts as in Example 1, except, instead of advertising her house on the local newspaper's website, Owner lists her house on MPI.com's website. MPI.com facilitates, on behalf of property owners, the rental of the owners' houses as guest Accommodations by advertising the owners' houses on its website and collecting the rental charges from guests on behalf of the owners. MPI.com receives a fee for each sale that it facilitates on behalf of the owners. The total value of the facilitated rentals of Accommodations that are subject to Georgia sales and use tax, combined with MPI.com's own retail sales that are subject to Georgia sales and use tax, equals or exceeds $100,000.00 in aggregate in the previous or current calendar year.

MPI.com rents Owner's house to a guest and collects all the charges from the guest. Although Owner is not an Innkeeper, MPI.com must collect the state hotel-motel fee on each night of the guest's stay because MPI.com is Marketplace Innkeeper. MPI.com must also remit sales and use tax on the sales price of the guest's stay because it facilitated the rental of Owner's house as a marketplace facilitator as defined in O.C.G.A. § 48-8-2(18.1) and a dealer as defined in O.C.G.A. § 48-8-2(8)(M.3).

3. Example 3: Assume the same facts as in Example 1, except the county in which Owner's house is located requires Owner to pay occupation taxes for furnishing an Accommodation. Owner must remit state hotel-motel fees for each night of the guest's stay because she is an Innkeeper. Owner must also remit sales and use tax on the sales price of the guest's stay.

(b) The state hotel-motel fee is imposed on rental charges collected by a Marketplace Innkeeper for rentals or leases of any Accommodation that is facilitated by a Marketplace Innkeeper on behalf of a Marketplace Seller. The Marketplace Innkeeper is liable for the greater of:

1. the full amount of applicable state hotel-motel fees imposed on all rentals or leases of Accommodations that it facilitates within or outside Georgia on behalf of a Marketplace Seller; or

2. the amount of state hotel-motel fees collected by such Marketplace Innkeeper from all purchasers on all such rentals or leases.

(c) A Marketplace Seller is not required to collect or remit, and is not liable for, state hotel-motel fees imposed on sales of Accommodations for which a Marketplace Innkeeper is required to collect and remit state hotel-motel fees on behalf of the provider.

(d) A Marketplace Innkeeper is not liable for state hotel-motel fees that it fails to collect and remit to the extent that:

1. the Marketplace Innkeeper demonstrates to the satisfaction of the Department that the error was due to insufficient or incorrect information given to the Marketplace Innkeeper by the Marketplace Seller on whose behalf the rental or lease of the Accommodation was facilitated;

2. the Marketplace Innkeeper made a reasonable effort to obtain correct and sufficient information from such Marketplace Seller; and

3. the Marketplace Seller and the Marketplace Innkeeper are not related members as defined in O.C.G.A. § 48-7-28.3.

(e) When a Marketplace Innkeeper is relieved of liability as described in paragraph (4)(d) above, the Marketplace Seller on whose behalf the rental or lease of the Accommodation was facilitated is solely liable for the uncollected state hotel-motel fee, even if such Marketplace Seller is not an Innkeeper.

(f) Third parties making reservations on behalf of customers must remit all state hotel-motel fees collected by the third parties. If a third party, other than a Marketplace Innkeeper, has contracted with an Innkeeper to collect taxes and/or fees from customers, the Department may assess and collect state hotel-motel fees from either the Innkeeper or the third party.

(5) **Sales and use tax base.** If the state hotel-motel fee is separately itemized on the invoice, bill of sale, or similar document given to the customer, it is excluded from the sales price for purposes of calculating sales and use tax.

(a) Example: The price to rent a hotel room for one night is $100.00. The bill shows $100.00 for one night's stay and a separate line-item of $5.00 for the state hotel-motel fee. The state and local sales tax rate in the county where the hotel is located is 7%. The sales tax is, therefore, $7.00 (7% of $100.00).

(6) **Exemptions and exclusions.**

(a) Except as otherwise provided in this Rule, exemptions under O.C.G.A. §§ 48-8-3 and 48-13-51(h) do not apply to the state hotel-motel fee.

(b) Federal government immunity. The state hotel-motel fee does not apply to Accommodations rented by the federal government by a check drawn on a federal government account, by a credit card centrally billed to the federal government, or by a federal government purchase order.

(c) Foreign diplomats. Foreign diplomatic missions, their members, and dependents and Taipei Economic and Cultural Representative Office (TECRO), Taipei Economic and Cultural Offices (TECOs), their employees and dependents are exempt from the state hotel-motel fee to the same extent they are exempt from sales and use tax.

(d) Student housing. A facility providing housing to students pursuant to a contract with a school is not subject to the state hotel-motel fee, so long as the facility does not provide housekeeping, linen, or other customary hotel services.

(e) Special care facilities. A facility that is registered with or licensed by a Georgia state governmental agency, whether publicly or privately owned and operated, which accepts persons who require special care on account of age, illness, or mental or physical incapacity, and which provides this special care by nurses, orderlies, or aides, is not an Accommodation. Accordingly, the units in this type of facility are not subject to the state hotel-motel fee. Examples of these types of facilities are nursing homes, rest homes, convalescent homes, maternity homes, homes for persons with disabilities, residence homes for adults, assisted living facilities, and similar facilities.

(f) Accommodations used by the Innkeeper. Accommodations used by the Innkeeper in the regular course of business, for which no consideration is received, are not subject to the state hotel-motel fee. Examples include, but are not limited to, Accommodations provided to:

1. Quality assurance inspectors;

2. A weekend manager on duty;

3. A food and beverage team assisting with in-house events.

(g) Complimentary Accommodations. Complimentary Accommodations for which no rent or other consideration is paid are not subject to the state hotel-motel fee. The following Accommodations are not complimentary and are, therefore, subject to the state hotel-motel fee:

1. Accommodations provided to employees of an Innkeeper at no charge if the Accommodations must be included in the employee's wages for purposes of federal income tax;

2. Accommodations bartered as payment to vendors such as musicians and photographers;

3. Accommodations purchased by redeeming reward points when the hotel receives consideration from a fund or other third party; and

4. Additional nights provided to guests who purchase a specified number of nights.

(i) Example: A hotel advertises, "Buy 4 nights, get the 5th night free." Taking advantage of the deal, a guest purchases 5 nights for $400.00. Each night of the guest's 5-night stay is subject to the state hotel-motel fee.

(ii) Example: A hotel's rate for a one-night rental of 50 rooms is $5,000.00. In exchange for a guest's $5,000.00 payment for a 50-room block, the hotel gives the guest an additional room for one night at no additional charge. Because the guest has rented 51 rooms for one night at the price of $5,000.00, the state hotel-motel fee applies to each of the 51 rooms.

(h) Franchisors. A Franchisor is not a Marketplace Innkeeper with respect to any Innkeeper defined above that is its Franchisee, provided that

1. in the prior calendar year, such Franchisor and all of its Franchisees combined made annual gross sales in the United States of at least $500 million in aggregate;

2. such Franchisee maintains a valid certificate of registration as required by O.C.G.A. § 48-8-59; and

3. such Franchisee and Franchisor maintain a valid contract providing that the Franchisee will collect and remit all applicable taxes and fees that the Franchisor would otherwise be required to collect and remit as a Marketplace Innkeeper for such Franchisee.

(7) **Extended Stay Rentals.**

(a) When a customer rents an Accommodation, the Innkeeper must collect the state hotel-motel fee regardless of whether the Accommodation is rented under a contract that provides that the customer will have the right to occupy the Accommodation for longer than 30 consecutive days.

(b) The first 30 days of the rental are subject to the state hotel-motel fee and will not be refunded even if the rental becomes an Extended Stay Rental.

(c) Once a rental becomes an Extended Stay Rental (upon the 31st day of continuous occupancy), no further state hotel-motel fee must be collected with respect to the Accommodation, provided that the customer's days of consecutive occupancy are not interrupted. This is so, regardless of whether the right to occupy the Accommodation is granted under separate, successive contracts.

(d) Moving to a different Accommodation in the same facility does not interrupt the period of consecutive occupancy.

1. Example: A hotel customer occupies a particular room in a hotel for 10 consecutive days and, on the 11th day, changes to a different room in the same hotel and occupies the second room for an additional 30 consecutive days. The rental becomes an Extended Stay Rental on the 21st day that the customer occupies the second room in the same hotel.

(e) An extended stay occupant who transfers from one facility to a different facility, whether or not run by the same operator, loses Extended Stay Rental status and must complete the required number of days at the second hotel before the rental becomes an Extended Stay Rental there. Similarly, the transfer to a different facility by a customer who is not yet an extended stay occupant interrupts the number of consecutive days necessary to establish an Extended Stay Rental.

1. Example: A customer rents a suite of rooms in a hotel. After 20 days, the customer moves to a different Hotel owned by the same operator. The customer spends another 20 days at the second hotel. The rental is not an Extended Stay Rental at either hotel because the customer did not occupy a hotel room for at least 31 consecutive days at either hotel. The customer may not aggregate the time spent between the two hotels to meet the 31-consecutive-day criteria for Extended Stay Rentals.

(f) For the purpose of determining whether a business entity qualifies as an extended stay occupant of an Accommodation, days that the business pays rent for the Accommodation, regardless of whether the Accommodation is actually occupied, are considered days that the Accommodation is occupied by the business, provided that the employee, customer, client, or other person staying in the Accommodation does not reimburse or pay the business for the right to occupy the Accommodation. However, days for which an employee, customer, client, or other person pays or reimburses the business for the right to occupy the Accommodation, whether as part of a package or otherwise, are considered days that the Accommodation is occupied by that person and are not considered days of occupancy by the business. The renewal of a rental contract between a business and a provider of Accommodations, as long as the rental is continuous, does not interrupt the business's occupancy.

1. Example: A company rents three hotel rooms. One room is occupied by an employee of the company, one room is occupied by a client, and the last room remains unoccupied. The employee does not pay for the right to occupy the room; however, the client compensates the company for use of the room. The days that the room is occupied by the company's employee and the days that the third room remains unoccupied are considered to be days of occupancy for the company with respect to such rooms. Accordingly, after 31 consecutive days of occupancy, the company is considered to be an extended stay occupant of the two rooms. The days that the room is occupied by the company's client, however, are not considered to be days that the room is occupied by the company. Consequently, the company cannot become an extended stay occupant with respect to the room that is occupied by the client.

(g) If an extended stay occupant permits the hotel to rent his or her Accommodation to other customers during the occupant's temporary absence, and the occupant does not have the right to occupy any other Accommodation in the hotel during that absence, the occupant's period of consecutive occupancy in that hotel is considered to have ended. Therefore, when the occupant resumes occupancy in the hotel, he or she will not be considered an extended stay occupant of the hotel until a new 31-day period of consecutive occupancy is established. The customer to whom the Accommodation is rented during the former extended stay occupant's absence may establish extended stay status based on whether such customer occupies the Accommodation for the requisite number of consecutive days.

(8) **Guaranteed no-show revenue.** When the agreement between the Innkeeper and customer provides that the Accommodation will not be released or offered to other occupants even if the customer never occupies the Accommodation, the Innkeeper must collect the state hotel-motel fee for every night for which the customer has reserved and paid for the Accommodation, regardless of whether the customer actually stays in the Accommodation.

(9) **Returns.** Innkeepers must report and remit the state hotel-motel fee electronically on a separate return on or before the 20th day of the month following the month of collection. Innkeepers must file a return even for months during which no Accommodations were provided. If an Innkeeper fails to collect the state hotel-motel fee, the Innkeeper must report and remit the state hotel-motel fee on or before the 20th day of the month following the month of an Accommodation for which the state hotel-motel fee should have been collected. Only one return and one state hotel-motel fee account number are required, even if the Innkeeper has multiple locations.

(10) **Penalties and interest.**

(a) When any Innkeeper fails to file a return or to pay the full amount of the state hotel-motel fee due, in addition to other penalties provided by law, a penalty will be added to the fee in the amount of 5 percent or $5.00, whichever is greater, if the failure is for not more than 30 days. An additional penalty of 5 percent or $5.00, whichever is greater, will be added for each additional 30 days or fraction of 30 days during which the failure continues. The penalty for any single violation must not exceed 25 percent or $25.00 in the aggregate, whichever is greater. If the failure is due to reasonable cause shown to the satisfaction of the commissioner in affidavit form attached to the return and remittance is made within ten days of the due date, the return may be accepted exclusive of penalties and interest. In the case of a false or fraudulent return or of a failure to file a return where willful intent exists to defraud the State of the state hotel-motel fee, a penalty of 50 percent of the fee due will be assessed.

(b) The state hotel-motel fee bears interest in accordance with O.C.G.A. § 48-2-40.

(11) **Vendors' compensation.** In reporting and paying state hotel-motel fees, each Innkeeper is allowed the following deduction, but only if the return was timely filed and the amount due was not delinquent at the time of payment:

(a) A deduction of 3 percent of the first $3,000.00 of the combined total amount reported due on such return for each location; and

(b) A deduction of one-half of 1 percent of that portion exceeding $3,000.00 of the combined total amount reported due on such return for each location.

(12) **Periods of limitation for assessment of state hotel-motel fees.**

(a) Except as otherwise provided in this paragraph, in the case where a return is filed, the state hotel-motel fee must be assessed within three years after the return was filed. A return filed before the last filing day prescribed by law will be considered as filed on the last day. If an extension of time for filing a return is granted and the return is filed on or before the extended date, the return will be considered as filed on the extended due date.

(b) In the case of a false or fraudulent return filed with the intent to evade the state hotel-motel fee or a failure to file a return, the state hotel-motel fee may be assessed at any time.

(c) Where, before the expiration of the time prescribed in this paragraph for the assessment of the state hotel-motel fee, both the commissioner and the person subject to assessment have consented in writing to its assessment after such time, the state hotel-motel fee may be assessed at any time prior to the expiration of the agreed upon period. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the previously agreed upon period. The commissioner is authorized in any such agreement to extend similarly the period within which a claim for refund may be filed.

(d) If a claim for refund of state hotel-motel fees paid for any period is filed within the last six months of the period during which the commissioner may assess the amount of state hotel-motel fees, the assessment period is extended for a period of six months beginning on the day the claim for refund is filed.

(e) No action without assessment may be brought for the collection of any state hotel-motel fee after the expiration of the period for assessment.

(13) **Refunds.** State hotel-motel fees erroneously or illegally assessed and collected and interest on those fees will be refunded in accordance with O.C.G.A. § 48-2-35. Refund claims must be filed electronically on the Georgia Tax Center website. Refund claims submitted in any other manner will not be accepted. When a Hotel customer files a refund claim, the Claim for Refund must be accompanied by a properly completed Waiver of Vendor's Rights (Form ST-12A) or a Purchaser's Claim for Sales Tax Refund Affidavit (Form ST-12B). When the claimant has remitted state hotel-motel fees directly to the Department, the ST-12A and ST-12B are not required.

Cite as Ga. Comp. R. & Regs. R. 560-13-2-.01

AUTHORITY: O.C.G.A. §§ 48-2-12**,** 48-13-50.2**,** 48-13-50.3**,** 48-13-50.4**,** 48-2-35**,** 48-2-40**.**

HISTORY: Original Rule filed as Emergency Rule 560-13-2-0.30-.01 on June 26, 2015; effective July 1, 2015, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Adopted: Permanent Rule entitled "State Hotel-Motel Fee." F. Oct. 20, 2015; eff. Nov. 9, 2015.

Amended: F. July 15, 2016; eff. Aug. 4, 2016.

Amended: F. July 17, 2025; eff. Aug. 6, 2025.

Department 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE

Chapter 700-2. QUALIFICATIONS FOR ADMISSION TO EXAMINATION

700-2-.04 Temporary Veterinary License

(1) A one-time, six-month temporary veterinary license may be granted for practice in government or nonprofit shelter medicine, nonprofit sterilization clinics, and nonprofit mobile sterilization programs registered with this state.

(2) To qualify, the applicant must submit:

(a) A complete application in the manner required by the Board along with the application fee established by the Board; and,

(b) A verification of licensure from another state which training, experience, and testing substantially meet or exceed the requirements of this state to obtain a license; and,

(c) Proof of obtaining a specialty, certification, training, or other experience while employed in another state which substantially meets or exceeds the requirement to obtain a license in this state.

(3) Issuance of a temporary veterinary license shall authorize the holder to practice in this state for a period of up to six (6) months from the date of issuance.

(4) The holder of a temporary veterinary license may be subject to sanctions as provided in O.C.G.A. § 43-50-41.

(5) Once the temporary veterinary license expires, it shall not be renewed, and the license holder must cease the practice of veterinary medicine in the State of Georgia unless and until he or she becomes licensed as a veterinarian by the Board.

Cite as Ga. Comp. R. & Regs. R. 700-2-.04

AUTHORITY: O.C.G.A. § 43-50-42.1.

HISTORY: Original Rule entitled "Temporary Veterinary License" adopted. F. July 17, 2025; eff. Aug. 6, 2025.

Department 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE

Chapter 700-6. REGISTRATION OF VETERINARY TECHNICIANS

700-6-.02 Temporary Veterinary Technician License

(1) A one-time, six-month temporary veterinary technician license may be granted for practice in government or nonprofit shelter medicine, nonprofit sterilization clinics, and nonprofit mobile sterilization programs registered with this state.

(2) To qualify, the applicant must submit:

(a) A complete application in the manner required by the Board along with the application fee established by the Board; and,

(b) A verification of licensure from another state which training, experience, and testing substantially meet or exceed the requirements of this state to obtain a license; and,

(c) Proof of obtaining a specialty, certification, training, or other experience while employed in another state which substantially meets or exceeds the requirement to obtain a license in this state.

(3) Issuance of a temporary veterinary technician license shall authorize the holder to practice in this state for a period of up to six (6) months from the date of issuance.

(4) The holder of a temporary veterinary technician license may be subject to sanctions as provided in O.C.G.A. § 43-50-41.

(5) Once the temporary license expires, it shall not be renewed, and the license holder must cease the practice of veterinary medicine in the State of Georgia unless and until he or she becomes licensed as a veterinary technician by the Board.

Cite as Ga. Comp. R. & Regs. R. 700-6-.02

AUTHORITY: O.C.G.A. § 43-50-42.1**.**

HISTORY: Original Rule entitled "Temporary Veterinary Technician License" adopted. F. July 17, 2025; eff. Aug. 6, 2025.

Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

Chapter 750-3. CLASSIFICATIONS AND REQUIREMENTS

750-3-.04 Requirements

For certification in a particular class or category, an applicant must meet the following:

(a) Education. Applicants must have earned a minimum of a high school diploma or GED certificate and must provide proof of education when submitting the application for certification to the Board.

(b) Course(s). Applicants must have completed Board-approved course(s) prior to being made eligible to sit for the examination and must provide proof of such when submitting their application for certification to the Board, unless otherwise noted in this rule. The Board may evaluate, on a case-by-case basis, post-secondary education to determine satisfaction of the course requirements. The course requirements are as follows:

1. Public Water Supply System Operator

Class IV - 6-hour basic water operator course

Class III - 40-hour basic water operator course

Class IIIG - 40-hour basic groundwater operator course

Class II - 48 hours of advanced water operator courses

Class I - No additional courses

2. Biological Wastewater Treatment System Operator

Class IV - 6-hour basic waste stabilization pond operator course

Class III - 40-hour basic wastewater operator course

Class II - 48 hours of advanced wastewater operator courses

Class I - No additional courses

3. Industrial Wastewater Treatment System Operator - 27-hour industrial wastewater operator course

4. Water Laboratory Analyst - 27-hour basic water laboratory course or, a minimum of an Associate Degree in Biology or Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry

5. Wastewater Laboratory Analyst - 27-hour basic wastewater laboratory course or, a minimum of an Associate Degree in Biology or Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry.

6. Water Distribution System Operator - 27-hour water distribution course

7. Wastewater Collection System Operator - 27-hour wastewater collection course

(c) Experience. Required experience for certification is dependent upon the applicant's education, as follows:

1. Public Water Supply System Operator or Biological Wastewater Treatment System Operator

(i) High School Diploma, GED

Class IV - 1 month of experience; Class III - 3 months of experience;

Class IIIG - 3 months of experience; Class II - 24 months of experience;

Class I - 36 months of experience

(ii) Accredited Associate Degree in Biology, Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry

Class IV - 1 month of experience; Class III - 3 months of experience;

Class IIIG - 3 months of experience; Class II - 18 months of experience;

Class I - 30 months of experience

(iii) Accredited Bachelor of Science Degree in Biology, Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry

Class IV - 1 month of experience; Class III - 3 months of experience;

Class IIIG - 3 months of experience; Class II - 12 months of experience;

Class I - 24 months of experience

2. Industrial Wastewater Treatment System Operator or Water or Wastewater Laboratory Analyst or Wastewater Collection System Operator or Water Distribution System Operator

(i) High School Diploma, GED, Accredited Associate Degree in Biology, Chemistry, or, at the Board's discretion, Accredited Bachelor of Science Degree in Biology, Chemistry, or other degrees containing sufficient courses in biology or chemistry - 3 months experience required

(d) Examination.

1. An applicant must pass a written examination in order to receive a certification.

2. Applicants must apply for a certification to be made eligible to sit for the certification examination.

3. A designated agent of the Board may administer the examinations. Examination shall be offered at least six (6) times annually.

4. The Board, through its designated agent, will provide reasonable accommodations to a qualified applicant with a disability in accordance with the Americans with Disabilities Act. The request for an accommodation by an individual with a disability must be in writing to the designated agent of the Board prior to the application deadline, along with appropriate documents, as indicated in the Request for Disability Accommodation Guidelines.

(e) Current Certification. Applicants must hold the following certificates before taking an examination for the next level of certification:

1. Public Water Supply System Operator

(i) No previous certification needed to take examination for Class IV

(ii) No previous certification needed to take examination for Class III or IIIG

(iii) Must hold Class III or Class IIIG prior to taking examination for Class II

(iv) Must hold Class II prior to taking examination for Class I

2. Biological Wastewater Treatment System Operator

(i) No previous certification needed to take examination for Class IV

(ii) No previous certification needed to take examination for Class III

(iii) Must hold Class III prior to taking examination for Class II

(iv) Must hold Class II prior to taking examination for Class I

3. Industrial Wastewater Treatment System Operator or Water or Wastewater Laboratory Analyst or Wastewater Collection System Operator or Water Distribution System Operator

(i) No previous certification needed to take examination

(f) Applicants for the following certifications may take the examination before the experience requirement is met, but shall not apply for the certifications until completing the requisite experience in the actual system operation:

1. Public Water Supply System Operator Class IV;

2. Public Water Supply System Operator Class III or IIIG;

3. Biological Wastewater Treatment System Operator Class IV;

4. Biological Wastewater Treatment System Operator Class III;

5. Industrial Wastewater Treatment System Operator;

6. Water Laboratory Analyst;

7. Wastewater Laboratory Analyst;

8. Water Distribution System Operator;

9. Wastewater Collection System Operator.

(g) Applicants for the following certifications must have completed experience in the actual system operation prior to being made eligible to sit for the certification examination:

1. Public Water Supply System Operator Class II;

2. Public Water Supply System Operator Class I;

3. Biological Wastewater Treatment System Operator Class II;

4. Biological Wastewater Treatment System Operator Class I.

(h) For those applicants who have a high school diploma or GED certificate, the Board may consider other factors, including post-secondary education and other training and experience, to determine satisfaction of the experience requirements.

Cite as Ga. Comp. R. & Regs. R. 750-3-.04

AUTHORITY: O.C.G.A. §§ 43-1-25**,** 43-51-5**,** 43-51-6**,** 43-51-6.1**,** 43-51-7**.**

HISTORY: Original Rule entitled "Revocation and Suspension of Certificates" adopted. F. Nov. 19, 1980; eff. Dec. 9, 1980.

Repealed: New Rule entitled "Renewal" adopted. F. July 8, 1988; eff. July 28, 1988.

Amended: Rule retitled "Renewal of a Class I Certificate." F. Sept. 14, 1989; eff. Oct. 4, 1989.

Repealed: New Rule entitled "Requirements" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

Repealed: New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

Amended: F. Sept. 20, 1993; eff. Oct. 10, 1993.

Amended: F. Dec. 28, 1993; eff. Jan. 17, 1994.

Amended: ER 750-3-0.2-.04 adopted. F. June 7, 1994; eff. July 1, 1994, as specified by the Agency, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: Permanent Rule adopted. F. July 27, 1994; eff. August 16, 1994.

Amended: F. Sept. 11, 1995; eff. Oct. 1, 1995.

Amended: F. Dec. 2, 1997; eff. Dec. 22, 1997.

Amended: F. Feb. 9, 2000; eff. Feb. 29, 2000.

Amended: F. Jan. 11, 2001; eff. Jan. 31, 2001.

Amended: F. January 25, 2012; eff. February 14, 2012.

Amended: F. Mar. 19, 2015; eff. Apr. 8, 2015.

Amended: F. Jan. 14, 2021; eff. Feb. 3, 2021.

Amended: F. Nov. 4, 2022; eff. Nov. 24, 2022.

Amended: F. July 9, 2025; eff. July 29, 2025.

Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

Chapter 750-4. APPLICATIONS

750-4-.01 Examination

Successful completion of Basic and Advanced courses taught by Board-approved education providers are required in order for applicants to be made eligible to sit for certification examinations, unless otherwise noted in these rules.

Cite as Ga. Comp. R. & Regs. R. 750-4-.01

AUTHORITY: O.C.G.A. §§ 43-1-4, 43-1-7, 43-1-9, 43-1-19, 43-1-24, 43-1-25, 43-51-5, 43-51-6, 43-51-6.1, 43-51-7, 43-51-8, **53-51-9,** 43-51-10**.**

HISTORY: Original Rule entitled "Operator Classification" was filed on October 8, 1971; effective October 28, 1971.

Amended: Filed August 12, 1974; effective September 1, 1974.

Amended: Rule repealed and a new Rule entitled "Examinations" adopted. Filed November 19, 1980; effective December 9, 1980.

Amended: Rule repealed and a new Rule entitled "Applications" adopted. Filed July 8, 1988; effective July 28, 1988.

Amended: F. Dec. 29, 1989; eff. Jan. 18, 1990.

Amended: F. Sept. 17, 1990; eff. Oct. 7, 1990.

Repealed: New Rule, same title adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

Repealed: New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

Amended: F. Sept. 20, 1993, eff. Oct. 10, 1993.

Repealed: New Rule entitled "Americans With Disabilities Act" adopted. F. Sept. 2, 1994; eff. Sept. 22, 1994.

Repealed: New Rule, same title adopted. F. Sept. 7, 1994; eff. Sept. 27, 1994.

Amended: F. Feb. 9, 2000; eff. Feb. 29, 2000.

Amended: New title "Examination." F. Jan. 14, 2021; eff. Feb. 3, 2021.

Amended: F. July 9, 2025; eff. July 29, 2025.

750-4-.02 Application for Certificate

A qualified applicant may apply for a certification by submission to the Board of a completed application and non-refundable application fee.

No application for certification will be considered by the board for approval, and applicants cannot be made eligible to sit for certification examinations, without documented evidence that all of the following certification requirements have been met:

(a) completion of the required experience, in accordance with Board Rule 750-3-.04(c);

(b) documentation of education, in accordance with Board Rule 750-3-.04(a);

(c) completion of the required course(s), in accordance with Board Rule 750-3-.04(b).

Cite as Ga. Comp. R. & Regs. R. 750-4-.02

AUTHORITY: O.C.G.A. §§ 43-1-4, 43-1-7, 43-1-9, 43-1-19, 43-1-24, 43-1-25, 43-51-5, 43-51-6, 43-51-6.1, 43-51-7, 43-51-8, **53-51-9,** 43-51-10.

HISTORY: Original Rule entitled "Requirements for Operator Certification" was filed on October 8, 1971; effective October 28, 1971.

Amended: Filed August 12, 1974; effective September 1, 1974.

Amended: Rule repealed and a new Rude of same title adopted. Filed August 26, 1976; effective September 15, 1976.

Amended: Filed January 8, 1979; effective January 28, 1979.

Amended: Rule repealed and a new Rule entitled "Application" adopted. Filed November 19, 1980, effective December 9, 1980.

Amended: Filed October 9, 1981; effective October 29, 1981.

Amended: Filed December 10, 1982; effective December 30, 1982.

Amended: Filed March 20, 1984; effective April 9, 1984.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 10, 1985; effective June 30, 1985.

Amended: Filed April 3, 1986, effective April 23, 1986.

Amended: Rule repealed and a new Rule entitled "Examinations" adopted. Filed July 8, 1988; effective July 28, 1988.

Amended: F. Mar. 9, 1990; eff. Mar. 29, 1990.

Repealed: New Rule, same title adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

Repealed: New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

Amended: ER 750-4-0.3-.02 was f. Jun. 7, 1994, eff. July 1, 1994 as specified by the agency to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER.

Repealed: New Rule entitled "Applications" adopted. F. Sept. 7, 1994; eff. Sept. 27, 1994.

Amended: F. Sept. 13, 1994; eff. Oct. 3, 1994.

Amended: F. Sept. 11, 1995; eff. Oct. 1, 1995.

Amended: Rule retitled "Applications for Certificate." F. Feb. 9, 2000; eff. Feb. 29, 2000.

Amended: F. Jan. 14, 2021; eff. Feb. 3, 2021.

Note: Correction of Administrative error in Rule History only,"**Amended:** F. Feb. 9, 2000; eff. Feb. 29, 2000." corrected to **"Amended:** Rule retitled "Applications for Certificate." F. Feb. 9, 2000; eff. Feb. 29, 2000.", as published in the Official Compilation Rules and Regulations of the State of Georgia, February 2000. Effective July 29, 2025.

Amended: F. July 9, 2025; eff. July 29, 2025.

750-4-.02 Application for Certificate

A qualified applicant may apply for a certification by submission to the Board of a completed application and non-refundable application fee.

No application for certification will be considered by the board for approval, and applicants cannot be made eligible to sit for certification examinations, without documented evidence that all of the following certification requirements have been met:

(a) completion of the required experience, in accordance with Board Rule 750-3-.04(c);

(b) documentation of education, in accordance with Board Rule 750-3-.04(a);

(c) completion of the required course(s), in accordance with Board Rule 750-3-.04(b).

Cite as Ga. Comp. R. & Regs. R. 750-4-.02

AUTHORITY: O.C.G.A. §§ 43-1-4**,** 43-1-7**,** 43-1-9**,** 43-1-19**,** 43-1-24**,** 43-1-25**,** 43-51-5**,** 43-51-6**,** 43-51-6.1**,** 43-51-7**,** 43-51-8**, 53-51-9,** 43-51-10.

HISTORY: Original Rule entitled "Requirements for Operator Certification" was filed on October 8, 1971; effective October 28, 1971.

Amended: Filed August 12, 1974; effective September 1, 1974.

Amended: Rule repealed and a new Rude of same title adopted. Filed August 26, 1976; effective September 15, 1976.

Amended: Filed January 8, 1979; effective January 28, 1979.

Amended: Rule repealed and a new Rule entitled "Application" adopted. Filed November 19, 1980, effective December 9, 1980.

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Amended: Filed March 20, 1984; effective April 9, 1984.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 10, 1985; effective June 30, 1985.

Amended: Filed April 3, 1986, effective April 23, 1986.

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Repealed: New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

Amended: ER 750-4-0.3-.02 was f. Jun. 7, 1994, eff. July 1, 1994 as specified by the agency to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER.

Repealed: New Rule entitled "Applications" adopted. F. Sept. 7, 1994; eff. Sept. 27, 1994.

Amended: F. Sept. 13, 1994; eff. Oct. 3, 1994.

Amended: F. Sept. 11, 1995; eff. Oct. 1, 1995.

Amended: Rule retitled "Applications for Certificate." F. Feb. 9, 2000; eff. Feb. 29, 2000.

Amended: F. Jan. 14, 2021; eff. Feb. 3, 2021.

Note: Correction of Administrative error in Rule History only,"**Amended:** F. Feb. 9, 2000; eff. Feb. 29, 2000." corrected to **"Amended:** Rule retitled "Applications for Certificate." F. Feb. 9, 2000; eff. Feb. 29, 2000.", as published in the Official Compilation Rules and Regulations of the State of Georgia, February 2000. Effective July 29, 2025.

Amended: F. July 9, 2025; eff. July 29, 2025.