Rules and Regulations of the State of Georgia

Department 682 RULES OF STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS USED MOTOR VEHICLE PARTS DIVISION

Current through Rules and Regulations filed through November 2, 2022

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally file d and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Chapters 682-1 entitled "Definition", 682-2 entitled "Organization", 682-3 entitled "Licensing", 682-4 entitled "Changes", 682-5 entitle d "Established Place of Business", 682-6 entitled "Procedural Rules", 682-7 entitled "Fees", 682-8 entitled "Applicants", 682-9 entitled "Criminal Convictions", have been adopted. Filed December 8, 1995; effective December 28, 1995.

Rules 682-3-.01, .04; 682-6-.01; 682-7-.01 have been repealed. New Rules, same titles, have been adopted. Filed April 18, 2001; effective May 8, 2001.

Rule 682-8-.06 adopted. F. Oct. 13, 2017; eff. Nov. 2, 2017.

Chapter 682-1. DEFINITIONS.

Rule 682-1-.01. Definitions.

As used in these Rules and Regulations and in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act, the following terms shall mean the following:

(a) "Administrative Procedures Act" means O.C.G.A. Chapter 50-13.

(b) "Alter ego" means a person who is actually acting on behalf of and in the place of another person for purposes of being licensed or seeking licensure under this act, where the person on whose behalf the other person is acting is ineligible for licensure under Section 682-8-.05 of these rules.

(c) "Building" means a permanent structure affixed to real property and shall include trailers, tied down and on blocks, with the wheels removed.

(d) "Conspicuously displayed" means posted inside the permanent building in an area which is most likely to be visited by consumers and posted in a manner which allows the consumer to easily read and copy from the license.

(e) "Dealers' registration plate" means the license plates issued to dealers by the State Revenue Commissioner for the purpose of demonstrating or transporting dealer's vehicles, as described in Georgia Code Annotated Section 40-2-36.

(f) "Fee schedule" means a written listing of the amounts of all fees charged by the Board.

(g) "Investigate" means to conduct fact-finding inquiries and activities in the public interest in order to arrive at an objective conclusion on the full and complete facts regarding a particular complaint, complaints, incident, or incidents. Investigations shall include those investigations:

1. conducted by the Division, its designee, or by investigators assigned to the Division; or

2. conducted by the Administrator of the Fair Business Practices Act of 1975, or conducted by the State Revenue Commissioner or by his employees, where a violation found in such investigations would also be a violation of the Used Motor Vehicle Parts Dealers' Registration Act.

(h) "Maintenance of records by licensees" means maintaining, at a designated place of business, as reflected on the licensee's application or other appropriate documents received by the Division, records such as the books and files necessary to conduct such business. Further, at such designated place of business/location, there shall be a working telephone listed in the licensee's name.

(i) "Motor vehicle" or "car" means every vehicle which is self propelled and required to be registered under the laws of this state, except trackless trolleys (which are classified as streetcars) motorcycles, motor driven cycles, or go-carts.

(j) "Odometer disclosure forms" mean those forms required under the Federal Motor Vehicle Information and Cost Savings Act, 15 U.S.C. Sections 1081 through 1991, regulations thereunder found at 49 C.F.R. Part 580, and O.C.G.A. Subsection 10-1-393(b)(15).

(k) "Penalty fee or fine" means a fee assessed by the Division without the necessity of a hearing for a failure on the part of a licensee or applicant to act in an appropriate or timely manner under the Used Motor Vehicle Parts Dealers' Registration Act or under these Rules.

(l) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

(m) "Photograph" means an image produced on film which is an exact likeness of the facility, and not an artist's rendition or depiction.

(n) "Records" mean all originals, photocopies, carbon copies, files, books, memoranda, etc., and shall include data maintained on an electronic data storage and retrieval system, provided such data can be retrieved and copied.

(o) "Reinstatement" means re-issuance of an expired or revoked license.

(p) "State Revenue Commissioner" means the office created in O.C.G.A. Section 43-2-2.

(q) "Supplemental license" means an additional license issued to a person who already maintains a current Georgia used parts license. A supplemental license may be issued for an additional used parts business operated under the same name by the licensee, but which lot is not immediately adjacent to the principal place of business.

(r) "Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act" and "Act" are synonymous and mean Chapter 47 of Title 43 of the Official Code of Georgia Annotated.

Cite as Ga. Comp. R. & Regs. R. 682-1-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8, 43-47-12.
History. Original Rule entitled "Definitions" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 682-2. ORGANIZATION.

Rule 682-2-.01. Organization of Division.

(1) The Joint Secretary of the State Examining Boards shall be the secretary to the Division.

(2) A simple majority of the division members shall constitute a quorum for duly called division meetings. Official division action can be taken by a simple majority vote of the members present at a duly called meeting where a quorum exists.

(3) The public may obtain information and all necessary application forms from:

State Board of Registration of Used Motor Vehicle

Dealers and Used Motor Vehicle Parts Dealers

Used Motor Vehicle Parts Division

166 Pryor Street, S.W., Atlanta, Georgia 30303.

Cite as Ga. Comp. R. & Regs. R. 682-2-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Organization of Division" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 682-3. LICENSING.

Rule 682-3-.01. Complete Application Forms Required.

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

(2) A "complete application" shall include:

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

(b) a bond in the amount of $10,000 as required by O.C.G.A. Section 43-47-8(H). Following the initial licensing period, the Bond shall then run concurrently with

the licensing period. At no time should the licensee be without a bond during any licensing period;

(c) a certificate of insurance as required by O.C.G.A. Section 43-47-8(k), including policy number, policy limits, expiration date, name and address of insured exactly as they appear on the application, and certificate holder listed as "State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon GA 31217-3858", which identifies the appropriate division.

Cite as Ga. Comp. R. & Regs. R. 682-3-.01
Authority: O.C.G.A. Secs. 43-47-3, 43-47-6.
History. Original Rule entitled "Complete Application Forms Required" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule, same title adopted. F. Apr. 18, 2001; eff. May 8, 2001.

Rule 682-3-.02. Content of Each Application.

Each application shall contain the following in addition to the application form provided:

(a) a photograph of the applicant's place of business which clearly shows a sign denoting the name of the business and the building in which records as required by this Act are kept. If one photograph is insufficient, as many photographs as is necessary to depict each of these must be submitted with each application.

(b) a photograph of the applicant himself, 2" x 3" full face.

Cite as Ga. Comp. R. & Regs. R. 682-3-.02
Authority: O.C.G.A. Secs. 43-47-2, 43-47-6, 43-47-12.
History. Original Rule entitled "Content of Each Application" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-3-.03. Supplemental License.

Except as otherwise provided in this Rule, additional locations shall meet the standards set forth in the Act and in these Rules. Further, proof shall be available, upon request by the Division, that all locations of the business have been certified as appropriately zoned by the municipality or county at such locations as are identified on the application for licensure or other required documents, when such zoning is required.

Cite as Ga. Comp. R. & Regs. R. 682-3-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Supplemental License" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-3-.04. Insurance.

Each applicant for license shall show that the licensee maintains public liability and property damage insurance with liability limits of not less than $50,000.00 per person and $100,000.00 as set forth in O.C.G.A. Section 43-47-8(k).

Cite as Ga. Comp. R. & Regs. R. 682-3-.04
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8(k).
History. Original Rule entitled "Insurance" adopted F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule, same title adopted. F. Apr. 18, 2001; eff. May 8, 2001.

Chapter 682-4. CHANGES.

Rule 682-4-.01. Change in Name of Business.

Should a currently licensed dealer change the name of the dealership as licensed by the Division, he shall be required to submit a Request for Change of Name form within thirty (30) days of the change of name.

Cite as Ga. Comp. R. & Regs. R. 682-4-.01
Authority: O.C.G.A. Sec. 43-47-6.
History. Original Rule entitled "Change in Name of Business" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-4-.02. Change of Location.

(1) In the event the location of the business is changed, the dealer shall, within thirty (30) days of the relocation, submit a Change of Location request form and submit appropriate photographs as required by Rule 682-3-.02.

(2) Provided the new location meets the requirements of the Act and the Rules, the Division shall approve the change of location without charge.

(3) If the new location fails to meet the requirements, the licensee shall be given thirty (30) days to comply with the Act and these Rules. Thereafter, the licensee shall cease to operate as a used parts dealer until the requirements have been met.

(4) Division approval of a change of location cancels the rights of the licensee to do business at the previous location.

(5) If a licensee's location is vacated for thirty (30) days without application for a change of address a hearing for revocation of the license may be called.

Cite as Ga. Comp. R. & Regs. R. 682-4-.02
Authority: O.C.G.A. Secs. 43-47-6, 43-47-9.

History. Original Rule entitled "Change of Location" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-4-.03. Change in Ownership or Registered Agent.

Within thirty (30) days of any change in ownership of the business, partnership, association, or corporation or the designee of partnership/corporation, a new application shall be submitted to the Division. The Division shall be provided with thirty (30) days written notice of any change in the registered agent of the corporation. The notice shall include the name, address, and telephone number of the current registered agent.

Cite as Ga. Comp. R. & Regs. R. 682-4-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-9.
History. Original Rule entitled "Change in Ownership or Registered Agent" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 682-5. ESTABLISHED PLACE OF BUSINESS.

Rule 682-5-.01. Established Place of Business.

Each dealer licensed under this Act shall show that he maintains an established place of business marked by an appropriate sign and has made provisions for an adequate facility in which to keep and maintain the books, records and files necessary to conduct a business as provided and defined in the Act and these Rules.

Cite as Ga. Comp. R. & Regs. R. 682-5-.01
Authority: O.C.G.A. Secs. 43-47-2(3), 43-47-6.
History. Original Rule entitled "Established Place of Business" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 682-6. PROCEDURAL RULES.

Rule 682-6-.01. Procedural Rules.

(1) The State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, on behalf of the Used Motor Vehicle Division, hereby adopts by reference as part of its permanent Rules 295-3 through 295-13, and any future amendments thereto, Rules and Regulations of the Office of the Division Director, Professional Licensing Boards, relating to procedures for hearings before the several Professional Licensing Boards.

Cite as Ga. Comp. R. & Regs. R. 682-6-.01
Authority: O.C.G.A. Secs. 43-47-4, 43-47-6, 43-47-10.
History. Original Rule entitled "Procedural Rules" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Repealed: New Rule, same title adopted. F. Apr. 18, 2001; eff. May 8, 2001.

Chapter 682-7. FEES.

Rule 682-7-.01. Fees.

(1) Each license issued by the Division shall expire on December 31 of each odd numbered year and shall become invalid on that date.

(2) Fees will be charged according to the fee schedule, as determined by the Board. A copy of the current fee schedule of the Board may be obtained without charge in person or by writing to:

STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE

DEALERS AND USED MOTOR VEHICLE PARTS DEALERS

Used Motor Vehicle Parts Division

237 Coliseum Drive

Macon, GA 31217-3858

A copy of the fee schedule shall be included with all copies of applications which the Division sends or gives to prospective applicants.

(3) Fees shall be set by the Board. The Board shall not change the amount of any fee unless it was announced at a previous Board meeting that a change in the fee schedule would be considered at the next board meeting. Changes in the fee schedule shall become effective immediately upon approval by the Board. Any request for refund must be submitted to the Division's office, in writing. Any indebtedness to the Division caused by a returned check will be dealt with in accordance with Code Section 16-9-20 of the Criminal Code of Georgia.

(4) A penalty fee shall be applicable to any applicant renewing their license after December 31, and before March 1. Failure to renew a license by March 1 shall have the same effect as a revocation of said license, subject to reinstatement in the discretion of the Division. Any request for reinstatement after March 1, will require a new application, supporting documentation, an additional penalty fee, and license fee to be submitted to the Division. As a condition of reinstatement, the Division may impose any disciplinary sanction provided by this Act or these Rules.

(5) An additional penalty fee, prescribed by the Board, may be imposed for doing business as a Used Motor Vehicle Dismantler and Salvage Dealer, Rebuilder, and Salvage Pool

Operator, prior to the issuance of a valid license by the Division (see fee schedule). This fee is in addition to any penalty or other sanction that the Division might impose for violation of this Act or these Rules.

(6) In cases where an application is rejected by the Division, the applicant's license fee will be returned with the letter of rejection setting forth the reason for the rejection, and providing a time and place for a full hearing before the Division.

Cite as Ga. Comp. R. & Regs. R. 682-7-.01
Authority: O.C.G.A. Secs. 43-47-4, 43-47-6, 43-47-8.
History. Original Rule entitled "Fees" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule, same title adopted. F. Apr. 18, 2001; eff. May 8, 2001.

Chapter 682-8. APPLICANTS.

Rule 682-8-.01. Corporations and Limited Liability Corporations: Application for Licensure.

(1) In the event that a corporation or limited liability corporation, duly licensed to do business in the State of Georgia, makes application for licensure, such corporation shall designate as the "applicant:"

(a) the President of the corporation;

(b) the Secretary of the corporation; or

(c) a designated Corporate Agent who is a full-time employee of the corporation.

(2) In the event that a corporation shall make application through a designated agent or "designee," such application shall be accompanied by an affidavit signed by the President or Secretary of the corporation, naming that person as the designated agent for such corporation for purposes of licensing. Such affidavit shall give to the designee all rights and responsibilities of a license holder on behalf of the corporation, and shall provide that actions or omissions of the corporation, its officers, employees, agents, assigns, or designees in violation of the act or in violation of these rules shall subject the license holder and the corporation to any sanctions which may be imposed under the Act or under these Rules.

(3) If the license holder for a corporation, whether President, Secretary, or designated agent, should leave the corporation for any reason, the corporation shall be required to inform the Division of such fact immediately, but in no event later than ten (10) business days from the separation. Such corporation shall be required to submit to the Division within thirty (30) days of such notification:

(a) an affidavit designating new licensee for the corporation;

(b) all personal information required for licensing such individual;

(c) fingerprint cards and other information for that person as required by the Georgia Crime Information Center and by the Federal Bureau of Investigation.

Cite as Ga. Comp. R. & Regs. R. 682-8-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Corporations and Limited Liability Corporations: Application for Licensure" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-8-.02. Partnerships: Application for Licensure.

(1) In the event that a partnership, duly licensed to do business in the State of Georgia, makes application for licensure, such partnership shall designate as the "applicant";

(a) one of the partners; or

(b) a designated agent of partnership who is a full-time employee of the partnership.

(2) A partnership application shall be accompanied by an affidavit, signed by all partners, naming the applicant for licensure. Such affidavit shall give to the applicant all rights and responsibilities of a license holder on behalf of the partnership, and shall provide that actions or omissions of the partnership, its employees, agents, and assigns in violation of these rules shall subject the license holder and the partnership to any sanctions which may be imposed under the Act or under these Rules.

(3) If the license holder for a partnership should leave the partnership for any reason, the partnership shall be required to inform the Division of such fact immediately, but in no event later than ten (10) business days from the separation. Such partnership shall be required to submit to the Division, within thirty (30) days of such notification:

(a) an affidavit designating a new licensee for the partnership;

(b) all personal information required for licensing such individual;

(c) fingerprint cards and other information as required by the Georgia Crime Information Center and by the Federal Bureau of Investigation.

Cite as Ga. Comp. R. & Regs. R. 682-8-.02
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Partnerships: Application for Licensure" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-8-.03. Sole Proprietorships: Application for Licensure.

The applicant for licensure for a sole proprietorship shall be the sole proprietor.

Cite as Ga. Comp. R. & Regs. R. 682-8-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Sole Proprietorships: Application for Licensure" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-8-.04. All Others: Application for Licensure.

Should any person or entity other than a corporation, a partnership, or a sole proprietorship desire to make application for licensure, the Division will, upon receipt of notice that such person seeks Licensure, determine who may be the applicant for that person or entity, and under what conditions.

Cite as Ga. Comp. R. & Regs. R. 682-8-.04
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "All Others Application for Licensure" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-8-.05. Application Subsequent to Revocation of License.

(1) If the license of a corporation has been revoked, the corporation, the licensee, nor the designated agent, may make application for reinstatement of license for a period of five (5) years, without a hearing before the Division and in its discretion, such approval of reinstatement; and any facility which the corporation owned or operated may not make application for reinstatement of license for a period of five (5) years unless the person making such application can make an affirmative showing, to the Division's satisfaction, that the person is not acting as the "alter ego" for the revoked corporation.

(2) If the license of a partnership has been revoked, the partnership, any of the individual partners, the licensee, nor the designated agent, may make application for reinstatement of the license for a period of five (5) years, without a hearing before the Division and in its discretion, such approval of reinstatement; and any facility which the partnership owned or operated may not make an application for reinstatement of license for a period of five (5) years unless the person making such application can make an affirmative showing, to the Division's satisfaction, that said person is not acting as the "alter ego" for the revoked partnership.

(3) If the license of a sole proprietorship has been revoked, the licensee may not make application for reinstatement of license for a period of five (5) years without a hearing before the Division and in its discretion, such approval of reinstatement; and any facility which the sole proprietorship owned and operated may not make application for reinstatement of the license for a period of five (5) years unless the person making such

application can make an affirmative showing to the Division's satisfaction, that said person is not acting as the "alter ego" for the revoked proprietorship.

(4) If the Division has reason to believe that any applicant or any licensee is an "alter ego" of the person who has previously had a license revoked, the Division may investigate, or in the case of an applicant, suspend action involving approval of the application for a reasonable time in order to investigate, whether the applicant or licensee is, in fact, such an "alter ego."

(5) If, after notice and opportunity for a hearing as provided in the Administrative Procedures Act, and after adhering to all procedures as called for in the Administrative Procedures Act, the Division shall determine that an applicant or licensee is the "alter ego" of a person who has previously had a license revoked, the Division may refuse to license the applicant or may revoke the license of a licensee.

Cite as Ga. Comp. R. & Regs. R. 682-8-.05
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Application Subsequent to Revocation of License" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 682-8-.06. Military Spouses and Transitioning Service Members.

(1) As used in this rule, the following terms shall mean:

a. "Board" means the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, Used Motor Vehicle Parts Division.

b. "License" means any license issued by the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, Used Motor Vehicle Parts Division.

c. "Military" means the United States armed forces, including the National Guard.

d. "Military spouse" means a spouse of a service member or transitioning service member.

e. "Service member" means an active or reserve member of the armed forces, including the National Guard.

f. "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a

military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.

Cite as Ga. Comp. R. & Regs. R. 682-8-.06
Authority: O.C.G.A. §§ 43-1-34, 43-47-6, 43-47-7, 43-47-8.
History. Original Rule entitled "Military Spouses and Transitioning Service Members" adopted. F. Oct. 13, 2017; eff. Nov. 2, 2017.

Chapter 682-9. CRIMINAL CONVICTIONS.

Rule 682-9-.01. Applicants Indicating Criminal Convictions.

Upon receipt of an application for licensure as a Used Motor Vehicle Dealer, and whereupon the applicant has indicated a prior criminal conviction, the Division may approve the application, provided that the applicant lists on said application or on an attachment thereto, ALL criminal convictions. The application and attachments must be accompanied by a signed affidavit, along with a certified copy of the disposition(s) from the appropriate court for each conviction. Failure to report any conviction shall be cause for revocation of a license by the Division or the Board.

Cite as Ga. Comp. R. & Regs. R. 682-9-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8, 43-47-10(J):
History. Original Rule entitled "Applicants Indicating Criminal Convictions" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.