Rules and Regulations of the State of Georgia

Department 60 DEPARTMENT OF LAW

Current through Rules and Regulations filed through November 6, 2026

Table of Contents

ADMINISTRATIVE HISTORY

Chapter 60-1. CONSUMER INTEREST SECTION.

Subject 60-1-1. RULES GOVERNING ESCROW PAYMENTS FROM NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURERS.

Rule 60-1-1-.01. Organization.

Rule 60-1-1-.02. Purpose.

Rule 60-1-1-.03. Definitions.

Rule 60-1-1-.04. Annual Escrow Deposits and Certifications.

Rule 60-1-1-.05. Quarterly Escrow Deposits.

Rule 60-1-1-.06. Deadline for Quarterly Escrow Deposits.

Rule 60-1-1-.07. Deadline for Submitting Quarterly Certification and Notifying the Attorney General of Quarterly Escrow Deposit.

Rule 60-1-1-.08. Quarterly Periods Defined.

Rule 60-1-1-.09. Calculating Escrow Deposits.

Rule 60-1-1-.10. Burden of Establishing Units Sold and Entitlement to Be Listed in the Directory.

Rule 60-1-1-.11. Appeal Procedures.

Rule 60-1-1-.12. Grounds for Denial of Listing in the Directory or Removal from the Directory.

Rule 60-1-1-.13. Untimely or Incomplete Quarterly Certification or Quarterly Escrow Deposits.

Rule 60-1-1-.14. Effective Date.

Rule 60-1-1-.15. Forms.

Rule 60-1-1-.16. Petitions to Enact, Amend or Repeal Rules.

Rule 60-1-1-.17. Declaratory Rulings.
Chapter 60-2. CONSUMER PROTECTION DIVISION.
Subject 60-2-1. GEORGIA LEMON LAW.
Rule 60-2-1-.01. Records.
Rule 60-2-1-.02. Definitions.
Rule 60-2-1-.03. Manufacturer Reporting Responsibilities.
Rule 60-2-1-.04. Lemon Law Fees.
Rule 60-2-1-.05. Lemon Law Rights Statement.
Rule 60-2-1-.06. Duties of the Manufacturer with a Certified Mechanism.
Rule 60-2-1-.07. Certified Mechanism Organization.
Rule 60-2-1-.08. Certified Mechanism Dispute Resolution Procedures.
Rule 60-2-1-.09. Certified Mechanism Records.
Rule 60-2-1-.10. Certified Mechanism Reports.
Rule 60-2-1-.11. Certified Mechanism Openness of Records and Proceedings.
Rule 60-2-1-.12. Certification and Recertification Process for Certified Mechanism.
Rule 60-2-1-.13. Revocation of Certification of Certified Mechanism.
Rule 60-2-1-.14. Prior Resort to Mechanism.
Rule 60-2-1-.15. Arbitration Application.
Rule 60-2-1-.16. Notice of Arbitration.
Rule 60-2-1-.17. Manufacturer's Statement Form.
Rule 60-2-1-.18. Arbitration Hearing Notice.
Rule 60-2-1-.19. Manufacturer's Examination of the Vehicle.
Rule 60-2-1-.20. Discovery.
Rule 60-2-1-.21. Subpoena of Witnesses.
Rule 60-2-1-.22. Consumer's Pre-hearing Information Sheet.
Rule 60-2-1-.23. Manufacturer's Pre-hearing Information Sheet.
Rule 60-2-1-.24. Notice to Lessor and Request for Documents.
Rule 60-2-1-.25. Withdrawal of Arbitration Request.
Rule 60-2-1-.26. Postponement or Continuance of Arbitration Hearing; Settlement.
Rule 60-2-1-.27. Failure to Appear.
Rule 60-2-1-.28. Motions and Telephone Hearing Conferences.
Rule 60-2-1-.29. Power and Duties of the Arbitrators.
Rule 60-2-1-.30. Arbitrator Selection, Disqualification, Substitution and Training.
Rule 60-2-1-.31. Conduct of the Hearing.
Rule 60-2-1-.32. Arbitration Decision.
Rule 60-2-1-.33. Technical Corrections.
Rule 60-2-1-.34. Miscellaneous Provisions.
Rule 60-2-1-.35. Reacquired Vehicle Nonconformity Disclosure Form.

Rule 60-2-1-.36. Transfer and Resale of a Reacquired Vehicle.
Rule 60-2-1-.37. Conflict.
Subject 60-2-2. Mail Order Merchandise.
Rule 60-2-2-.01. Mail, Internet or Telephone Order Merchandise.
Subject 60-2-3. Cooling-Off Period for Door-to-Door Sales.
Rule 60-2-3-.01. Cooling-Off Period for Door-to-Door Sales.
Subject 60-2-4. Negative Option Plans.
Rule 60-2-4-.01. Negative Option Plans.
Subject 60-2-5. Preservation of Consumers' Claims and Defenses.
Rule 60-2-5-.01. Preservation of Consumers' Claims and Defenses.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed 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

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 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.

Chapter 60-1-1 entitled "Rules Governing Escrow Payments from Non-Participating Tobacco Product Manufacturers" has been adopted. Filed December 10, 2004; effective December 30, 2004.

Rules 60-1-1-.03, .05, and .07 have been amended. Rules 60-1-1-.11, .12, .13, .14, and .15 have been repealed and new Rules, new titles adopted. Rules 60-1-1-.16 and .17 have been adopted. Filed July 30, 2010; effective August 19, 2010.

Chapters 60-2 entitled "Consumer Protection Unit", 60-2-1 entitled "Georgia Lemon Law", 60-2-2 entitled "Mail Order Merchandise", 60-2-3 entitled "Cooling-off Period for Door-to-Door Sales", 60-2-4 entitled "Negative Option Plans", 60-2-5 entitled "Preservation of Consumers' Claims and Defenses" adopted. F. May 16, 2016; eff. June 5, 2016.

Chapter 60-2 title changed from "Consumer Protection Unit" to "Consumer Protection Division." As cited by the Agency in the Certification Page, *".There were no rule amendments required as a result of the title change."* F. Oct. 25, 2022; eff. Nov. 14, 2022.

Cite as Ga. Comp. R. & Regs. R. dept. 60, ADMINISTRATIVE HISTORY

Chapter 60-1. CONSUMER INTEREST SECTION.

Subject 60-1-1. RULES GOVERNING ESCROW PAYMENTS FROM NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURERS.

Rule 60-1-1-.01. Organization.

(1) The office and duties of the Attorney General are established by the Georgia Constitution, Article V, Section III. The authority of the Attorney General to promulgate rules and regulations necessary to effect the purposes of O.C.G.A. Section 10-13A-1*et seq.* is set forth in O.C.G.A. Sections 10-13A-7(e) and 10-13A-9(d). Matters relating to these rules are handled by the Consumer Interests Section, Department of Law.

(2) The public may obtain information regarding these rules or make submissions or requests by contacting the Consumer Interest Section, Department of Law, 40 Capitol Square, Atlanta, Georgia 30334, phone (404) 656-3202.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.01
Authority: Ga. Constitution Article V, Sec. III, O.C.G.A. Secs. 10-13A-7, 10-13A-9.
History. Original Rule entitled "Organization" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Rule 60-1-1-.02. Purpose.

The purpose of these Rules is to promote compliance with O.C.G.A. § 10-13-1, *et seq.* ("Chapter 13") and O.C.G.A. § 10-13A-1, *et seq.* ("Chapter 13A") by establishing guidelines for yearly and quarterly certifications and escrow deposits. The Attorney General is authorized to require Non-Participating tobacco product manufacturers to make quarterly escrow deposits during the year in which the sales covered by such deposits are made.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.02
Authority: O.C.G.A. Secs. 10-13A-7, 10-13A-9.
History. Original Rule entitled "Purpose" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Rule 60-1-1-.03. Definitions.

(1) "Brand Family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to,"menthol","lights","kings," and "100s," and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

(2) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

(a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(b) tobacco in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(c) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(d) "roll-your-own" tobacco. For purposes of this definition, 0.09 ounces of "roll-your-own" tobacco constitutes one individual "cigarette."

(3) "Commissioner" means the State Revenue Commissioner.

(4) "Directory" means the Attorney General's list of all Tobacco Product Manufacturers that have provided current and accurate certifications conforming to the requirements of O.C.G.A. § 10-13A-3 and all Brand Families that are listed in such certifications.

(5) "Master Settlement Agreement" means the settlement agreement (and related documents) entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.

(6) "Non-Participating Manufacturer" means any tobacco product manufacturer that is not a Participating Manufacturer.

(7) "Participating Manufacturer" has the meaning given that term in subsection II(jj) of the Master Settlement Agreement and all amendments thereto.

(8) "Qualified Escrow Fund" means an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of a least $1 billion where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of the releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing, or directing use of the funds' principal except as consistent with O.C.G.A. § 10-13-3(2)(B). Such fund must be approved by the Attorney General as being in compliance with O.C.G.A. § 10-13A-2(9).

(9) "Tobacco Product Manufacturer" means any entity that either:

(a) Physically manufactures cigarettes anywhere in the world that are intended for sale in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is a participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement), and provided further that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States; or

(b) Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere by others, and that the manufacturer does not intend to be sold in the United States; or

(c) Becomes a successor of an entity described in subparagraph (a) or (b) of this paragraph.

(10) "Units sold" means the number of a Non-Participating Manufacturer's individual cigarettes sold in the state, as measured by excise taxes collected by the state on packs (or "roll-your-own" containers) bearing the excise tax stamp of the state or collected pursuant to the alternate method of taxation for roll-your-own tobacco.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.03
Authority: O.C.G.A. Secs. 10-13-2, 10-13A-2, 10-13A-7, 10-13A-9.
History. Original Rule entitled "Definitions" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.
Amended: F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.04. Annual Escrow Deposits and Certifications.

(1) Every tobacco product manufacturer whose cigarettes are sold in this state, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, shall execute and deliver in the manner prescribed by the Attorney General, a certification to the commissioner and Attorney General, no later than the thirtieth day of April each year, certifying that, as of the date of such certification, such tobacco product manufacturer either is a Participating Manufacturer or is in full compliance with Chapter 13 including all annual deposits required by paragraph (2) of Code Section 10-13-3.

(2) A Participating Manufacturer shall include in its certification a list of its brand families. A Participating Manufacturer shall update such list 30 calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General and commissioner. A Participating Manufacturer may not include a brand family in its certification unless the Participating Manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of calculating its payments under the Master Settlement Agreement for the relevant year, in the volume and shares determined pursuant to the Master Settlement Agreement.

(3) A Non-Participating Manufacturer shall include in its certification a list of all of its brand families, the number of units sold for each brand family that were sold in this state during the preceding calendar year, and a list of all of its brand families that have been sold in this state at any time during the current calendar year. The list shall indicate by an asterisk any brand family sold in this state during the preceding calendar year that is no longer being sold in this state as of the date of such certification, and shall identify by name and address any other manufacturer of such brand families in the preceding or current calendar year. The Non-Participating Manufacturer shall update such list 30 calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General and to the commissioner. A Non-Participating Manufacturer may not include a brand family in its certification unless such Non-Participating Manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of Chapter 13. The certification must also certify:

(a) That such Non-Participating Manufacturer is registered to do business in this state and has appointed a resident agent for service of process and provided notice thereof as required by Code Section 10-13A-6. Proof of appointment and availability of the resident agent for service of process shall be submitted in the form set out in Rule 60-1-1-.12(2);

(b) That such Non-Participating Manufacturer has established and continues to maintain a qualified escrow fund as required by Code Section 10-13-3 and has executed a qualified escrow agreement that has been reviewed and approved by the Attorney General and that governs the qualified escrow fund;

(c) That such Non-Participating Manufacturer is in full compliance with Chapter 13 and Chapter 13A, and with any regulations promulgated pursuant to either such chapter; and

(d) The name, address, and telephone number of the financial institution where the Non-Participating Manufacturer has established such qualified escrow fund required pursuant to Chapter 13 and all regulations promulgated pursuant to such chapter; the account number of such qualified escrow fund and any subaccount number for this state; the amount such Non-Participating Manufacturer placed in such fund for cigarettes sold in this state during the preceding calendar year, the date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the Attorney General to confirm the foregoing; and the amount and date of any withdrawal or transfer of funds the Non-Participating Manufacturer made at any time from such fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to Chapter 13 and all regulations promulgated pursuant to such chapter.

(e) Certification in accordance with this Rule shall be deemed to be in compliance with both Code Section 10-13-3(2)(C) and Code Section 10-13A-3.

(f) Certification in accordance with this Rule shall be in the form set out in Rule 60-1-1-.12(1).

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.04
Authority: O.C.G.A. Secs. 10-13A-3, 10-13A-9.
History. Original Rule entitled "Annual Escrow Deposits and Certifications" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Rule 60-1-1-.05. Quarterly Escrow Deposits.

In addition to the requirements of Rule 60-1-1-.04 above, all Non-Participating Manufacturers shall make escrow deposits on a quarterly basis.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.05
Authority: O.C.G.A. Sec. 10-13A-7.
History. Original Rule entitled "Quarterly Escrow Deposits" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.
Amended: F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.06. Deadline for Quarterly Escrow Deposits.

All Non-Participating Manufacturers must deposit quarterly escrow payments into a Qualified Escrow Account no later than thirty (30) days after the end of the quarter in which the sales are made.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.06
Authority: O.C.G.A. Sec. 10-13A-7.
History. Original Rule entitled "Deadline for Quarterly Escrow Deposits" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Amended: F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.07. Deadline for Submitting Quarterly Certification and Notifying the Attorney General of Quarterly Escrow Deposit.

All Non-Participating Manufacturers must provide the Attorney General with a quarterly certification in the form prescribed by the Attorney General in Rule 60-1-1-.15(3) along with official notification from the escrow agent of the quarterly escrow deposit. The quarterly certification and official notification must be submitted no later than ten (10) days after the deadline for payment of the quarterly escrow deposit. For example, the escrow deposit for sales made in January, February, and March is due April 30 of the same year, and the quarterly certification and official notification of such deposit are due May 10 of the same year.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.07
Authority: O.C.G.A. Sec. 10-13A-7.
History. Original Rule entitled "Deadline for Submitting Quarterly Certification and Notifying the Attorney General of Quarterly Escrow Deposit" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.
Amended: F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.08. Quarterly Periods Defined.

For purposes of this subchapter, the calendar year shall be divided into the following quarters: January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.08
Authority: O.C.G.A. Sec. 10-13A-7.
History. Original Rule entitled "Quarterly Periods Defined" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Rule 60-1-1-.09. Calculating Escrow Deposits.

For purposes of this chapter, Non-Participating Manufacturers who are required to make escrow deposits must place into a qualified escrow account, within the time specified in this chapter, the following amounts (as such amounts are adjusted for inflation):

(a) For each of 2003 through 2006: $.0167539 per unit sold; and

(b) For each of 2007 and each year thereafter: $.0188482 per unit sold.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.09
Authority: O.C.G.A. Secs. 10-13-3, 10-13A-7.
History. Original Rule entitled "Calculating Escrow Deposits" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Rule 60-1-1-.10. Burden of Establishing Units Sold and Entitlement to Be Listed in the Directory.

(1) A written determination of the Attorney General to exclude or to remove from the directory a brand family or tobacco product manufacturer may be appealed to the Office of State Administrative Hearings. The notice of appeal shall be sent by certified mail, return receipt requested, addressed to "Section Chief, Consumer Interests Section, Department of Law," and must be received no later than thirty days from the date of notice of such written decision from the Attorney General.

(2) The burden of proof shall be on the tobacco product manufacturer to establish the number of units sold in Georgia in any particular quarter or year.

(3) The burden of proof shall be on the tobacco product manufacturer to establish that it or a particular brand family is entitled to be listed in the Directory.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.10
Authority: O.C.G.A. Secs. 10-13A-3, 10-13A-9.
History. Original Rule entitled "Burden of Establishing Units Sold and Entitlement to Be Listed in the Directory" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Rule 60-1-1-.11. Appeal Procedures.

(1) Within a reasonable period after receipt of a notice of appeal, the Attorney General shall transmit the appeal to the Office of State Administrative Hearings for hearing and initial decision.

(2) Within thirty (30) days from the initial decision by the Office of State Administrative Hearings, the Attorney General shall either issue his own final decision, allow the OSAH decision to become his final decision by operation of law, or extend the time for final decision pursuant to Section 50-13-17(c).

(3) Any party dissatisfied with the initial decision must request review by the Attorney General within fifteen (15) days from the initial decision. The request for review should include a proposed final decision with citations to the administrative record as appropriate, and supporting brief, if desired. The opposing party shall submit its response, or its own proposed final decision, if any, within ten (10) days of the request for review.

(4) On review from the initial decision of the representative of the Office of State Administrative Hearings, the Attorney General shall have all the powers he or she would have in making the initial decision and, if deemed advisable, may take additional testimony or remand the case to the hearing representative for such purpose.

(5) A final decision or order in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated, and

the effective date of the decision or order. Findings of fact shall be accompanied by a concise statement of the underlying facts supporting the findings. A copy of the decision or order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or to his attorney of record.

(6) The Attorney General shall render a final decision in contested cases within 30 days after the close of the record required by Code Section 50-13-17 except that the Attorney General, by order, may extend such period in any case in which he or she shall find that the complexity of the issues and the length of the record require an extension of the period, in which event a decision shall be rendered at the earliest date practicable.

(7) Appeal of the final decision of the Attorney General shall be made in accordance with O.C.G.A. § 50-13-19.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.11
Authority: O.C.G.A. Secs. 10-13A-3(c), 10-13A-7, 10-13A-9(d), 50-13-17.
History. Original Rule entitled "Untimely or Incomplete Certification or Escrow Deposits" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.
Repealed: New Rule entitled "Appeal Procedures" adopted. F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.12. Grounds for Denial of Listing in the Directory or Removal from the Directory.

In addition to all other grounds for removal or denial of listing in the Directory stated in this Rule or in Chapters 13 and 13A, the Attorney General may deny listing of a Tobacco Product Manufacturer and/or Brand Family in the Directory, or remove a Tobacco Product Manufacturer and/or Brand Family from the Directory, on one or more of the following grounds:

(1) Manufacturer submitted incomplete quarterly or yearly certification, or failed to provide all information requested to determine compliance;

(2) Manufacturer made material misrepresentations in any information provided to the Attorney General or on any certification form;

(3) Manufacturer failed to establish a Qualified Escrow Account as defined in this Rule;

(4) Manufacturer failed to fully escrow for all units sold in Georgia in any quarter or year;

(5) Current or former Tobacco Product Manufacturers of a Brand or Brand Family failed to fully escrow for all units sold of such Brand or Brand Family in any quarter or year;

(6) Current or former manufacturer of Brand or Brand Family failed to submit all required certification forms in any quarter or year;

(7) Manufacturer has underreported the number of units sold in this state by ten (10) percent on two or more occasions (quarterly or yearly);

(8) Manufacturer is denied listing or removed from the Directory of another state;

(9) Manufacturer failed to fully pay escrow when due for sales in another state;

(10) Manufacturer failed to comply with federal or state laws or regulations governing the payment of federal or state excise tax on tobacco products; or

(11) The Attorney General's determination that the Manufacturer shares common management or ownership with a Tobacco Product Manufacturer or other party that has failed to satisfy its legal obligations under Chapter 13, Chapter 13A and these Rules, or has failed to satisfy its legal obligations under substantially similar laws or regulations of another state.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.12
Authority: O.C.G.A. Secs. 10-13A-3(c), 10-13A-7, 10-13A-9(d).
History. Original Rule entitled "Effective Date" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.
Repealed: New Rule entitled "Grounds for Denial of Listing in the Directory or Removal from the Directory" adopted. F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.13. Untimely or Incomplete Quarterly Certification or Quarterly Escrow Deposits.

If any quarterly or yearly escrow deposit is not made in full or if an accurate and fully completed certification with official notice of the escrow deposit is not provided to the Attorney General within the time required by law, the delinquent Non-Participating Manufacturer and its brand families may be removed from the Directory.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.13
Authority: O.C.G.A. Secs. 10-13A-7, 10-13A-9.
History. Original Rule entitled "Forms" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.
Repealed: New Rule entitled "Untimely or Incomplete Certifications or Escrow Deposits" adopted. F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.14. Effective Date.

These Amended Rules shall become effective 20 days after filing with the Secretary of State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.14
Authority: O.C.G.A. Secs. 10-13A-7, 10-13A-9, 50-13-9.
History. Original Rule entitled "Petitions to Enact, Amend or Repeal Rules" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.

Repealed: New Rule entitled "Effective Date" adopted. F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.15. Forms.

(1) Annual Certification Form required by Rule 60-1-1-.03(f), Code Section 10-13-3(2)(C) and Code Section 10-13A-3.

CERTIFICATION PURSUANT TO O.C.G.A. § 10-13A-3

STATE OF GEORGIA

Part 1: Tobacco Product Manufacturer Identification

Company: _____ Address: _____ Address: _____ Phone: _____

FAX: _____

Email: _____

Web Address:_____

Name/Title of person completing report:_____

If located in the U.S.: Manufacturer's Federal I.D #:_____

If located in the U.S.: TTB Tobacco Manufacturer Permit #:_____

The Tobacco Product Manufacturer identified above is, as of the date of this Certification: (check one)

_____**A Participating Manufacturer under the Tobacco Master Settlement Agreement**

_____**A Non-Participating Tobacco Product Manufacturer in full compliance with O.C.G.A. § 10-13-1, *et seq.***

Part 2: Certification Type

This form is a (check one):

_____Initial Certification: manufacturer is not currently listed on the Georgia Directory of Compliant Tobacco Product Manufacturers

_____ Annual Certification:

_____Supplemental Certification: change of information previously provided - change must be submitted 30 days prior to change.

Part 3:

A. **Brand Family Identification (Attach additional Sheets if Necessary)**

Participating Manufacturers complete A & B;

Non-Participating Manufacturers complete A through E.

A. Brand Family[1]	B. Brand Name	C. Units Sold in calendar year just completed	D. Units Sold in previous year	E. Fabricator

Note: By including a brand family in its certification, a Participating Manufacturer affirms that the brand family is deemed to be its cigarettes for purposes of calculating its payments under the MSA. By including a brand family in its certification, a Non-Participating Manufacturer affirms that the brand family is deemed to be its cigarettes for escrow purposes. However, the Attorney General retains the discretion to determine whether the listed brand family constitutes the cigarettes of another tobacco product manufacturer.

It is unlawful to offer for sale in Georgia any cigarette that is not compliant with the Georgia Fire Safety Standards & Firefighter Protection Act, O.C.G.A. §24-4-1, *et seq.* ("fire safe" cigarette act)

Do not list a brand family unless the required information has been submitted to the Georgia Fire Safety Commissioner and required package markings approved.

B. For each brand family listed above, list the name and address of any other manufacturer who has fabricated or is currently fabricating the brand family: -

_____

_____

_____

C. **Factory Identification**

Name of Factory: _____ Phone Number: _____

Owner of Factory: _____ Fax Number: _____

Address of Factory: _____

Factory's Manufacturing Permit Number: _____

Part 4: Non-Participating Manufacturer Certification

A. **Registered Agent/Approved Agent for service of process**

Agent Name: _____

Company: _____

Address, including **county**: _____

Address: _____ _____

Phone: _____ FAX: _____

Email: _____

Complete and submit an Appointment of Registered Agent for the State of Georgia and Registered Agent's Statement form. (Form AG-02)

B. **Qualified Escrow Fund - Financial Institution**

Name of Institution: _____

Address: _____

Representative Name: _____ Phone: _____

Escrow Acct No: _____ State Account No: _____

Has the Qualified Escrow Agreement been approved by the Attorney General? _____

By Whom: _____ Approval Date: _____

Attach an executed copy of your Escrow Agreement with all amendments and attachments.

Part 5: Escrow Deposit Calculation

A. Sales Year: The sales year for this certificate is January 1 through December 31, ____

B. Units Sold: The number of individual cigarettes sold in Georgia by brand is:

Brand Name: _____ Number of individual cigarettes: _____

Brand Name: _____ Number of individual cigarettes: _____

Brand Name: _____ Number of individual cigarettes: _____

Brand Name: _____ Number of individual cigarettes: _____

Total: _____

C. **Calculating the Deposit Amount**

Follow these steps to calculate the appropriate amount to be deposited for the sales year:

(1) Enter the total number from Part 5 Section B above: _____

(2) Multiply that amount by the appropriate rate for the liability year as set forth in Rule 60-1-1-.09: _____

(3) Enter the total here: _____

The amount that must be deposited on or before April 15 for the sales year will be the amount shown in Line C(3).

D. **Escrow Deposit/Withdrawal History for Georgia**

Date Deposit Withdrawal[2] Balance

Attach a copy of your receipt or other proof of deposit from your financial institution.

E. **Describe the source of funds for previous year's escrow payments and anticipated source of funds for future escrow payments:**

_____

_____

Part 6. Execution by Authorized Designee

This certification must be signed by a qualified company officer authorized to bind the applicant company.

By executing this document, I confirm that my position with the company and my actual authority to certify on behalf of the applicant meets the foregoing requirements. I understand the Georgia Attorney General may require additional information or documentation to determine if the applicant company or brands qualify for the Georgia Directory.

Under penalty of perjury, I state that the information contained in this Certification and attachments is true and accurate.

Designee (Print Name): _____ Title: _____

Signature of Designee: _____ Date: _____

Subscribed and sworn to before me on this date: _____

Signature of Notary Public: _____

City or County of _____

My Commission expires: _____

Mail the completed certificate of compliance to:

Consumer Interests Section and Georgia Department of Revenue

Office of the Attorney General Alcohol and Tobacco Tax Division

40 Capitol Square 1800 Century Center Boulevard

Atlanta, Georgia 30334 Atlanta, Georgia 30345-3205

Form AG-03

(2) Registered Agent form

NON-PARTICIPATING MANUFACTURER'S (NPM) APPOINTMENT OF REGISTERED AGENT FOR THE STATE OF GEORGIA AND REGISTERED AGENT'S STATEMENT

Please print or type in permanent dark ink

Sign, date, and return original to:

Office of the Attorney General for the State of Georgia

Georgia Department of Law

Consumer Interest Section

40 Capitol Square, SW

Atlanta, GA 30334

NON-PARTICIPATING TOBACCO MANUFACTURERS:

The undersigned Non-Participating Manufacturer ("NPM") _____ hereby appoints and authorizes _____ as its registered agent to receive service of process on our behalf. The undersigned NPM agrees to provide notice to the Office of the Attorney General for the State of Georgia ("Attorney General"), at least 30 calendar days prior to termination of the authority of the registered agent, and to provide proof to the satisfaction of the Attorney General of the appointment of a new agent at least five calendar days prior to the termination of an existing agent appointment.

Under penalty of perjury, I certify and declare that all of the statements and information contained in this Certification, including but not limited to any accompanying statements or attachments herewith, are true, accurate and complete in every particular and that I am a person authorized to bind the NPM making the Certification either under the laws of the State of Georgia or of the jurisdiction where the manufacturer resides or is organized. **Any violation of the requirements of O.C.G.A. 10-13A-6 is a basis for removal of the applicant's Brand Families from the list of compliant NPMs.**

**** This Certification must be signed and dated by an authorized notary public.**
****Under penalty of perjury, I state that the information contained in this document is true and accurate.**

Signature of Designee for Non-Participating Manufacturer: _____

Designee (Print Name): _____

Title: _____

Principal Place of Business (physical address):

_____

STATE OF _____}

COUNTRY OF _____}

Subscribed and sworn to before me on this date: _____

Signature of Notary Public: _____

City or County of _____

My Commission expires _____

NAME AND ADDRESS OF GEORGIA STATE REGISTERED AGENT:

Name: _____ _____

Street Address (*Required - Must be within Georgia*): _____

P.O. Box: _____

City & State: _____ County: _____

Zip Code: _____

Telephone: _____

Facsimile: _____

Email Address: _____

I consent to serve as Registered Agent in the State of Georgia for _____, the above-named NPM, pursuant to O.C.G.A. 10-13A-6. I understand it will be my responsibility to receive Service of Process on behalf of the NPM; to forward mail to the NPM; and to immediately notify the Office of the Attorney General if I resign or change the office address of the Registered Agent.

**** This Certification must be signed and dated by an authorized notary public. ****

Signature: _____

Date: _____

Print Name: _____

Title: _____

STATE OF _____}

COUNTRY OF _____}

Subscribed and sworn to before me on this date: _____

Signature: _____

My Commission expires: _____

Form AG-02

(3) Quarterly escrow payment certification

CERTIFICATE OF NON-PARTICIPATING MANUFACTURER

REGARDING QUARTERLY ESCROW PAYMENT

STATE OF GEORGIA

PART 1: TOBACCO PRODUCT MANUFACTURER'S IDENTIFICATION

Company: _____

Address: _____

Address: _____ Phone: _____

FAX: _____

Email: _____ Web Address: _____

Name/Title of Person Completing Report: _____

PART 2: SALES YEAR

The sales year for this certificate is _____. The quarter being reported is (check one):

Jan.-Mar. Apr.-JuneJuly-Sept. Oct.-Dec.

PART 3: BRAND SALES

A. The number of individual cigarettes or ounces of Roll Your Own tobacco sold in Georgia during the period specified above is as follows:

Brand Name: _____

Cigarettes or ounces sold: _____

Brand Name: _____

Cigarettes or ounces sold: _____

Brand Name: _____

Cigarettes or ounces sold: _____

Brand Name: _____

Cigarettes or ounces sold: _____

Total cigarettes: _____

Total ounces:

B. The party listed in Part 1 (check one) is is not the fabricator of the brands listed above.

C. For each brand listed above, list the name and address of any other manufacturer who fabricated the brand and the time period during which such fabrication occurred:
_____

PART 4: CALCULATING THE DEPOSIT AMOUNT

Follow these steps to calculate the appropriate amount to be deposited for quarterly period:

(1) Enter the total number from Part 3 Section A above: _____

(2) Multiply that amount by the appropriate rate for the reporting period as set forth in Rule 60-1-1-.09: _____

(3) Enter the total here: _____

The amount that must be deposited for the quarterly period will be the amount shown in Line C(3). Attach a copy of your receipt or other proof of deposit from your financial institution.

Part 5: Qualified Escrow Fund - Financial Institution

The NPM certifies that it has established, and continues to maintain, a fully funded, qualified escrow account.

Name of Institution: _____

Address: _____

Representative Name: _____ Phone: _____

Escrow Acct No: _____ State Account No: _____

Total amount held in this account solely for the State of Georgia: _____

Part 6. Execution by Authorized Designee

This certification must be signed by a qualified company officer authorized to bind the applicant company.

By executing this document, I confirm that my position with the company and my actual authority to certify on behalf of the applicant meets the foregoing requirements. I understand the Georgia Attorney General may require additional information or documentation to determine if the applicant company or brands qualify for the Georgia Directory.

Under penalty of perjury, I state that the information contained in this Certification and attachments is true and accurate.

Designee (Print Name): _____

Title: _____

Signature of Designee: _____

Date: _____

Subscribed and sworn to before me on this date: _____

Signature of Notary Public: _____

City or County of _____

My Commission expires _____

Mail the completed certificate of compliance to:

Consumer Interests Section

Office of the Attorney General

40 Capitol Square

Atlanta, Georgia 30334

Form AG-04

(4) Wholesaler's Monthly Report of "Non-Participating" and "Participating" Manufacturers' Cigarettes form:

WHOLESALER'S MONTHLY REPORT OF "NONPARTICIPATING" AND "PARTICIPATING" MANUFACTURERS' CIGARETTES

WHOLESALE DISTRIBUTOR	**PERSON COMPLETING REPORT**	**STATE LICENSE NO.**	**FOR CALENDAR MONTH/YEAR** /20__
E-MAIL ADDRESS	**STREET ADDRESS**	**CITY, STATE, ZIP**	**PHONE** ()

O.C.G.A. 10-13A-7 directs the Attorney General to collect information from Wholesalers/Distributors on the number of individual cigarettes the Distributor affixed tax stamps or otherwise paid the tax due for RYO. If you stamp any cigarettes with a Georgia tax stamp, then you must list them on this Form AG-01 and file it with the Attorney General within ten days after the end of the month for which the report is filed. If you do not stamp any cigarettes during the month, this report must be filed with "NONE" reported. A complete list of authorized "Nonparticipating Manufacturers" (tobacco product manufacturers who did not sign the Master Settlement Agreement entered into on November 23, 1998) and authorized "MSA Participating Manufacturers" http://www.naag.org/tobaccopublic/libraryh.cfmand their brands can be found at www.law.ga.gov (click on "Tobacoo Manufacturer and Brand Compliance").

DIRECTIONS: PART A: NONPARTICIPATING MANUFACTUERS: List each "Nonparticipating Manufacturer" and brand family once and state the total number of individual cigarettes stamped with an orange Georgia excise tax stamp during the month and number of ounces of Roll-Your-Own tobacco you paid taxes on under the alternate method of taxation. If you receive these cigarettes from another wholesaler who has already affixed the Georgia excise tax stamp, do not list them on this report. If you do not

receive or ship any cigarettes during the month from "Nonparticipating Manufacturers", write "NONE" in this section.

PART B: PARTICIPATING MANUFACTURERS: List each "MSA Participating Manufacturer" and brand family once and state the total number of individual cigarettes stamped with a blue Georgia excise tax stamp during the month and number of ounces of Roll-Your-Own tobacco you paid taxes on under the alternate method of taxation. If you receive these cigarettes from another wholesaler who has already affixed the Georgia excise tax stamp, do not list them on this report. If you do not receive any cigarettes during the month from "MSA Participating Manufacturers", write "NONE" in this section.

Please mail this report to: **Georgia Department of Law, Consumer Interest Section, 40 Capitol Square, SW, Atlanta, Georgia 30334 AND a copy of this report to: Georgia Department of Revenue, Alcohol & Tobacco Division, 1800 Century Center Blvd., Room 4235, Atlanta, Georgia 30345**.

A copy of all invoices covering the receipt of the cigarettes by you and the sale of the cigarettes in Georgia must be attached to this report either in hard copy or electronic form.

PART A: NONPARTICIPATING MANUFACTURERS

Nonparticipating Manufacturer's Name	Brand Name	Full Address	Country	**Number of Individual Cigarettes**	**Ounces of Roll-Your- Own Tobacco**

PART B: PARTICIPATING MANUFACTURERS

Participating Manufacturer's Name	Brand Name	Full Address	Country	Number of Individual Cigarettes	Ounces of Roll-Your- Own Tobacco

ALL APPLICABLE INVOICES MUST BE ATTACHED TO YOUR REPORT OR IT WILL BE RETURNED.

This certification must be signed by an officer authorized to bind your company.

By executing this document, I confirm that my position with the company and my actual authority to certify on behalf of the applicant meets the foregoing requirements.

Under penalty of perjury, I state that the information contained in this Certification and attachments is true and accurate.

Name:

Title:

Signature:

Date:

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.15
Authority: O.C.G.A. Secs. 10-13A-7, 10-13A-9, 50-13-11.
History. Original Rule entitled "Declaratory Rulings" adopted. F. Dec. 10, 2004; eff. Dec. 30, 2004.
Repealed: New Rule entitled "Forms" adopted. F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.16. Petitions to Enact, Amend or Repeal Rules.

(a) A person whose legal rights are affected by these rules may petition the Attorney General to enact, amend or repeal any rule pertaining to Chapter 13 or Chapter 13A of Title 10.

(b) The petition must set forth the proposed new regulation or amendment, or identify the rule for which repeal is sought, and the reasons therefore. In addition, the petition must include the petitioner's name and address, and a statement of their interest in the matter. The petition shall be sent by certified mail, return receipt requested, addressed to "Section Chief, Consumer Interests Section, Department of Law."

(c) Within thirty days after receipt of such petition, the Attorney General shall deny the petition in writing, stating the reasons for the denial, or shall initiate rulemaking proceedings in accordance with O.C.G.A. § 50-13-4.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.16
Authority: O.C.G.A. Secs. 10-13A-7(e), 10-13A-9(d), 50-13-9.
History. Original Rule entitled "Petitions to Enact, Amend or Repeal Rules" adopted. F. July 30, 2010; eff. August 19, 2010.

Rule 60-1-1-.17. Declaratory Rulings.

(a) A person whose legal rights are affected by these rules may petition the Attorney General for a declaratory ruling on the applicability of these rules.

(b) Declaratory rulings shall not be made upon untrue, moot, contingent or hypothetical facts or situations, but only upon actual facts.

(c) The petition must be verified under oath, and must set forth all pertinent facts and evidence necessary to make a ruling, the name and address of the petitioner, a statement

of the petitioner's interest in the ruling sought, and any legal authorities relevant to the ruling. The petition shall be sent by certified mail, return receipt requested, addressed to "Section Chief, Consumer Interests Section, Department of Law."

(d) The Attorney General shall dispose of a request for declaratory ruling as soon as practicable, or if it is determined that the requisites for a declaratory ruling are not present, shall issue a written explanation for such determination.

Cite as Ga. Comp. R. & Regs. R. 60-1-1-.17
Authority: O.C.G.A. Secs. 10-13A-7(e), 10-13A-9(d), 50-13-11.
History. Original Rule entitled "Declaratory Rulings" adopted. F. July 30, 2010; eff. August 19, 2010.

Chapter 60-2. CONSUMER PROTECTION DIVISION.

Subject 60-2-1. GEORGIA LEMON LAW.

Rule 60-2-1-.01. Records.

(1) All applications, records, correspondence, reports, and other documents or information filed with or produced to the Attorney General pursuant to the various provisions of the Act shall be maintained in accordance with approved record retention schedules, in original or other acceptable form.

(2) A copy of any original writing or record filed with or maintained by the Attorney General pursuant to the Act may be received into evidence if the original is not readily available.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.01
Authority: O.C.G.A. §§ 50-13-15(2), 10-1-780*et seq.*
History. Original Rule entitled "Records" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.02. Definitions.

All definitions contained in O.C.G.A. § 10-1-782 are hereby incorporated by reference into this Chapter. Additionally, as used in this Chapter and the Georgia Lemon Law, the term:

(1) "Act" or "the Act" means the Georgia Lemon Law of 2008, as set forth in Article 28 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated.

(2) "Attorney General" means the Attorney General or his or her designee.

(3) "Arbitrator" means a person serving on the panel who decides the case.

(4) "Certified mechanism" or "certified informal dispute settlement mechanism" means a mechanism which has been certified by the Attorney General pursuant to O.C.G.A. § 10-1-785(d).

(5) "Decision maker" means the person who decides a dispute submitted to a certified mechanism.

(6) "Gross vehicle weight rating" means the gross vehicle weight rating of a vehicle specified by the manufacturer, or, if unspecified, the maximum allowable total weight of the vehicle when loaded to capacity, including the weight of the vehicle itself, all occupants, fuel, cargo, and any other miscellaneous items.

(7) "Independent technical expert" means an expert in motor vehicle mechanics who is certified by the National Institute of Automotive Service Excellence. The expert may be a volunteer or be paid by a certified mechanism, the panel, or the Attorney General, but in all respects shall be in both fact and appearance independent from a manufacturer, new motor vehicle dealer or the consumer.

(8) "Legal holiday" means all days which have been designated as public and legal holidays by the federal government and all other days designated and proclaimed by the Governor of this state as public and legal holidays.

(9) "Location that is reasonably convenient to the Georgia consumer" as it relates to the site of a hearing conducted by the panel or a certified mechanism means a neutral location within one hundred twenty (120) miles of the consumer's residence, if the consumer resides in Georgia.

(10) "Mechanism" means an informal dispute settlement mechanism established or designated by a manufacturer to hear and decide disputes.

(11) "Motor home" means the self-propelled vehicle and chassis, including but not limited to the vehicle exterior, driver and passenger compartments, and parts and components identical or similar in function to those found on any other new motor vehicle as defined at O.C.G.A. § 10-1-782(15), but shall not include those portions of the vehicle designated, used, or maintained primarily as living quarters, office, or commercial space.

(12) "Out of service day" means any day, including weekends and legal holidays, when a new motor vehicle is left at a manufacturer's authorized agent or designated repair facility for an examination or repair of one or more nonconformities. The number of out of service days for each visit commences the day the vehicle is brought into the repair facility for that repair work and ends the day the work is completed. However, a vehicle shall not be deemed out of service for any day it is dropped off at the repair facility after the close of business. Out of service days shall not include any day on which the vehicle is left at the repair facility exclusively for (a) the performance of routine maintenance; (b) repair of problems that are not found to be nonconformities; or (c) repair of nonconformities after the expiration of the lemon law rights period.

(13) "Repair attempt" means the replacement of a component or some adjustment made to correct a nonconformity.

(a) An examination of a reported nonconformity, without a subsequent adjustment or component replacement, may constitute a repair attempt if it is later shown that repair work was justified.

(b) An examination or repair performed by any person not authorized by the manufacturer or its authorized agent shall not be considered a repair attempt.

(c) In the case of a motor home, if:

1. While traveling, the consumer goes to a repair facility for repair of a nonconformity; and

2. That facility does not have the part(s) necessary to perform the repair; and

3. The consumer elects to continue traveling and seek repair of the nonconformity at another repair facility rather than wait for the initial repair facility to obtain the necessary part, the visit to the first repair facility shall not constitute a repair attempt.

(14) "Repair facility that is reasonably accessible to the consumer" means:

(a) In the case of a new motor vehicle other than a motor home, a repair facility located within sixty (60) miles of the consumer's residence or the location of the new motor vehicle if not at the consumer's residence. If no repair facility is located within sixty (60) miles, "repair facility that is reasonably accessible to the consumer" means the repair facility closest to the consumer's residence or the location of the new motor vehicle if not at the consumer's residence; or

(b) In the case of a motor home, the repair facility closest to the consumer's residence or the location of the motor home if not at the consumer's residence.

(15) "Statutory overnight delivery" shall have the meaning set forth at O.C.G.A. § 9-10-12.

(16) "Transfer" as used in connection with a reacquired vehicle means a change of ownership, by gift or any other means.

(17) "Ultimate consumer" means the first person who purchases or leases a reacquired vehicle for purposes other than resale or sublease.

(18) "VIN" means vehicle identification number.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.02
Authority: O.C.G.A. §§ 1-4-1, 10-1-782, 10-1-795.
History. Original Rule entitled "Definitions" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.03. Manufacturer Reporting Responsibilities.

(1) Each manufacturer of motor vehicles sold or registered in this state must provide to the Attorney General, in writing, the name, title, mailing address, e-mail address, telephone number, and facsimile number of the manufacturer's representative or other designated representative responsible for each of the following:

(a) Submission of owner's manuals and express warranties for current year makes and models pursuant to O.C.G.A. § 10-1-783(c).

(b) Submission of copies of repair orders or examination reports to the consumer, if not provided by the new motor vehicle dealer, pursuant to O.C.G.A. § 10-1-783(d) and (e).

(c) Receipt of the consumer's final repair request notice pursuant to O.C.G.A. § 10-1-784(a)(2)(A).

(d) Receipt of the consumer's motor vehicle repurchase or replacement request notice pursuant to O.C.G.A. § 10-1-784(b)(1).

(e) Application for certification, if applicable, of an informal dispute settlement mechanism pursuant to O.C.G.A. § 10-1-785(d).

(f) Receipt of notice of certification denial or revocation, if applicable, pursuant to O.C.G.A. § 10-1-785(d) and (e).

(g) Receipt of notice that a consumer's application for arbitration has been deemed eligible pursuant to O.C.G.A. § 10-1-786(b)(1).

(h) Receipt of an arbitration decision sent pursuant to O.C.G.A. § 10-1-786(f).

(i) Receipt of notice that a consumer appealed the decision of the new motor vehicle arbitration panel in superior court pursuant to O.C.G.A. § 10-1-787(a).

(j) Receipt of notice of noncompliance with an arbitration award pursuant to O.C.G.A. § 10-1-787(d).

(k) Submission of notice that a motor vehicle has been reacquired, resold, leased, transferred or disposed of in this state pursuant to O.C.G.A. § 10-1-790(b) and (c).

(l) Administration of manufacturer-dealer franchise agreement obligations pursuant to O.C.G.A. § 10-1-792(b).

(m) Receipt of notice of a violation of the Georgia Lemon Law pursuant to O.C.G.A. § 10-1-793(a).

(2) Each manufacturer shall provide to the Attorney General the name and address of each of its franchised dealers in this state and one copy of an owner's manual and express warranty for each make of new motor vehicles it sells in this state. This information must be updated annually.

(3) If any information submitted pursuant to this Rule changes, the manufacturer shall provide written notice of the changes to the Attorney General within twenty (20) days. Until the Attorney General receives written notice of a change, the contact information on file with the Attorney General will be deemed correct for all notifications to the manufacturer.

(4) Any manufacturer whose new motor vehicles are first offered for sale in this state after the effective date of this Chapter shall submit the information required pursuant to this Rule within ten (10) days from the date on which its first vehicle is sold in Georgia.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.03
Authority: O.C.G.A. §§ 10-1-783(c),(d),(e); 10-1-784(a)(2)(A),(b)(1); 10-1-785(d),(e); 10-1-786(b)(1); 10-1-787(a),(d); 10-1-790(b),(c); 10-1-792(b); 10-1-793(a); 10-1-795.
History. Original Rule entitled "Manufacturer Reporting Responsibilities" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.04. Lemon Law Fees.

(1) Each new motor vehicle dealer shall submit the following on a quarterly basis:

(a) a report, on a form prescribed by the Attorney General, containing the total number of new motor vehicles sold or leased during the quarter; and

(b) two (2) of the three (3) dollars collected for each new motor vehicle purchase or lease transaction.

The report shall be submitted whether or not a payment is due. Both the reports and payments shall be sent to an address designated by the Attorney General.

(2) The new motor vehicle dealer shall retain one (1) dollar of each fee collected to cover administrative costs, including but not limited to the cost of copying and distributing to consumers the statement of lemon law rights as prescribed in O.C.G.A. § 10-1-783(b) and Rule 60-2-1-.05.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.04
Authority: O.C.G.A. §§ 10-1-791(a), 10-1-795.
History. Original Rule entitled "Lemon Law Fees" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.05. Lemon Law Rights Statement.

(1) At the time of each purchase or lease of a new motor vehicle, the dealer shall provide the consumer with a written statement that explains the consumer's rights under the Georgia Lemon Law. This "Lemon Law Rights Statement" shall be a form prescribed by the Attorney General.

(2) The consumer shall sign and date the Lemon Law Rights Statement at the time of receipt of the vehicle. The name of the dealer's representative and the date on which the Statement was delivered to the consumer shall also be printed on the Statement. The dealer shall retain a legible copy of the signed Statement at its primary place of business for a period of at least three (3) years.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.05
Authority: O.C.G.A. §§ 10-1-783(b), 10-1-795.
History. Original Rule entitled "Lemon Law Rights Statement" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.06. Duties of the Manufacturer with a Certified Mechanism.

(1) The manufacturer shall include, either in its express warranty or in a separate section of materials accompanying each new motor vehicle sold or leased in Georgia, the following information about its certified mechanism:

(a) A statement of the availability of its certified mechanism and that it is provided free to the consumer;

(b) The name and address of its certified mechanism and a telephone number that consumers may use without charge;

(c) A statement of the requirement that the consumer must resort to its certified mechanism before requesting arbitration pursuant to O.C.G.A. § 10-1-786;

(d) A statement that the consumer must file a claim with the manufacturer's certified mechanism no later than one (1) year after expiration of the lemon law rights period;

(e) A brief description of its certified mechanism's procedures, including the consumer's right to request and receive an oral hearing;

(f) A statement that the certified mechanism has forty (40) days to decide the dispute and that the decision of its certified mechanism is binding on the manufacturer, but not on the consumer;

(g) The types of information that its certified mechanism may require for the prompt resolution of disputes;

(h) Either a form addressed to its certified mechanism containing spaces for the information which the certified mechanism may require for prompt resolution of disputes or a telephone number for the certified mechanism which consumers may use without charge; and

(i) A statement indicating where additional information on its certified mechanism can be found in materials accompanying the new motor vehicle.

This information shall be displayed in a clear and conspicuous manner.

(2) The manufacturer shall respond fully and promptly to reasonable requests made by its certified mechanism for information necessary to hear and decide the dispute; comply with any requirements imposed by its certified mechanism; adhere to all terms indicated in its program summary; and perform any obligations ordered in decisions rendered by its certified mechanism.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.06
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Duties of the Manufacturer with a Certified Mechanism" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.07. Certified Mechanism Organization.

(1) The certified mechanism shall be funded and competently staffed at a level sufficient to ensure fair and expeditious resolution of all disputes. Consumers shall not be charged any fee for use of the certified mechanism.

(2)

(a) The manufacturer and the certified mechanism shall take all steps necessary to ensure that the certified mechanism's decision makers and staff are sufficiently insulated from, free from any influence of, and independent of the manufacturer.

(b) No decision maker or staff shall be a party to the dispute, an employee or agent of a party, a person who is currently a party in any legal action relating to a motor vehicle, or a person currently involved in the manufacturer, distribution, sale or lease of motor vehicles.

(3)

(a) All decision makers initially shall be trained by the certified mechanism in the application of O.C.G.A. § 10-1-780*et seq.* and this Chapter prior to hearing any dispute. Thereafter, decision makers shall receive continuing training at least once every three (3) years. No person performing the training shall be involved currently in the manufacture, distribution, sale or lease of motor vehicles.

(b) Training sessions shall be conducted at a location within the state of Georgia. The certified mechanism shall notify the Attorney General at least thirty (30) days in advance of the date, time and location of any scheduled training session. The certified mechanism shall send the Attorney General a copy of the agenda and training materials. The agenda and training materials must be received by the Attorney General at least seven (7) days prior to the training session.

(c) The certified mechanism shall maintain records identifying the name and qualifications of the person(s) performing the training, and the names of the person(s) receiving the training, and the date, time and location of the training. The records shall be retained for a period of at least three (3) years from the training date.

(4) The certified mechanism shall provide to the Attorney General, upon request, the names and qualifications of all decision makers.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.07
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Certified Mechanism Organization" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.08. Certified Mechanism Dispute Resolution Procedures.

(1) The certified mechanism shall establish written procedures for resolution of disputes. The procedures shall include, at a minimum, those items specified below:

(a) The certified mechanism shall immediately inform both the manufacturer and the consumer of the filing of a dispute. Filing is deemed to have occurred when the consumer has provided the certified mechanism with his or her name and address, the vehicle year, make, model and VIN, and a statement as to the nature of the problem or other complaint;

(b) The certified mechanism shall investigate, gather and organize all information necessary for a fair and expeditious decision. The certified mechanism shall not require any information not reasonably necessary to decide the dispute;

(c) When potentially relevant information submitted by or on behalf of a party, by an independent technical expert or by another source, tends to contradict information submitted by the other party, the certified mechanism shall clearly, accurately, and completely disclose to both parties the contradictory information and its source, and shall provide both parties a reasonable opportunity to explain or rebut the information and to submit additional materials;

(d) The certified mechanism shall decide the dispute as expeditiously as possible, but at least within forty (40) days of the filing of the dispute;

(e) If the dispute is settled, the terms of the settlement agreement shall be reduced to writing. The manufacturer shall perform its obligations under the settlement agreement within thirty (30) days of the date of the settlement, unless the consumer consents, in writing, to a later performance date;

(f) If the dispute is not settled, it shall be decided by the certified mechanism. The consumer shall have the right to present evidence relating to the dispute in writing, or to make an oral presentation, either in person, by telephone, or, if available, by video conference or other form of transmission. If the consumer submits evidence of and/or facts relating to the dispute in writing, the manufacturer shall submit its response in writing. If the consumer elects to make an in-person oral presentation, the hearing will be held at a location that is reasonably convenient to the Georgia consumer. If the consumer elects to make an in-person oral presentation and the manufacturer elects to participate by telephone, the certified mechanism shall notify the consumer that he or she has the same opportunity to participate by telephone;

(g) If the consumer elects to make an oral presentation, the certified mechanism shall inform the parties of the date, time and place for the hearing, and provide an explanation of the hearing process, including both parties' rights to bring witnesses and/or counsel;

(h) Based upon the information gathered by the certified mechanism and evidence presented at an oral hearing, if applicable, the decision maker(s) shall:

1. Determine:

   (i) Whether the new motor vehicle has a nonconformity, and, if so,

   (ii) Whether the manufacturer had a reasonable number of attempts to correct the nonconformity, and, if so,

   (iii) Whether the manufacturer was given a final opportunity to repair the nonconformity if required by law, but failed to correct the nonconformity during the final opportunity. Notwithstanding anything contained herein to the contrary, no final attempt to repair is required if a vehicle that was purchased on or after January 1, 2009 was out of service by reason of repair of one or more nonconformities for a cumulative total of thirty (30) days within the lemon law rights period.

2. Upon an affirmative determination of the elements specified in subsection (h)1, award the consumer any remedies appropriate under the circumstances, which may include, but shall not be limited to, the relief provided for under O.C.G.A. § 10-1-784(b).

3. Upon a determination that the consumer failed to demonstrate either the elements specified in subsection (h)1, award the consumer any other remedy appropriate under the circumstances or dismiss the dispute.

(i) The decision maker(s) shall prepare a written decision reflecting his or her findings. The decision, copies of which shall be sent to both parties and the Attorney General, shall include the following:

1. A summary of any relevant and material evidence to support the determination made regarding those elements specified in subsection (h) of this Rule;

2. A description of the relief awarded, which shall contain, as appropriate, an itemization of any refund awarded, including, but not limited to, any incidental costs, collateral charges, or reasonable offset for use; or, a description of a replacement vehicle and an itemization of costs or charges; or a description of any other remedy awarded to the consumer;

3. A specific time period, not to exceed thirty (30) days, within which the manufacturer is required to comply with the award;

4. A statement that the decision is binding upon the manufacturer, but not on the consumer;

5. A statement that the consumer has twenty (20) days from the date of receipt of the decision to accept or reject it;

6. A statement that if the decision is accepted, but the manufacturer fails to comply with the terms of the decision, or if the decision is rejected, the consumer may still pursue the remedy of a repurchase or replacement of the vehicle by timely requesting arbitration with the Attorney General. The statement shall explain the time within which the arbitration application is required to be filed; and

7. A statement that the consumer may obtain, at a reasonable cost, copies of all documents held by the certified mechanism relating to the dispute;

(j) The consumer shall have twenty (20) days from his or her receipt of the decision to notify the certified mechanism whether the decision is accepted or rejected. The date on which notice is sent, as shown by a postmark or other receipt, is deemed to be the date of notice to the certified mechanism;

(k) If the consumer accepts an award, the manufacturer shall have up to thirty (30) days from the date it receives notice of the consumer's acceptance to comply, unless a shorter period is specified in the decision;

(l) If the manufacturer has been directed to perform any obligations, either as part of a settlement agreed to or as a result of a decision, the certified mechanism shall ascertain from the consumer within fourteen (14) days of the date for performance whether performance has occurred;

(m) The requirement that a consumer resort to a certified mechanism prior to a request for arbitration with the Attorney General pursuant to O.C.G.A. § 10-1-786(a) shall be satisfied if a decision has not been rendered by the certified mechanism within forty (40) days from the date of the filing of the dispute with the certified mechanism; and

(n) The decision of a certified mechanism shall be binding on the manufacturer, but not the consumer.

A copy of the written procedures shall be provided to the consumer at no cost after the certified mechanism receives notice of the dispute, or to any person upon request, at a reasonable cost.

(2) The decision maker(s) may request an inspection of the consumer's motor vehicle. An inspection may be performed by the decision maker or an independent technical expert. An inspection, which may include a test drive, examination or diagnosis of the vehicle, shall be conducted at a mutually agreeable time and place. The consumer shall be informed in writing that an inspection is voluntary. The failure of the consumer to provide the motor vehicle for inspection shall not extend the time period in which a certified mechanism has to render a decision.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.08
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Certified Mechanism Dispute Resolution Procedures" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.09. Certified Mechanism Records.

(1) The certified mechanism shall maintain records on each dispute received. The records shall include:

(a) Name, address and phone number of the consumer;

(b) Name, address and phone number of the manufacturer's contact person;

(c) The date of receipt of notice of the dispute and the year, make, model and VIN of the motor vehicle involved in the dispute;

(d) All letters or other written documents submitted by either party;

(e) The name and qualifications of any independent technical expert used to perform a vehicle inspection;

(f) All other evidence relating to the dispute collected by the certified mechanism and available to the decision maker;

(g) The date of any withdrawal or settlement and, if applicable, a copy of the settlement;

(h) The decision issued, including information as to date, time, and place of the hearing, the identity of the decision maker(s) and the date of the decision;

(i) A copy of the decision, any correspondence notifying the parties of the decision and the consumer's acceptance or rejection of the decision;

(j) Copies of follow-up letters (or summaries of relevant and material portions of follow-up telephone calls) to both parties and responses thereto; and

(k) Any other documents and communications (or summaries of relevant and material portions of oral communications) relating to the dispute.

(2) All records that are required to be maintained under this Rule shall be retained for at least three (3) years after final disposition of the dispute.

(3) The certified mechanism shall maintain a list of all motor vehicles repurchased or replaced by the manufacturer. The list shall contain: consumer name and address; vehicle make, model and year; and the VIN. A copy of the list shall be submitted to the Attorney General by January 10 and July 10 of each year.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.09
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Certified Mechanism Records" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.10. Certified Mechanism Reports.

(1) The certified mechanism shall compile statistics annually for each manufacturer for which it has been certified. The statistics shall be indexed by manufacturer and compiled for all disputes received between January 1 and December 31 each year.

(2) The statistics compiled by the certified mechanism shall show the number of disputes received during the year and the status of those disputes as of year end. The statistics shall show number and percent of disputes in each of the following categories:

(a) No jurisdiction;

(b) Withdrawn;

(c) Settled, vehicle repurchased;

(d) Settled, vehicle replaced;

(e) Settled, vehicle repaired;

(f) Settled, other remedy;

(g) Decided, vehicle repurchased;

(h) Decided, vehicle replaced;

(i) Decided, vehicle repaired;

(j) Decided, other remedy;

(k) Decided, no award; and

(l) Pending at the end of the year.

(3) The certified mechanism shall compile statistics which show the number and percent of settled disputes:

(a) complied with by the manufacturer; and

(b) not complied with by the manufacturer.

(4) The certified mechanism shall compile statistics which show the number and percent of disputes decided:

(a) within forty (40) days from the date of filing; and

(b) forty-one (41) days or more from the date of filing.

(5) The certified mechanism shall compile statistics which show the number and percent of:

(a) decisions accepted by consumers;

(b) decisions rejected by consumers; and,

(c) decisions as to which acceptance or rejection is pending.

(6) The certified mechanism shall compile statistics which show the number and percent of decisions accepted by consumers:

(a) that were complied with by the manufacturer within the time period specified in the decision;

(b) that were complied with by the manufacturer after expiration of the time period specified in the decision;

(c) that were not complied with by manufacturer; and,

(d) as to which the time for compliance has not yet expired.

(7) By May 1, the certified mechanism shall submit to the Attorney General an annual report containing these statistics for the preceding calendar year.

(8) By July 1, the certified mechanism shall submit to the Attorney General a copy of the annual audit performed for the preceding calendar year pursuant to 16 CFR Part 703.7.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.10
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Certified Mechanism Reports" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.11. Certified Mechanism Openness of Records and Proceedings.

(1) The certified mechanism proceedings to hear and decide disputes shall be open to observers on reasonable and nondiscriminatory terms.

(2) The certified mechanism shall establish written policies and procedures with regard to record retention and production. The policy shall be applied uniformly to all such requests for access to or copies of such records.

(3) The statistical summaries compiled by the certified mechanism pursuant to Rule 60-2-1-.10 shall be made available to any person for inspection and copying.

(4) The certified mechanism shall make available to any person upon demand, at no cost, information relating to the general qualifications of any decision maker or independent technical expert.

(5) The certified mechanism shall provide upon request by any party access to and copies of the records relating to the party's dispute. The certified mechanism may charge a reasonable cost for copies.

(6) All records required to be retained by the certified mechanism shall be accessible to the Attorney General either electronically or located in the state of Georgia, and shall be available to the Attorney General at no cost.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.11
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Certified Mechanism Openness of Records and Proceedings" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.12. Certification and Recertification Process for Certified Mechanism.

(1) Any manufacturer seeking certification of a mechanism under O.C.G.A. § 10-1-785(d) shall submit an application for certification to the Attorney General. The application shall include the following:

(a) The name, address and telephone number of the mechanism;

(b) The name, title, mailing address, e-mail address, telephone number and facsimile number of the representative for the mechanism responsible for submitting the application information;

(c) The address and telephone number of the Georgia location at which the mechanism records not electronically accessible to the Attorney General will be stored;

(d) The address and telephone number of all temporary or permanent locations in the state of Georgia at which the mechanism will hear and decide disputes;

(e) The mechanism's written dispute resolution procedures, including those required under Rule 60-2-1-.08;

(f) The vehicle makes about which the mechanism is authorized to hear and decide disputes;

(g) The program summary that the mechanism will utilize in deciding disputes; and

(h) Copies of all forms, form letters, written materials and any other standard materials that will be provided to, or completed by, the consumer, the manufacturer, the decision maker, the independent technical expert or any other person or source providing information in regard to a dispute.

The Attorney General may require additional information from a manufacturer.

(2) The Attorney General shall review the manufacturer's application and any other relevant information. Following said review, the Attorney General shall either:

(a) Certify the mechanism for the manufacturer for a specified period not to exceed three (3) years; or,

(b) Notify the manufacturer in writing that certification is not approved. The written notice shall identify the basis on which certification was withheld and set forth a time period within which the manufacturer may take corrective action and supplement its application to reflect that action. If the Attorney General's concerns are resolved within the specified period and no other concerns are identified, the Attorney General shall certify the mechanism. If, by the end of the specified period, the manufacturer has not resolved the concerns, but has shown good cause why the concerns have not been resolved, the Attorney General may extend the period. If, by the end of the specified period and any extension thereof, the manufacturer has not resolved the concerns, the Attorney General shall notify the manufacturer in writing that certification is denied. If certification is denied, the written notice shall indicate the reason(s) for denial. The manufacturer has ten (10) days from the receipt of the notice to submit a written request for a hearing if it elects to contest the denial. A request is submitted on the date it is faxed, placed in the United States mail, or sent by statutory overnight delivery. The manufacturer shall have the burden of proof as to compliance with this time frame.

(3) During the period of certification, any substantive changes made to a certified mechanism's written materials shall be submitted to the Attorney General for approval prior to implementation.

(4) A manufacturer seeking to renew certification of its mechanism shall submit a new application for certification to the Attorney General at least ninety (90) days prior to the expiration of the current certification period. The Attorney General shall review both the manufacturer's application and the manufacturer's and the mechanism's performance during the existing certification period. Following the review, the Attorney General shall either:

(a) Renew the certification for a specified period not to exceed three (3) years; or

(b) Notify the manufacturer in writing that certification is not approved. The written notice shall identify the basis on which certification was withheld and set forth a time period within which the manufacturer may take corrective action and supplement its application to reflect that action. If the Attorney General's concerns are resolved and no other concerns are identified, the Attorney General shall certify the mechanism. If, by the end of the specified period, the manufacturer has not resolved the concerns, but has shown good cause why the concerns have not been resolved, the Attorney General may extend the period. If, by the end of the specified period and any extension thereof, the manufacturer has not resolved the concerns, the Attorney General shall notify the manufacturer in writing that certification is denied. If certification is denied, the written notice shall indicate the reason(s) for denial. The manufacturer has ten (10) days from the receipt of the notice to submit a written request for a hearing if it elects to contest the denial. A request is submitted on the date it is faxed, placed in the United States mail, or

sent by statutory overnight delivery. The manufacturer shall have the burden of proof as to compliance with this time frame.

(5) If the manufacturer submits a timely request for hearing, a hearing shall be held in accordance with O.C.G.A. § 10-1-785(f). The mechanism shall remain certified until the end of the existing term of certification, or any extension thereof, whichever occurs last.

(6)

(a) If the Attorney General denies an application for certification or certification renewal and the denial is not timely contested by the manufacturer, the manufacturer may not reapply for certification of any mechanism for a period of one (1) year from the date of denial.

(b) If the Attorney General denies an application for certification or certification renewal and the denial is upheld, the manufacturer may not reapply for certification of any mechanism for a period of one (1) year from the date of the final action regarding the denial.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.12
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Certification and Recertification Process for Certified Mechanism" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.13. Revocation of Certification of Certified Mechanism.

(1) If the Attorney General believes or has cause to believe that a certified mechanism is not in compliance with O.C.G.A. § 10-1-780*et seq.* or this Chapter, the Attorney General shall notify both the manufacturer and the certified mechanism, in writing, of his or her allegations of noncompliance. The notice shall specify a time period within which the manufacturer or its certified mechanism must correct the deficiencies.

(2) The Attorney General may, in his or her discretion, extend the time period for correction of the deficiency.

(3) If the deficiency or deficiencies have not been corrected and the manufacturer cannot show good cause why they were not corrected within the allotted time period, the Attorney General shall notify the manufacturer and its certified mechanism, in writing, of his or her intent to revoke certification. The written notice shall specify the areas of noncompliance and inform the manufacturer that it has ten (10) days from the receipt of the notice to submit a written request for hearing if it elects to contest the Attorney General's revocation. A request is "submitted" on the date it is faxed, placed in the United States mail, or sent by statutory overnight delivery. The manufacturer shall have the burden of proof as to compliance with this time frame.

(4) If the manufacturer fails to request the hearing within the ten (10) day period, the Attorney General shall issue a written order revoking certification of the mechanism. A copy of the order shall be sent to the manufacturer and the mechanism.

(5) If the manufacturer submits a timely request for hearing, a hearing shall be held in accordance with O.C.G.A § 10-1-785(1). The mechanism shall remain certified until an order of revocation is issued or until the end of the existing term of certification or any extension thereof, whichever occurs first.

(6) If the certification of the manufacturer's mechanism is revoked, the manufacturer may not reapply for certification of any mechanism for a period of one (1) year from the date of revocation.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.13
Authority: O.C.G.A. §§ 10-1-785, 10-1-795.
History. Original Rule entitled "Revocation of Certification of Certified Mechanism" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.14. Prior Resort to Mechanism.

(1) If the Attorney General revokes or denies the renewal of a mechanism's certification, or a manufacturer voluntarily discontinues use of its certified mechanism, a consumer may remove his or her pending dispute from the mechanism and apply for arbitration pursuant O.C.G.A. § 10-1-786(a), provided that the arbitration application is filed within sixty (60) days from the date the consumer receives notice from the manufacturer in accordance with subsection (2) or one (1) year from the expiration of the lemon law rights period, whichever occurs later.

(2) If the Attorney General revokes or denies the renewal of a mechanism's certification, or a manufacturer voluntarily discontinues use of its certified mechanism, the manufacturer shall send written notice, by certified mail, return receipt requested, to all consumers with disputes pending with the mechanism that:

(a) The mechanism is no longer functioning as a certified mechanism for that manufacturer;

(b) The consumer is no longer required to resort to a mechanism;

(c) The consumer may elect to have the dispute removed from the mechanism;

(d) The consumer may pursue the remedy of a repurchase or replacement of the vehicle by requesting arbitration; and

(e) The arbitration application must be filed with the Attorney General by no later than sixty (60) days from the date the consumer received the notice from the

manufacturer, or one (1) year from the date of the expiration of the lemon law rights period, whichever occurs later.

A copy of the notice must be sent to the Attorney General by the manufacturer.

(3) Within ninety (90) days of the date on which certification of the manufacturer's mechanism is voluntarily withdrawn, revoked or not renewed, the manufacturer shall modify or remove any reference to the certified mechanism and the certified mechanism requirement from the materials provided to consumers pursuant to Rule 60-2-1-.06.

(4) If a manufacturer's mechanism is certified after a consumer has purchased or leased a new motor vehicle, but before the manufacturer receives the consumer's request to repurchase or replace the vehicle pursuant to O.C.G.A. § 10-1-784(b), the consumer shall be required to submit the dispute to the certified mechanism prior to requesting an arbitration. The manufacturer shall, within twenty (20) days:

(a) Notify the consumer in writing of the requirement that the dispute be submitted to the certified mechanism, and

(b) Provide the information required by Rule 60-2-1-.06.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.14
Authority: O.C.G.A. §§ 10-1-785, 10-1-786, 10-1-795.
History. Original Rule entitled "Prior Resort to Mechanism" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.15. Arbitration Application.

(1) The Attorney General shall create and adopt an application form, to be completed by the consumer in requesting arbitration. This application may require consumer consent to the release of information by third parties. The application may be obtained by the consumer from the Attorney General upon request. The consumer shall file the completed application and supporting documents with the Attorney General.

(2) The Attorney General shall forward eligible applications and supporting documents to the panel. The period within which a hearing is to be conducted pursuant to O.C.G.A. § 10-1-786(d) shall commence on the date that the application is forwarded.

(3) If an application is incomplete, the Attorney General shall notify the consumer. In the event a consumer does not have or cannot obtain necessary documentation, the Attorney General may accept a written statement providing the necessary information and explaining the absence of the documentation.

(4) If the consumer fails to file a completed application, including all necessary documentation, within ninety (90) days of the Attorney General's notice, the application

shall be deemed ineligible. The Attorney General, in his or her discretion, may extend the ninety (90) days for good cause shown.

(5) If the Attorney General rejects an application as ineligible, the consumer shall be notified, in writing, of the rejection and the reason(s) for it. Each of the following shall be grounds for a determination of ineligibility:

(a) The application was filed more than one (1) year from the expiration of the lemon law rights period or more than sixty (60) days from the conclusion of a certified mechanism's proceeding, whichever occurs later;

(b) The person seeking arbitration does not meet the definition of a consumer;

(c) The vehicle does not meet the definition of a new motor vehicle;

(d) The manufacturer was not allowed a reasonable number of attempts to repair the nonconformity during the lemon law rights period;

(e) The consumer no longer has possession of the vehicle and cannot reacquire it;

(f) The application was initially determined to be incomplete by the Attorney General and the consumer failed to take corrective actions for reconsideration of eligibility as required by the Attorney General; or

(g) Any other reason that would render the application ineligible for arbitration.

(6) If the Attorney General rejects an application as ineligible, the consumer may appeal the determination of ineligibility. Notice of appeal shall be given, in writing, to the Attorney General within ninety (90) days of the date of the determination of ineligibility. The appeal shall be forwarded to the panel and assigned to an arbitrator or arbitrators.

(7) If the consumer's application is rejected as ineligible, the consumer, in lieu of an appeal, may file a new state arbitration application if the time period provided in O.C.G.A. § 10-1-786(a) has not expired.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.15
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Arbitration Application" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.16. Notice of Arbitration.

(1) Following receipt of an eligible state arbitration application, the panel shall assign a case number and notify the consumer and manufacturer by statutory overnight delivery or by certified mail, return receipt requested, that the case has been deemed eligible for arbitration.

(a) If the consumer is a lessee, the notice shall inform the consumer that the lessor must be notified in writing that the dispute has been deemed eligible for arbitration.

(b) The notice to the manufacturer shall include a complete copy of the consumer's state arbitration application.

(2) The Attorney General shall create and adopt forms, which may be amended from time to time in the Attorney General's discretion, to be utilized by the parties to the arbitration. The forms shall include, but not be limited to, a "Manufacturer's Statement Form," "Manufacturer's Pre-hearing Information Sheet", and "Consumers Pre-Hearing Information Sheet". Copies of these forms shall be sent to the parties by the panel.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.16
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Notice of Arbitration" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.17. Manufacturer's Statement Form.

(1) The manufacturer's statement form shall be answered completely and filed with the panel. Copies of the manufacturer's statement shall be sent to the consumer. The panel and the consumer must receive the manufacturer's statement no later than twenty (20) days from the manufacturer's receipt of notice of arbitration. The manufacturer's statement form shall require the manufacturer to provide, at a minimum, the following information:

(a) A statement, if applicable, that the manufacturer has elected to assert no defense and hereby offers to repurchase or replace the vehicle in accordance with the provisions of O.C.G.A. § 10-1-784(b); or,

(b)

1. A statement of any defenses and any legal or factual issues to be raised at the hearing;

2. A request to examine the vehicle, if desired, as provided in Rule 60-2-1-.19;

3. The name, mailing address, e-mail address, and phone number of the attorney who will represent the manufacturer at the hearing, if the manufacturer will be represented by an attorney;

4. An affirmation that the manufacturer has sent a copy of the completed manufacturer's statement form to the consumer and the date on which it was sent; and,

5. If the case involves a motor home and two manufacturers, an affirmation that the manufacturer has sent a copy of the completed manufacturer's statement form to the other manufacturer and the date of submission.

(2) A manufacturer should carefully review the consumer's application and supporting documents before identifying defenses and legal or factual issues it intends to raise at the arbitration hearing. The manufacturer shall have a good faith basis for each defense or issue asserted.

(3) A manufacturer may amend its statement to delete defenses or issues or add newly discovered defenses or issues. The amended statement must be received by the panel, the consumer, and all other parties, if any, at least five (5) days prior to the date of the hearing.

(4) The arbitrator(s) may refuse to consider any defense or issue that was not raised by the manufacturer or received by the parties or the panel in a timely manner.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.17
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Manufacturer's Statement Form" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.18. Arbitration Hearing Notice.

(1) The panel will make every effort to schedule an arbitration hearing within forty (40) days from the date an application was deemed eligible by the Attorney General. The panel will notify all parties of the hearing at least fourteen (14) days prior to the date of the hearing. The notice, at a minimum, shall include:

(a) A statement of the date, time and place of the hearing;

(b) The name of the arbitrator(s) to whom the case has been assigned;

(c) A statement that any ex parte communication with the arbitrator(s) about any matter concerning the case is prohibited;

(d) The legal authority and jurisdiction under which the hearing is to be held;

(e) A statement that failure to attend the hearing may result in a dismissal of the case or a decision in favor of the opposing party; and

(f) The name and address of the panel representative to whom all motions, requests, or other correspondence concerning the hearing should be directed.

(2) If notice is not provided as required by this Rule, but all parties appear at the hearing, the arbitrator or chairperson shall inquire on the record whether the party or parties who failed to receive proper notice will waive the right to proper notice. If an affected party refuses to consent to a waiver, the hearing will be rescheduled. All parties shall be given proper notice of the rescheduled hearing.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.18
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Arbitration Hearing Notice" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.19. Manufacturer's Examination of the Vehicle.

(1) A manufacturer may perform an examination, which may include a test drive and necessary testing of the vehicle, to aid in the preparation of its defense, provided the consumer receives timely notice of the request pursuant to Rule 60-2-1-.17(1)(b)2.

(2) If the manufacturer examines the vehicle, it shall not adjust, remove or replace any part or component or attempt to repair the vehicle. A detailed written report containing a complete description of any examination(s) performed, a recitation of all data gathered or generated during the examination(s), and any conclusion(s) reached as a result of any examination(s) shall be prepared. A copy of the report shall be provided to the panel, the consumer and all other parties, if any, as soon as possible, but in no event later than five (5) days before the date of the hearing. If the manufacturer fails to comply with any part of this subsection, evidence or testimony related to the manufacturer's examination may be limited or excluded by the arbitrator(s) at the hearing.

(3) The examination shall occur at a time and place that are convenient for the consumer. If the nonconformity is alleged to be a serious safety defect, the manufacturer shall be required to either conduct the examination at the location of the vehicle or tow the vehicle to the examination site and return it to the original location within twenty-four (24) hours. The consumer has the right to be present during the examination, unless the consumer waives the right in writing.

(4) If the manufacturer and consumer cannot mutually agree on a time and place for the manufacturer's examination, either party may file a written request asking the arbitrator(s) to determine the time and place for an examination. The arbitrator(s) may convene a telephone hearing with the parties for the purpose of resolving any issue relating to an examination.

(5) If the manufacturer's examination of the vehicle reveals any issues or defenses not previously raised in the manufacturer's statement, the manufacturer shall file an amended statement with the panel. Copies of the amended statement shall be sent to the consumer, and all other parties, if any. The panel and all parties must receive the amended statement at least five (5) days prior to the date of the hearing.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.19
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Manufacturer's Examination of the Vehicle" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.20. Discovery.

(1) Either the consumer or the manufacturer may obtain copies of documents or information in the possession of the opposing party by making a written request to the opposing party for the documents or information. The opposing party shall provide the documents or information as soon as possible, provided:

(a) It has the documents and/or information in its possession or can readily retrieve or compile them; and,

(b) The requested documents and/or information are germane to the case and compliance with the request would not be unduly burdensome.

(2) If the documents and/or information are not provided to the requesting party, the party may write to the panel and request that the arbitrator direct the documents or information be produced. The arbitrator shall direct the opposing party to produce the documents or information if:

(a) Compliance with the request comports with the provisions of subsection (1);

(b) The documents and/or information can be made available to the panel and the requesting party prior to hearing; and,

(c) The arbitrator believes the documents or information will reasonably assist him or her in deciding the case.

The arbitrator may convene a telephone hearing with the parties for purposes of making a determination pursuant to this paragraph.

(3) If a party does not comply, or show good cause why it could not comply, with the arbitrator's direction to produce the documents or information, the arbitrator(s), when deciding the case, may draw a negative inference concerning any issue involving such documents or information.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.20
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Discovery" adopted. F. May 16, 2016; eff. June 5, 2016

Rule 60-2-1-.21. Subpoena of Witnesses.

(1) Any party to an arbitration may request that the arbitrator(s) issue a subpoena to compel the attendance of, or compel production of documents by, a witness. The requesting party shall make such request in writing and shall state, at a minimum, the following:

(a) The name of the requesting party;

(b) The name, street address and mailing address of the witness;

(c) The purpose for which the testimony of the witness or production of documents is sought;

(d) The address at which the subpoena shall be served;

(e) The date, time and place of the hearing; and,

(f) A detailed description of any documents to be provided by the witness at the hearing.

(2) The subpoena shall be approved by the arbitrator(s) if it can be issued sufficiently in advance of the scheduled hearing to allow service at least five (5) days before the hearing.

(3) The party requesting the subpoena shall be responsible for service and for providing proof of service to the arbitrator(s). Service may be made by certified mail to the witness, return receipt requested, or by personal delivery to the witness by any person authorized by law to serve process or by any person who is not a party to the case and who is at least eighteen (18) years of age. Proof of service shall be evidenced by the signature of the witness or by affidavit of the person making service that the witness was served.

(4) The party requesting the subpoena shall be required to pay the cost of service. If the subpoena seeks the attendance of a witness who resides outside the county where the hearing will be held, service of the subpoena must be accompanied by the tender of a fee computed in the same manner as prescribed by law in civil cases in superior court. The fee shall be paid by check to the witness.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.21
Authority: O.C.G.A. §§ 10-1-786, 10-1-795, 24-10-24.
History. Original Rule entitled "Subpoena of Witnesses" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.22. Consumer's Pre-hearing Information Sheet.

(1) The consumer's pre-hearing information form shall be answered completely and filed with the panel. Copies shall be sent to the manufacturer and all other parties, if any. The panel and all parties must receive the consumer's pre-hearing information form no later than five (5) days prior to the date of hearing. The form shall require production of, at a minimum, the following documents and information:

(a) The name, mailing address and daytime phone number of any person(s) the consumer plans to call as a witness at the hearing;

(b) Copies of any affidavits or written testimony submitted by any expert, witness or other person who will not be present at the hearing;

(c) Copies of any documentary evidence not filed with the state arbitration application that the consumer plans to present at the hearing;

(d) Copies of all receipts, invoices or other statements the consumer intends to submit at the hearing regarding incidental costs, collateral charges, attorney's fees and technical or expert witness fees;

(e) The name, address, and phone number of any interpreter the consumer will be bringing to the hearing;

(f) The name, mailing address, e-mail address, and phone number of any attorney who will represent the consumer at the hearing, if different from, or not included on, the state arbitration application;

(g) If the consumer is a lessee, proof that the consumer notified the lessor of the pending arbitration;

(h) If the title to the vehicle is secured by a lienholder, a dated statement from the lienholder indicating the amount to pay off the loan as of a certain date; and

(i) A request to have the arbitrator(s) examine and/or test drive the vehicle at the hearing, if the consumer so requests.

(2) If the consumer's completed pre-hearing information form, along with all attachments, is not received by the panel, the manufacturer, and all other parties, if any, by at least five (5) days prior to the date of the hearing, the arbitrator(s) may limit or exclude the consumer's use of information, documents or witnesses at the hearing.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.22
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Consumer's Pre-hearing Information Sheet" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.23. Manufacturer's Pre-hearing Information Sheet.

(1) The manufacturer's pre-hearing information form shall be answered completely and filed with the panel. Copies shall be sent to the consumer and all other parties, if any. The panel and all parties must receive the manufacturer's pre-hearing information form no

later than five (5) days prior to the date of the hearing. The form shall require production of, at a minimum, the following documents and information:

(a) The name, title, business address and daytime phone number of the manufacturer's representative(s) who will participate at the hearing;

(b) The name, title, business address and daytime phone number of any person(s) the manufacturer plans to call as a witness at the hearing;

(c) Copies of any affidavits or written testimony submitted by any expert, witness or other person who will not be present at the hearing;

(d) The name, mailing address, e-mail address, and phone number of any attorney who will represent the manufacturer at the hearing, if different from, or not included on, the manufacturer's statement form;

(e) Copies of all service records for the consumer's vehicle, including dealer-generated work orders containing notes made thereon;

(f) Copies of any recall notices or technical service bulletins issued by the manufacturer which relate to the year, make, model or type of vehicle and to any alleged nonconformity which is the subject of the consumer's arbitration application; and

(g) A request to have the arbitrator(s) examine and/or test drive the vehicle at the hearing, if the manufacturer so requests.

(2) If the manufacturer's completed pre-hearing information form, along with all attachments, is not received by the panel, the consumer and all other parties, if any, by at least five (5) days prior to the date of the hearing, the arbitrator(s) may limit or exclude the manufacturer's use of information, documents or witnesses at the hearing.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.23
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Manufacturer's Pre-hearing Information Sheet" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.24. Notice to Lessor and Request for Documents.

(1) If a lessor has timely petitioned to be a party to the arbitration proceeding pursuant to O.C.G.A. § 10-1-786(c), the lessor shall be notified of the arbitration hearing as provided in Rule 60-2-1-.18(1) and requested to provide, at a minimum, the following documents and information:

(a) If the lessee is seeking a replacement vehicle, a good faith estimate of the charges that the lessor and the lessee will each incur as a result of the replacement transaction;

(b) If the lessee is seeking a repurchase award, a copy of the lease agreement indicating the adjusted capitalized cost of the new motor vehicle, a payment history, and any evidence, if applicable, that the lessee has failed to meet any of the existing terms of the lease agreement, and the amount of money owed by the lessee to the lessor as a result of such failure(s); and

(c) The name, mailing address, e-mail address, and phone number of any attorney who will represent the lessor at the hearing.

The lessor's information and documents shall be filed with the panel. Copies shall be sent to all parties. The panel and all parties must receive the lessor's information and documents no later than five (5) days prior to the date of the hearing.

(2) If the lessor's information and documents are not received by the panel, the consumer, the manufacturer, and all other parties, if any, by at least five (5) days prior to the date of the hearing, the arbitrator(s) may limit or exclude the lessor's use of the information or documents at the hearing.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.24
Authority: O.C.G.A. §§ 10-1-784(b)(2)(A),(3)(A); 10-1-786, 10-1-795.
History. Original Rule entitled "Notice to Lessor and Request for Documents" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.25. Withdrawal of Arbitration Request.

(1) A consumer may withdraw his or her request for arbitration as provided below. A withdrawal request can be made by telephone, but it must be confirmed in writing thereafter. The written withdrawal request, which must be signed by the consumer and the attorney of record, if any, shall be sent to the panel with a copy to all parties.

(2) If the panel receives a request for withdrawal from the consumer no later than two (2) business days prior to the day of the hearing, it shall be granted without prejudice. The request for arbitration will remain open for ninety (90) days after a dismissal without prejudice, during which the consumer may request in writing that the arbitration process begin again. After the ninety (90) day period has expired, a consumer who wishes to request arbitration will have to file a new application.

(3) The consumer may not withdraw a request for arbitration within one (1) business day of, on, or after the day of the hearing, absent a showing of good cause for the withdrawal.

(4) If a consumer withdraws a second request for arbitration on the same motor vehicle, the withdrawal shall be considered a withdrawal with prejudice and the consumer will not be allowed to renew his or her arbitration application or file a new application on the same motor vehicle.

(5) If the consumer withdraws a request for arbitration, the consumer will not be considered to have exhausted all remedies for purposes of filing a civil action pursuant to O.C.G.A. § 10-1-788.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.25
Authority: O.C.G.A. §§ 10-1-786, 10-1-788, 10-1-795.
History. Original Rule entitled "Withdrawal of Arbitration Request" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.26. Postponement or Continuance of Arbitration Hearing; Settlement.

(1) The arbitrator(s) shall have discretion to postpone or continue a scheduled hearing, upon or without the request of a party. Factors to be considered in connection with a determination include, but are not limited to: the basis for the request; the timeliness of the request; the inconvenience or hardship to parties and witnesses; and the resulting expense, if any. Attorney scheduling conflicts shall be governed by and handled in accordance with the Uniform Superior Court Rules.

(2) If a postponement or continuance is granted, the rescheduled hearing shall occur within thirty (30) days of the original hearing date unless all parties agree to a longer postponement, or the party which requested the rescheduling can show good cause for a longer postponement. In no event shall a hearing be postponed for longer than ninety (90) days. The panel shall send notice of the date, time and place for the rescheduled hearing to all parties at least seven (7) days prior to the hearing date.

(3) A joint request from all parties that a hearing be postponed or continued for settlement purposes shall be granted. Within ten (10) days after the joint request for postponement, the parties shall either notify the arbitrator(s) that the case has been settled or request additional time within which to negotiate. The hearing will be rescheduled to occur within thirty (30) days, or within a maximum of ninety (90) days if the parties need more time, from the date the first postponement or continuance was granted. The panel shall send notice of the date, time and place for the rescheduled hearing to all parties at least seven (7) days prior to the hearing date.

(4) If a hearing is postponed or continued, subpoenaed witnesses shall be notified as soon as possible, and in the most effective manner. Each party shall be responsible for notifying all witnesses subpoenaed at its request, and shall inform the panel of the date, time, and manner of notice.

(5) The manufacturer shall notify the arbitrator(s) if the case is settled. A written copy of the settlement, signed and dated by the consumer, must be received by the panel and the Attorney General within ten (10) days of the settlement date.

(6) The arbitration proceeding will remain pending for ninety (90) days, to ensure that the terms of the settlement are complied with in a timely manner. If the manufacturer does not perform as agreed upon, the consumer may notify the arbitrator(s) and request a hearing date. The arbitration hearing will be scheduled as soon as possible. The panel shall send notice of the date, time, and place for the rescheduled hearing to all parties at least seven (7) days prior to the hearing date.

(7) A manufacturer's failure to comply with the agreed terms of the settlement shall constitute an unfair and deceptive act or practice in the conduct of a consumer transaction and O.C.G.A. § 10-1-390*et seq*.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.26
Authority: O.C.G.A. §§ 10-1-786, 10-1-790, 10-1-793(a), 10-1-795, 10-1-797.
History. Original Rule entitled "Postponement or Continuance of Arbitration Hearing; Settlement" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.27. Failure to Appear.

(1) If a lessor fails to appear, the scheduled hearing will be held. The arbitrator(s) may, in his or her discretion, exclude any evidence or information filed by the lessor, including but not limited to, information filed pursuant to Rule 60-2-1-.24(1)(b).

(2) If a manufacturer fails to appear, the scheduled hearing will be held. The arbitrator(s) shall make a decision based on the evidence presented by the consumer and any other party and any documents and information contained in the record. If the decision is in favor of the consumer, the manufacturer shall be notified immediately. The manufacturer shall have two (2) business days from receipt of notice to file a request that the decision be set aside. The request shall include evidence of good cause that resulted in the manufacturer's failure to appear.

(3) If the consumer fails to appear, the hearing shall be cancelled and the case dismissed with prejudice. The panel will immediately notify the consumer of the dismissal. The consumer shall have two (2) business days from receipt of notice to file a request that the dismissal be set aside. The request shall include evidence of good cause that resulted in the consumer's failure to appear. If the case is dismissed with prejudice due to the consumer's failure to appear, the consumer will not be considered to have exhausted all remedies for purposes of filing a civil action pursuant to O.C.G.A. § 10-1-788.

(4) Any request by a manufacturer or a consumer to set a decision aside under this Rule shall be considered by the arbitrator(s), who will convene a telephone hearing to hear from all parties. If the decision is set aside, a hearing will be scheduled as soon as possible.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.27
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Failure to Appear" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.28. Motions and Telephone Hearing Conferences.

(1) All motions must be in writing, unless made during the hearing, and must state the basis for the motion and the relief requested. The original shall be filed with the panel and a copy sent to all parties. The panel and all parties must receive the motion no later than seven (7) days prior to the scheduled hearing date. If an opposing party contests the motion, it shall file a written response with the panel and send a copy to all parties. The panel and all parties must receive the response no later than two (2) business days prior to the hearing.

(2) The arbitrator(s) may convene telephone conferences to consider and hear argument on a motion, other requests, issues or jurisdictional matters. If three (3) arbitrators have been assigned to the case, the arbitrator serving as chairperson, or other arbitrator designated by the panel, shall conduct the telephone hearing.

(3) Unless otherwise specified, the burden of proof shall be on the moving party.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.28
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Motions and Telephone Hearing Conferences" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.29. Power and Duties of the Arbitrators.

(1) The arbitrator(s) shall have the duty to conduct fair and impartial hearings and to take all actions necessary maintaining order and avoiding delay in the disposition of proceedings. The arbitrator(s) shall have the powers necessary to accomplish all duties including, but not limited to, the power to:

(a) Consider any and all evidence offered by the parties that is necessary to an understanding and a determination of the case;

(b) Regulate the course of the hearing and the conduct of the parties, their representatives and witnesses;

(c) Examine or participate in a test drive of the consumer's vehicle, if requested by any party, or if necessary to a complete understanding of the case;

(d) Schedule a vehicle inspection by an independent technical expert, if necessary;

(e) Determine whether an interpreter assisting the consumer is qualified to provide the assistance, or, if not, whether the consumer can effectively participate without the help of an interpreter;

(f) Continue the arbitration hearing to a subsequent date if, at the initial hearing, the arbitrator(s) determines that a qualified interpreter or additional information is necessary in order to render a fair and accurate decision; and

(g) Hold motor home manufacturers jointly liable in appropriate circumstances.

(2) There shall be no direct communications between the parties and the arbitrator(s) other than at hearings or conferences. Any other oral or written communications shall be directed to the panel. Any prohibited contact shall be reported by the arbitrator(s) to the panel and noted in the case record. An arbitrator may be disqualified and a substitute arbitrator assigned if the Attorney General or the panel finds that disqualification is necessary to eliminate the effect of an unauthorized communication.

(3) Each arbitrator shall maintain his or her impartiality throughout the course of the proceedings and in rendering his or her decisions.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.29
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Power and Duties of the Arbitrators" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.30. Arbitrator Selection, Disqualification, Substitution and Training.

(1) The selection and assignment of an arbitrator or arbitrators is within the discretion of the Attorney General and not subject to the approval of any party.

(2) An arbitrator shall not have any bias or any personal or financial interest in the outcome of any hearing, nor be acquainted with any of parties or participants. An arbitrator shall not have any conflict of interest that would otherwise compromise his or her ability to maintain neutrality throughout the course of the arbitration proceedings. An arbitrator who is aware or becomes aware of any circumstance that would affect, or bring into question, his or her impartiality to hear and decide the case, shall notify the panel immediately.

(3) An arbitrator may request to be disqualified. Upon a determination that there are reasonable grounds to disqualify an arbitrator, the panel shall assign another arbitrator to the case.

(4) If an arbitrator resigns, dies, withdraws or otherwise is unable to perform the duties connected with a case, the panel shall assign another arbitrator to the case.

(5) An arbitrator shall receive training covering the provisions of O.C.G.A. § 10-1-780*et seq.* and this Chapter.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.30
Authority: O.C.G.A. §§ 10-1-786, 10-1-789, 10-1-795.
History. Original Rule entitled "Arbitrator Selection, Disqualification, Substitution and Training" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.31. Conduct of the Hearing.

(1) An oral hearing shall be conducted in a manner designed to encourage a full and complete disclosure of the facts and to afford each party the opportunity to present evidence and make legal arguments. The hearing procedure contemplates that all parties will appear in person. However, a party may participate by telephone, if good cause can be shown why a personal appearance is not feasible or if all parties consent. The party asking to participate by telephone shall have a notary public present during the hearing to identify the person and to administer the oath for oral testimony, and shall bear all costs associated with participation by telephone.

(2) The arbitrator(s) shall conduct the hearing, maintain decorum at all times, and ensure that the hearing proceeds in an equitable, orderly, and expeditious manner. All parties shall comply with the rulings made by the arbitrator(s).

(3) The hearing shall be open to the public as reasonable accommodations permit. The arbitrator(s) may warn, and thereafter exclude, any party, attorney, witness or observer who is disruptive to the orderly conduct of the hearing. The person may be readmitted upon the cessation of the disruptive behavior and upon reassurance by the person that it will not continue. After a warning to the person, the arbitrator(s) may adjourn any hearing which becomes unmanageable due to the disruptive behavior of that person. Such adjournment shall be considered a dismissal with prejudice if primarily caused by the consumer, and a default without good cause if primarily caused by the manufacturer.

(4) The arbitrator or chairperson, if three (3) arbitrators conduct the hearing, will open the hearing by stating on the record the case number; the place, time and date of the hearing; the identity of the arbitrator(s) and panel staff; and, the names of the parties and their attorneys, if any. The arbitrator or chairperson will ask the parties to identify their witnesses, if any, and will explain the procedures to be followed during the hearing. Oral testimony will be taken upon oath or affirmation.

(5) Each party shall have the right to appear and present evidence, cross-examine witnesses and enter objections, make arguments and exercise all other rights essential to a fair hearing. The formal rules of evidence shall not apply. The parties may introduce any relevant evidence that will assist the arbitrator(s) in making a decision. The arbitrator(s) may exclude irrelevant, immaterial, or unduly repetitious evidence.

(6) The consumer shall present his or her evidence and witnesses. The manufacturer shall present its evidence and witnesses. After the manufacturer completes its presentation, the consumer will be given the opportunity to offer evidence or testimony to refute the manufacturer's assertions. The arbitrator(s) may vary the presentation of evidence if necessary to more fully develop the facts. Each party may question the other after each presentation, and may question each witness after testimony. The arbitrator(s) may restrict any questioning that is outside the scope of the hearing. The arbitrator(s) may question any party or witness at any time.

(7) The arbitrator(s) may receive and consider evidence of a witness not present at the hearing by affidavit and shall give any affidavit such weight as may be deemed appropriate after consideration of any objections made to its submission.

(8) The arbitrator(s) may personally examine or participate in a test drive of the consumer's vehicle. The hearing will be temporarily suspended and the examination or test drive will be conducted off the record. All parties shall be allowed to be present during examination of the vehicle. After the examination and/or test drive, the arbitrator(s) will reconvene the hearing procedure, go back on the record, and describe what was observed during the examination or test drive. Each party or witness who participated in the examination shall be given the opportunity to testify.

(9) Each party shall be allowed to present a closing argument. The arbitrator(s) may request additional evidence at the time of or after the closing of the hearing. All additional evidence shall be submitted to the panel and copies disseminated to all parties.

(10) The arbitrator(s) shall ensure that a mechanical or electronic record of the hearing is maintained.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.31
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Conduct of the Hearing" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.32. Arbitration Decision.

(1) The arbitration decision shall be based solely upon matters contained in the official record. Written party submissions made pursuant to this Chapter, oral and written evidence and testimony presented at the hearing, and supplemental information submitted at the request of the arbitrator(s) shall constitute the official record. The decision shall be reached on the basis of a preponderance of the evidence.

(2) The arbitrator may make an oral decision at the hearing, but it shall not be binding until reduced to writing and sent to each party and the Attorney General.

(3) The decision shall be written on a form prescribed by the Attorney General. If three (3) arbitrators hear the case, the decision, if not unanimous, shall be determined by the majority.

(4) If the consumer prevails, the arbitrator(s) may award attorney's fees and technical or expert witness fees, if applicable. A request for attorney's fees shall be based upon an affidavit prepared by the consumer's attorney and provided to the arbitrator(s) by no later than the conclusion of the hearing. The arbitrator(s) shall have the discretion to award all, part or none of the requested fees.

(5) The arbitrator shall prepare the decision. If three (3) arbitrators decide the case, the chairperson shall be responsible for preparing the decision, unless he or she casts a minority vote. In that instance, or in some other unusual circumstance, the panel shall designate one (1) of the other two (2) arbitrators to prepare the decision.

(6) The decision shall be rendered within twenty (20) days of the conclusion of the hearing. Failure to render the decision within the time shall not void any decision ultimately rendered.

(7) The panel shall file the original decision with the Attorney General and send copies of the decision to the parties by statutory overnight delivery or by certified mail, return receipt requested. Each copy shall indicate the date of entry of the decision pursuant to O.C.G.A § 10-1-786(f).

(8) If any party appeals the decision, or if the consumer initiates a new private action, the parties shall provide the Attorney General with a copy of their initial pleadings in the action. The parties shall provide these filings to the Attorney General contemporaneously with their filing in court.

(9) In the event that legal proceedings are not initiated by any party, the manufacturer, upon compliance with the decision, shall furnish the Attorney General with evidence consisting of either copies of checks payable to the consumer, and lienholder or lessor, for a repurchase, or information regarding the year, make, model and identification number of the replacement motor vehicle for a replacement.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.32
Authority: O.C.G.A. §§ 10-1-786, 10-1-787(a),(d); 10-1-795.
History. Original Rule entitled "Arbitration Decision" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.33. Technical Corrections.

(1) The arbitrator(s), panel or Attorney General may make technical corrections to a decision. Technical corrections are computational corrections, correction of clerical mistakes or typographical errors, or other minor corrections arising from oversight or omission.

(2) A party may submit a written request for technical corrections to the panel. The request shall identify the proposed correction and the basis for the change. The request must be received by the panel within fourteen (14) days from the date of entry of the decision. The requesting party shall copy all parties. The panel will notify the parties whether a correction will be made. A request to correct a decision will not prevent the decision from taking effect or delay the time for compliance or to initiate legal proceedings.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.33
Authority: O.C.G.A. §§ 10-1-786, 10-1-795.
History. Original Rule entitled "Technical Corrections" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.34. Miscellaneous Provisions.

(1) Any issue not addressed specifically in the Georgia Lemon Law or this Chapter shall be handled by the arbitrator(s), panel or Attorney General in an equitable and efficient manner.

(2) In the event of a repurchase, any credit card or other rewards program points used to purchase or lease the new motor vehicle shall be credited back to the credit card or rewards program account.

(3) A person acting as an interpreter may assist a consumer in the presentation of a case if the interpreter's assistance is necessary because of a mental or physical handicap, or a language barrier which impacts the consumer's ability to participate effectively.

(4) For purposes of this Chapter, notice to a party shall be sent to the attorney of record, if the party is represented by an attorney. If a party is represented by an attorney and has failed to notify the panel and all other parties of the representation, the party shall immediately provide the name, mailing address, e-mail address and phone number to the panel and all other parties. Failure to provide timely notice may be grounds for a continuance.

(5) For purposes of this Chapter, parties to an arbitration proceeding may utilize electronic transmission (e-mail) for service of required filings upon other parties to the proceeding only if all parties have agreed, in writing, to this method of service.

(6) Upon a finding of extraordinary circumstances, the Attorney General may waive any of the Rules within this Chapter, if the waiver would be in the public interest and serve to carry out the purpose and intent of the Georgia Lemon Law and this Chapter.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.34
Authority: O.C.G.A. §§ 10-1-784(b), 10-1-786, 10-1-795.
History. Original Rule entitled "Miscellaneous Provisions" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.35. Reacquired Vehicle Nonconformity Disclosure Form.

(1) A manufacturer who reacquires a vehicle in this state, or resells, leases, transfers, or otherwise disposes of a reacquired vehicle in this state, shall notify the Attorney General on a form prescribed by the Attorney General.

(2) In lieu of use of the form prescribed in subsection (1), the Attorney General may approve an alternative form proposed by the manufacturer if it has substantially the same language, content and appearance as the Attorney General's form, including the same or similar font size for words or terms of emphasis, and does not contain words, categories, or spaces to elicit information that might otherwise mislead a prospective transferee, buyer or lessee as to the nature of the nonconformity or the fact of the vehicle's reacquisition.

(3) If a manufacturer submits a proposed alternative form, the Attorney General shall review it and notify the manufacturer in writing whether the proposed alternative form is approved or disapproved. If the proposed alternative form is disapproved, the Attorney General shall indicate the reasons for disapproval and afford the manufacturer the opportunity to submit a corrected alternative form for reconsideration. If disapproved after reconsideration, the manufacturer shall use the form prescribed in subsection (1).

(4) If the Attorney General determines that the alternative form approved for use by the manufacturer no longer meets the requirements of O.C.G.A. § 10-1-790 or this Chapter, the Attorney General shall inform the manufacturer in writing of the determination and state the reason. The Attorney General shall give the manufacturer a reasonable time, not to exceed ninety (90) days, to bring the form into compliance. Thereafter, if not approved, the manufacturer shall discontinue use of such alternative form.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.35
Authority: O.C.G.A. §§ 10-1-790, 10-1-795.
History. Original Rule entitled "Reacquired Vehicle Nonconformity Disclosure Form" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.36. Transfer and Resale of a Reacquired Vehicle.

(1) A reacquired vehicle shall not be transferred, leased, or sold, either at wholesale or retail, unless the following conditions are met:

(a) At the time of each transfer of the reacquired vehicle, the transferor shall provide the transferee the form required by Rule 60-2-1-.35.

(b) The ultimate consumer must be provided the opportunity to read the form in its entirety before purchasing or leasing the reacquired vehicle.

(c) Both the transferor of the reacquired vehicle and the ultimate consumer must sign the form at the time of the sale or lease to the ultimate consumer. The original of the form shall be provided to the ultimate consumer. The transferor of the

reacquired vehicle must send a copy of the completed and dated form to the Attorney General within thirty (30) days from the date of the sale or lease.

(2) The manufacturer shall activate the warranty required pursuant to O.C.G.A. § 10-1-790(a)(2) at the time of the sale or lease of the reacquired vehicle to the ultimate consumer. The manufacturer shall also notify the Attorney General that the warranty has been activated within ninety (90) days of the sale or lease. The manufacturer shall notify the Attorney General on a form prescribed by the Attorney General. In lieu of the form prescribed herein, the Attorney General may approve an alternative form proposed by the manufacturer if it has substantially the same content as the Attorney General's form. If a manufacturer submits a proposed alternative form, the Attorney General shall review it and notify the manufacturer in writing whether the proposed alternative form is approved or disapproved.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.36
Authority: O.C.G.A. §§ 10-1-790, 10-1-795.
History. Original Rule entitled "Transfer and Resale of a Reacquired Vehicle" adopted. F. May 16, 2016; eff. June 5, 2016.

Rule 60-2-1-.37. Conflict.

In case of conflict between this Chapter and O.C.G.A. § 10-1-780*et seq.*, the Georgia Lemon Law, as enacted on May 14, 2008, the definitions and provisions contained in O.C.G.A. § 10-1-780*et seq.* shall prevail.

Cite as Ga. Comp. R. & Regs. R. 60-2-1-.37
Authority: O.C.G.A. §§ 10-1-780*et seq.*
History. Original Rule entitled "Conflict" adopted. F. May 16, 2016; eff. June 5, 2016.

Subject 60-2-2. Mail Order Merchandise.

Rule 60-2-2-.01. Mail, Internet or Telephone Order Merchandise.

The Attorney General adopts by reference *16 C.F.R. 435* , the Federal Trade Commission's trade regulation rule concerning mail order merchandise.

Cite as Ga. Comp. R. & Regs. R. 60-2-2-.01
Authority: O.C.G.A. § 10-1-394.
History. Original Rule entitled "Mail, Internet or Telephone Order Merchandise" adopted. F. May 16, 2016; eff. June 5, 2016.

Subject 60-2-3. Cooling-Off Period for Door-to-Door Sales.

Rule 60-2-3-.01. Cooling-Off Period for Door-to-Door Sales.

The Attorney General adopts by reference *16 C.F.R. 429* , the Federal Trade Commission's trade regulation rule concerning the cooling-off period for door-to-door sales.

Cite as Ga. Comp. R. & Regs. R. 60-2-3-.01
Authority: O.C.G.A. § 10-1-394.
History. Original Rule entitled "Cooling-Off Period for Door-to-Door Sales" adopted. F. May 16, 2016; eff. June 5, 2016.

Subject 60-2-4. Negative Option Plans.

Rule 60-2-4-.01. Negative Option Plans.

The Attorney General adopts by reference *16 C.F.R. 425* , the Federal Trade Commission's trade regulation rule concerning negative option plans.

Cite as Ga. Comp. R. & Regs. R. 60-2-4-.01
Authority: O.C.G.A. § 10-1-394.
History. Original Rule entitled "Negative Option Plans" adopted. F. May 16, 2016; eff. June 5, 2016.

Subject 60-2-5. Preservation of Consumers' Claims and Defenses.

Rule 60-2-5-.01. Preservation of Consumers' Claims and Defenses.

The Attorney General adopts by reference *16 C.F.R. 433 (1982)*, the Federal Trade Commission's trade regulation rule concerning preservation of consumer's claims and defenses.

Cite as Ga. Comp. R. & Regs. R. 60-2-5-.01
Authority: O.C.G.A. § 10-1-394.
History. Original Rule entitled "Preservation of Consumers' Claims and Defenses" adopted. F. May 16, 2016; eff. June 5, 2016.