Rules and Regulations of the State of Georgia

Department 681 RULES OF STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS USED MOTOR VEHICLE DIVISION

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

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

f. -- filed

eff. -- effective

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

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

ER. -- Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date file d 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.

Emergency Rule 681-1-0.1-.01 entitled "Organization of Board" has been adopted. Filed August 7, 1995, effective August 2, 1995, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to provide for

procedures for a quorum for division meetings. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapters 681-1 entitle d "Definitions", 681-2 entitle d "Organization", 681-3 entitled "Licensing", 681-4 entitle d "Dealer License Plates" 681-5 entitled "Changes", 681-6 entitled "Established Place of Business", 681-7 entitled "Procedural Rules", 681-8 entitled "Fees", 681-9 entitled "Licensees to Comply With All Laws", 681-10 entitled "Records", 681-11 entitled "Seminar", 681-12 entitled "Applicants", 681-13 entitled "Continuing Education", 681-14 entitled "Criminal Offenses", 681-15 entitled "Reasonable Accommodations for Differently Able Applicants and Licensees", 681-16 entitled "Schedule of Fines", have been adopted. Filed December 8, 1995; effective December 28, 1995.

Rules 681-13-.02, 681-14-.09 and 681-16-.01 have been amended. F. September 6, 1996; effective September 26, 1996.

Rule 681-16-.01 has been amended. Filed Ma y 15, 1998; effective June 4, 1998.

Rules 681-14-.09 and 681-16-.01 have been amended. Filed September 16, 1998; effective October 6, 1998.

Rule 681-11-.02 has been repealed, new Rule, same title adopted. Rule 681-11-.03 has been repealed; New Rule entitled "Annual Review and Termination of Approval" adopted. File d April 18, 2001; effective May 8, 2001.

Rule 681-3-.03 has been repealed. New Rule entitle d "Supplemental Licenses and Temporary Sites" has been adopted. Filed September 25, 2001; effective October 15, 2001.

Rule 681-1-.01 has been amended. Rule 681-13-.02 has been repealed and a new Rule adopted. File d July 17, 2006; effective August 6, 2006.

Rules 681-1-.01, 681-6-.01, and 681-16-.01 have been repealed and new Rules adopted. Filed December 6, 2006; effective December 26, 2006.

Rule 681-3-.05 has been repealed and a new Rule adopted. Filed January 17, 2007; effective February 6, 2007.

Rules 681-2-.01, 681-3-.01, and .03 have been repealed and new Rules adopted. Filed November 30, 2007; effective December 20, 2007.

Rules 681-3-.01, 681-5-.02, .03, 681-8-.01, 681-11-.02, 681-12-.01, .02, 681-13-.01 to .03 have been amended. Rule 681-9-.02 has been adopted. Filed March 23, 2009; effective April 12, 2009.

Rule 681-12-.06 adopted. F. Oct. 13, 2017; eff. Nov. 2, 2017.

Rule 681-1-01 amended. F. Feb. 12, 2025; eff. Mar. 4, 2025.

Chapter 681-16 title changed from "Schedule of Fines" to "Fines." Rule 681-10-.01, 681-16-.01 amended. F. Feb. 19, 2025; eff. Mar. 11, 2025.

Cite as Ga. Comp. R. & Regs. R. dept. 681, ADMINISTRATIVE HISTORY

Chapter 681-1. DEFINITIONS.

Rule 681-1-.01. Definitions.

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

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

(2) "Alter ego" means a person who acts to obtain licensure on behalf of, or in place of, someone who is ineligible to obtain licensure under Section 681-12-.05 of these Rules.

(3) "Applicant for a new license" means an individual or designee on behalf of a partnership, limited liability company, or corporation, who submits an application for a new license.

(4) "Appropriate permanent signage" means signage which meets the requirements as described in Board Rule 681-6-.01(e).

(5) "Business License" means any license required by any municipality, county, or other political subdivision of this state as a prerequisite to operating a business within such municipality, county, or other political subdivision of this state.

(6) "Conspicuously displayed" means posted inside the permanent building in an area which is clearly visible to consumers upon entry into the permanent building; licenses shall be displayed in a manner which allows consumers to easily read and copy from the license.

(7) "Consumer," for the purposes of these Rules, means anyone who is solicited to purchase, or anyone who seeks to purchase a used motor vehicle or used motor vehicle part.

(8) "Dealers' registration plate" means the license plates issued to used motor vehicle dealers by the State Revenue Commissioner as described in O.C.G.A. Section 40-2-38.

(9) "Deal Jacket" shall consist of all the following documents included in the sale of a used motor vehicle:

(a) Bills of sale for the vehicle; to include the purchase (by the dealer) and sale (to the customer) of the vehicle;

(b) Proof of passing emissions inspection as required by the Department of Natural Resources Rule 391-3-20-.18;

(c) Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;

(d) Copy of purchaser's driver's license, or government issued identification;

(e) Copy of front and back of buyer's guide;

(f) Copy of front and back of title;

(g) Copy of MV-7D; Department of Revenue "State and Local Title Ad Valorem Tax (TAVT) Fees" form, or its equivalent for the vehicle (if applicable);

(h) Copy of MV-1; Department of Revenue "Motor Vehicle Tag/Title Application" form, or its equivalent for the vehicle (if applicable); and

(i) Copy of all Temporary Operating Permits (TOPs) issued by the dealer to the purchaser.

(10) "Designee" means the applicant's designated agent for a used motor vehicle dealer license or a used motor vehicle parts dealer license and shall be named as the Executive Officer on the MV-6; Department of Revenue "Motor Vehicle Division Application for Dealer, Distributor & Manufacturer License Plates" form, or its equivalent.

(11) "Established place of business" is defined in O.C.G.A. Section 43-47-2.

(12) "Facility Closed" means the Board has determined the dealer has vacated their established place of business.

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

(14) "Maintenance of records by licensees" means maintaining at the established place of business, all records as prescribed by Board Rule 681-10-.01.

(15) "Motor vehicle" or "car" is defined in O.C.G.A. Section 43-47-2(7).

(16) "Odometer disclosure form" means the form required under the regulations found at 49 C.F.R. Part 580.

(17) "Open Lot" means a lot where used motor vehicles or used motor vehicle parts that are offered for sale are to be displayed, and upon which the applicant or licensee has a legal right to display used motor vehicles or used motor vehicle parts.

(18) "Penalty fee or fine" means a fee assessed by the Board for failure on the part of a licensee or applicant to act in an appropriate or timely manner under the Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act or under these Rules.

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

(20) "Photograph" means an image produced on film or digitized and printed which is an exact likeness of the subject matter depicted, and not an artist's rendition or depiction.

(21) "Procedural safeguards" means those procedures required by a used motor vehicle dealership or used motor vehicle parts dealership of its employees, agents, or principals, to reasonably ensure that the activities described in O.C.G.A. Section 43-47-10(2) do not occur at the dealership.

(22) "Purchaser" means a consumer who has completed a transaction to obtain a used motor vehicle from a used motor vehicle dealership or a used motor vehicle or a used motor vehicle part from a used motor vehicle parts dealer.

(23) "Records" means all originals, photocopies, carbon copies, files, books, memoranda, and data maintained on an electronic data storage and retrieval system, provided the data can be retrieved and copied.

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

(25) "Salesroom" and "sales office" are synonymous and must meet the requirements of Board Rule 681-6-.01 Established Place of Business.

(26) "State Revenue Commissioner" means the office created in O.C.G.A. Section 48-2-2.

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

(28) "Temporary Plate" means a temporary operating permit issued by a dealer pursuant to O.C.G.A. Section 40-2-8.

(29) "Temporary Site" means a location at which used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the Board in accordance with O.C.G.A. Section 43-47-8.2 and Board Rule 681-3-.03.

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

(31) "Working telephone" means an active and working telephone line.

Cite as Ga. Comp. R. & Regs. R. 681-1-.01 v2
Authority: O.C.G.A. §§ 43-47-2, 43-47-3, 43-47-6, 43-47-8, 43-47-12.
History. Original Rule entitled "Organization of Board" adopted as ER. 681-1-0.1-.01. F. Aug. 7, 1995; eff. Aug. 2, 1995, as specified by the Board.
Amended: Permanent Rule entitled "Definitions" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. July 16, 2006; eff. August 6, 2006.
Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.
Amended: F. Feb. 12, 2025; eff. Mar. 4, 2025.

Chapter 681-2. ORGANIZATION.

Rule 681-2-.01. Organization of Board.

(1) The Division Director of the Professional Licensing Boards Division shall be the secretary to the Board.

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

(3) The public may obtain information and all necessary application forms from the website of the Secretary of State's Office or by written request to: State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, GA 31217.

Cite as Ga. Comp. R. & Regs. R. 681-2-.01
Authority: O.C.G.A. Secs. 43-1-1, 43-47-6, 43-47-8.
History. Original Rule entitled "Organization of Board" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.

Chapter 681-3. LICENSING.

Rule 681-3-.01. Complete Applications Forms Required.

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

(2) A "complete application" shall include:

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

(b) a bond in the amount of $35,000 for used motor vehicle dealers and $10,000 for used motor vehicle parts dealers, as required by O.C.G.A. Section 43-47-8(h). Following the initial licensing period, the Bond shall then run concurrently with the licensing period. At no time should the licensee be without a bond during any licensing period;

(c) a certificate of insurance as required as by O.C.G.A. Section 43-47-8(k), including policy number, policy limits, expiration date, name and address of insured exactly as they appear on the application, and certificate holder listed as "State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, 237 Coliseum Drive, Macon, Georgia 31217", which identifies the appropriate division. Garage Liability Insurance must be indicated for the appropriate policy limits for used motor vehicle dealers and used parts dealers who offer rebuilt vehicles for sale.

(d) fingerprints scanned at an approved GAPS print site for reporting by GCIC and NCIC as required by O.C.G.A. Section 43-47-8(a);

(e) proof that the applicant has attended the seminar as required by O.C.G.A. Section 43-47-8(d);

(f) proof that the applicant has applied for a sales tax registration number in the exact same name listed on the used motor vehicle dealer or used motor vehicle parts dealer application, as required by O.C.G.A. Section 43-47-8(f);

(g) photographs as required by Rule 681-3-.02;

(h) the appropriate fee as contained in the fee schedule;

(i) any other information which may be required by statute or rule.

Cite as Ga. Comp. R. & Regs. R. 681-3-.01
Authority: O.C.G.A. Secs. 43-47-2, 43-47-6, 43-47-8.
History. Original Rule entitled "Complete Applications Forms Required" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-3-.02. Photograph(s) to Accompany Application.

All applications for licensure as a used car dealer must be accompanied by a non-returnable photograph or photographs which shall be maintained as a permanent part of the application. Such photograph(s) should be of a size and quality sufficient to clearly depict the required information. Such photograph(s) shall show the complete facility, appropriate sign, and the entire display area of the applicant's establishment.

Cite as Ga. Comp. R. & Regs. R. 681-3-.02
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Photograph(s) to Accompany Application" adopted F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-3-.03. Supplemental License and Temporary Sites.

(1) A supplemental license shall be required of a Georgia licensed used motor vehicle dealer for each car lot operated by or proposed to be operated by the Georgia licensee for any period to exceed ninety-six (96) consecutive hours, when such lot is not located immediately adjacent to the established place of business. Each and every lot operated or proposed to be operated by the Georgia licensee for any period to exceed ninety-six (96) consecutive hours, which is not located immediately adjacent to the licensee's established place of business, must have its own supplemental license, and no supplemental license shall extend to more than one lot.

(2) In order to be entitled to the issuance of a supplemental license, the licensee must hold a valid Georgia used car dealer's license and is required to provide the Division with an appropriate application and the following information:

1. the licensee's license number;

2. photographs of the proposed location for the supplemental license;

3. proof that a business license can be obtained from the municipality or county wherein lies the proposed location or proof that no such license is required.

(3) A used motor vehicle dealer may engage in the used car business at a temporary site for a period not to exceed ninety-six (96) consecutive hours in a 30-day period of time. Any licensed dealer who proposes to conduct a sale on a temporary site must submit a complete application for a temporary site sale permit with the Board at least 60 days prior to the proposed starting date of the temporary site sale. A complete application will include the appropriate fee as listed on the application, a copy of the written notice(s) required by this rule to be given to each purchaser of a vehicle at the temporary site sales, written documentation demonstrating that the dealer has complied with any licensing requirements applicable in the local jurisdiction in which the temporary site sale will occur, and a copy of a written agreement with the owner of the real property where this sale will occur. A separate application and fee must be submitted for every temporary site sale. The approved permit shall be forwarded to the licensed dealer prior to the proposed starting date of the sale. The dealer shall be required to post the approved permit in a conspicuous place at the temporary site sale. A used motor vehicle dealer may not operate at a temporary site more than three times in any one calendar year. The temporary site must be located within one county of the county of the dealer's established place of business.

(a) For every sale conducted by a Georgia licensee, the licensee shall provide each consumer purchasing a used motor vehicle, at the sale, with the following information in writing:

1. the licensee's Georgia license number;
2. the address and telephone number of each licensed location;
3. the name of the owner or contact person for the license;
4. the place where complaints can be communicated, if different from the licensed location(s);

(b) Any disciplinary action which may be taken for a violation of this rule shall be in addition to any penalty which may be imposed by the other state or federal agency.

Cite as Ga. Comp. R. & Regs. R. 681-3-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Supplemental License" adopted F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule entitled "Supplemental Licenses and Temporary Sites" adopted. F. Sept. 25, 2001; eff. Oct. 15, 2001.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.

Rule 681-3-.04. Insurance.

Each application for license shall be accompanied by proof that shows sufficient evidence of used motor vehicle dealer's public liability and property damage insurance with liability limits as sets forth in O.C.G.A. Section 43-47-8(k).

Cite as Ga. Comp. R. & Regs. R. 681-3-.04
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8(k).
History. Original Rule entitled "Insurance" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-3-.05. Multiple Business Operations.

Effective March 1, 2007, new applicants for used motor vehicle dealer license may conduct business at a location where other businesses are conducted, provided that a clear and distinct separation of business is established. Exemption from the requirements of this rule will be granted to like-kind businesses with common designee/ownership, including, but not limited to, title pawn stores, used parts licensees, and auto rental businesses. The entrance to the dealer's office or salesroom may not be shared by another business of any kind. The dealer must maintain a separate office with separate inventory, records, and files necessary to conduct the business. The dealer must maintain the dealership name on all required documents and vehicles for sale.

The dealer's office must be accessed from outside the building. No dealer may maintain an office or salesroom that is entered from within another business office. The dealer's address must be differentiated from the other businesses at the location by a separate suite number or office number. The telephone of the dealer must be listed in the dealer's name, the same name listed on the application and all advertisements, and cannot be shared with another business. The sign must be in compliance with local ordinances and with Board requirements.

Cite as Ga. Comp. R. & Regs. R. 681-3-.05
Authority: O.C.G.A. Secs. 43-47-2(3), 43-47-6, 43-47-12.
History. Original Rule entitled "Joint Used Motor Vehicle Dealers Operations" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule entitled "Multiple Business Operations" adopted. F. Jan. 17, 2007; eff. Feb. 6, 2007.

Chapter 681-4. DEALER LICENSE PLATES.

Rule 681-4-.01. Dealer License Plate. Registration a Prerequisite for Eligibility.

Approval for eligibility to receive dealer license plates shall be granted only after a completed initial application shall have been approved by the Division. A completed application shall include all documents enumerated in Rule 681-3-.01.

Cite as Ga. Comp. R. & Regs. R. 681-4-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-11.1.
History. Original Rule entitled "Dealer license Plate. Registration a Prerequisite for Eligibility" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 681-5. CHANGES.

Rule 681-5-.01. Change in Name of Business.

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

Cite as Ga. Comp. R. & Regs. R. 681-5-.01
Authority: O.C.G.A. Sec. 43-47-6.
History. Original Rule entitled "Change in Name of Business" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-5-.02. Change of Location.

(1) In the event the location of the business is changed, the dealer shall, within thirty (30) days of the relocation, submit a Change of Location request form and submit appropriate photographs as required by Rule 681-3-.02.

(2) Provided the new location meets the requirements of the Act and the Rules, the Division shall approve the change of location without charge; however, a fee shall be charged for reprinting the license.

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

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

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

Cite as Ga. Comp. R. & Regs. R. 681-5-.02
Authority: O.C.G.A. Secs. 43-47-6, 43-47-9.
History. Original Rule entitled "Change of Location" adopted. F. Dec. 8, 1995;eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-5-.03. Change in Ownership or Registered Agent.

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

Cite as Ga. Comp. R. & Regs. R. 681-5-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-9.
History. Original Rule entitled "Change in Ownership or Registered Agent" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Chapter 681-6. ESTABLISHED PLACE OF BUSINESS.

Rule 681-6-.01. Established Place of Business.

(a) Used motor vehicle dealers and parts dealers shall be required to maintain an "established place of business", which shall be a permanent building meeting the requirements of Rule 681-1-.01(f) where the records required to be kept in Rule 681-1-.01(y) are located and from which sales are negotiated. In determining whether the building meets the

requirements of Rule 681-1-.01(f), the Board will allow modular or manufactured office buildings that are tied down and on blocks, with the wheels removed. Effective January 1, 2007, the Board will not allow storage buildings or similar moveable structures that are clearly manufactured or constructed for purposes unrelated to office use. Any dealer who has previously obtained licensure in such a building will be allowed to remain in such building as long as the dealer remains at the location of licensure; however, effective January 1, 2007, if the dealer changes location, or allows the license to lapse, the dealer must meet the requirements of this rule.

(b) A dealer who operates an open lot, according to Rule 681-1-.01(r), shall conduct business in a building on the same property as the display lot. If the dealer is a used car broker, and will not display an inventory of vehicles for sale, the requirements of this rule for an established place of business shall still be met, with the exception of the display area for vehicles. Effective January 1, 2007, for new applicants, only one dealer shall be licensed to operate an open lot on a plat of property as defined by the county tax assessor's office records. Once a dealer is licensed to operate an open lot on a defined plat of property, no other dealer, including a broker, shall be licensed to operate on the same plat of property. Dealers who allow their licenses to lapse must meet the requirements of this rule in order to reinstate the license.

(c) The established place of business shall also have installed and maintain a working land line telephone whose number shall be listed in the licensee's trade name, the same as that which is listed in the application and in any advertisement by the dealer made available to the consumer. The established place of business shall also erect and maintain a permanent sign which shall be in compliance with board rules and the local ordinances of the particular city or county in which the established place of business is located. If no local ordinances exist, then the Board's criteria for an appropriate permanent sign shall be met. The sign shall list the trade name of the licensee, the same as that which is listed in the application and in any advertisement by the dealer. If the telephone number is listed on the sign, it shall be the phone number listed in the application and in any advertisement by the dealer.

(d) Free-standing signs shall be affixed to a metal base or frame with concrete footings. Signs affixed to the building shall be so affixed by metal bolts or on a metal frame affixed to the building by metal bolts. Signs shall be professionally designed on permanent material, and the lettering applied on the sign shall be a minimum of six inches in height. At least one sign must be located and positioned to be clearly visible to consumers from the street. Signs painted on the building, or on the door or window of the building are allowed, as long as the painted sign meets local ordinances and/or board criteria for size of lettering and visibility to consumers from the street.

(e) Effective January 1, 2007, a used motor vehicle dealer may operate from an office suite in an office complex, provided that the facility meets the criteria established in this rule and in Board Rule 681-3-.05. The permanent sign for the dealer must be erected at the nearest point of public access from the street to the building in which the dealer has established the office. Local ordinance and property lease regulations will authorize where the sign

may be erected and displayed. At a minimum, the sign shall be at the entrance to the building, in a publicly displayed marquee in the lobby of the building that lists all businesses within the building, and directly outside the entrance to the office of the dealer.

(f) Effective January 1, 2007, used motor vehicle dealers may be permitted to operate from a residential address, as long as local ordinances allow such operations in a residential area, and in accordance with Board rules. The requirement for an appropriate permanent sign must be met at the location. The office of the used motor vehicle dealer shall be a separate building that is detached from the residence. Such office shall be readily accessible to the public and to official inspectors during regular business hours. Such office shall have a dedicated phone line for the business telephone required by OCGA § 43-47-2(3), as well as for computers and related equipment used exclusively for the business. The office shall also contain the office furnishings and filing cabinets necessary to file the records required by OCGA §§ 43-47-2(3) and 43-47-12. The license issued by the appropriate division of the Board shall be displayed in a conspicuous place within the office, as well as the sales & use tax number issued by the Georgia Department of Revenue and the local business license.

Cite as Ga. Comp. R. & Regs. R. 681-6-.01
Authority: O.C.G.A. Secs. 43-47-2, 43-47-6, 43-47-12.
History. Original Rule entitled "Established Place of Business" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.

Chapter 681-7. PROCEDURAL RULES.

Rule 681-7-.01. Procedural Rules.

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

(2) In accordance with O.C.G.A. Subsection 10-1-395(f), where the Administrator of the Fair Business Practices Act of 1975 has certified to the Secretary of State that a licensee is operating intentionally, persistently, and notoriously in a manner contrary to the Fair Business Practices Act 1975, the Division shall initiate disciplinary proceedings.

Cite as Ga. Comp. R. & Regs. R. 681-7-.01
Authority: O.C.G.A. Secs. 43-47-4, 43-47-6, 43-47-10.
History. Original Rule entitled "Procedural Rules" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 681-8. FEES.

Rule 681-8-.01. Fees.

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

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

STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS

237 Coliseum Drive

Macon, Georgia 31217

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

(3) Fees shall be set by the Board. The Board shall not change the amount of any fee unless it was announced at a previous Board meeting that a change in the fee schedule would be considered at the next board meeting. Changes in the fee schedule shall become effective immediately upon approval by the Board.

(4) As noted in the fee schedule, penalty fees may be imposed for doing business as a used motor vehicle dealer or a used parts dealer prior to issuance of a license by the appropriate Division.

(5) Penalty fees, in addition to the renewal fee, may be required for renewal of a license which has expired if application is made within the two month period following expiration. Any request for reinstatement, after the two month period following expiration, will require that a new application and supporting documentation be submitted for the appropriate Division's review and that a penalty fee be paid in addition to the new application fee.

(6) Application for renewal of a Used Motor Vehicle Dealer license shall be made prior to March 31 of even number years, and fees will be payable at the time application is made. Application for renewal of a Used Parts Dealer license shall be made prior to December 31 of odd number years, and fees will be payable at the time application is made.

(7) Any indebtedness to the Division/Board caused by a returned check will be dealt with in accordance with criminal provisions in O.C.G.A. Section 16-9-20.

(8) In cases where an application is rejected by the Division, the applicant's license fee will be retained to cover the processing and administrative costs incurred in processing and reviewing the application.

Cite as Ga. Comp. R. & Regs. R. 681-8-.01
Authority: O.C.G.A. Secs. 43-47-4, 43-47-6, 43-47-8.
History. Original Rule entitled "Fees" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Chapter 681-9. LICENSEES TO COMPLY WITH ALL LAWS.

Rule 681-9-.01. Licensees to Comply With All Laws.

Each used motor vehicle dealer and each place of business of the used car dealer shall comply with all local, state, and federal laws, including, but not limited to, the following:

(a) the Georgia Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act, Chapter 47 of Title 43 of the Official Code of Georgia Annotated.

(b) the Georgia Fair Business Practices Act of 1975, Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated.

(c) the Georgia Motor Vehicle Certificate of Title Act, Chapter 3 Title 40 of the Official Code of Georgia Annotated.

(d) Chapter 2 of the Title 40 of the Official Code of Georgia Annotated,"Registration and Licensing of Motor Vehicle."

(e) all tax laws of the State of Georgia and of the United States.

Cite as Ga. Comp. R. & Regs. R. 681-9-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-11.1.
History. Original Rule entitled "Licensees to Comply With All Laws" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cite as Ga. Comp. R. & Regs. R. 681-9-.02
Authority: O.C.G.A. Secs. 43-47-2, 43-47-6 to 43-47-8, 43-47-8.2, 43-47-10, 43-47-11.1, 43-47-12, 43-47-15, 43-47-19.
History. Original Rule entitled "Responsibilities of a Used Motor Vehicle Dealer" adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Chapter 681-10. RECORDS.

Rule 681-10-.01. Records Retention.

(1) Every licensee shall maintain in the established place of business for three (3) years (or for a longer period of time if required by other statute, law, or regulation), and have available at all times for inspection, the following:

(a) Deal Jackets as defined in Rule 681-1-.01.

(b) All records associated with odometers as required by 49 C.F.R. Part 580. These are required by law and regulations to be maintained for five years.

(c) All bills of sale, buyer's guides, contracts, financing contracts and other evidence of sales or financing transactions with consumers.

(d) Records of all purchases or sales of used motor vehicles, including: a vehicle description; bills of sale; vehicle identification numbers; purchase date; name, address, and driver's license number or state issued identification of the party from whom the purchase was made or to whom the sale was made; and copies of all contracts or other evidence of the purchase or sale.

(e) Copies of all insurance policies and surety bonds as required by the Act.

(f) Copies of leasing or rental records of any used motor vehicle which is intended for sale or is actually sold, including mileage records, the names and addresses of all persons who have rented or leased the vehicle, rental or lease contracts, vehicle identification numbers, and any damage repair records.

(g) Records reflecting any repairs made to any motor vehicle by or on behalf of the licensee.

(h) Copies of all applications for motor vehicle titles.

(i) All sales tax or Title Ad Valorem Tax (TAVT) records, including exemptions, as required by law.

(j) Records of all vehicles or vehicle bodies disposed of by licensee, including its description; vehicle identification number; date of disposition; and name, address, and driver's license or state issued identification of the person to whom it was disposed pursuant to U.S.C. 49 Section 30501, et. Seq., known as the National Motor Vehicle Title Information System (NMVTIS).

(k) Current proof of compliance with continuing education requirements as required by Rule Chapter 681-13.

(2) Any documents electronically stored must be immediately available for inspection upon request by the Board or one of its appointed representatives.

Cite as Ga. Comp. R. & Regs. R. 681-10-.01 v2
Authority: O.C.G.A. §§ 43-47-6, 43-47-7, 43-47-10, 43-47-12.
History. Original Rule entitled "Records to Be Kept" adopted F. Dec. 8, 1996; eff. Dec. 28, 1995.
Amended: New title, "Records Retention." F. Feb. 19, 2025; eff. Mar. 11, 2025.

Chapter 681-11. SEMINAR.

Rule 681-11-.01. Board Approved Seminar.

All applicants for a new license, as defined in these Rules and as described in Chapter 681-12 of these Rules, prior to obtaining licensure as a used motor vehicle dealer are required to attend a Board approved seminar.

Cite as Ga. Comp. R. & Regs. R. 681-11-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Board Approved Seminar" adopted. F. Dec. 8,1995; eff. Dec. 28, 1995.

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

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

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

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

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

(iii) odometer requirements;

(iv) deceptive non-disclosure; and

(v) Secretary of State Rules and Regulations Chapter 122-3; and

8. general discussion items.

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

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

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

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

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

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

Cite as Ga. Comp. R. & Regs. R. 681-11-.02
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Criteria for Approval of Seminar" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule, same title adopted. F. Apr. 18, 2001; eff. May 8, 2001.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-11-.03. Annual Review and Termination of Approval.

(a) At the end of each year, the individual(s) conducting the seminar must submit the course outline and course materials and the Division shall be authorized to review those materials to determine whether the criteria are still being met.

(b) The Division reserves the right to send a representative to the seminar to verify that the required areas of instruction contained in Rule 681-11-.02 are being taught to the seminar attendees.

(c) The Division reserves the right to withdraw approval of a previously approved seminar upon receipt of information that the criteria set forth above have not been or are no longer being met or upon receipt of information that business is being solicited during the presentation of the seminar. Prior to withdrawal of such approval, the Division shall provide to the presenter of the seminar an opportunity to appear before the Division.

Cite as Ga. Comp. R. & Regs. R. 681-11-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Termination of Approval" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule entitled "Annual Review and Termination of Approval" adopted. F. Apr. 18, 2001; eff. May 8, 2001.

Rule 681-11-.04. Division Seminar.

The Division reserves the right to conduct the seminar itself should the Division, in its discretion, determine that a Division-conducted seminar is necessary to provide applicants for licenses an adequate opportunity for the required educational seminar.

Cite as Ga. Comp. R. & Regs. R. 681-11-.04
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Division Seminar" adopted. F. Dec. 8, 1995;eff. Dec. 28, 1995.

Chapter 681-12. APPLICANTS.

Rule 681-12-.01. Corporations: Application for Licensure.

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

(a) the President of the corporation;

(b) the Secretary of the corporation; or

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

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

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

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

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

(c) fingerprint-based criminal background check obtained through processing of fingerprints by a GAPS print site for that person as required by the Georgia Crime Information Center and by the Federal Bureau of Investigation;

(d) proof that the proposed license holder has attended the required seminar (except that the Division may, at its discretion, approve a license pending receipt of proof of this requirement within a time period set by the Division); and

(e) the appropriate fee as prescribed by the Board.

(4) Failure to provide the requisite information within the prescribed period shall necessitate the submission of a new application and registration fee and all other items as are required for a new license.

Cite as Ga. Comp. R. & Regs. R. 681-12-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Corporations: Application for Licensure" adopted. F. Dec. 8, 1995 eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-12-.02. Partnerships: Application for Licensure.

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

(a) one of the partners; or

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

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

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

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

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

(c) fingerprint-based criminal background check obtained through processing of fingerprints by a GAPS print site as required by the Georgia Crime Information Center and by the Federal Bureau of Investigation;

(d) proof that the proposed license holder has attended the required seminar (except that the Division may, within its discretion, approve a license pending receipt of proof of this requirement within a time period set by the Division); and

(e) the appropriate fee as prescribed by the Board.

(4) Failure to provide the requisite information within the prescribed period shall necessitate the submission of a new application and registration fee and other items as required for a new license.

Cite as Ga. Comp. R. & Regs. R. 681-12-.02
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Partnerships: Application for Licensure" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-12-.03. Sole Proprietorships: Application for Licensure.

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

Cite as Ga. Comp. R. & Regs. R. 681-12-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Sole Proprietorships: Application for Licensure" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-12-.04. All Others: Application for Licensure.

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

Cite as Ga. Comp. R. & Regs. R. 681-12-.04
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "All Others Application for Licensure" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-12-.05. Application Subsequent to Revocation of License.

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

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

(3) If the license of a sole proprietorship has been revoked, the licensee may not make application for reinstatement of license for a period of five (5) years without the approval of the Division; and any facility which the sole proprietorship owned and operated may not make application for reinstatement of the license for a period of five (5) years unless the person making such application can make an affirmative showing to the Division's satisfaction, that said person is not acting as the "alter ego" for the revoked proprietorship.

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

reasonable time in order to investigate, whether the applicant or licensee is, in fact, such an "alter ego."

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

Cite as Ga. Comp. R. & Regs. R. 681-12-.05
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Application Subsequent to Revocation of License" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-12-.06. Military Spouses and Transitioning Service Members.

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

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

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

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

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

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

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

(2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.

Cite as Ga. Comp. R. & Regs. R. 681-12-.06
Authority: O.C.G.A. §§ 43-1-34, 43-47-6, 43-47-7, 43-47-8.
History. Original Rule entitled "Military Spouses and Transitioning Service Members" adopted. F. Oct. 13, 2017;

eff. Nov. 2, 2017.

Chapter 681-13. CONTINUING EDUCATION.

Rule 681-13-.01. Continuing Education for Renewal.

Whenever any licensee makes application for renewal of a license, the licensee shall attest on the renewal application that he or she has completed the required Division approved Continuing Education within nine (9) months prior to the renewal of the license, and that he or she can provide proof of completion of the required Continuing Education course at the Division's request.

Cite as Ga. Comp. R. & Regs. R. 681-13-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Continuing Education for Renewal" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-13-.02. Hour Requirement.

Renewal of a license shall not be granted unless the licensee submits satisfactory proof of at least six (6) hours of attendance at Board approved Continuing Education within nine (9) months prior to renewal of a license, even year. A minimum of one (1) hour s of Continuing Education must be related to the processing of tags and titles. Upon completion of the seminar, the certificate must be issued in the same name as the company employing the instructors.

Cite as Ga. Comp. R. & Regs. R. 681-13-.02
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Hour Requirement" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.
Repealed: New Rule of same title adopted. F. July 17, 2006; eff. August 6, 2006.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-13-.03. Division Approval of a Continuing Education Program.

(1) In the discretion of the Division, the Division may grant prior approval to any of the following types of educational activities to meet Continuing Education requirements:

(a) the Division approved seminar(s);

(b) national or state automobile association sponsored seminars, courses of instruction, or meetings;

(c) courses related to used motor vehicles at any state certified institution of higher learning;

(d) seminars or courses related to used cars sponsored or participated in by any state or federal agency;

(e) any other seminar, course, or meeting which the Division deems to be appropriately related to the used car business.

(2) Requests for approval of any educational activity must be submitted to the Division prior to the date of the educational activity, and shall include a complete and specific description of the educational activity, a description of how it will benefit licensees in conducting their businesses, the number of hours involved, a description of the method which will be used to ensure attendance, and copies of any instructional materials which will be provided to attendees. The proposal shall also include an agreement by the seminar presenter certifying, to the Executive Director of the Division, an accurate electronic attendance report immediately following each offering of the seminar. The Executive Director of the Division shall provide the appropriate format for submission of the electronic attendance report. At the time approval is granted, the Division shall also determine how many hours of continuing education a licensee may receive by attending the program. At any time the Division deems that a previously approved educational activity is not meeting the requirements for Continuing Education, it may revoke the approval of the activity.

Cite as Ga. Comp. R. & Regs. R. 681-13-.03
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8.
History. Original Rule entitled "Division Approval of a Continuing Education Program" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Repealed: New Rule of same title adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Rule 681-13-.04. Sanctions.

Any licensee who does not meet the requirements of this Rule shall be subject to having their license put on probation for a six-month period, receiving a private reprimand, and having to pay a $100 penalty fee in order to renew the license. In its discretion, the Division may impose any additional sanctions available to it which it deems appropriate. If the licensee has still not met the Continuing Education requirements at the end of the six-month probation period, the license, at the discretion of the Board, may be subject to a hearing for revocation of license.

Cite as Ga. Comp. R. & Regs. R. 681-13-.04
Authority: O.C.G.A. Secs. 43-47-6, 43-47-8, 43-47-22.
History. Original Rule entitled "Sanctions" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 681-14. CRIMINAL OFFENSES.

Rule 681-14-.01. Purpose.

In an effort to maintain consistency in the denial of an application for or the sanction of a used motor vehicle dealer's license when a criminal act has been committed by an applicant or a licensee, the Used Motor Vehicle Division (hereinafter, the Division) has adopted specific, but not all inclusive, sanctions for convictions. It is the Division's intention for the sanctions and denials of licensure set forth in this Chapter to be diligently administered; however, the Division reserves the right and authority to make exceptions in special situations where the Division deems it to be appropriate.

Cite as Ga. Comp. R. & Regs. R. 681-14-.01
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Purpose" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-14-.02. Crimes Involving Violence or Moral Turpitude, Felonies and Other Crimes.

All convictions for crimes, pleas of guilty, pleas of nolo contendere or other offenses for which first offender treatment was received shall be reported by applicants on the application for licensure; and for licensees, they shall be reported in a written notification to the Division within ten (10) days after the date of conviction. The conviction of, plea of guilty to, or plea of nolo contendere to, or receiving first offender treatment for a crime involving violence, or any other felony or any other crime involving moral turpitude shall be conclusive evidence of the commission of such crime. Crimes involving tax evasion or failure to pay taxes shall be considered crimes involving moral turpitude. A fine or sentence based on a conviction of, or a plea of nolo contendere to a charge or indictment by either the federal or state be considered a crime involving moral turpitude.

Cite as Ga. Comp. R. & Regs. R. 681-14-.02
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Crimes Involving Violence or Moral Turpitude, Felonies and Other Crimes" adopted. F. Dec. 8,1995; eff. Dec. 28, 1995.

Rule 681-14-.03. Division Review of Conviction.

At its discretion, the Division may review all instances in which an applicant for licensure or a licensee has been convicted of a crime involving violence, moral turpitude, or other felonies or crimes, and may apply any sanction available to the Division under the laws of this State, including, but not limited to, a denial of licensure or a revocation of a current license. All offenses for which the Division may deny or sanction a license shall be divided into five separate categories based upon the gravity of the offense. Each category will have a period of sanction during which time no application for license or reinstatement shall routinely be considered, unless the applicant or licensee shall have received a pardon for the offense. The period of sanction shall commence on the date of conviction.

Cite as Ga. Comp. R. & Regs. R. 681-14-.03
Authority: O.C.G.A. Secs, 43-1-19, 43-47-6, 43-47-8, 43-47-1".

History. Original Rule entitled "Division Review of Conviction" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-14-.04. Special Circumstances.

During the period of sanction, the Division may grant a license, with or without a sanction, to an applicant or impose a sanction less than revocation, including no sanction, on a current license based on consideration of the nature of the offense, the date of the conviction, the nature of the resolution of the prosecution (e.g. conviction, plea of nolo contendere, or first offender treatment), the date of release from custody or supervision (e.g. confinement, or probation), the age of the offender when the crime was committed, or any other special circumstance. Further, the Division may deny a license or otherwise refuse to reinstate a license after the period of sanction has expired if the offender is guilty of multiple offenses, if he has shown a disregard for the law, if he has not been released from confinement for at least twelve (12) months or if there is any other reason for which the Division, in its discretion, is of the opinion that the offender is not fit or qualified to engage in the used car dealer business.

Cite as Ga. Comp. R. & Regs. R. 681-14-.04
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Special Circumstances" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-14-.05. Category "A" Crimes.

The period of sanction for category "A" crimes shall be twelve (12) years. Category "A" crimes include the following:

(a) armed robbery;

(b) arson;

(c) child molestation;

(d) kidnapping;

(e) murder;

(f) odometer tampering;

(g) rape;

(h) stolen vehicles.

Cite as Ga. Comp. R. & Regs. R. 681-14-.05
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Category 'A' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-14-.06. Category "B" Crimes.

The period of sanction for category 'B' crimes shall be ten (10) years. Category 'B' crimes include the following:

(a) burglary;

(b) drug possession with the intent to distribute;

(c) manslaughter;

(d) robbery;

(e) vehicular homicide.

Cite as Ga. Comp. R. & Regs. R. 681-14-.06
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Category 'B' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-14-.07. Category "C" Crimes.

The period of sanction for category "C" crimes shall be five (5) years. Category "C" crimes include the following:

(a) aggravated assault;

(b) aggravated battery;

(c) drug possession or use;

(d) entering an automobile illegally;

(e) felony theft by conversion;

(f) felony theft by deception;

(g) felony theft by receiving stolen property;

(h) felony theft by taking;

(i) habitual violation conviction;

(j) possession of break-in tools.

Cite as Ga. Comp. R. & Regs. R. 681-14-.07
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).

History. Original Rule entitled "Category 'C' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-14-.08. Category "D" Crimes.

The period of sanction for category "D" crimes shall be three (3) years. Category "D" crimes include all felonies not included in categories "A","B", or "C".

Cite as Ga. Comp. R. & Regs. R. 681-14-.08
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Category 'D' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Rule 681-14-.09. Category "E" Crimes.

Category "E" crimes include all misdemeanor offenses that are not included in Categories A, B, and C. Generally, category "E" offenses will not affect the status of an application or a current license so long as the applicant or licensee does not have more than three (3) category "E" offenses and properly notified the Division of that fact.

Cite as Ga. Comp. R. & Regs. R. 681-14-.09
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Category 'E' Crimes" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Sept. 6, 1996;eff. Sept. 26, 1996.
Amended: F. Sept. 16, 1998; eff. Oct. 6, 1998.

Rule 681-14-.10. Applicants Indicating Criminal Background.

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

Cite as Ga. Comp. R. & Regs. R. 681-14-.10
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10(J).
History. Original Rule entitled "Applicants Indicating Criminal Background" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 681-15. REASONABLE ACCOMMODATIONS FOR DIFFERENTLY ABLE APPLICANTS AND LICENSEES.

Rule 681-15-.01. Reasonable Accommodations for Differently Able Applicants and Licensees.

The Division will provide reasonable accommodations in the processes which the Division administers to a qualified applicant or licensee with a disability in accordance with the Americans With Disabilities Act. The request for an accommodation by a differently able individual must be made in writing and received in the Division office by the application deadline or other time frame as set by the Division, along with appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

Cite as Ga. Comp. R. & Regs. R. 681-15-.01
Authority: O.C.G.A. Secs. 43-1-2(j), 43-47-6.
History. Original Rule entitled "Reasonable Accommodations for Differently Able Applicants and Licensees" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Chapter 681-16. FINES.

Rule 681-16-.01. Schedule of Fines, Payment of Fines; Hearings; Disciplinary Actions.

(1) The Board may impose fines for violations of O.C.G.A. § 43-47. A Schedule of Fines shall be published, and fines shall not exceed $500 per violation. The Board may, in its discretion, modify the Schedule of Fines as necessary.

(2) Fines for violation of this Chapter and O.C.G.A. § 43-47 are as follows:

(a) Failure to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale: $500 per violation;

(b) Possession of an open title not properly assigned as prescribed by O.C.G.A. Title 40: $250 per violation;

(c) Failure to display a properly completed buyer's guide as prescribed by the Federal Trade Commission Rules: $250 for the first violation, and $100 for each additional violation;

(d) Failure to furnish to the purchaser of a vehicle the proper documents in order for the purchaser to obtain a tag for that vehicle within thirty (30) calendar days of the date of purchase: $500 per violation;

(e) Aiding and abetting an unlicensed person in selling vehicles by allowing the unlicensed person to sell those vehicles using a license granted by the Division: $500 per violation;

(f) Failure to properly complete a "finance contract" which complies with the Federal Reserve System, Title I, Regulation Z (Truth In Lending Act) when financing vehicles which are being sold to purchasers: $500 per violation;

(g) Failure to maintain the required surety bond: $500 shall be imposed;

(h) Failure to maintain the required garage liability insurance: $500 shall be imposed;

(i) Failure to make application for an off-premises temporary license: $250 per violation;

(j) Failure to check the appropriate box on odometer disclosure statement and certificate of title: $500 per violation;

(k) Failure to submit an application for change of ownership, registered agent, or designee within the required thirty (30) day period: $100 shall be imposed;

(l) Failure to obtain or appropriately generate, and maintain, the following records: $100 per violation;

1. Bills of Sale for the vehicle; to include the purchase (by the dealer) and the sale (to the customer) of the vehicle;

2. Purchase agreements or contracts, financing contracts or other evidence of sales or of financing transactions;

3. Proof of passing emissions inspection for the vehicle as required by the Department of Natural Resources Rule 391-3-20-.18;

4. Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;

5. Copy of purchaser's driver's license, or government issued identification;

6. Copy of front and back of the vehicle's buyer's guide;

7. Copy of front and back of vehicle's title;

8. Copy of MV-7, Department of Revenue "Application for a Replacement License Plate (Tag) or Decal", or its equivalent for the vehicle;

9. Copy of MV-1, Department of Revenue "Motor Vehicle Tag/Title Application", or its equivalent for the vehicle;

10. Copy of MV-7D, Department of Revenue "Motor Vehicle Division State and Local Title Ad Valorem Tax (TAVT) Fees" or MV-7L Department of

Revenue, "State and Local Title Ad Valorem Tax (TAVT) Fees for Leases", or their equivalent;

11. Copy of all temporary operating permits (TOPS) issued by the dealer to the purchaser;

12. Copies of leasing or rental records of any motor vehicle intended for sale or that have been sold;

13. Records reflecting repairs made to motor vehicles by licensee;

14. Any other tax records or exemption records relating to the purchase or sale of a vehicle.

(m) Failure to issue a temporary operating permit, or issuing a temporary operating permit to aid and abet an unlicensed person, for any vehicle for which the dealer has no assignment or that has more than one (1) temporary plate in violation of O.C.G.A. § 40-2-8: $500 per violation;

(n) Inspectors or investigators inability to conduct a facility inspection after three (3) documented attempts, in accordance with O.C.G.A. § 43-47-17: $500 fine;

(o) Failure to post current license or current copy of online verification from the Board's website in a conspicuous location: $100 fine;

(p) Failure to display/possess current sales tax certificate: $100 fine;

(q) Failure to provide proof that licensee or designee has completed the continuing education requirement: $500 fine;

(r) Failure to remit taxes and/or fees as required by O.C.G.A. §§ 48-5C-1 and 48-8-30: $500 per violation.

Cite as Ga. Comp. R. & Regs. R. 681-16-.01 v2
Authority: O.C.G.A. §§ 43-1-19, 43-47-6, 43-47-8, 43-47-10, 43-47-14.
History. Original Rule entitled "Schedule of Fines" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.
Amended: F. May 15, 1998; eff. June 4, 1998.
Amended: F. Sept. 16, 1998; eff. Oct. 8, 1998.
Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.
Amended: New title, "Schedule of Fines, Payment of Fines; Hearings; Disciplinary Actions." F. Feb. 19, 2025; eff. Mar. 11, 2025.