Rules and Regulations of the State of Georgia

Department 92 GEORGIA BUREAU OF INVESTIGATION

Current through Rules and Regulations filed through November 6, 2026

Table of Contents

ADMINISTRATIVE HISTORY
Chapter 92-1. RULES OF GENERAL APPLICABILITY.
- Rule 92-1-.01. Organization.
- Rule 92-1-.02. General Definitions.
- Rule 92-1-.03. Administrative Declaratory Rulings.
- Rule 92-1-.04. Petition for Adoption of Rules.
- Rule 92-1-.05. Contested Cases Under the Administrative Procedures Act.

Chapter 92-2. NONPROFIT BINGO GAMES.
- Rule 92-2-.01. Bingo Law; Regulations; Obligations; Suspension; Revocation.
- Rule 92-2-.02. Definitions.
- Rule 92-2-.03. Operation of Bingo Games; License Required.
- Rule 92-2-.04. Registration; Licensing Requirements.
- Rule 92-2-.05. License Expirations; Renewals.
- Rule 92-2-.06. Rental Agreements Concerning Premises.
- Rule 92-2-.07. Changes Affecting the Status of a Bingo Licensee.
- Rule 92-2-.08. Equipment for Bingo Operations.
- Rule 92-2-.09. Revocation of Determination Letter.
- Rule 92-2-.10. Annual Report.
- Rule 92-2-.11. Contracts Concerning the Bingo Operations.
- Rule 92-2-.12. Residency Requirements.
- Rule 92-2-.13. Licensing Qualifications.
- Rule 92-2-.14. Places Where Bingo Operations May be Held.

Rule 92-2-.15. Posting of Winners.
Rule 92-2-.16. Who May Operate Bingo Session.
Rule 92-2-.17. Illegal Games.
Rule 92-2-.18. Advertising.
Rule 92-2-.19. Age Restrictions.
Rule 92-2-.20. Payment to Individuals.
Rule 92-2-.21. Total Prize Value Limit.
Rule 92-2-.22. Operating Time.
Rule 92-2-.23. Location of Records.
Rule 92-2-.24. Effect of License Revocation/Suspension.
Rule 92-2-.25. Subterfuge.
Rule 92-2-.26. Individuals Responsible for Bingo Session.
Rule 92-2-.27. Unlawful Activities.
Rule 92-2-.28. Compliance.
Rule 92-2-.29. Electronic Bingo Devices.
Chapter 92-3. IMPLIED CONSENT.
Rule 92-3-.01. Application; Information.
Rule 92-3-.02. Qualifications.
Rule 92-3-.03. Application, Form of.
Rule 92-3-.04. Permits.
Rule 92-3-.05. Forms of Permit.
Rule 92-3-.06. Techniques and Methods.
Rule 92-3-.07. Fees and Billing.
Rule 92-3-.08. Revocation of Permit.
Chapter 92-4. INDEPENDENT SCIENTIFIC EXAMINATION OF EVIDENCE AND DOCUMENTATION.
Rule 92-4-.01. General Information.
Rule 92-4-.02. Documentation Provided by DOFS.
Rule 92-4-.03. Access to Evidence.
Rule 92-4-.04. Evidence Transfer and Document Description.
Chapter 92-5. LIMITED DISCLOSURE OF CRIME SCENE PHOTOGRAPHS AND VIDEOS.
Rule 92-5-.01. Rules of the Limited Disclosure and Viewing of Certain Crime Scene Photographs and Videos by Bona Fide members of the press.
Chapter 92-6. SECONDARY METALS RECYCLERS DATABASE.
Rule 92-6-.01. Scope.
Rule 92-6-.02. General Definitions.
Rule 92-6-.03. SMR Database Transaction Submission Procedures.
Rule 92-6-.04. SMR Database Access.

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.

Emergency Rule Chapters 92-1-0.1 entitled "Rules of General Applicability" and 92-2-0.2 entitled "Nonprofit Bingo Games" adopted. Filed and effective April 9, 1980, the date of adoption, to be in effect for 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules are adopted, as specified by the Agency.

(These Emergency Rules will not be published; copies may be obtained from the Agency.)

Chapters 92-1 entitled "Rules of General Applicability" superseding Emergency Rule Chapter 92-1-0.1 and 92-2 entitled "Nonprofit Bingo Games" superseding Emergency Rule Chapter 92-2-0.2 have been adopted. Filed June 11, 1980; effective July 1, 1980.

Rule 92-2-.04 has been amended. Rules 92-2-.10 and .17 have been repealed and new Rules adopted. Rules 92-2-.27 and .28 have been adopted. Filed December 4, 1981; effective January 1, 1982, as specified by the Agency.

Rules 92-2-.01, .02, .04, .06 to .08, .10, .12 to .27 have been repealed and new Rules adopted. Rule 92-2-.28 has been repealed. Filed December 8, 1983; effective December 28, 1983.

Chapter 92-3 entitled "Implied Consent" has been adopted. Filed April 11, 1986; effective May 1, 1986.

Rules 92-2-.16 and .24 have been amended. Rule 92-2-.20 has been repealed and a new Rule adopted. Filed July 2, 1986; effective July 22, 1986.

Rule 92-3-.03 has been amended. Filed June 10, 1987; effective June 30, 1987.

Rule 92-3-.02 has been amended. Filed August 9, 1988; effective August 29, 1988.

Rule 92-2-.13 has been amended. Filed April 2, 1992; effective April 29, 1992, as specified by the Agency.

Rule 92-3-.07 has been amended. Filed May 27, 1993; effective June 16, 1993.

Rules 92-2-.02, .03 have been amended. Filed November 13, 1993; effective December 3, 1993.

Rules 92-2-.02, .03 have been amended. Filed September 8, 1994; effective September 28, 1994.

Rule 92-3-.06 has been amended. Filed September 19, 1994; effective October 9, 1994.

Rule 92-3-.06 has been amended. Filed November 9, 1994; effective November 29, 1994.

Rules 92-3-.02, .03, .04, and .06 have been amended. Filed November 18, 1995; effective December 8, 1995.

Chapter 92-4 entitled "Independent Scientific Examination of Evidence and Documentation" has been adopted. Filed January 5, 1996; effective January 25, 1996.

Rule 92-3-.06 has been amended. Filed November 12, 1997; effective December 2, 1997.

Rule 92-3-.01 has been amended. Filed August 31, 1998; effective September 20, 1998.

Rule 92-2-.12 has been amended. Filed July 20, 1999; effective August 9, 1999.

Rule 92-2-.28 has been adopted. Filed November 17, 1999; effective December 7, 1999.

Rules 92-3-.01 to .06 have been amended. Filed February 24, 2000; effective March 15, 2000.

Rules 92-2-.02, .08, .16, .20, and .21 have been amended. Rule 92- 2-.29 has been adopted. Filed September 16, 2003; effective October 6, 2003.

Rules 92-2-.10 and .16 have been amended. Filed November 10, 2004; effective November 30, 2004.

Rules 92-3-.01 to .06, and .08 have been amended. Filed March 26, 2010; effective April 15, 2010.

Chapter 92-5 entitled "Limited Disclosure of Crime Scene Photographs and Videos" has been adopted. Filed February 17, 2011; effective March 9, 2011.

Rules 92-3-.04 and 92-3-.06 amended. F. Jan. 3, 2013; eff. Jan. 23, 2013.

Chapter 92-6 entitled "Secondary Metals Recyclers Database" adopted. F. Feb. 18, 2016; effective March 9, 2016.

Cite as Ga. Comp. R. & Regs. R. dept. 92, ADMINISTRATIVE HISTORY

Chapter 92-1. RULES OF GENERAL APPLICABILITY.

Rule 92-1-.01. Organization.

(1) The Georgia Bureau of Investigation is Comprised of four divisions: Administrative Division, Investigative Division, Forensic Sciences Division and the Georgia Crime Information Center Division.

(2) The mailing address of the Georgia Bureau of Investigation is 1001 International Boulevard, Suite 800, Hapeville, Georgia 30354.

(3) All legal notices and all notices and correspondence reflecting administrative proceedings should be directed to the Director, Georgia Bureau of Investigation.

Cite as Ga. Comp. R. & Regs. R. 92-1-.01
Authority: Ga. L. 1937, pp. 322, 340, as amended (Ga. Code Ann. Chapter 92A-3), Ga. L. 1974, pp. 109, 112, (Ga. Code Ann. Sections 40-35212 to 40-35220).
History. Original Rule entitled "Organization" was filed as Emergency Rule 90-1-0.1-.01 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-1-0.1-.01 repealed and permanent Rule, entitled "Organization," adopted. Filed June 11, 1990; effective July 1, 1980.

Rule 92-1-.02. General Definitions.

The following definitions shall apply generally to all rules and regulations of the Georgia Bureau of Investigation:

(a) "Board" shall mean the Board of Public Safety of the State of Georgia.

(b) "Director" shall mean the Director of the Georgia Bureau of Investigation.

(c) "Bureau" shall mean the Georgia Bureau of Investigation.

(d) "Hearing" shall mean a right of the Bureau and of parties affected by any action of the Bureau to present either formally or informally, relevant information, testimony, documents, evidence and arguments as to why such action should or should not be taken.

(e) "Hearing Examiner" or "Hearing Officer" or "Reviewing Officer" shall mean an officer or employee of the Bureau or other person so designated by the Director or the Board who shall be employed or appointed by the Director for purpose as needed and shall be authorized to exercise such powers as are given such persons by statute or rule.

Cite as Ga. Comp. R. & Regs. R. 92-1-.02
Authority: Ga. L. 1937, pp. 322, 340, as amended (Ga. Code Ann. Chapter 92A-3), Ga. L. 1974, pp. 109, 112 (Ga. Code Ann. Sections 40-35212 to 40-35220).
History. Original Rule entitled "General Definitions" was filed as Emergency Rule 92-1-0.1-.02 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-1-0.1-.02 repealed and permanent Rule entitled "General Definitions" adopted. Filed June 11, 1980; effective July 1, 1980.

Rule 92-1-.03. Administrative Declaratory Rulings.

(1) Any person whose legal rights will be interfered with or impaired by the application of any statutory provision or any rule, or order of the Bureau may petition the Bureau and request a declaratory ruling thereon. The Bureau will not render advisory opinions, resolve questions which have become moot or are abstract or hypothetical, or otherwise act hereunder except with respect to such actual controversies or other cases upon which a superior court would be required to act under the Georgia declaratory judgment statutes as construed by the appellate courts of Georgia.

(2) Each such petition shall be filed with the Bureau in writing and shall state:

(a) The name and post office address of the petitioner;

(b) The full text of the statute, rule or order upon which a ruling is requested;

(c) A paragraphed statement of all pertinent and existing facts necessary to a determination of the applicability of the quoted statute or rule;

(d) The petitioner's contention, if any, as to the aforesaid applicability with citations of legal authorities, if any, which authorize, support or require a decision in accordance therewith;

(e) A statement setting forth in detail the petitioner's interest in the matter and why and how the petitioner is uncertain or insecure with respect to his rights. The petition shall be verified under oath by, or in proper behalf of, the petitioner.

(3) If the Bureau shall determine that a decision can be rendered on the face of the petition without further proceedings, the Bureau shall render a summary decision thereon. Otherwise, parties shall be notified and the matter shall be heard in an informal hearing.

(4) The provisions of this rule shall not be construed to preclude:

(a) Any person from requesting the Bureau to interpret or otherwise rule upon the applicability of any pertinent statute or rule informally by personal appearance before the Bureau by letter or telegram to the Bureau or any officer or member thereof; or

(b) The Bureau from acting upon any such request as and when it deems appropriate or from issuing any interpretive ruling without petition therefor.

(5) Any request presented in any manner other than in accordance with the provisions of these rules shall not be deemed to be filed as a Petition for Declaratory Ruling but shall be deemed an informal request for interpretation or ruling and shall be acted on as such.

Cite as Ga. Comp. R. & Regs. R. 92-1-.03
Authority: Ga. L., 1937, pp. 322, 340, as amended (Ga. Code Ann. Chapter 92A-3), Ga. L. 1974, pp. 109, 112 (Ga. Code Ann. Sections 40-35212 to 40-35220), Ga. L. 1964, pp. 338, 356, as amended (Ga. Code Ann. Title 3A).
History. Original Rule entitled "Administrative Declaratory Rulings" was filed as Emergency Rule 92-1-0.1-.03 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-1-0.1-.03 repealed and permanent Rule entitled "Administrative Declaratory Rulings" adopted. Filed June 11, 1980; effective July 1, 1980.

Rule 92-1-.04. Petition for Adoption of Rules.

(1) Each petition for adoption of rules made pursuant to the Georgia Administrative Procedures Act shall be filed with the Bureau in writing and shall state:

(a) The name and post office address of the petitioner;

(b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;

(c) A paragraphed statement of the reason such rule should be amended, repealed or promulgated, including a statement of all pertinent existing facts as to the petitioner's interest in the matter.

(d) Citations of legal authorities, if any, which authorize, support or require the action requested by petitioner. The petition should be verified under oath, or in proper behalf of, the petitioner.

(2) Upon receipt of the petition, the Director or the chief executive of any division or divisions of the Bureau which might be affected by action taken pursuant to the petitioner's request, and the Board if the rule involves its policy-making function, shall decide upon the action to be taken. Within sixty (60) days, after receipt of the petition, the Bureau shall inform the petitioner by mail of the decision reached, and shall either decline to take the action requested, stating its reasons for so declining, or shall initiate rule-changing proceedings in accordance with the Georgia Administrative Procedures Act.

Cite as Ga. Comp. R. & Regs. R. 92-1-.04
Authority: Ga. L. 1937, pp. 322, 340, as amended (Ga. code Ann. Chapter 92A-3), Ga. L. 1974, pp. 109. 112 (Ga. Code Sections 40-35212 to 40-35220), Ga. L. 1964, pp. 338, 356, as amended (Ga. Code Ann. Title 3A).
History. Original Rule entitled "Petition for Adoption of Rules" was filed as Emergency Rule 92-1-0.1-.04 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-1-0.1-.04 repealed and permanent Rule entitled "Petition for Adoption of Rules" adopted. Filed June 11, 1980; effective July 1, 1980.

Rule 92-1-.05. Contested Cases Under the Administrative Procedures Act.

The hearing and appeal procedures provided for in the Georgia Administrative Procedures Act shall be followed in cases which are directed by statute to be conducted pursuant to the Administrative Procedures Act. Contested cases heard pursuant to the Georgia Administrative Procedures Act shall be conducted in accordance with the procedures provided herein and the following procedure:

(a) Any person who is legally entitled to contest a ruling or order of the Bureau may do so by filing with the Bureau a request for hearing which shall contain the following:

1. A title which indicates the nature of the proceedings;
2. The complete name and address of the party filing the request;
3. The name and address of all other interested parties;
4. A clear and concise statement of the facts upon which the contested case arises;
5. A prayer setting forth the relief sought;

6. If the party filing the request is represented by counsel, the name and address of counsel.

(b) The Bureau will grant hearings as a matter of right only upon timely receipt of a request therefor as described in (a) above, but may, at its discretion, allow extensions of time and amendments of requests for good cause shown.

(c) Any application to the Bureau to enter any order to take any action after the filing of a request for hearing shall be by motion which, unless made during a hearing, shall be made in writing, shall state specifically the grounds therefor, and shall set forth the action or order sought. No motion shall be ruled upon except when the entire case is ruled upon unless the moving party specifically requests a hearing at some other time and the agency deems such ruling appropriate.

(d) Hearings in all contested cases shall be conducted before a hearing officer appointed by the Bureau. Upon conclusion of the hearing, the hearing officer shall prepare an initial decision, a copy of which shall be mailed to the party requesting the hearing.

(e) The practice and proceedings for securing agency review of an initial decision of a hearing officer shall be as follows:

1. Requests for agency review shall be submitted in writing to the Bureau within thirty days from the date of the initial decision. No hearing shall be held if requested thereafter except where events uncontrollable by the aggrieved party are shown to have prevented a timely request. In this regard, the decision of the agency shall be final.

2. A party desiring agency review may submit to the agency written arguments, briefs and motions within the same limitations as prescribed for a request for agency review. On agency review, the appealing party shall not present arguments, briefs or motions to the agency except in writing as herein prescribed.

3. The agency decision on agency review shall be based solely on the record developed before the hearing officer and such arguments, briefs and motions as have been submitted in accordance with (b) above. No evidence will be received by the agency in any form.

4. If the party requesting agency review desires that the agency consider matters which are not a part of the record, the agency should be requested to remand the matter to the hearing officer for receipt of such additional evidence. Remands for the purpose of receiving additional evidence shall be granted only if deemed by the agency to be justified upon a showing that the evidence was not available at the time of the hearing, through no fault of the party requesting the remand, and could not have been made available by the exercise of reasonable diligence.

(f) Agency review shall be conducted by the Director in all cases which do not require an exercise of the policy-making functions of the Bureau. All cases which do require an exercise of the policy-making functions of the Bureau shall be reviewed by the Board.

1. Cases in which agency review shall be given by the Director include, but are not limited to, those arising under Georgia Laws 1977, pp. 1164, 1168, as amended, (Ga. Code Ann. Chapter 91-A-63A).

2. The Director may, if he determines that conduct of agency review in any case in which he is the designated reviewing agency may involve exercise of a policy-making function, refer such case to the Board for agency review.

3. The agency may dispose of the case in any of the following ways:

   (i) Affirm the initial decision of the hearing officer and adopt his findings and/or conclusions as is deemed appropriate;

   (ii) Adopt a new decision based on the record;

   (iii) Remand the case to the hearing officer for such further proceeding as the agency may order;

   (iv) Reverse the hearing officer's decision and enter such order in the case as is deemed appropriate.

(g) Motions to reconsider an agency decision or ruling must be received at Georgia Bureau of Investigation Headquarters within ten (10) days after the decision or ruling is rendered.

Cite as Ga. Comp. R. & Regs. R. 92-1-.05
Authority: Ga. L. 1937, pp. 322, 340, as amended (Ga. Code Ann. Chapter 92A-3), Ga. L. 1974, pp. 109, 112 (Ga. Code Sections 40-35212 to 40-35220), Ga. L. 1964, pp. 338, 356, as amended (Ga. Code Ann. Title 3A), Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann. Chapter 92A-63A).
History. Original Rule entitled "Contested Cases Under the Administrative Procedures Act" was filed as Emergency Rule 92-1-0.1-.05 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-1-0.1-.05 repealed and permanent Rule entitled "Contested Cases Under the Administrative Procedures Act" adopted. Filed June 11, 1980; effective July 1, 1980.

Chapter 92-2. NONPROFIT BINGO GAMES.

Rule 92-2-.01. Bingo Law; Regulations; Obligations; Suspension; Revocation.

(1) These rules and regulations are promulgated pursuant to the Official Code of Georgia, Title 16, Chapter 12, Article 2, Part 2.

(2) Any licensee, member, agent, representative or employee of a non-profit corporation licensed hereunder, who while the organization holds the license, shall violate any provision of the Act or rules and regulations issued pursuant thereto, or direct, consent to or acquiesce in any violation of the same shall forfeit the applicable license, or licenses through suspension or revocation, whichever the Director determines.

(3) The failure of anyone holding a license to meet any obligation imposed by any law of the State of Georgia shall also be grounds for suspension or revocation of such license.

Cite as Ga. Comp. R. & Regs. R. 92-2-.01
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Bingo Laws; Regulations; Obligations" was filed as Emergency Rule 92-2-0.2-.01 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.01 repealed and permanent Rule entitled "Bingo Laws; Regulations; Obligations" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Bingo Law; Regulations; Obligations; Suspension; Revocation" adopted. Filed December 8, 1993; effective December 28, 1983.

Rule 92-2-.02. Definitions.

(1) "Bingo Game" means only a game of chance played on cards with numbered squares in which counters or indicators are placed on numbers chosen by lot and won by covering a previously specific number or order of numbered squares. A bingo game may be played manually or with an electronic or computer device that stores the numbers from a player's card or cards, tracks the numbers chosen by lot when such numbers are entered by the player, and notifies the player of a winning combination. Such words, terms or phrases, as used in this subsection, shall be strictly construed to include only the series of acts generally defined as bingo and shall exclude all other activity.

(2) "Director" means the Director of the Georgia Bureau of Investigation.

(3) "Operate," "operated," or "operating" means the direction, supervision, management, operation, control, or guidance of activity.

(4) "Bingo session" means a time period during which bingo games are played.

(5) "Lease" and "rental" means the leasing or renting of equipment or premises used to conduct bingo and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such equipment.

(6) "Equipment" means any and all equipment used to facilitate the operation of a bingo game. It includes, but is not limited to, tables, chairs, counters, bars, floors, cards, markers, and public address systems used at any time in the operation of a bingo game regardless that the equipment may also be used for other purposes.

(7) "Bingo Proceeds" and "receipts from any bingo operation" means the total receipts from the operation of any bingo game or games by any licensee.

(8) "Recreational bingo session" means, in addition to any other qualification or requirement imposed by statute or regulation, a bingo session operated by any person or entity at no charge to participants in which the prizes for each bingo game during the bingo session shall be noncash prizes and the total of such prizes for each such game shall not exceed $15.00 as established pursuant to regulations established by the director. No such **noncash** prize awarded in recreational bingo shall be exchanged or redeemed for money; or for any other prize with a value in excess of the amount established pursuant to regulations established by the director.

(9) "Electronic Bingo Card Dauber" means an electronic device or apparatus used by a bingo player to monitor bingo cards purchased at the time and place of a licensed organization's bingo session, and which:

(a) Provides a means for numbers announced by a bingo caller to be input to a bingo players cards;

(b) Compares the numbers input to the numbers contained on bingo cards previously stored in the electronic data base of the device;

(c) Identifies winning bingo patterns; and

(d) Signals only the bingo player when a winner bingo pattern is achieved.

(10) Licensee is the individual or entity that holds the bingo license that has been issued by the director.

(11) Participant is the individual or entity who is paying to play bingo at the licenses premises.

(12) Distributor is the individual or entity that is selling products to the licensee for use in its bingo operation.

(13) Manufacturer is the individual or entity that develops, creates, modifies bingo products for use at the licensee's premises.

(14) Operator is the individual or entity that the licensee utilizes to conduct the bingo game under the license issued by the director.

Cite as Ga. Comp. R. & Regs. R. 92-2-.02
Authority: O.C.G.A. Secs. 16-12-2, 16-12-51.
History. Original Rule entitled "Definitions" adopted as ER. 92-2-0.2-.02. F. and eff. April 9, 1980, the date of adoption.
Amended: Permanent Rule of same title adopted. F. June 11, 1980; eff. July 1, 1980.
Repealed: New Rule of same title adopted. F. Dec. 8, 1983; eff. Dec. 28, 1983.
Amended: F. Nov. 13, 1993; eff. Dec. 3, 1993.

Amended: F. Sept. 8, 1984; eff. Sept. 28, 1984.
Amended: F. Sept. 16, 2003; eff. Oct. 6, 2003.

Rule 92-2-.03. Operation of Bingo Games; License Required.

Any bingo session at which cash prizes are awarded shall be conducted only by nonprofit tax exempt organizations which are properly licensed by the Director. Nonprofit tax exempt organizations who operate recreational bingo games at no charge to participants in which the participants are senior citizens attending a function at a facility of the tax exempt licensed organization or are residents of nursing homes, retirement homes, or hospitals and in which the prizes for each bingo game during the bingo session shall be nominal cash prizes not to exceed $5.00 for any single prize and the total of such prizes for each such game shall not exceed the amount established pursuant to regulations established by the director.

Cite as Ga. Comp. R. & Regs. R. 92-2-.03
Authority: Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884, effective March 20, 1980; O.C.G.A. Sec. 16-12-51*et seq.*
History. Original Rule entitled "Operation of Bingo Games; License Required" was filed as Emergency Rule 92-2-0.2-.03 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule repealed and permanent Rule entitled "Operation of Bingo Games; License Required" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: F. Nov. 13, 1993; eff. Dec. 3, 1993.
Amended: F. Sept. 8, 1994; eff. Sept. 28, 1994.

Rule 92-2-.04. Registration; Licensing Requirements.

(1) Before any nonprofit tax exempt organization shall be licensed to operate bingo games, such organization shall submit a license application to the Georgia Bureau of Investigation on forms prescribed by the Bureau.

(2) In addition to any information required in the prescribed application, the Director may require any additional information reasonable and necessary to make a determination as to whether a license should be issued. Each application for a license and each application for renewal of a license must be accompanied by, but not limited to, the following:

(a) An annual fee of $100 must be paid prior to the issuance of any new bingo license or before any existing license will be renewed. Payment shall be made by certified check or money order made payable to the Georgia Bureau of Investigation.

(b) A determination letter from the Internal Revenue Service certifying that the applicant is an exempt organization under Federal Income Tax Law. No license shall be issued to any nonprofit tax exempt organization unless it has been in active existence and actively functioning as a certified nonprofit organization for at least twenty-four (24) months immediately prior to the issuance of the license.

If the applicant claims its tax exempt status through a ruling by the Internal Revenue Service as to its parent organization's tax-exempt status, said applicant must prove to the satisfaction of the Director that it is covered by such ruling by submitting a current letter of good standing from the parent organization and a copy of the charter from the parent organization. The applicant must have been chartered by the parent organization for at least twenty-four (24) months immediately prior to the issuance of the bingo license.

(c) A determination letter from the Georgia Department of Revenue certifying that the applicant is exempt under income tax laws of the State of Georgia. The burden is upon the applicant organization to show it is entitled to the exempt status. An organization requesting a Georgia tax exempt status must file a written application with the State Revenue Commissioner. Until a determination letter granting an exempt status is issued, no exempt status shall exist.

(d) The organization's sales tax registration number from the Georgia Department of Revenue. An organization requesting a sales tax number must file a registration form with the State Revenue Commissioner.

(e) A certified copy of the current incorporation papers, charter and other such documents indicating the date the organization originated.

(f) A copy of the applicant's current constitution and/or by laws.

(g) A statement as to the location where the applicant will conduct bingo games; if the premises where games are to be conducted is leased, a copy of the current lease or rental agreement; the days and times bingo games will be conducted.

(h) A copy of the purchase or lease contract for the bingo equipment to be used by the applicant, or a statement of ownership of the equipment.

(i) A current financial statement of the applicant organization as of the date of application.

(j) A statement of the source of funds to be used in the initial development of the bingo operation and if any improvements are made on the premises where the bingo operation is to be conducted, the source of those funds.

(k) The names and addresses of any persons, organizations or other legal entities that will act as surety for the applicant or to whom the applicant is financially indebted, or to whom any financial obligation is owed by the applicant.

(l) A photograph, a fingerprint card and personal history and background statement on forms provided by the Georgia Bureau of Investigation of all persons who are establishing, or will be promoting, advertising, or operating the bingo games, and if the applicant is a corporation, association or other similar legal entity, the names

and home addresses, a photograph, a fingerprint card, and a personal history and background statement on the aforementioned forms of all the directors/officers of the organization and any other person associated in any way with the applicant's bingo operation.

(m) A statement showing the convictions, pleas of guilty, and nolo contendere, if any, for criminal offenses, other than minor traffic offenses, for all directors/officers of the organization and for all persons establishing, promoting, advertising or operating the bingo game.

(n) A current certificate from the Fire Marshal showing the authorized number of occupants permitted on the premises where bingo is to be operated. The Fire Marshal's certificate must be posted in a conspicuous place on the premises.

(o) A current membership list of the applicant organization as of the date of application.

(3) Any untrue, misleading, or omitted statement or information contained in the application and its supporting documents or furnished the Director or his Agents in response to any investigation of the application or license is cause for denying the issuance of a license; if any license has been previously issued, it is cause for revocation or suspension of such license.

(4) Any license issued pursuant to the Act or these rules and regulations is valid only for the premises for which the license has been issued and shall be displayed conspicuously at the location where the bingo game is conducted.

Cite as Ga. Comp. R. & Regs. R. 92-2-.04
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Registration; Licensing Requirements" was filed as Emergency Rule 92-2-0.2-.04 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.04 repealed and permanent Rule entitled "Registration; Licensing Requirements" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Filed December 4, 1981; effective January 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.05. License Expirations; Renewals.

All bingo licenses are annual, and licenses issued during the calendar year expire at midnight on the December 31st following the date of issuance of the license. Renewal applications for each calendar year shall be filed with the Director no later than sixty (60) days prior to January 1st of each year and shall be on forms provided and prescribed by the Director.

Cite as Ga. Comp. R. & Regs. R. 92-2-.05
Authority: Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884, effective March 20, 1980.
History. Original Rule entitled "License Requirements; Renewals" was filed as Emergency Rule 92-2-0.2-.05 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.05 repealed and permanent Rule entitled "License Requirements; Renewals" adopted. Filed June 11, 1980; effective July 1, 1980.

Rule 92-2-.06. Rental Agreements Concerning Premises.

(1) The total cost of leasing the premises used by a nonprofit tax exempt organization in its bingo operation shall not exceed the fair market rental value of such premises and may not be based on gross receipts, gross proceeds, or any other scale or percentage that is related to or dependent upon the amount of revenue created by the bingo operation. No salaries, fees or payments of any type shall be made to any person or entity based upon a scale or percentage that is related to or dependent upon receipts from a bingo operation.

(2) The diversion of bingo proceeds from the nonprofit organization operating bingo games, except in the manner expressly authorized by the Act and under these regulations, is contrary to the legislative intent of the Act and contrary to the public welfare and constitutes a violation of these rules.

(3) No licensee may make any payments, give any compensation or divert any proceeds from receipts from any bingo operation to any person or entity, other than to the licensed nonprofit organization itself in furtherance of the legitimate nonprofit aims of the organization, except in exchange for goods or services actually provided or rendered and then only in an amount equal to the fair market value of the goods or services.

(4) No organizational member, agent, representative or profit making organization shall derive any financial benefit from any bingo operation licensed under the Act and these regulations with the exceptions of the salaries and fees expressly authorized by these regulations and the Act and then only a reasonable profit shall be derived. No employee/operator or an agent acting on the behalf of the employee/operator may participate in the playing of bingo, during a session in which the employee/operator has assisted the organization in the operation of its bingo game.

Cite as Ga. Comp. R. & Regs. R. 92-2-.06
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Rental Agreements Concerning Premises" was filed as Emergency Rule 92-2-0.2-.06 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.06 repealed and permanent Rule entitled "Rental Agreements Concerning Premises" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.07. Changes Affecting the Status of a Bingo Licensee.

Any change involving or affecting the nonprofit tax exempt organization or the bingo operation, including but not limited to, the election or resignation of directors/officers, change of address, dates and times of bingo games, which causes the information provided by the applicant in the license or renewal application or during the license investigation to be incorrect or incomplete, must be reported to the Bureau within 15 days of the change.

Cite as Ga. Comp. R. & Regs. R. 92-2-.07
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Changes Affecting the Status of a Bingo Licensee" was filed as Emergency Rule 92-2-0.2 -07 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.07 repealed and permanent Rule entitled "Changes Affecting the Status of a Bingo Licensee" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.08. Equipment for Bingo Operations.

(1) The bingo licensee is required to own or lease all equipment used to conduct the bingo games.

(2) Ownership means that legal title and possession of the equipment shall be in the name of the licensee on the date it first begins operating under the State license; and financing arrangements which in any way tie purchase payments or rental fees for equipment or supplies to receipts from the bingo operation are prohibited. Copies of all contracts involving equipment used to conduct bingo games shall be provided to the Director.

Cite as Ga. Comp. R. & Regs. R. 92-2-.08
Authority: O.C.G.A, Secs. 16-12-2, 16-12-60.
History. Original Rule entitled "Equipment for Bingo Operations" adopted as ER. 92-2-0.2-.08. F. and eff. April 9, 1980, the date of adoption.
Amended: Permanent Rule of same title adopted. F. June 11, 1980; eff. July 1, 1980.
Repealed: New Rule of same title adopted. F. Dec. 8, 1983; eff. Dec. 28, 1983.
Amended: F. Sept. 16, 2003; eff. Oct. 6, 2003.

Rule 92-2-.09. Revocation of Determination Letter.

Any bingo license issued by the Director shall become invalid upon the revocation of the licensee's tax exempt status by either the Internal Revenue Service or the Georgia Department of Revenue.

Cite as Ga. Comp. R. & Regs. R. 92-2-.09
Authority: Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884,

effective March 20, 1980.
History. Original Rule entitled "Revocation of Determination Letter" was filed as Emergency Rule 92-2-0.2 -09 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.09 repealed and permanent Rule entitled "Revocation of Determination Letter" adopted. Filed June 11, 1980; effective July 1, 1980.

Rule 92-2-.10. Annual Report.

A report must be filed with the Director each year disclosing the gross receipts and all expenses and expenditures associated with the operation of the bingo games. Such report shall be filed with the Director on or before April 15th. The report must be prepared on the form prescribed and provided by the Director. The report must be prepared and authenticated by a Certified Public Accountant.

Cite as Ga. Comp. R. & Regs. R. 92-2-.10
Authority: O.C.G.A. Secs. 16-12-2, 16-12-59.
History. Original Rule entitled "Annual Report" was filed as Emergency Rule 92-2-1.2-.10 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.10 repealed and permanent Rule entitled "Annual Report" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 4, 1981; effective January 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 8, 1983; effective December 28, 1983.
Amended: F. Nov. 10, 2004; eff. Nov. 30, 2004.

Rule 92-2-.11. Contracts Concerning the Bingo Operations.

Only nonprofit tax exempt organizations properly licensed by the Bureau shall operate bingo games. No contracts are allowed by any licensee or license applicant with any other party which involve the other party's providing a id to the nonprofit tax exempt organization in any way concerning the bingo operations of said nonprofit tax exempt organization.

Cite as Ga. Comp. R. & Regs. R. 92-2-.11
Authority: Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Art 844, effective March 20, 1980.
History. Original Rule entitled "Contracts Concerning the Bingo Operations" was filed as Emergency Rule 92-2-0.2-.11 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.11 repealed and permanent Rule entitled "Contracts Concerning the Bingo Operations" adopted. Filed June 11, 1980; effective July 1, 1980.

Rule 92-2-.12. Residency Requirements.

No person shall participate, other than by playing bingo, in any manner in, nor assist in any way with regard to the bingo operations of a nonprofit tax exempt organization of which he is a member unless:

(a) he has been domiciled in the State of Georgia for a minimum of six (6) months; or

(b) he has been a member of the organization for at least one (1) year and can produce a certified copy of his criminal history from the state in which he was domiciled.

Cite as Ga. Comp. R. & Regs. R. 92-2-.12
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Tax Exempt Status" was filed as Emergency Rule 92-2-0.2-.12 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.12 repealed and permanent Rule entitled "Tax Exempt Status" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Residency Requirements" adopted. Filed December 8, 1983; effective December 28, 1983.
Amended: Filed July 20, 1999; effective August 9, 1999.

Rule 92-2-.13. Licensing Qualifications.

(1) When contrary to the public interest and welfare, no bingo license shall be issued by the Director to:

(a) Any organization as determined by the Director by reason of the organizations' business experience, financial standing, trade association, reputation in any community, membership, employees, or officers, record of arrests of members, employees, or officers that is not likely to maintain the operation of bingo games in conformity with Federal, State or local laws.

(b) Any organization having paid employees, officers, or members who have substantial control over the organization or Bingo operation who have been convicted, pled nolo contendere to, or pled guilty to any felony or any other crime involving moral turpitude; provided, that the Director may, in his discretion, but only after a background check which shall include an inquiry with the Sheriff or Chief of Police of the appropriate place of residence and proposed place of the Bingo operation waive this prohibition with respect to any paid employees, officers, or members who have substantial control over the organization or Bingo operation who have been convicted of, pled nolo contendere to, or pled guilty to any felony or any other crime involving moral turpitude whose conviction became final 15 or more years prior to submission of the application, or who have been convicted of, pled nolo contendere to, or pled guilty to any misdemeanor other than traffic offenses who conviction became final five or more years prior to submission of the application, or if 10 or more years have passed subsequent to

the expiration of the sentence in the event said individual has been pardoned by the State Board of Pardons and Paroles.

1. On any occasion when an exemption is made by the Director he shall notify the Sheriff or Chief of Police of the applicant's place of residence and place of the Bingo operation upon the granting of said license.

2. At the first meeting of each year of the Board of Public Safety the Director shall advise the Board of Public Safety of any exceptions granted in the previous year under said rule and of any licenses revoked of any Bingo operation in the previous year.

3. The Director may, at this discretion and for any cause he deems appropriate, revoke said exception granted under this rule at any time.

4. Any challenge to the Director's revocation of said exception may be appealed to the Board of Public Safety by written request within 10 days of said revocation.

(c) Any organization having paid employees or officers or having members who have substantial control over the organization or bingo operation, who have been convicted of; pled nolo contendere to, or pled guilty to a crime not involving moral turpitude, other than minor traffic offenses within five (5) years next preceding the filing of application of such license.

(d) Any organization having paid employees or offices or having members who have substantial control over the organization or bingo operation, who have been convicted of, or pled nolo contendere to, or pled guilty to a misdemeanor under any Federal, State or local law, particularly, but not limited to, those involving alcoholic beverages, gambling, or tax law violations, if such conviction or plea of nolo contendere or plea of guilty tends to indicate that the applicant will not maintain the operation for which a license is sought in conformity with Federal, State or local laws.

(2) The Director may decline to issue a State license to an organization for the operation of nonprofit bingo games when any person having any interest in the operation, or interest in the control over the premises or facility where the nonprofit games are to be played does not meet the qualifications set forth herein.

(3) If the Director has reason to believe that the applicant is not entitled to the license for which it has applied, he shall notify the applicant thereof, and upon request by the applicant, afford it due notice and opportunity for hearing on the application. If the Director, after affording such notice and opportunity for hearing, finds the applicant is not entitled to a license hereunder, the applicant shall be advised in writing of the findings upon which denial is based.

(4) The Director may, after due notice and opportunity for hearing, suspend, or revoke the license of any organization which does not meet or continue to meet the requirements herein set forth at any time such knowledge is acquired by the Director.

Cite as Ga. Comp. R. & Regs. R. 92-2-.13
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2; Sec. 16-12-61.
History. Original Rule entitled "Residency Requirements" was filed as Emergency Rule 92-2-0.2 -13 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.13 repealed and permanent Rule entitled "Residency Requirements" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Licensing Qualifications" adopted. Filed December 8, 1983; effective December 28, 1983.
Amended: F. Apr. 2, 1992; eff. Apr. 29, 1992, as specified by the Agency.

Rule 92-2-.14. Places Where Bingo Operations May be Held.

A nonprofit tax exempt organization may only conduct its bingo operations on premises of the following types:

(a) Premises owned by such nonprofit tax exempt organization.

(b) Premises leased from another nonprofit tax exempt organization, provided such premises are owned by a nonprofit tax exempt organization.

(c) Premises leased from someone other than a nonprofit tax exempt organization or from a nonprofit tax exempt organization where someone other than a nonprofit tax exempt organization owns the premises, when such premises are used and were so used prior to application for the holding of the lessee organization's meetings or for some other major activity of the organization which is conducted on a regular basis and when such premises are not used primarily for bingo operations. "Regular basis" means at least 50% of the total time during which the premises are in actual use.

Cite as Ga. Comp. R. & Regs. R. 92-2-.14
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Licensing Qualifications" was filed as Emergency Rule 92-2-0.2-.14 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.14 repealed and permanent Rule entitled "Licensing Qualifications" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Places Where Bingo Operations May Be Held" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.15. Posting of Winners.

After all bingo games involving prizes valuing $50 or more, the names and addresses of all persons winning prizes with a value of $50 or more, the amount of such prizes, and the number of each winning card shall be posted at the place where the bingo sessions are held and shall remain posted for six (6) bingo sessions subsequent to such winning session.

Cite as Ga. Comp. R. & Regs. R. 92-2-.15
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Places Where Bingo Operations May Be Held" was filed as Emergency Rule 92-2-0.2-.15 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.15 repealed and permanent Rule entitled "Places Where Bingo Operations May Be Held" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled ""Posting of Winners" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.16. Who May Operate Bingo Session.

(1) Except in accordance with the provisions of this Rule, no person may participate in or be involved in any way with the operation of an organization's bingo session unless:

(a) He has been a regular, active member of the organization for at least three (3) months. Regular active membership shall be governed by the definition of regular membership contained in the organization's or its parent organization's constitution and by-laws.

(b) If the Director determines that an organization has one or more auxiliaries, the members of any such auxiliary may assist in such organization's bingo operations, even if such auxiliary holds a license under this part, and the members of the main organization may assist in the bingo operations of any such licensed auxiliary.

(c) A member or an auxiliary member of the organization is ineligible to participate in or be involved in any way with the operation of a bingo session, until his personal history and background form, photograph, and fingerprint card has been submitted to and approved by the Director.

(d) Any person participating in the operation of a bingo game must wear a name tag or some other means of identification which identifies the person as an operator of the bingo game and the organization for which he is working.

(2) A person who is a member of more than one licensed organization can participate in the bingo operations of all such organizations in any given calendar year.

Cite as Ga. Comp. R. & Regs. R. 92-2-.16
Authority: O.C.G.A, Secs. 16-12-2, 16-12-60.
History. . Original Rule entitled "Posting of Winners" adopted as ER. 92-2-0.2-.16. F. and eff. April 9, 1980, the date of adoption.

Amended: Permanent Rule of same title adopted. F. June 11, 1980; eff. July 1, 1980.
Repealed: New Rule entitled "Who May Operate the Bingo Session" adopted. F. Dec. 8, 1983; eff. Dec. 28, 1983.
Amended: Rule retitled "Who May Operate Bingo Session". F. July 2, 1986; eff. July 22, 1986.
Amended: F. Sept. 16, 2003; eff. Oct. 6, 2003.
Amended: F. Nov. 10, 2004; eff. Nov. 30, 2004.

Rule 92-2-.17. Illegal Games.

No organization shall participate in practice which reduces or alters the random chance aspect of the selection of a winner.

(a) No modification shall be made to any bingo equipment used in the bingo games which alters or reduces the random chance to win.

(b) Bingo cards shall be provided by the licensee on a random basis to players. Bingo cards shall not be reserved from session to session.

(c) No cards shall be distributed free of charge to players.

Cite as Ga. Comp. R. & Regs. R. 92-2-.17
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Who May Operate the Bingo Session" was filed as Emergency Rule 92-2-0.2-.17 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.17 repealed and permanent Rule entitled "Who May Operate the Bingo Session" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 4, 1981; effective January 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Illegal Games" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.18. Advertising.

No licensee shall lend its name or identity to anyone for use, or allow the use of its name in a manner which results in false or misleading promotions, or advertisements of unlawful bingo games, or lend its name or identity for use by any individual, firm, association or corporation for use in the operation or advertising of a bingo game in which the licensee is not directly and solely operating the bingo game. A promotion or advertisement shall be deemed "false," "misleading," or "unlawful" when any activity or portion thereof being advertised or promoted is in violation of the Act or these regulations.

Cite as Ga. Comp. R. & Regs. R. 92-2-.18
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Illegal Games" was filed as Emergency Rule 92-2-0.2-.18 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.18 repealed and permanent Rule entitled "Illegal Games" adopted. Filed June

11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Advertising" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.19. Age Restrictions.

No person under the age of eighteen (18) years shall be permitted to play any game of bingo conducted pursuant to any license issued under these regulations unless accompanied by an adult. No person under the age of eighteen (18) shall be permitted to conduct or assist in the conducting of any game of bingo conducted pursuant to any license issued under these regulations.

Cite as Ga. Comp. R. & Regs. R. 92-2-.19
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Advertising" was filed as Emergency Rule 92-2-0.2-.19 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.19 repealed and permanent Rule entitled "Advertising" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Age Restrictions" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.20. Payment to Individuals.

No person or organization may receive any money or other consideration for salary, expense money, or any other fees for the operation of or assistance with regard to any bingo game, except that a maximum of $50 per day may be paid to each member of the licensed nonprofit tax exempt organization who assists in the conducting of such games on such day. No person shall receive more than $50 in any one day regardless of the number of games he conducts, assists in conducting, or otherwise participates in.

Cite as Ga. Comp. R. & Regs. R. 92-2-.20
Authority: O.C.G.A, Sec. 16-12-60.
History. Original Rule entitled "Age Restrictions" adopted as ER. 92-2-0.2-.20. F. and eff. April 9, 1980, the date of adoption.
Amended: Permanent Rule of same title adopted. F. June 11, 1980; eff. July 1, 1980.
Repealed: New Rule entitled "Payments to Individuals" adopted. F. Dec. 8, 1983; eff. Dec. 28, 1983.
Repealed: New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.
Amended: F. Sept. 16, 2003; eff. Oct. 6, 2003.

Rule 92-2-.21. Total Prize Value Limit.

It shall be unlawful to award prizes in excess of $1,500 in cash or gifts of equivalent value during any calendar day or $3,000 in cash or gifts of equivalent value during any calendar week. It shall be unlawful to exceed such limit at any combination of locations operated by a single licensee or his agents or employees. It shall be unlawful for two or more licensees to pyramid the

valuation of prizes in such a manner as to exceed the limits contained in this Code section. The term "equivalent value" shall mean the fair market value of the gift on the date the gift was given as the prize in a bingo game. Total amounts shall include the cost of all prizes awarded in conjunction with any bingo session whether such prized were awarded in conjunction with playing bingo or for some other reason.

Cite as Ga. Comp. R. & Regs. R. 92-2-.21
Authority: O.C.G.A. Secs. 16-12-2, 16-12-60.
History. Original Rule entitled "Payment to Individuals" adopted as ER. 92-2-0.2-.21. F. and eff. April 9, 1980, the date of adoption.
Amended: Permanent Rule of same title adopted. F. June 11, 1980; eff. July 1, 1980.
Repealed: New Rule entitled "Total Prize Value Limit" adopted. F. Dec. 8, 1983; eff. Dec. 28, 1983.
Amended: F. Sept. 16, 2003; eff. Oct. 6, 2003.

Rule 92-2-.22. Operating Time.

No licensee shall conduct more than one (1) bingo session during any one calendar day, and no session shall exceed five (5) hours in length. It shall be a violation of these rules for two or more nonprofit tax exempt organizations which are properly licensed pursuant to OCGA § 16-12-50*et seq* to operate bingo games jointly or to operate bingo games upon the same premises during any 18 hour period.

Cite as Ga. Comp. R. & Regs. R. 92-2-.22
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Total Prize Value Limit" was filed as Emergency Rule 92-2-0.2-.22 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective data of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.22 repealed and permanent Rule entitled "Total Prize Value Limit" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Operating Time" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.23. Location of Records.

(1) A licensee that conducts or operates a bingo session shall maintain the following records for at least three (3) years from the date on which the bingo session is conducted. The records shall be maintained on the standard format prescribed by the Director.

(a) An itemized list of the gross receipts for each session.

(b) An itemized list of all expenses other than prizes that are incurred in the conducting of the bingo session as well as the name of each person to whom the expenses are paid and a receipt for all of the expenses.

(c) A list of all prizes awarded during the bingo session and the name and address of all persons who are winners of prizes of $50 or more in value and the name of all persons who are winners of prizes less than $50 in value.

(d) An itemized list of the recipients other than the licensee of the proceeds of the bingo game, including the name and address of each recipient to whom such funds are distributed.

(e) A record of the number of persons who participate in any bingo session conducted by the licensee.

(2) The records must be kept and be readily available for inspection at any reasonable time. Such reasonable time shall include any time the nonprofit tax exempt organization is operating bingo games and the records shall be available on the premises where the bingo games are being conducted.

Cite as Ga. Comp. R. & Regs. R. 92-2-.23
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Operating Time" was filed as Emergency Rule 92-2-0.2-.23 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.23 repealed and permanent Rule entitled "Operating Time" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Location of Records" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.24. Effect of License Revocation/Suspension.

(1) If a licensee has its license revoked, such organization shall not be eligible to reapply for another license for twelve (12) months to be computed from the date the license is surrendered to and received by the Bureau.

(2) If a person is a member of more than two licensed organizations, and if one of the organizations which he has been assisting as a bingo worker has its license revoked, said person may only participate in the bingo operations of one licensed organization until the organization whose license has been revoked is eligible to reapply for a license; provided, however, that the revocation of the license did not result from actions of said person in which case he may not participate in any bingo operation until the organization whose license has been revoked is eligible to reapply for a license.

(3) If a licensee has its license suspended, such organization shall not be eligible to operate a bingo game for one (1) to six (6) months, to be computed from the date the license is surrendered to and received by the Bureau.

(4) If a person is a member of more than two licensed organizations, and if one of the organizations which he has been assisting as a bingo worker has its license suspended, said person may participate in only one other organization's bingo operation until the suspended license has been reinstated; provided, however, that the suspension of the license did not result from actions of said person in which case he may not participate in any bingo operation until the organization whose license has been suspended has been reinstated.

Cite as Ga. Comp. R. & Regs. R. 92-2-.24
Authority: O.C.G.A. Sec. 16-12-2-2; O.C.G.A. Sec. 16-12-60.
History. Original Rule entitled "Location of Records" was filed as Emergency Rule 92-2-0.2-.24 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.24 repealed and permanent Rule entitled "Location of Records" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Effect of License Revocation/Suspension" adopted. Filed December 8, 1983; effective December 28, 1983.
Amended: Filed July 2, 1986; effective July 22, 1986.

Rule 92-2-.25. Subterfuge.

Any act which may be construed as a subterfuge to violate; and any effort to circumvent, the Act, or any of these rules and regulations shall be deemed a violation of the provision attempted to be circumvented or avoided.

Cite as Ga. Comp. R. & Regs. R. 92-2-.25
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Effect of License Revocation" was filed as Emergency Rule 92-2-0.2-.25 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.25 repealed and permanent Rule entitled "Effect of License Revocation" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Subterfuge" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.26. Individuals Responsible for Bingo Session.

One of the individuals listed by the organization on the bingo license must be present at all times during the operation of any bingo game.

Cite as Ga. Comp. R. & Regs. R. 92-2-.26
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Subterfuge" was filed as Emergency Rule 92-2-0.2-.26 on April 9, 1980; effective April 9, 1980 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 92-2-0.2-.26 repealed and permanent Rule entitled "Subterfuge" adopted. Filed June 11, 1980; effective July 1, 1980.
Amended: Rule repealed and a new Rule entitled "Individuals Responsible for Bingo Session" adopted. Filed

December 8, 1983; effective December 28, 1983.

Rule 92-2-.27. Unlawful Activities.

It shall be a violation of the rules for any licensee to permit any person to engage in any illegal activity on the premises for which the license is issued.

Cite as Ga. Comp. R. & Regs. R. 92-2-.27
Authority: O.C.G.A., Title 16, Chapter 12, Article 2, Part 2.
History. Original Rule entitled "Individuals Responsible for Bingo Sessions" was filed on December 4, 1981; effective January 1, 1982, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Unlawful Activities" adopted. Filed December 8, 1983; effective December 28, 1983.

Rule 92-2-.28. Compliance.

A compliance form prescribed and provided by the Director, which identifies persons responsible for bingo operations and requires newly elected officers to review pertinent bingo documents, must be filed each year upon election of new officers and submitted within 15 days of the election.

(a) All new officers will review the necessary bingo documents outlined on the GBI Compliance Form.

(b) All new officers will sign and date the Compliance Form.

(c) The GBI Timeline Form must be posted next to the Bingo License.

Cite as Ga. Comp. R. & Regs. R. 92-2-.28
Authority: Ga. L. 1977, pp. 1164, 1168, as amended (Ga. Code Ann., Chapter 91A-63A); Ga. L. 1980, Act 884, pp.422-426 (Ga. Code Ann., Chapter 92A-36).
History. Original Rule entitled "Unlawful Activities" was filed on December 4, 1981; effective January 1, 1982, as specified by the Agency.
Amended: Rule repealed. Filed December 8, 1983; effective December 28, 1983.
Amended: New Rule entitled "Compliance" adopted. F. November 17, 1999; eff; December 7, 1999.

Rule 92-2-.29. Electronic Bingo Devices.

(1) Operation of Electronic Bingo Devices.

(a) No Electronic Bingo Daubing System or any part thereof may be sold, leased, or otherwise furnished to any person in this state or used in the conduct of bingo for public play unless it has been approved by an independent gaming test lab for use within the state. All cost of evaluation will be borne by the

manufacturer/distributor. Electronic dauber systems in use at the time of adoption of electronic dauber regulations, will be allowed to continue in use during the testing and evaluation system. Sufficient reasonable time will be allowed for any modification, which may subsequently be required.

(b) The GBI may examine and inspect any portion of the system or any individual dauber at any time. Such examination and inspection includes immediate access to the daubing device and unlimited inspection of all parts of the daubing device or related systems.

(c) If the GBI detects or discovers any problem with an electronic dauber or its associated system that affects the security and/or integrity of the bingo game or the system, the GBI may direct the manufacturer, distributor, or operator to cease the sale, lease, or use of the device or system, as applicable. The GBI may require the manufacturer to correct the problem or recall the device or system immediately upon notification by the GBI to the manufacturer.

(d) If the manufacturer, distributor, operator, or licensee detects or discovers any defect, malfunction, or problem with any component of the system, the manufacturer, distributor, operator, or licensee as applicable, shall immediately remove the component from use or play and immediately notify the GBI of such action.

(e)

1. Each manufacturer must maintain a log containing the date, model number and serial number, of the equipment that is provided to a distributor for sale to a licensee. Upon request by the GBI, the manufacturer will provide address and phone # of the distributor.

2. Each distributor must maintain a log containing the date, model number, and serial number of the equipment that is sold to a licensee. Upon request by the GBI, the distributor will provide the name, address and phone number of the manufacturer of the equipment.

(f) Each licensee purchasing or otherwise utilizing an electronic daubing system must maintain a record showing the date, model number and serial number of the equipment. Additionally, all records, reports and receipts relating to an electronic dauber or its associated system's sales, maintenance, and repairs must be retained by the licensee on the premises where the licensee is licensed to conduct bingo for a period of three years for examination by the GBI.

(g) No licensee may display, use or otherwise furnish an electronic daubing device having been marked, defaced, tampered with, or altered in any manner which may deceive the public or affect a participant's chances of winning.

(h) The system may NOT utilize automatic marking features. The system must allow for the cancellation or correction of numbers entered in error.

(i) When a winning pattern or "bingo" occurs the participant must notify the licensee by means that do not utilize the dauber unit or the associated system.

(j) The device must recognize and display all bingos achieved. Additionally the participant must present a receipt showing purchase of the card. The licensee must verify, that the numbers called for the present game constitute a win for the particular card, and that the date of the receipt is current.

(k) The participant must be physically present on the premises where the game is actually conducted and when the game is called. The electronic bingo daubing system that records the called numbers must be separate and independent from the individual or system that is selecting and calling the bingo numbers during the game.

(l) Licensees shall not reserve electronic dauber units for any participant.

(m) The system itself shall not be capable of dispensing currency by any means or any other form of automatic payout. Any prize to be awarded a participant will require the same level of documentation as set forth in GBI rules and State law.

(n) Prizes awarded from wins with the electronic representations of the dauber unit are to be included in the prize limitations set forth by GBI rules and State law.

(o) Participant-owned or participant-leased devices are not considered to be "Electronic Bingo Daubers" for the purposes of these regulations and the use of such devices is strictly prohibited.

(p) No electronic dauber unit shall be able to hold more than fifty-four (54) cards per game.

(q) No bingo player shall be able to utilize more than one electronic dauber unit at any time during a bingo session. No cards shall be added after the game begins.

(r) Regardless of the number of electronic dauber units made available for play, at least one (1) device shall be reserved by the licensed organization as a back-up device, in the event a device in play malfunctions.

(s) Card may not be voided once a bingo game begins.

(t) Pre-loading of cards onto electronic daubing units is prohibited.

(2) Minimum Receipt Standards.

(a) Each participant is to be issued a receipt at the time of payment for the amount paid to participate in each game or set of games. The receipt must be imprinted with the following information.

1. Name of the organization.
2. Session number.
3. Amount paid for the opportunity to play each game or game pack.
4. Total amount paid.
5. Receipts are to contain a control number.

(b) Voided transaction receipts are to be retained by the cashier until the session is complete and then retained with the bingo session report.

(c) The system must produce a summary report, on a hard copy transaction log, after each session which details the following information:

1. Organization.
2. Date and time of report.
3. Number of cards loaded.
4. Number and description of packets sold.
5. Voided transactions.
6. Total sales.
7. History of all sales of cards and payment to participants.

(d) The price for a card face played through an electronic dauber shall be the same as the price of that of a disposable card face or bingo hard card, sold separately or in combination.

(3) Minimum Electronic Dauber Standards.

(a) The device shall be designed to ensure that the participant will not be subjected to any unreasonable physical, electrical or mechanical hazard.

(b) Each device shall be identified with a unit identification number.

(c) The device must allow the cancellation or correction of numbers entered in error.

(d) Electronically stored cards must reside in a non-volatile read only storage medium. Currently acceptable means for storage of electronic cards are:

1. EPROM - Erasable Programmable Read Only Memory
2. CDROM - Compact Disc Read Only Memory
3. HDD - hard disc drive.

(e) Upon interruption of power to the daubing device, the device must be capable of resuming the present game with no loss of data upon the restoration of power.

(f) The dauber unit shall be used only for bingo. No pull-tabs or other games shall be loaded onto the dauber unit.

(4) Minimum System Requirements.

(a) Access to the electronic computer system or any of its components shall be restricted to the manufacturer and GBI personnel.

(b) Modification of the program which operates and controls the dauber units, or the cards stored in the electronic database requires GBI approval prior to the distribution or installation of such.

(c) The representation of each card will be displayed with a legible, distinct, unique card control number of no less than four digits. This number that corresponds to a particular arrangement of numbers on the card face cannot be used more than once for any game.

(d) Upon the win by a participant, the system must be capable of printing a hard copy of the winning card including the card control number of the card face. This information is to supplement the prize report information required by GBI Rules and State law.

Cite as Ga. Comp. R. & Regs. R. 92-2-.29
Authority: O.C.G.A. Secs. 16-12-51, 16-12-61.
History. Original Rule entitled "Electronic Bingo Devices" adopted. F. Sept. 16, 2003; eff. Oct. 6, 2003.

Chapter 92-3. IMPLIED CONSENT.

Rule 92-3-.01. Application; Information.

(1) This chapter applies to chemical analysis of a person's blood, breath or urine for the purpose of determining whether such person is under the influence of alcohol or drugs

where such tests are required or authorized under the laws of this state. It does not apply to analysis of breath, blood or other bodily substances for other purposes, including, but not limited to, those:

(a) Performed in conjunction with a postmortem examination;

(b) Conducted by personnel employed by the Division of Forensic Sciences or by personnel employed by an agency of the United States;

(c) Performed pursuant to a court order;

(d) Performed as a condition of probation, parole or pretrial release;

(e) Performed for the purpose of determining paternity;

(f) For initial breath alcohol screening (except where explicitly addressed);

(g) For the purpose of preliminary testing for alcohol or drugs by law enforcement before submission of samples to a laboratory for confirmatory testing;

(h) For DNA analysis; or

(i) For the purpose of medical diagnosis or treatment.

(2) Requests concerning the rules or laws administered by the Georgia Bureau of Investigation, Division of Forensic Sciences relative to the methods approved for breath, blood or urine analysis, pursuant to this Chapter, shall be made in writing to the Director, Division of Forensic Sciences of the Georgia Bureau of Investigation.

Cite as Ga. Comp. R. & Regs. R. 92-3-.01
Authority: O.C.G.A. Secs. 6-2-5.1, 27-3-7, 35-3-154, 40-6-392, 52-7-12.
History. Original Rule entitled "Information" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. Aug. 31, 1998; eff. Sept. 20, 1998.
Amended: Rule retitled "Application; Information". F. Feb. 24, 2000; eff. Mar. 15, 2000.
Amended: F. Mar. 26, 2010; eff. Apr. 15, 2010.

Rule 92-3-.02. Qualifications.

(1) Pursuant to this chapter applicants for a permit to perform chemical analysis of a person's blood for alcohol content and report the results of such analysis as delineated in O.C.G.A. § 40-6-392 shall meet the following requirements:

(a) Be employed by an entity that is accredited in the area of forensic blood alcohol analysis by a nationally recognized accrediting body;

(b) Have never been convicted of a crime involving moral turpitude;

(c) Have completed a baccalaureate or advanced degree in chemistry, toxicology, medicine, pharmacology, or forensic science, including a minimum of 40 semester hours of chemistry related coursework;

(d) Have completed a documented training program in the area of blood alcohol analysis that includes the following elements:

1. Theory of alcohol pharmacology and pharmacokinetics;

2. Principles and theory of analytical techniques for blood alcohol analysis, e.g., head space gas chromatography and/or enzymatic methods;

3. Analysis of samples with known blood alcohol content using gas chromatography, enzymatic methods, or other generally accepted techniques;

4. Successful completion of proficiency test samples from the National Highway Transportation Safety Administration (NHTSA) and/or proficiency test samples from a test provider approved by the entity's accrediting authority described in 92-3 .02(1)(a).

(e) Be an active participant in an ongoing external proficiency testing program.

(2) Applicants for a permit to perform chemical analysis of a person's breath pursuant to this Chapter shall meet the following requirements:

(a) be a citizen of the United States;

(b) be a resident of the State of Georgia or be employed within the State of Georgia;

(c) have never been convicted of a crime involving moral turpitude;

(d) be over twenty years of age;

(e) certified satisfactory completion of a course in breath analysis conducted under the auspices of the Division of Forensic Sciences.

(3) All peace officers qualified to make arrests on the highways or streets of this State shall be deemed, and are hereby declared, qualified to administer the screening test for alcohol in the breath. Screening tests are not intended to be a quantitative measure of the specific amount of alcohol in a person's breath, but a presumptive test for the presence or absence of alcohol. A list of approved breath alcohol screening devices will be maintained by the Division of Forensic Sciences.

(4) Pursuant to this chapter, applicants for a permit to perform chemical analysis of a person's blood or urine for drugs and report the results of such analysis as delineated in O.C.G.A. § 40-6-392 shall meet the following requirements:

(a) Be employed by an entity that is accredited in the area of toxicology analysis by a nationally recognized accrediting body;

(b) Have never been convicted of a crime involving moral turpitude;

(c) Have completed a baccalaureate or advanced degree in chemistry, toxicology, medicine, pharmacology, or forensic science, including a minimum of 40 semester hours of chemistry related coursework;

(d) Have completed a training program in the area of drug analysis from biological samples that includes the following elements:

1. Theory of drug pharmacology and pharmacokinetics;

2. Principles and theory of analytical techniques for drug analysis, including presumptive (e.g., immunoassay) and confirmatory techniques (e.g., gas chromatography/mass spectrometry, liquid chromatography/mass spectrometry/mass spectrometry);

3. Analysis of samples with known drug content using presumptive and confirmatory methods;

4. Successful completion of proficiency test samples from a test provider approved by the accrediting authority described in 92-3 .02(4)(a).

(e) Be an active participant in an ongoing external proficiency testing program.

(5) Applicants to perform, under supervision, chemical testing of a person's blood or urine for alcohol shall meet the following requirements:

(a) Be under the direct supervision of a person who possesses a valid permit to perform chemical tests as described in 92-3 .02(1) and who is responsible for reviewing and reporting the results of all chemical tests performed by the applicant;

(b) Be a duly licensed registered nurse, certified medical technologist, or trained laboratory technician;

(c) Have completed a training program in the area of blood alcohol analysis that includes the following elements:

1. Principles and theory of analytical techniques for blood alcohol analysis, e.g., head space gas chromatography and/or enzymatic methods;

2. Analysis of samples with known blood alcohol content using gas chromatography, enzymatic methods, or other generally accepted techniques;

3. Successful completion of proficiency test samples provided by the National Highway Transportation Safety Administration (NHTSA) and/or proficiency test samples from a test provider approved by the entity's accrediting authority described in 92-3 .02(1)(a).

(d) Be an active participant in an ongoing external proficiency testing program.

(6) Applicants to perform, under supervision, chemical testing of a person's blood or urine for drugs shall meet the following requirements:

(a) Be under the direct supervision of a person who possesses a valid permit to perform chemical tests as described in 92-3 .02(4) and who is responsible for reviewing and reporting the results of all chemical tests performed by the applicant;

(b) Be a duly licensed registered nurse, certified medical technologist, or trained laboratory technician;

(c) Have completed a training program in the area of drug analysis from biological samples that includes the following elements:

1. Principles and theory of analytical techniques for drug analysis, including presumptive (e.g., immunoassay) and confirmatory techniques (e.g., gas chromatography/mass spectrometry, liquid chromatography/mass spectrometry/mass spectrometry);

2. Analysis of samples with known drug content using presumptive and confirmatory methods;

3. Successful completion of proficiency test samples provided by a recognized test provider approved by the entity's accrediting authority described in 92-3 .02(4)(a).

(d) Be an active participant in ongoing external proficiency testing program.

Cite as Ga. Comp. R. & Regs. R. 92-3-.02
Authority: O.C.G.A. Secs. 6-2-5.1, 27-3-7, 35-3-154, 40-6-392, 52-7-12.
History. Original Rule entitled "Qualifications" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. Aug. 9, 1988; eff. Aug. 29, 1988.
Amended: F. Nov. 18, 1995; eff. Dec. 8, 1995.
Amended: F. Feb. 24, 2000; eff. Mar. 15, 2000.
Amended: F. Mar. 26, 2010; eff. Apr. 15, 2010.

Rule 92-3-.03. Application, Form of.

(1) Applications for permits to perform chemical analyses of a person's blood or breath pursuant to this Chapter shall be on a form prescribed and approved by the Georgia Bureau of Investigation and shall be submitted to the Division of Forensic Sciences, Implied Consent Section.

(2) Each applicant shall provide as a minimum the following data:

(a) the name of the individual seeking the permit;

(b) the email address, telephone number, fax number and mailing address of the individual seeking the permit;

(c) the name and mailing address of the applicant's employer, or if self-employed, the name and mailing address under and by which the applicant transacts business;

(d) place and date of the applicant's birth;

(e) the resident address of the applicant;

(f) responses to all questions or requests for information in the application;

(g) date of the application.

(3) Where the application is for a permit to perform chemical analyses of a person's blood or urine, the applicant shall provide the documentation necessary to demonstrate that the applicant has met all applicable qualifications.

(4) Where the application is for a permit to perform chemical analyses of a person's blood or urine the applicant shall identify the specific methods and techniques to be employed in the performance of the analyses.

Cite as Ga. Comp. R. & Regs. R. 92-3-.03
Authority: O.C.G.A. Secs. 6-2-5.1, 27-3-7, 35-3-154, 40-6-392, 52-7-12.
History. Original Rule entitled "Application, Form of" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. June 10, 1987; eff. June 30, 1987.
Amended: F. Nov. 18, 1995; eff. Dec. 8, 1995.
Amended: F. Feb. 24, 2000; eff. Mar. 15, 2000.
Amended: F. Mar. 26, 2010; eff. Apr. 15, 2010.

Rule 92-3-.04. Permits.

(1) Permits to perform chemical analyses of a person's blood, urine, or breath pursuant to this Chapter will be issued by the Georgia Bureau of Investigation, Division of Forensic Sciences, Implied Consent Section.

(2) The Georgia Bureau of Investigation, Division of Forensic Sciences shall withhold the issuance of a permit where the application reveals information that the applicant has not or cannot qualify pursuant to Rule 92-3-.02.

(3) Separate and distinct permits shall be issued for:

(a) analysis and reporting of blood alcohol levels

(b) testing and reporting breath alcohol levels;

(c) analysis and reporting of drugs in blood and/or urine

(d) analysis of blood alcohol under supervision

(e) analysis of drugs in blood and/or urine under supervision.

(4) All permits are subject to revocation as provided by law and Rule 92-3-.08.

(5) Applications for all permits shall be filed with the Division of Forensic Sciences Implied Consent Section. Permits shall be valid for not more than four years from the date of issuance. Proof of successful completion of annual proficiency tests shall be required to maintain all permits for testing blood or urine for alcohol or drugs.

(6) Permit renewals to perform chemical analyses on a person's breath shall not be approved unless one refresher course in breath alcohol analysis conducted under the auspices of the Division of Forensic Sciences has been satisfactorily completed. Individuals possessing permits that are more than one year past the expiration date will not be allowed to renew their permits by attending a refresher course unless specifically authorized by the Director of the Division of Forensic Sciences or his or her designee. Additional refresher courses may be required at the discretion of the Director of the Division of Forensic Sciences.

(7) Existing permit holders may obtain a permit to operate instruments approved pursuant to this rule by the Division of Forensic Sciences for the chemical analysis of a person's breath by successfully completing a transition course in breath alcohol analysis under the auspices of the Division of Forensic Sciences.

Cite as Ga. Comp. R. & Regs. R. 92-3-.04
Authority: O.C.G.A. Secs. 6-2-5.1, 27-3-7, 35-3-154, 40-6-392, 52-7-12.
History. Original Rule entitled "Permits" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. Nov. 18, 1995; eff. Dec. 8, 1995.
Amended: F. Feb. 24, 2000; eff. Mar. 15, 2000.
Amended: F. Mar. 26, 2010; eff. Apr. 15, 2010.
Amended: F. Jan. 3, 2013; eff. Jan. 23, 2013.

Rule 92-3-.05. Forms of Permit.

Permits issued by the Division of Forensic Sciences authorizing individuals to perform chemical analyses of a person's blood, urine, or breath pursuant to this Chapter shall be in a form approved by the Division of Forensic Sciences. Permits will indicate the individual approved to perform analysis, an issue and expiration date, and the type of analysis approved to perform, i.e., breath alcohol, blood alcohol, or blood and urine drug testing. In addition the permit will clearly indicate whether testing must be performed under supervision. In the case of breath analysis the type of instrument approved for use will also be indicated.

(a) Form deleted.

(b) Form deleted.

(c) Form deleted.

Cite as Ga. Comp. R. & Regs. R. 92-3-.05
Authority: O.C.G.A. Secs. 6-2-5.1, 27-3-7, 35-3-154, 40-6-392, 52-7-12.
History. Original Rule entitled "Forms of Permit" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. Feb. 24, 2000; eff. Mar. 15, 2000.
Amended: F. Mar. 26, 2010; eff. Apr. 15, 2010.

Rule 92-3-.06. Techniques and Methods.

(1) Reserved

(2) All chemical tests on blood and/or urine not performed by Georgia Bureau of Investigation personnel must be performed on instruments approved by the Director of the Division of Forensic Sciences. Requests for approval of instruments to perform chemical testing of blood and urine along with proposed maintenance guidelines will be submitted to the Director of the Division of Forensic Sciences or his or her designee. Approval of such request is at his or her discretion pursuant to O.C.G.A. § 40-6-392. Upon approval of any testing instrument for the analysis of blood and/or urine a certificate of approval shall be issued detailing the agency, the date approved, the instrument serial number, and the date of the approval expiration. Such certificate shall be self authenticating and evidence that the instrument was approved by the Division of Forensic Sciences as required by O.C.G.A. § 40-6-392. Such approval shall not apply when any substantial modification to the instrument's original design has been made such that it no longer has all its parts attached and in working order as prescribed by the manufacturer or when the instrument is not in substantial compliance with the maintenance guidelines submitted. Failure to maintain testing instruments as stated in the guidelines for instrument maintenance may be considered grounds for revocation of the certificate of approval. Factors evaluated in the approval of maintenance guidelines for testing instruments shall include but are not limited to:

(a) Documentation of substantial compliance with the manufacturer's recommendations for maintenance;

(b) Documentation of all maintenance performed including the date, action taken, the individual performing the maintenance, and the results of the maintenance including acceptable performance of known quality control samples following such maintenance;

(c) Documentation that instrument maintenance is performed by individuals sufficiently trained to perform instrument maintenance;

(d) Documentation that the instrument has all its parts attached and in good working order as prescribed by the manufacturer;

(e) Documentation that the instrument is suitable for the purpose for which it is being used;

(f) Documentation of quality control measures to ensure reliable analysis such as positive and negative controls;

(g) Documentation that the instrument exhibits the sensitivity, resolution, and specificity necessary for its intended purpose and is evaluated for suitability prior to use.

(3) Types of instruments considered for confirmatory testing of blood or urine for drug content include gas chromatography mass spectrometry, gas chromatography tandem mass spectrometry, liquid chromatography mass spectrometry, liquid chromatography tandem mass spectrometry, or other comparable structural elucidation technique as determined by the Director of the Division of Forensic Sciences or his or her designee.

(4) Types of instruments considered for testing of blood for alcohol content include head space gas chromatograph, fluorescence polarization immunoassay, cloned enzyme donor immunoassay, enzyme immunoassay, or other comparable technique as determined by the Director of the Division of Forensic Sciences or his or her designee.

(5) Breath tests other than the original alcohol-screening test shall be conducted on a breath alcohol analyzer approved by the Director of the Division of Forensic Sciences or his or her designee. Any other type of breath alcohol analyzer not specifically listed in this paragraph must be approved by the Director of the Division of Forensic Sciences or designee prior to its use in the State.

(a) The Intoxilyzer Model 5000 manufactured by CMI, Inc. is an approved instrument for breath alcohol tests conducted on or before December 31, 2015;

(b) The Intoxilyzer Model 9000 manufactured by CMI, Inc. is an approved instrument for breath alcohol tests conducted on or after January 1, 2013;

(6) All breath tests other than the original alcohol-screening test will be performed in accordance with Rule 92-3-.02(2) of these regulations. The operator's permit will be

conspicuously displayed in the room and in the immediate vicinity of the place where the test is conducted, or the operator will have on his or her person or immediate possession for display upon request a valid permit in accordance with Rule 92-3-.02(2).

(7) All blood and urine drug tests will be performed by the Georgia Bureau of Investigation, Division of Forensic Sciences or by entities specifically approved by the Director of the Division of Sciences for this purpose. All entities approved by the Division of Forensic Sciences to perform chemical analyses of blood and urine for drugs shall be accredited by a nationally recognized accrediting body. A list of all entities approved for the purpose of conducting chemical tests for drugs will be kept on file at the Georgia Bureau of Investigation to be made available upon request. Approval of entities to perform chemical tests of blood or urine for drugs shall be at the discretion of the Director of the Division of Forensic Sciences or his or her designee. Such approval shall not apply when any substantial change to the method submitted has been made or when any person executing such method fails to substantially comply with the method as written when submitted for approval. Entities requesting approval to perform chemical tests of blood and/or urine for drugs must submit all methods used for chemical testing under O.C.G.A. § 40-6-392 as well as accompanying calibration procedures and validation documents. All blood and urine drug testing methods submitted to the Division of Forensic Sciences for approval shall be evaluated for the following:

(a) Whether the method is suitable for the purpose for which it was submitted;

(b) Whether the method employs a minimum of two analytical techniques for positive identification of an analyte where at least one of the techniques is structurally elucidating (e.g., gas chromatography/ mass spectrometry, liquid chromatography/ mass spectrometry or liquid chromatography/ mass spectrometry/mass spectrometry);

(c) Whether the method includes quality control measures to ensure reliable analysis such as positive and negative controls;

(d) Whether the method's accuracy and measurement uncertainty for quantification meet acceptance criteria as determined by the Director of the Division of Forensic Sciences or his or her designee. These acceptance criteria are based on minimum acceptability requirements set forth for the Division of Forensic Sciences and will be made available to the applicant agency on request;

(e) Whether the method's working range for quantification includes the relevant pharmacological concentrations for the analytes of interest;

(f) Whether the method is specific for the analytes of interest;

(g) Whether the method complies with a nationally recognized quality control standard such as ISO/IEC 17025.

(8) The Director, Division of Forensic Sciences:

(a) will cause each instrument used in the administration of breath tests to be checked periodically for calibration and operation and a record of the results of all such checks maintained;

(b) at his discretion may cause any operator administering breath tests to be checked for operating proficiency. Unsatisfactory operation proficiency checks shall be one of several criteria for permit revocation.

(9) All blood and/or urine alcohol tests will be performed in accordance with a quantitative Gas Chromatographic technique or any equivalent procedure comparable in accuracy to Gas Chromatography. Any method used by an entity other than the Division of Forensic Sciences will be evaluated for approval by the Director of the Division of Forensic Sciences or his or her designee and such approval shall be at his or her discretion. Upon approval of any testing method a certificate of approval shall be issued detailing the agency, the date approved, and the date of the approval expiration. Such certificate shall be self authenticating and evidence that the method submitted was approved by the Division of Forensic Sciences as required by law. Such approval shall not apply when any substantial change to the method submitted has been made or when any person executing such method fails to substantially comply with the method as written when submitted for approval. Entities requesting approval to perform blood and/or urine alcohol tests must submit all methods used for testing under O.C.G.A. § 40-6-392 as well as accompanying calibration procedures and validation documents. Factors evaluated in the approval of testing methods by outside agencies shall include:

(a) Whether the method is generally accepted in the scientific community for the purpose for which it is being submitted;

(b) Whether the method employs replicate analysis;

(c) Whether the method includes quality control measures to ensure reliable analysis such as positive and negative controls;

(d) Whether the method's accuracy and measurement uncertainty for quantification meet acceptance criteria as determined by the Director of the Division of Forensic Sciences or his or her designee. These acceptance criteria are based on minimum acceptability requirements set forth for the Division of Forensic Sciences and will be made available to the applicant agency on request;

(e) Whether the method's working range for quantification includes all alcohol levels between 0.02 and 0.40 g/dL of blood or equivalent;

(f) Whether the method is specific for ethanol;

(g) Whether the method complies with a nationally recognized quality control standard such as ISO/IEC 17025.

(10) The Director of the Division of Forensic Sciences, at his discretion, may require any person authorized to perform chemical tests and/or report results of such testing of blood or urine to divide a specimen and after analysis submit it to the Director, with his report of the specimen. Alternatively, the Director may submit a sample of known alcohol or drug content to any person holding a permit to analyze blood or urine or require them to participate in an external proficiency testing program of his or her choice at his or her discretion. The failure to submit a sample or to satisfactorily analyze a specimen on request will be one of several criteria for revocation of a permit.

(11) Except as forbidden by law, a report of every evidential breath test, excluding initial alcohol-screening tests, shall be made by the individual authorized to issue such reports.

(12)

(a) The methods approved by the Division of Forensic Sciences for conducting an evidential breath alcohol analysis shall consist of the following:

(1) the analysis shall be conducted on an approved instrument as defined in 92-3-.06(5).

(2) the analysis shall be performed by an individual holding a valid permit, in accordance with Rule 92-3-.02(2); and

(3) the testing instrument shall have been checked periodically for calibration and operation, in accordance with Rule 92-3-.06(8)(a);

(b) Administrative, procedural, and/or clerical steps performed in conducting a test shall not constitute a part of the approved method of analysis.

Cite as Ga. Comp. R. & Regs. R. 92-3-.06
Authority: O.C.G.A. Secs. 6-2-5.1, 27-3-7, 35-3-154, 40-6-392, 52-7-12.
History. Original Rule entitled "Techniques and Methods" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. Sept. 19, 1994; eff. Oct. 9, 1994.
Amended: F. Nov. 9, 1994; eff. Nov. 29, 1994.
Amended: F. Nov. 18, 1995; eff. Dec. 8, 1995.
Amended: F. Nov. 12, 1997; eff. Dec. 2, 1997.
Amended: F. Feb. 24, 2000; eff. Mar. 15, 2000.
Amended: F. Mar. 26, 2010; eff. Apr. 15, 2010.
Amended: F. Jan. 3, 2013; eff. Jan. 23, 2013.

Rule 92-3-.07. Fees and Billing.

The fee charged for the withdrawal of a person's blood pursuant to O.C.G.A. Section 40-5-55 and 40-6-392 shall not exceed the reasonable and customary charges for such service in the local medical community. All statements for such services shall be submitted to and paid by the jurisdiction (municipal corporation or political subdivision) in which the arrest or accident giving rise to such procedure occurred.

Cite as Ga. Comp. R. & Regs. R. 92-3-.07
Authority: O.C.G.A. Sec. 40-6-392.
History. Original Rule entitled "Fees and Billing" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. May 27, 1993; eff. June 16, 1993.

Rule 92-3-.08. Revocation of Permit.

(1) The violation of any of the rules and regulations of the Georgia Bureau of Investigation promulgated under the provisions of the Uniform Rules of the Road by a permit holder shall constitute ground upon which the Director of the Division of Forensic Sciences may revoke such permit.

(2) If the Director of the Division of Forensic Sciences receives a complaint or has reason to believe that a permit holder is violating any provision of the rules and regulations, he shall notify such permit holder that a hearing will be held at a place and time designated by the Director to determine if the alleged infraction has occurred.

(3) The hearing shall be conducted by the Director of the Division of Forensic Sciences or by someone he shall designate.

(4) Upon revocation of a permit, the Director of the Division of Forensic Sciences or designee shall notify the permit holder, the permit holder's immediate supervisor and the Court(s) of the county or city where the permit holder is employed and in which the results of any tests performed by the permit holder could have been introduced as evidence.

Cite as Ga. Comp. R. & Regs. R. 92-3-.08
Authority: O.C.G.A. Secs. 6-2-5.1, 27-3-7, 35-3-154, 40-6-392, 52-7-12.
History. Original Rule entitled "Revocation of Permit" adopted. F. Apr. 11, 1986; eff. May 1, 1986.
Amended: F. Mar. 26, 2010; eff. Apr. 15, 2010.

Chapter 92-4. INDEPENDENT SCIENTIFIC EXAMINATION OF EVIDENCE AND DOCUMENTATION.

Rule 92-4-.01. General Information.

(1) The date and time of the independent scientific examination shall be determined by mutual agreement between the independent examiner and the Division of Forensic Sciences Supervising Official(s) within the time limits set out in the applicable court order or written request of a defendant and/or his attorney. The court order or written request shall specify the exact evidence items to be examined/analyzed (or released for

examination) and shall specifically list any laboratory documentation to be provided. The court order or written request shall also identify any Division of Forensic Sciences instrumentation which the independent examiner requires, the name of the independent examiner, or the name of the independent testing facility. This order/written request shall be submitted to the Division of Forensic Sciences at least 72 hours in advance of the proposed date of the examination.

Cite as Ga. Comp. R. & Regs. R. 92-4-.01
Authority: O.C.G.A. Sec. 17-16-4.
History. Original Rule entitled "General Information" adopted. F. Jan. 5, 1996; eff. Jan. 25, 1996.

Rule 92-4-.02. Documentation Provided by DOFS.

(1) Documentation provided by the Division of Forensic Sciences will be limited to:

(a) Laboratory notes and records produced as a result of the examination/analysis of evidence submitted in the relevant case.

(b) Analytical laboratory procedures of the Division of Forensic Sciences utilized to conduct the examination/analysis of the pertinent evidence.

(c) The official Division of Forensic Sciences report issued in this case.

(d) Database information sufficient to calculate frequency estimates (the number of times a set of characteristics is expected to occur) provided in the Division of Forensic Sciences case report.

Cite as Ga. Comp. R. & Regs. R. 92-4-.02
Authority: O.C.G.A. Sec. 17-16-4.
History. Original Rule entitled "Documentation Provided by DOFS" adopted. F. Jan. 5, 1996; eff. Jan. 25, 1996.

Rule 92-4-.03. Access to Evidence.

(1) Evidence items will be provided for independent examination according to the following criteria:

(a) All examination/analysis of evidence of a physiological nature requiring in excess of one eight-hour workday and all blood alcohol determinations shall be conducted at an outside independent testing facility to be mutually agreed upon by the Division of Forensic Sciences and the requesting parties. This testing facility shall have an acknowledged capability and the expertise to perform the required examination/analysis.

(b) A portion of the remaining physiological sample equal to that originally tested by the Division of Forensic Sciences will be given to the independent examiner/testing facility upon court order/written request. If the remaining physiological sample is less than the portion originally tested, a mutually agreed upon amount will be provided directly to the independent testing facility.

(c) Independent examination of **all other evidence types** shall be conducted in the presence of and under the supervision of the Division of Forensic Sciences personnel (Supervising Officials and scientist/analyst who performed the analysis). No evidence nor any part thereof will be removed from the Division of Forensic Sciences by the independent examiner, the defendant, or the attorney for the defendant.

1. All examinations, tests and experiments will be conducted in the presence of and under the supervision of Division of Forensic Sciences personnel. This shall occur in the facility where the evidence is located unless there is mutual agreement between the Division of Forensic Sciences supervising official and the attorney for the defendant that testing of the evidence at another laboratory is in the best interests of all parties. In any case, the Division of Forensic Sciences shall maintain possession of all evidence throughout the entire course of examinations, tests, or experiments conducted on behalf of the defendant. The independent examiner shall have the capability and expertise to perform the examination/analysis without the aid or expertise of Division of Forensic Sciences personnel.

2. Any and all examinations, tests, and experiments shall be fully described to the Supervising Official prior to conducting such examinations, tests, and experiments. If a Supervising Official deems any proposed examination, test, or experiment to be destructive of the State's evidence, or to be destructive to the Division of Forensic Sciences' instrumentation or facilities, or to be hazardous to the health and safety of personnel, the Supervising Official will be or halt such examination, test, or experiment.

3. The independent examiner will be refused entry into the Division of Forensic Sciences Laboratory if he possesses, without the proper permits and authorizations, substances controlled by Federal and/or State laws.

4. No individual(s) other than the independent examiner(s) will be allowed in the Division of Forensic Sciences laboratory area during the examination/analysis period.

5. All instrumentation will be available for use if the independent examiner can show that he has a competent working knowledge of the instrument. Any equipment which will be used in re-analysis shall be identified to the Division of Forensic Sciences Supervising Official at least 72 hours in advance of arrival. Additionally, office supplies and non-controlled

chemicals will be supplied by the Division of Forensic Sciences personnel unless the Supervising Official determines that the independent examiner can provide equipment or supplies which are substantially the same as those of the Division of Forensic Sciences. The Division of Forensic Sciences reserves the right to verify the composition of reagents (a substance or mixture of substances used for its chemical and/or biological properties) by the independent examiner in order to prevent damage to Division of Forensic Sciences instrumentation. The independent examiner shall supply any reagents or test kits utilized for Toxicology or DNA examinations.

6. The independent examiner shall sign an agreement to indemnify the GBI for any and all damages which may occur as a result of use of GBI equipment and hold harmless GBI from any and all liability arising from the use of such equipment.

7. Any special or unique equipment provided by the defendant's examiner will be acceptable if the experiment, examination, or testing protocol is acceptable under rule 92-3-2-.03(c)3. of these regulations.

Cite as Ga. Comp. R. & Regs. R. 92-4-.03
Authority: O.C.G.A. Sec. 17-16-4.
History. Original Rule entitled "Access to Evidence" adopted. F. Jan. 5, 1996; eff. Jan. 25, 1996.

Rule 92-4-.04. Evidence Transfer and Document Description.

(1) Evidence items or documentation will be provided using one of the following mechanisms:

(a) Evidence items which are to be tested by an independent facility will be forwarded directly to that facility from the Division of Forensic Sciences using a method of transport which will maintain the chain of custody (e.g., overnight mail services, personal transport, certified U.S. Mail).

(b) The requesting party will be charged reasonable fees for the preparation and duplication of documents and photographs as well as any fees for shipping. Payment shall be received in advance.

(c) Review and/or duplication of video and audio materials will be the responsibility of the investigating agency.

Cite as Ga. Comp. R. & Regs. R. 92-4-.04
Authority: O.C.G.A. Sec. 17-16-4.
History. Original Rule entitled "Evidence Transfer and Document Description" adopted. F. Jan. 5, 1996; eff. Jan.

25, 1996.

Chapter 92-5. LIMITED DISCLOSURE OF CRIME SCENE PHOTOGRAPHS AND VIDEOS.

Rule 92-5-.01. Rules of the Limited Disclosure and Viewing of Certain Crime Scene Photographs and Videos by Bona Fide members of the press.

In order for a bona fide credentialed member of the press to view photographs or video of deceased persons who are dismembered, decapitated or mutilated or which include exposed genitalia of the deceased, the following procedure should be followed:

1. The member of the press requesting viewing must fill out an appropriate form to identify the case, victim, or suspect involved in the investigation so that the requested records can be accurately collected.

2. The member of the press requesting viewing must agree to refrain from copying, duplicating, or distributing the photographic or video materials covered by these rules and the statute.

3. Once such a request to view such materials has been received, the custodian of the materials shall provide the requested materials for viewing to the requestor immediately if the materials are readily available to the custodian or, if not, within a reasonable amount of time, not to exceed three business days. If the requested materials exist but are not available for viewing within three business days of the request, the custodian will provide the requestor within that period with a timetable for their viewing.

4. Once a request to review such materials is received, the custodian of the materials shall attempt to contact the deceased person's known next of kin regarding the request to view the materials.

The Georgia Bureau of Investigation shall be authorized to promulgate an appropriate form to carry out the intent of these rules, pursuant to O.C.G.A. § 45-16-27(e).

Cite as Ga. Comp. R. & Regs. R. 92-5-.01
Authority: Authority O.C.G.A. Sec. 45-16-27(e).
History. Original Rule entitled "Rules for the limited disclosure and viewing of certain crime scene photographs and videos by bona fide members of the press" adopted. F. Feb. 17, 2011; eff. Mar. 9, 2011.

Chapter 92-6. SECONDARY METALS RECYCLERS DATABASE.

Rule 92-6-.01. Scope.

O.C.G.A. § 10-1-359.5 requires the Georgia Bureau of Investigation (GBI) or its Designee to establish and maintain a database of purchase transaction information from Secondary Metals Recyclers (SMRs). The database will be accessible and searchable by law enforcement agencies and employees of electric suppliers and telecommunications companies (that meet requirements) in this state to track metal sales. This system is intended to deter the theft of metals.

Cite as Ga. Comp. R. & Regs. R. 92-6-.01
Authority: O.C.G.A. § 10-1-359.5.
History. Original Rule entitled "Scope" adopted. F. Feb. 18, 2016; eff. Mar. 9, 2016.

Rule 92-6-.02. General Definitions.

(1) The following words shall be defined within these procedures as set forth below:

(a) Designee - vendor selected by the GBI to collect SMR transactions required by O.C.G.A. § 10-1-359.5.

(b) Secondary Metals Recycler (SMR) - any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(c) SMR Database - data that is collected from SMRs purchase transactions and organized so that its contents can easily be accessed and searched.

(d) Purchase Transaction - a transaction in which the SMR gives consideration in exchange for regulated metal property.

(e) Business Use Notice - Secondary Metals Recycler owns and operates one or more facilities that purchase scrap metal property as defined by O.C.G.A. § 10-1-359.5. Designee operates and maintains a confidential database of transaction information as the designee for the Georgia Bureau of Investigation (GBI). Secondary Metals Recycler is submitting required data to the GBI designee for the sole purpose of complying with O.C.G.A. § 10-1-359.5 and in accordance with Rules promulgated by the GBI.

Cite as Ga. Comp. R. & Regs. R. 92-6-.02
Authority: O.C.G.A. § 10-1-359.5.
History. Original Rule entitled "General Definitions" adopted. F. Feb. 18, 2016; eff. Mar. 9, 2016.

Rule 92-6-.03. SMR Database Transaction Submission Procedures.

(1) Effective July 1, 2015, SMRs must submit information required by O.C.G.A. § 10-1-353(a) to the SMR Database.

(2) The SMR must upload purchase transaction information to the SMR Database either by using the Designee's software or transferring files from its own point-of-sale software within 48 hours of the purchase transaction date.

(3) The SMR must conform to file format and transaction submission procedures established by the GBI or its Designee in accordance with this Rule.

(4) The SMR must make reasonable efforts to ensure that all uploaded data is complete and accurate.

(5) If a SMR submits transaction records from its own point of sale software system, the SMR must ensure that:

(a) All data elements required by law are included in the file;

(b) Each data element is clearly and separately identified;

(c) Files, images and transactions are uniquely numbered and include the date of the transaction; and

(d) Images are coded to designate the image classification as follows:

i. C - image(s) of the seller and/or deliverer,

ii. I - image(s) of the identification card of the seller and/or deliverer,

iii. T - image(s) of thumbprint(s) (not required by law but if submitted),

iv. S - image(s) of the signature of the seller and/or deliverer,

v. V - image of the vehicle driven by the seller or deliverer if a vehicle is used to deliver the regulated metal property (not required by law but if submitted),

vi. L - image of the vehicle license/tag (not required by law but if submitted),

vii. A - image(s) of property offered for sale.

(6) Designee cannot modify data submitted unless requested to do so by GBI.

Cite as Ga. Comp. R. & Regs. R. 92-6-.03
Authority: O.C.G.A. § 10-1-359.5.
History. Original Rule entitled "SMR Database Transaction Submission Procedures" adopted. F. Feb. 18, 2016; eff.

Mar. 9, 2016.

Rule 92-6-.04. SMR Database Access.

(1) SMRs using the Designee's or its own point-of-sale software for data submission must register one or more users to access and submit purchase transaction records to the SMR Database. When registering, the SMR must provide its business name and address and the name and email address(es) of the person(s) authorized to access or submit purchase transactions on its behalf.

(2) The SMR is responsible for protecting usernames and passwords used to access the SMR Database.

(3) Employees of electric suppliers as defined by O.C.G.A. § 46-3-3 and telecommunications companies as defined in O.C.G.A. § 46-5-162 who want to access and search the SMR Database should send a request in accordance with procedures established by the GBI. The written request must include at a minimum the employee's name and the employee's Georgia Peace Officer Standards and Training Council (P.O.S.T.) certification number and certification date.

(4) Employees of electric supplier telecommunication companies will be able to view all information in the database except those images designated by the SMR as driver's license images.

(5) In the event of employment termination or change in P.O.S.T. certification status a notice of the change should be sent to the GBI in accordance with procedures established by the GBI and the individual's account will be deactivated for SMR Database access.

Cite as Ga. Comp. R. & Regs. R. 92-6-.04
Authority: O.C.G.A. § 10-1-359.5.
History. Original Rule entitled "SMR Database Access" adopted. F. Feb. 18, 2016; eff. Mar. 9, 2016.