

Georgia Rules and Regulations

Administrative Bulletin for January 2020

OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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Final rules filed with the Georgia Secretary of State during the month of *January 2020*:

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	205-1-3-.01 --- 205-1-3-.04	amended	Oct. 23, 2019	Jan. 1
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505. PROFESSIONAL STANDARDS COMMISSION	505-2-.01 , 505-2-.02 , 505-2-.04 , 505-2-.05 , 505-2-.08 , 505-2-.09 , 505-2-.13 , 505-2-.14 , 505-2-.20 --- 505-2-.28 , 505-2-.32 --- 505-2-.34 , 505-2-.36 , 505-2-.45 , 505-2-.46 , 505-2-.87 , 505-2-.90 , 505-2-.140 -- 505-2-.149 , 505-2-.161 , 505-2-.181	amended	Dec. 13, 2019	Jan. 1
	505-3-.01 , 505-3-.02 , 505-3-.19 , 505-3-.51 , 505-3-.66 , 505-3-.72 , 505-3-.96 , 505-3-.103 , 505-3-.104	amended	Dec. 13, 2019	Jan. 1

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	<u>505-3-.112</u>	adopted	Dec. 13, 2019	Jan. 1
560. RULES OF DEPARTMENT OF REVENUE	<u>560-7-8-.37</u>	amended	Dec. 30, 2019	Jan. 19
	<u>560-7-8-.51</u> , <u>560-7-8-.56</u>	amended	Dec. 13, 2019	Jan. 2
570. RULES OF DEPARTMENT OF PUBLIC SAFETY	<u>570-9-.01</u> --- <u>570-9-.13</u>	amended	Dec. 16, 2019	Jan. 5

Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-10. MEAT AND POULTRY INSPECTION

Subject 40-10-1. MEAT INSPECTION - MEAT PROCESSING

40-10-1-.20 Entry Into Official Establishments, Reinspection and Preparation of Products

(1)Products and other articles entering official establishment:

(a)Except as otherwise provided in paragraphs (g) and (h) of this section, no product be brought into an official establishment unless it has been prepared only in an official establishment and previously inspected and passed by a Program employee, and is identified by an official inspection legend as so inspected and passed. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with [40-10-1-.20\(2\)](#).

(b)No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act ([21 U.S.C. 451](#) et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act or has been inspected and passed and is identified as such in accordance with the requirements of a state law;

(c)Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this part of [40-10-1-.19](#) of this chapter, and a list of ingredients in the article if composed of two or more ingredients. In addition, the label must show the name and address of the manufacturer or distributor.

(d)Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels, showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any chemicals which are specifically limited by [40-10-1-.21\(7\)\(b\)4](#), as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation;

(e)No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed;

(f)All isolated soy protein when entering and while in any official establishment, must be labeled in accordance with, and otherwise meet the requirements of [40-10-1-.20\(6\)\(b\)11](#);

(g)Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic, and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not they may be prepared at any official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organic, therapeutic, or technical purposes, only if Georgia inspected and passed and so identified;

(h) Carcasses of game animals, and carcasses derived from the slaughter by any person of livestock of his own raising, and parts of such carcasses, may be brought into an official establishment for preparation, packaging, and storing provided that they do not result in any insanitary condition and are segregated from inspected product while in the official establishment, and, in the case of livestock products they are adequately marked or otherwise identified, in lieu of other marking or labeling required by the regulations of this chapter, as being not for sale and with the name and address of the owner of the products, and provided further, that the owner of any such carcasses or parts thereof of livestock certifies that the products thereof are intended exclusively for use by him and members of his household and his nonpaying guests and employees;

(i) The official establishment shall furnish such information as the inspector may deem necessary to determine the origin of any product or other article entering the official establishment. Such information may include, but is not limited to, the name and address, of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question;

(j) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this section may be required by the Commissioner to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, the appropriate governmental authorities will be notified. Products received in an official establishment during the inspector's absence shall be held separate and apart in the establishment, pending inspection by the inspector.

(2) Reinspection, retention, and disposal of products at official establishments:

(a) All products and all slaughtered poultry and poultry products brought into any official establishment shall be identified and reinspected at the time of receipt, and shall be further subject to reinspection at any official establishment in such manner and at such times as may be deemed necessary by the officer in charge to assure compliance with the regulations in this chapter;

(b) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave official establishments;

(c) Reinspection may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The officer in charge shall designate the type of plan and the program employee shall select the specific plan to be used in accordance with instructions issued by the Commissioner;

(d) A Ga. Retained Tag shall be placed by a Program employee at the time of reinspection at any official establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such products shall be held for further inspection. Such tags shall be removed only by authorized Program employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be eligible under the regulations in this chapter, shall be removed or defaced and the product shall be condemned and disposed of in accordance with this chapter, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the inspector to assure that it will not be adulterated and shall then be presented for reinspection and disposal in accordance with this section. If upon final inspection the product is found to be neither adulterated nor misbranded, the inspector shall remove the Georgia Retained tag. If a product is found upon reinspection to be misbranded, but not adulterated, it shall be held under a Georgia Retained tag, or a Georgia Detention tag, as provided in [40-10-1-.24](#) of this chapter, pending correction of the misbranding or issuance of an order to withhold from use the labeling or container of the product, or the institution of a judicial seizure action. The inspector shall make a complete record of each transaction under this paragraph and shall report his action to the officer in charge.

(3) Designation of places of receipt of products and other articles for reinspection. Every official establishment shall designate, with the approval of the officer in charge, a dock or place at which products and other articles subject to reinspection shall be received, and such products and articles shall be received only at such dock or place.

(4) Preparation of products to be officially supervised; responsibilities of official establishments:

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by Program employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such material and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products;

(b) It shall be the responsibility of the operator of every official establishment to comply with the Act and the regulations in this chapter. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs, approved by the Georgia Meat Inspection Division and commensurate with the type of activities conducted at the establishment and the preparation, marking, labeling, and packaging of its products strictly in accordance with the sanitary and other requirements of this chapter. When such control programs involve the maintenance of records, such records shall be made available for review by inspectors.

(5) Requirements concerning procedures:

(a) Frozen product.

1. Care shall be taken to insure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

2. Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(b) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Commissioner in specific cases.

(c) Care shall be taken to remove bones and parts of bones from product which is intended for chopping;

(d) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned;

(e) Kidneys for use in the preparation of meat food products shall be first freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the establishment;

(f) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcass;

(g) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of meat food products;

(h) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of any meat food product shall be presented for inspection turned with the fat surface exposed;

(i) Portions of casings which show infection with *Oseophagostomum* or other nodule-producing parasite, and weasands infected with the larvae of *Hypodermalineatum*, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(6) Requirements concerning ingredients and other articles used in preparation of products:

(a) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated. Official establishments shall furnish inspectors accurate information on all processing procedures, including product composition and any changes in such procedures essential for the inspectional control of the product;

(b) Casings.

1. The only animal casings that may be used as containers of product are those from cattle, sheep, swine or goats.

2. Casings for product shall be carefully inspected by Program employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

3. Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and to terminate the enzymatic action.

4. On account of the invariable presence of bone splinters, detached spinal cords may not be used in the preparation of edible product other than by rendering where they constitute a suitable raw material.

5. Testicles if handled as an edible product may be shipped from the establishment as such, but they may not be used as an ingredient of a meat food product.

6. Tonsils shall be removed and shall not be used as ingredients of meat food products.

7. Blood from livestock may be used as an ingredient of a meat food product for which a standard is prescribed in .21 of this subchapter, if permitted by such standard, and may be used in any meat food product for this no such standard is prescribed in .21 of this subchapter if it is a common and usual ingredient of such product.

8. Intestines shall not be used as ingredients in any meat food product for which a standard is prescribed in .21 of this subchapter and shall not be used in other products unless the products are labeled in accordance with .19(8)(b)30. of this subchapter.

9. Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for use only when identified as having been inspected and passed for wholesomeness by the Department when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

10. Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the Department and when found to be sound and otherwise acceptable for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

11.All isolated soy protein used in products processed in any official establishment shall contain not more than and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

12.Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in [40-10-1-.20\(16\)](#).

(7)Approval of substances for use in the preparation of products:

(a)No product shall contain any substance which would render it adulterated or which is not approved by the Commissioner;

(b)Under appropriate declaration as required in [40-10-1-.18](#) and [40-10-1-.19](#) of this chapter, the following substances may be added to product:

1.Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup, and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph 4. of this paragraph may be added to products under conditions, if any, specified in this part or part [40-10-1-.19](#) of this chapter.

2.Other harmless synthetic flavorings may be added to products with the approval of the Commissioner in specific cases.

3.Coloring matter and dyes other than those specified in the chart in subparagraph 4. Of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Commissioner in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional round shortening containers having a capacity no greater than 3 pounds.

4.The substances specified in Code of Federal Regulations, [9 CFR, Chapter 3, Part 424.21\(c\)](#) are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this part and [40-10-1-.18](#) of this chapter.

(c)Requirements for the use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon.

1.With respect to bacon: Sodium nitrite shall be used at 120 parts per million (ppm) ingoing or an equivalent amount of potassium nitrite shall be used (148 ppm ingoing); and 550 ppm of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used. Sodium ascorbate or sodium erythorbate have a molecular weight of approximately 198. Hydrated forms of these substances shall be adjusted to attain the equivalent of 550 ppm of sodium ascorbate or sodium erythorbate.

2.The Department shall collect samples of bacon from producing plants and analyze them for the level of nitrosamines by the thermal energy analyzer (TEA). In the event that a TEA analysis indicates that a confirmable level of nitrosamines might be present, additional samples shall be collected and analyzed by gas chromatography. Presumptive positive results must be confirmed by mass spectrometry before being considered positive. If, during the interval required for the Department to analyze the confirmatory samples by gas chromatography and mass spectrometry, changes are made in processing procedures which are expected to result in no confirmable levels of nitrosamines in bacon produced by these new procedures, an establishment may submit samples to USDA for analysis upon prior notification and arrangements with USDA. If, however, an establishment furnishes USDA with laboratory results from testing five consecutive lots of bacon produced under the new procedures and the testing is performed by the USDA methodology and procedures, those results will be utilized in making the determination concerning the product produced under the new procedures. Should the results of these tests reveal that confirmable levels of nitrosamine are not indicated in any of the five consecutive lots, the confirmation analysis by USDA shall be terminated and the establishment shall revert to normal monitoring status. In the event the test results continue to

indicate nitrosamines, however, USDA shall proceed in its confirmation analysis on the original samples taken for confirmation. If any one of the original samples collected by USDA for confirmation is found to contain confirmable levels of nitrosamines, all bacon in the producing establishment and all future production will be retained. The Department shall sample and analyze such retained bacon for nitrosamines on a lot by lot basis. A production lot shall be that bacon produced by the establishment in any single shift. Samples from any lot of bacon under retention found to contain nitrosamines at a confirmable level shall cause the lot of bacon to be disposed of in a manner to assure it will not form nitrosamines when cooked. Such disposal may include incorporation of the uncooked bacon as an ingredient of another meat food product provided it is processed for eating without further preparation in a manner to preclude the formation of nitrosamines. Bacon subsequently produced shall not be retained because of nitrosamines if the operator of the establishment makes adjustments in the processing of the product and laboratory results obtained by TEA analysis of samples from five consecutive normal sized lots of bacon indicates that the product being produced contains no confirmable levels of nitrosamines. These tests from five consecutive normal sized lots of bacon shall be conducted by the Department: Provided, however, that if the establishment furnishes the Department with the results of tests conducted under the methodology and procedures used by the Department, such test results will be utilized in making the determination concerning the nitrosamine content of the product. All tests of bacon for nitrosamines under this subparagraph shall be made on bacon cooked 340 degrees Fahrenheit for 3 minutes on each side. In order to determine that no confirmable levels of nitrosamines are present in the sample tested, the testing must be performed by methodology and procedures that would detect the presence of any nitrosamines at 10 ppb.

(d)No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore:

1.Paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food product, such as chopped and formed steaks or patties; or in any other meat food products consisting of fresh meat (with or without seasoning), except chorizo sausage and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Part .21 of this subchapter.

2.Sorbic acid, calcium sorbate, sodium sorbate, and other salts of sorbic acid may not be used in cooked sausage or any other product; sulfurous acid and salts of sulfurous acid may not be used in or on any product and niacin or nicotinamide may not be used in or on fresh product; except that potassium sorbate, propylparaben (propyl phydroxybenzoate), and calcium propionate may be used in or on any product only as provided in Code of Federal Regulations, [9 CFR, Chapter 3, Part 424.21\(c\)](#) or as approved by the Commissioner in specific cases.

(8)Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.

(a)Preservatives and other substances not permitted in domestic product under the regulations in this subchapter in this chapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications or directions of the foreign purchaser; (2) is not in conflict with the laws of the country to which it is intended for export; and (3) is labeled on the outside container to show that it is intended for export, and is otherwise labeled as required by this subchapter for such export product.

(b)The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the inspector in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservatives and other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under program lock. Use of the preservatives or other substances shall be under the direct supervision of a Program employee.

(c)The packing of all articles under paragraph (a) of this section shall be conducted under the direct supervision of a Program employee.

(d)No article prepared or packed for export under paragraph (a) of this section shall be sold or offered for sale for domestic use or consumption, unless exported shall be destroyed for food purposes under the direct supervision of a Program employee.

(e)The contents of the container of any article prepared or packed for export under paragraph (a) of this section shall not be removed, in whole or in part, from such container prior to exportation, except under the supervision of a Program employee. If such contents are moved prior to exportation, then the article shall be either repacked, in accordance with the provision of paragraphs (b) and (c) of this section, or destroyed for food purposes under the direct supervision of a Program employee.

(f)Permission must be obtained from the Commissioner before meat packed in borax are shipped from one official establishment to another or to an unofficial establishment for storage, except such meat prepared for the account of Federal agencies.

(g)At all times, the identity of meat to which borax has been added shall be effectively maintained. In no case shall such meat, nor any trimmings or fat derived from such meat, whether unwashed or washed, or otherwise treated, be diverted to domestic use.

(h)Salt used for bulking meat previously packed in borax may not again be used in an edible products department other than in connection with the packing of meat in borax. Only metal equipment shall be used for handling such meat. Particularly effective cleansing will be required if wooden equipment such as trucks, washing vats, etc., is used. Boxes from which boraxed meat has been removed may be used for repacking meat in borax, but their use as containers for other meat will be dependent upon the effective removal of all traces of borax.

(i)The following instructions pertain to export cured pork packed in borax for the account of Federal agencies. The meat may be packed in borax in a room in which there is borax-free meat, provided proper care is taken to see that the borax-free meat is not affected by the borax. Under the same condition, meat packed in borax may be received unpacked, defrosted, soaked, washed, smoked, and repacked in a room where there is other meat. However, meat originally packed in borax shall at all times be subject to the restrictions of meat so packed, even though repacked without borax. After packing or repacking, borax packed meat may be stored in a room with meat not packed in borax, provided a reasonable degree of separation is maintained between the two classes of product.

(9)Samples of products, water, dyes, chemicals, etc., to be taken for examination. Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official establishment shall be taken, without cost to the Program, for examination, as often as may be necessary for the efficient conduct of the inspection.

(10) **Reserved.**

(11)Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation:

(a)Containers which are intended to be hermetically sealed shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently. However, cans in which lard is to be hermetically sealed may be examined immediately before filling and if found to be acceptably clean by a Program employee need not be washed;

(b)Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180 degrees Fahrenheit. The container washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers. In lieu of cleaning with hot water the use of efficient jet-vacuum type equipment for cleaning cans and jars is permitted before filling;

(c)Nothing less than perfect closure is acceptable for hermetically sealed containers.

Heat processing shall follow promptly after closing;

(d)Careful inspection shall be made of the containers by competent establishment employees immediately after closing and containers which are defectively closed or show inadequate vacuum shall not be processed until the defect has been corrected. The containers shall again be inspected by the establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be

condemned unless correction of the defect is accomplished within 6 hours following the sealing of containers or completion of the heat processing, as the case may be, except that if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38 degrees Fahrenheit under conditions that will promptly and effectively chill them until the defect has been corrected the following day, short vacuum or overstuffed cans of product which have not been handled in accordance with this paragraph may be incubated under Program supervision, after which the cans shall be opened and the sound product passed for food, and short vacuum or overstuffed cans of product of a class permitted to be labeled "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food;

(e)Canned products shall not be passed unless after cooling to atmospheric temperature they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side; there shall be no bulging, and all ends shall be concave; the sides and ends shall conform to the product; and there shall be no slack or loose tin;

(f)All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents, and date of canning. The code used and its meaning shall be on record in the office of the officer in charge;

(g)Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam pressure cooking by permission of the Commissioner in specific cases and labeled "Perishable, Keep Under Refrigeration;"

(h)Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(i)Facilities shall be provided by the operator of the official establishment for incubation of representative samples of fully processed canned product. The incubation shall consist of holding the canned product for the periods of time and at the temperatures prescribed in subparagraph 4 of this paragraph.

1.The extent to which incubation tests shall be required depends on conditions such as the record of the official establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the officer in charge in determining the extent of incubation testing at a particular establishment.

2.In the event of failure by an official establishment to provide suitable facilities for incubation of test samples, the officer in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

3.The officer in charge may permit lots of canned product to be shipped from the official establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

4.Incubation shall consist of holding the samples at 95 degrees Fahrenheit for no less than 10 days; except:

(i)Samples of firmly packed luncheon meat products, and products with high fat content such as chorizos packed in lard, and products weighing 3 pounds or more shall be held at 95 degrees Fahrenheit for not less than 20 days;

(ii)Samples of products composed of chunks or patties of meat in a medium or sauce wherein the pH of the meat component and the medium or sauce are significantly different shall be incubated at 95 degrees Fahrenheit for no less than 30 days.

(12)Preparation of dog food or similar uninspected article at official establishments:

(a)When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of edible products. Where necessary to avoid adulteration of edible products, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible products departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The materials used in the preparation of the uninspected article shall not be used so as to interfere with the inspection of edible product or the maintenance of sanitary conditions in the department or render any edible product adulterated. The meat, meat byproducts, and meat food product ingredients of the uninspected article may be admitted into any edible products department of an official establishment only if they are Georgia Inspected and Passed. Products within [40-10-1-.16\(11\)](#) of this chapter or parts of carcasses of kinds not permitted under the regulations in food (e.g., hog lungs or intestines), which are produced at any official establishment, may be brought into the inedible products department of any official establishment for use in uninspected articles under this section. The uninspected article may be stored in, and distributed from, edible product departments: Provided, that adequate facilities are furnished, there is no interference with the maintenance of sanitary conditions, and such article is properly identified;

(b)When dog food or similar uninspected article is prepared in part of an official establishment other than an edible product department the area in which the dog food is prepared shall be separated from edible product departments in the manner required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over other inedible product departments. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared in outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers;

(c)Animal food shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, retort processed, conventional retail size containers, as for example, "dog food" will be considered sufficient. If not in such containers the product must not only be properly identified as animal food but it must be of such character or so denatured or decharacterized as to deter its use for human food. Animal food shall not be represented as being a human food.

(13)Mixtures containing product but not amenable to the Act. Mixtures containing product but not classed as a meat food product under the Act shall not bear the inspection legend or any abbreviation or representation thereof. When such mixtures are prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Program employees, and the preparation of such mixtures shall not cause any deviation from the requirement that no uninspected products shall be brought into the establishment.

(14)Adulteration of products by flood water, etc.; procedure for handling:

(a)Any product at any official establishment which has been adulterated by contamination with flood water, harbor water, or other polluted water, shall be condemned. This would not apply to a product in sound, hermetically sealed containers;

(b)After flood water has receded at an official establishment, the operator shall cause its employees to thoroughly cleanse all walls, ceilings, posts and floors of the rooms and compartments; involved, including the equipment therein, under the supervision of a Program employee. An adequate supply of hot water, under pressure, is essential for effective cleaning of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately one-half of one percent available chlorine (5000 parts per million), or other disinfectant approved by the Commissioner shall be applied to the surface of the rooms. Where the solution has been applied to equipment

which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion;

(c)Hermetically sealed containers of product which have been submerged or otherwise contaminated by flood water, harbor water, or other polluted water shall be rehandled promptly under supervision of a Program employee at official establishments as follows:

1. Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

2. Remove paper labels and wash the container in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved for purposes of this chapter and rinse in clean fresh water and dry thoroughly. An alternative method of rehandling such products would be to immerse the containers in 212 degrees Fahrenheit water, bring temperature back to 212 degrees Fahrenheit and maintain for 5 minutes, then remove containers from the water and cool to 95 degrees Fahrenheit and dry thoroughly.

3. After handling as described in subparagraph 2. of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

4. The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of all containers.

(15) Tagging chemicals, preservatives, cereals, spices, etc., "Ga. Retained." When any chemical, preservative, cereal, spices, or other substance is intended for use in an official establishment, it shall be examined by a Program employee and if found to be unfit or otherwise unacceptable for use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "Ga. Retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the officer in charge may require and shall not be used until the tag is removed, and such removal shall be made only by a Program employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

(16) Pesticide chemicals and other residues in products:

(a) Nonmeat ingredients. Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat byproducts and meat food products) used in the formulation of products shall not exceed the levels permitted under the Federal Food, Drug and Cosmetic Act, and such nonmeat ingredients must be in compliance with the requirements under that Act;

(b) Products, and meat, meat byproducts or meat food product ingredients. Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additive or color residue in excess of the level permitted under the Federal Food, Drug and Cosmetic Act and the regulations in this chapter, or any other substance that is prohibited by such regulations or that otherwise make the product adulterated;

(c) Standards and procedures. Instructions specifying the standards and procedures for determining when ingredients or finished products are in compliance with this section shall be issued to the inspectors by the Commissioner. Copies of such instructions will be made available to interested persons upon request made to the Commissioner.

(17) Requirements for the production of cooked beef, and cooked corned beef.

(a) Cooked beef and roast beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be prepared by one of the time and temperature combinations in the following table. The stated temperature is the minimum which shall be produced and maintained in all parts of each piece of meat for at least the stated time:

Table for Time/Temperature Combination for Cooked Beef, Roast Beef, and Cooked Corned Beef

Minimum Internal Temperature		Minimum Processing Time (minutes) after Degrees minimum temperature is reached
Degrees Fahrenheit	Degrees Centigrade	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5
145	62.8	Instantly

(b)Cooked beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be moist cooked throughout the process or, in the case of roast beef or corned beef to be roasted, cooked as provided in paragraph (c) of this section. The moist cooking may be accomplished by (1) placing the meat in a sealed moisture impermeable bag, removing the excess air, and cooking, (2) completely immersing the meat, unbagged, in water throughout the entire cooking processing, or (3) using a sealed oven or steam injection to raise the relative humidity above 90 percent throughout the cooking process.

(c)Roast beef or corned beef to be roasted shall be cooked by one of the following methods:

1.Heating roasts of 10 pounds or more in an oven maintained at 250 degrees Fahrenheit (120 degrees Centigrade) or higher throughout the process;

2.Heating roasts of any size to a minimum internal temperature of 145 degrees Fahrenheit (62.8 degrees Centigrade) in an oven maintained at any temperature if the relative humidity of the oven is maintained either by continuously introducing steam for 50 percent of the cooking time or by use of a sealed oven for over 50 percent of the cooking time, or if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour; or

3.Heating roasts of any size in an oven maintained at any temperature that will satisfy the internal temperature and time requirements of paragraph (a) of this section if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour. The relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required relative humidity.

(d)Monitoring equipment.

1.Except as provided in paragraph (d)2 of this section, establishments producing cooked beef, roast beef, and cooked corned beef shall have sufficient monitoring equipment, including recording devices, to assure that the time (within one minute), the temperature (within 11 degrees Fahrenheit) and relative humidity (within 5 percent) limits required by these processes are being met. Data from the recording devices shall be made available to a program employee upon request.

2. In lieu of recording devices, establishments may propose in the written procedures prescribed in paragraph (f) of this section, and alternative means of providing inspection personnel with evidence that finished product has been prepared in compliance with the humidity requirements of paragraphs (b) and (c) of this section, and the 145° F (62.80 degrees Centigrade) temperature requirement of paragraph (a) of this section.

(e) Each package of finished product shall be plainly and permanently marked on the immediate container with the date of production either in code or with the calendar date.

(f) In order to assure that cooked beef, roast beef, and cooked corned beef are handled, processed, and stored under sanitary conditions, the establishment shall submit a set of written procedures through the inspector in charge for approval by the Program Director.

The written procedures shall contain the following information:

1. The temperature to which raw frozen product is thawed and the time required.
2. The lot identification procedure for lots of product during processing.
3. The storage time and temperature combinations which the establishment intends to use before cooking, the cooking time and temperature the establishment intends to use, and the time, if any, the establishment intends to wait after cooking and before cooling.
4. If a code, instead of a calendar date, is used on the immediate container of the finished product, its meaning shall also be included.
5. Any other critical control points in the procedures which could affect the safety of the product.
6. In lieu of recording devices, the alternate means permitted by .20(17)(d)2 of providing evidence to inspection personnel that the finished product will be prepared in compliance with temperature or humidity requirements.
7. Any other alternate procedure used that is permitted in this section.

(g) The establishment shall maintain records and reports which document the time, temperature, and humidity at which any cooked beef, roast beef, or cooked corned beef is cooked and cooled at the establishment. Such records shall be kept by the establishment for 6 months or for such further period as the Commissioner may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records. Such records shall be made available to the inspector and any duly authorized representative of the Secretary upon request.

(h) The handling and processing of cooked beef, roast beef, and cooked corned beef before, during and after cooking shall be such as to prevent the finished product from being adulterated. As a minimum, they shall be controlled as follows:

1. The establishment shall notify the inspector in charge which processing procedure will be used on each lot, including time and temperature.
2. In order to assure uniform heat penetration and consequent adequate cooking of each piece of beef, individual pieces of raw product in any one lot shall either not vary in weight by more than 2 pounds or not vary in thickness by more than 2 inches at the thickest part. Alternate methods of assuring uniform heat penetration may be submitted in writing for approval to the Regional Director.
3. A water-based solution that is used for injecting or immersing the meat shall be refrigerated to 50 degrees Fahrenheit (10 degrees Centigrade) or lower from the time it contacts the meat, and shall be filtered each time it is recirculated or reused.

4. A nonmeat ingredient, including the water-based solution in (h)3 above, which has contacted meat shall be discarded at the end of that day's production unless it is in continuous contact with one batch of product.

5. Product prepared for cooking shall be entered into the cooking cycle within 2 hours of completion of precooking preparation or be placed immediately in a cooler at a temperature of 40 degrees Fahrenheit (4.4 degrees Centigrade) or lower.

6. The time and temperature requirements shall be met before any product in the lot is removed from the cooking units. Unless otherwise specified in the written procedures approved in accordance with paragraph (f) of this section, the heat source shall not be shut off until these requirements are met.

7. Other than incidental contact caused by water currents during immersion cooking or cooling, product shall be placed so that it does not touch or overlap other products. This provision does not apply to product that is stirred or agitated to assure uniform heat transfer.

8. Temperature sensing devices shall be so placed that they monitor product in the coldest part of the cooking unit; and when oven temperature is required by paragraph (c) of this section, the oven temperature shall also be monitored in the coldest part of the cooking unit.

9. If a humidity sensing device is required in an oven, it shall be placed so that it measures humidity in either the oven chamber or at the exit vent.

10. Chilling shall begin within 90 minutes after the cooking cycle is completed.

(i) All product shall be chilled from 120 degrees Fahrenheit (48.80 degrees Centigrade) to 55 degrees Fahrenheit (12.70 degrees Centigrade) in no more than 6 hours.

(ii) Chilling shall continue and the product shall not be packed for shipment until it has reached 40 degrees Fahrenheit (4.4 degrees Centigrade).

11. Any establishment that has experienced a cooking process deviation during preparation of product may either reprocess the product completely, continue the heating to 145 degrees Fahrenheit (62.8 degrees Centigrade), or contact the Regional Director for a review of the process schedule for adequacy and, if needed, for a cooking schedule to finish that one batch of product.

12. An establishment that has experienced a cooking deviation after the product has been cooked shall contact the Regional Director to determine the disposition of that retained product.

(i) Cooked beef, roast beef, and cooked corned beef shall be so handled to assure that the product is not recontaminated by direct contact with raw product. To prevent direct contamination of the cooked product, establishments shall:

1. Physically separated areas where raw product is handled from areas where exposed cooked product is handled, used a solid impervious floor to ceiling wall; or

2. Handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or

3. Submit a written procedure for approval through the inspector in charge to the District Supervisor detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.

(j) To prevent indirect contamination of cooked product:

1. Any work surface, machine, or tool which contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 50 ppm chlorine before it contacts cooked product;

2. Employees shall wash their hands and sanitize them with a solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and

3. Outer garments, including aprons, smocks, and gloves shall be especially identified as restricted for use in cooked product areas only, changed at least daily, and hung in a designated location when the employee leaves the area.

(k) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, water-tight container or is otherwise protected by a covering that has been approved, upon written request, by the District Supervisor.

Cite as Ga. Comp. R. & Regs. R. 40-10-1-.20

AUTHORITY: O.C.G.A. §§[26-2-60](#), [26-2-80](#).

HISTORY: Original Rule entitled "Cooperative Agreements" adopted. F. and eff. June 30, 1965.

Amended: ER. 40-10-1-0.3-.20 entitled "Records, Registration, and Reports" adopted. F. and eff. Aug. 24, 1970, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Dec. 17, 1970; eff. Jan. 6, 1971.

Repealed: New Rule entitled "Entry Into Official Establishments, Reinspection and Preparation of Products" adopted. F. July 21, 1997; eff. Aug. 11, 1997.

Repealed: New Rule of same title adopted. F. Jan. 15, 2004; eff. Feb. 4, 2004.

Repealed: New Rule of same title adopted. F. Dec. 17, 2008; eff. Jan. 6, 2009.

Amended: F. May 7, 2014; eff. May 27, 2014.

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Amended: F. Jan. 31, 2020; eff. Feb. 20, 2020.

Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-12. SEED DIVISION

Subject 40-12-4. LIMITATIONS ON NOXIOUS WEED SEEDS

40-12-4-.01 Limitations on Noxious Weed Seeds

It is unlawful to sell, offer for sale, or expose for sale any agricultural or vegetable seed for planting purposes in this State if the noxious weed seeds per pound of pure seed is in excess of the following limitations:

(a) Prohibited Noxious Weed Seed

Name	Limitations
Ballonvine (<i>Cardiospermum halicacabum</i>)	Prohibited
Bindweed, Field (<i>Convolvulus arvensis</i>)	Prohibited
Bindweed, Hedge (<i>Calystegia sepium</i>)	Prohibited
Cocklebur (<i>Xanthium spp.</i>)	Prohibited
Cogongrass (<i>Imperata cylindrica</i>)	Prohibited
Crotalaria (<i>Crotalaria spp.</i>)	Prohibited
Morningglory, Giant or Moonflower (<i>Ipomoea alba</i>)	Prohibited
Nutsedge, Purple (<i>Cyperus rotundus</i>) (Tuber)	Prohibited
Nutsedge, Yellow (<i>Cyperus esculentus</i>) (Tuber)	Prohibited
Tropical Soda Apple (<i>Solanum viarum</i>)	Prohibited
Tussock, (<i>Nassella trichotoma</i>)	Prohibited

(b) Restricted Noxious Weed Seed

Name	Limitations Per Pound
Bermudagrass (<i>Cynodon dactylon</i>)	300
Blueweed (<i>Helianthus ciliaris</i>)	200
Brunswickgrass (<i>Paspalum lepton</i>)	270
Cheat or Chess (<i>Bromus commutatus</i> and/or <i>Bromus secalinus</i>)	300
Corncockle (<i>Agrostemma githago</i>)	100
Darnel (<i>Lolium temulentum</i>)	200
Dock (<i>Rumex spp.</i>)	100
Dodder (<i>Cuscuta spp.</i>)	100
Foxtail, Giant (<i>Setaria faberi</i>)	100
Horsenettle (<i>Solanum carolinense</i>)	200
Johnsongrass (<i>Sorghum halepense</i>)	100
Knapweed, Russian (<i>Rhaponticum repens</i>)	100
Mustard, Wild and Turnips (<i>Brassica spp.</i> and/or <i>Sinapis arvensis</i> L. subsp. <i>Arvensis</i>) except for Winter Rape, <i>Brassica napus</i> var. <i>biennis</i> , and Rape, <i>B. rapa</i> var. <i>ropa</i>	27
Nightshade, Silverleaf or Purple (<i>Solanum elaeagnifolium</i>)	200
Nutsedge, Purple (<i>Cyperus rotundus</i>)	100

Name	Limitations Per Pound
Nutsedge, Yellow (<i>Cyperus esculentus</i>)	100
Onion, Wild or Wild Garlic (<i>Allium spp.</i>)	27
Panicum, Texas or Texas Millet (<i>Urochloa texana</i>)	27
Pigweed (<i>Amaranthus spp.</i>)	27
Plantain, Bracted(<i>Plantago aristate</i>)	200
Plantain, Buckhorn (<i>Plantago lanceolate</i>)	200
Quackgrass (<i>Elymus repens</i>)	100
Radish, Wild (<i>Raphanus raphanistrum</i>)	27
Rice, Red (<i>Oryza rufipogon</i>)	300
Sandbur, Field (<i>Cenchrus spinifex</i>)	27
Sorghum alnum (<i>Sorghum Xaimum</i>)	100
Sorrel, Red or Sheep (<i>Rumex acetosella</i>)	200
Thistle, Blessed(<i>Centaurea benedicta</i>)	9
Thistle, Canada(<i>Cirsium arvense</i>)	100

(c)Sum total of Restricted Noxious Weed Seed.....300 per pound

(d) [7 C.F.R. 360](#)Noxious Weed Regulations is hereby incorporated by reference including all subsequent amendments and editions. All seed and vegetative propagules of weeds listed in [7 C.F.R. 360](#)including all subsequent amendments and editions are hereby prohibited to be intermixed or commingled with any seed covered under O.C.G.A. [2-11-22](#).

Cite as Ga. Comp. R. & Regs. R. 40-12-4-.01

AUTHORITY: O.C.G.A. §[2-11-21](#).

HISTORY: Original Rule entitled "Standards for Vegetable Seed" was filed and effective on June 30, 1965.

Repealed: New Rule entitled "Limitations on Noxious Weed Seeds" adopted. F. Jun. 4, 1997; eff. Jul. 1, 1997, as specified by the Agency.

Amended: F. Apr. 20, 2018; eff. May 10, 2018.

Amended: F. Jan. 15, 2020; eff. Feb. 4, 2020.

Department 120. RULES OF COMPTROLLER GENERAL
Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE
Subject 120-2-2. PRACTICE AND PROCEDURE

120-2-2-.16 Time Computation

1. In computing any time period prescribed in these rules, the day from which the designated period begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or state holiday. Intermediate Saturdays, Sundays, and state holidays are included in the computation.

2. When a party may or must act within a specified time after being served and service is made under Rule [120-2-2-.14\(1\)\(c\)\(ii\)\(3\) \(mail\)](#), (4) (leaving it with the Department), or (5) (other means consented to), three days are added after the period would otherwise expire under Rule 120-2-2-.16(1).

Cite as Ga. Comp. R. & Regs. R. 120-2-2-.16

AUTHORITY: O.C.G.A. § [33-2-9](#)*et seq.*

HISTORY: Original Rule entitled "Service Representative Permits" was filed and effective on July 20, 1965.

Amended: Rule repealed. Filed May 5, 1981; effective June 1, 1981, as specified by the Agency.

Amended: Rule entitled "Advisory Committee; Course and Instructor Approval for Continuing Education Requirements, Certification" adopted. Filed May 21, 1982; effective June 1, 1982.

Amended: Filed January 17, 1989; effective February 15, 1989, as specified by the agency.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, Ga. Code Ann., Section 3A-124, the content of this Rule is not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. This Regulation is on file in the office of the Comptroller General and is open for public examination and copying. (See **Editor's Note**, p. 88.03.)

Repealed: New Rule entitled "Time Computation" adopted. F. Dec. 13, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-5.

Subject 160-5-1. REGIONAL EDUCATIONAL SERVICES

160-5-1-.10 Student Attendance

(1) DEFINITIONS.

(a) **Foster Care Student**- a student who is in a foster home or otherwise in the foster care system under the Division of Family and Children Services of the Department of Human Services.

(b) **Student Attendance Protocol**- procedures to be used in identifying, reporting, investigating and prosecuting cases of alleged violations of O.C.G.A. § [20-2-690.1](#), relating to mandatory school attendance and appropriately addressing the issue with parents and guardians. The protocol shall also include recommendations for policies relating to tardiness.

(c) **Student Attendance and School Climate Committee**- a committee established, pursuant to O.C.G.A. § [20-2-690.2](#), by the chief judge of the superior court of each county for the purpose of ensuring coordination and cooperation among officials, agencies and programs involved in compulsory attendance issues, to reduce the number of unexcused absences from school, and to increase the percentage of students present to take tests which are required to be administered under the laws of this state, and to improve the school climate in each school.

(d) **Student Teen Election Participant (STEP)**- a program designed to permit full-time public, private, and home schooled high school students the opportunity to volunteer to work as poll officers during any primary, special, or general election according to the provisions set forth in O.C.G.A. § [21-2-92](#).

(e) **Truant**- any child subject to compulsory attendance who during the school calendar year has more than five days of unexcused absences.

(2) REQUIREMENTS.

(a) School days missed as a result of an out of school suspension shall not count as unexcused days for the purpose of determining student truancy.

(b) Local boards of education shall adopt policies and procedures excusing students from school under the following circumstances, as a minimum. Policies may require submission of appropriate documentation.

1. Personal illness or when attendance in school endangers the student's health or the health of others.

(i) Local boards of education may require students to present appropriate medical documentation upon return to school for the purpose of validating that the absence is an excused absence. With proper verification a student may be eligible for hospital/homebound instruction as outlined in State Board of Education Rule [160-4-2-.31](#) Hospital/Homebound (HHB) Services.

2. A serious illness or death in a student's immediate family necessitating absence from school.

(i) In the event of a serious illness in a student's immediate family, local boards of education may require students to present appropriate medical documentation regarding the family member upon return to school for the purpose of validating that the absence is an excused absence.

3.A court order or an order by a government agency, including preinduction physical examinations for service in the armed forces, mandating absence from school.

4.The observation of religious holidays, necessitating absence from school.

5.Conditions rendering attendance impossible or hazardous to student health or safety.

6.Registering to vote or voting in a public election, which shall not exceed one day.

7.A student whose parent or legal guardian is in military service in the armed forces of the United States or the National Guard, and such parent or legal guardian has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting, shall be granted excused absences, up to a maximum of five school days per school year, for the day or days missed from school to visit with his or her parent or legal guardian prior to such parent's or legal guardian's deployment or during such parent's or legal guardian's leave.

8.A student whose parent or legal guardian is currently serving or previously served on active duty in the armed forces of the United States, in the Reserves of the armed forces of the United States on extended active duty, or in the National Guard on extended active duty may be granted excused absences, up to a maximum of five school days per school year, not to exceed two school years, for the day or days missed from school to attend military affairs sponsored events, provided the student provides documentation prior to absence from:

(i)A provider of care at or sponsored by a medical facility of the United States Department of Veterans Affairs; or

(ii)An event sponsored by a corporation exempt from taxation under Section [501\(c\)\(19\)](#) of the Internal Revenue Code.

9.Nothing in Sections (2)(b)7 and (2)(b)8 of this rule shall be construed to require a local school system to revise any policies relating to maximum number of excused and unexcused absences for any purposes.

10.Any other absence not explicitly defined herein but deemed by the local school board of education to have merit based on circumstances, which may include non-school sponsored activities that meet the requirements set forth in section (2)(f)2. of this rule.

(c)Local boards of education shall count students present when they are serving as pages of the Georgia General Assembly as set forth in O.C.G.A. § [20-2-692](#).

(d)A foster care student who attends court proceedings relating to the student's foster care shall be credited as present by the school and shall not be counted as an absence, either excused or unexcused, for any day, portion of a day, or days missed from school as set forth in O.C.G.A. § [20-2-692.2](#).

(e)A student who successfully participates in the Student Teen Election Participant (STEP) program shall be counted as present and given full credit for the school day during which he or she served in the STEP program. No student shall be permitted to be absent from school or participate in the STEP program for more than two school days per school year.

(f)Final course grades of students shall not be penalized because of absences if the following conditions are met:

1.Absences are justified and validated for excusable reasons.

2.Make up work for excused absences was completed satisfactorily.

(g)Local boards of education are not required to provide make-up work for unexcused absences.

(h)Nothing in this rule should be construed to encourage student absences or as an approval of excessive unexcused absences.

(i) To reduce unexcused absences, each local board of education shall adopt policies and procedures that shall include but are not limited to:

1. Requiring the school system to notify the parent, guardian or other person who has control or charge of the student when such student has five unexcused absences. The notice shall outline the penalty and consequences of such absences and that each subsequent absence shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian or other person who has charge of the student, the school system shall send written notice via certified mail with return receipt requested, or first-class mail; and

2. Prior to any action to commence judicial proceedings to impose a penalty on a parent, guardian, or other person residing in this state who has control or charge of the school aged child for failing to comply with compulsory attendance, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested; and

3. Requiring public schools to provide to the parent, guardian, or other person having control or charge of each student enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance. By September 1 of each school year or within 30 school days of a student's enrollment in the school system, the parent, guardian, or other person having control or charge of such student shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. In addition, students age ten or older by September 1 shall sign a statement indicating receipt of written statement of possible consequences for non-compliance to the local system's policy.

(j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.

(k) Each local board of education shall adopt as a part of the student codes of conduct developed pursuant to O.C.G.A. § [20-2-735](#) a definition of truancy that contains the minimum standards established by State Board of Education Rule 160-5-1-.10 Student Attendance and a summary of possible consequences and penalties for truancy.

(l) Pursuant to O.C.G.A. § [20-2-690.2](#), each local school system shall participate in a student attendance and school climate committee. Independent school systems may participate in the committee in the county where the system is located. Independent school systems whose geographic area encompasses more than one county may select one of such counties in which to participate. An independent school system that elects not to participate in the committee of the county where it is located shall request the chief judge of the superior court of a county encompassed by its geographic area to establish an independent student attendance and school climate committee.

1. The superintendent or the superintendent's designee of the local school system shall fully and actively assist in the planning, implementation, and evaluation activities of the local school system student attendance and school climate committee.

2. The superintendent, a certificated school employee, a local school board member from each public school system in the county, and a certificated school social worker from each public school system, if any are employed by the school system, shall serve on the student attendance and school climate committee.

3. Each local board of education shall consider and publicly announce its decisions regarding the recommendations of the student attendance and school climate committee.

4. Each local board of education shall report annual student attendance rates to the student attendance and school climate committee and the State Board of Education by September 1 following each school year.

5. The local school system shall be responsible for providing a copy of the written student attendance protocol to the Department by July 1, 2005, and upon any subsequent revisions or amendments.

6.The Department shall develop and disseminate exemplary model protocols that may be implemented by local boards of education.

Cite as Ga. Comp. R. & Regs. R. 160-5-1-.10

AUTHORITY: O.C.G.A. §§ [15-11-10](#); [15-11-67](#); [20-2-85](#); [20-2-240](#); [20-2-310](#); [20-2-690.1](#); [20-2-690.2](#); [20-2-692](#); [20-2-692.1](#); [20-2-693](#); [20-2-694](#); [20-2-695](#); [20-2-696](#); [20-2-697](#); [20-2-698](#); [20-2-701](#); [20-2-735](#); [20-2-736](#); [21-2-92](#).

HISTORY: Original Rule entitled "Absences and Excuses" adopted. F. Nov. 30, 1990; eff. Dec. 20, 1990.

Amended: F. Mar. 20, 1997; eff. Apr. 9, 1997.

Amended: F. Feb. 15, 2002; eff. Mar. 7, 2002.

Amended: F. Aug. 13, 2004; eff. Sept. 2, 2004.

Amended: F. July 14, 2006; eff. Aug. 3, 2006.

Amended: F. Aug. 9, 2007; eff. Aug. 29, 2007.

Amended: F. October 12, 2011; eff. Nov. 1, 2011.

Amended: F. Nov. 14, 2012; eff. Dec. 4, 2012.

Amended: F. May 7, 2015; eff. May 27, 2015.

Amended: F. Sep. 27, 2018; eff. Oct. 17, 2018.

Amended: F. Mar. 28, 2019; eff. Apr. 17, 2019.

Amended: F. Jan. 16, 2020; eff. Feb. 5, 2020.

160-5-1-.28 Student Enrollment and Withdrawal

(1) DEFINITIONS.

(a) **Active Duty-** the full-time duty status in the active uniformed services of the United States, including members of the National Guard and Reserve on active duty orders pursuant to [10 U.S.C. Sections 1209](#) and [1211](#).

(b) **Attend-** a student's physical or virtual presence in the educational programs for which he or she is enrolled.

(c) **Case Management Consultation (CMC)-** a consultation by a school social worker or case manager in which a process is used to discover whether any transition problems exist and whether any services are necessary for a child placed by the Department of Human Services (DHS) or Department of Juvenile Justice (DJJ).

(d) **Child of Military Families-** a child enrolled in kindergarten through grade 12, in the household of an active duty military member.

(e) **Department of Behavioral Health and Developmental Disabilities (DBHDD)-** an agency which provides specified services for children who have been admitted or placed according to an individualized treatment or service plan directed by DBHDD.

(f) **Department of Human Services (DHS)-** an agency which provides specified services and placement for children who have been remanded to the physical or legal custody of DHS either temporarily or permanently by a

court or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of DHS.

(g) **Department of Juvenile Justice (DJJ)**- the agency which provides supervision, detention and a wide range of treatment and educational services for youths referred to DJJ by the Juvenile Courts, and provides assistance or delinquency prevention services for at-risk youths through collaborative efforts with other public, private, and community entities.

(h) **Education For Homeless Children And Youths**- Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11431 et seq.](#)) that requires each state to ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youth.

(i) **Emancipated Minor**- an individual under the age of eighteen who is no longer under the control or authority of his or her parents or guardians by operation of law or pursuant to a petition filed by the minor with the juvenile court and granted by a judge in juvenile court after the judge determines emancipation is in the best interest of the minor as provided in O.C.G.A. § [15-11-202](#).

(j) **Enroll**- the registration of a student in the local education agency (LEA) of residence. A parent, guardian, other person residing within this state having control or charge of any child or children, or the student (in the case of an emancipated minor) provides the LEA with the appropriate documentation. Once enrolled, the child shall be eligible to attend the assigned school.

(k) **Fictive Kin**- an individual who is known to a child as a relative but is not in fact related by blood or marriage to such child and with whom such child has resided or had significant contact.

(l) **Georgia Department of Education (GaDOE)**- the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates subject to supervision and oversight by the State Board of Education.

(m) **Governor's Office of Student Achievement (GOSA)**- the state agency mandated by O.C.G.A. § [20-14-26](#) to create a uniform performance-based accountability system for K-12 public schools that incorporates both state and federal mandates, including student and school performance standards, and to audit and inspect or cause to be audited and inspected K-12 public schools, and LEAs for the purpose of verification, research, analysis, reporting or for other purposes related to the performance of its powers and duties.

(n) **Grandparent**- the parent and/or step-parent of a minor child's father or mother. This definition remains the same upon the death and/or the termination of parental rights of the birth parent.

(o) **Home Study**- a program that allows parents or guardians to teach their children at home as provided in O.C.G.A. § [20-2-690\(c\)](#).

(p) **Homeless Child or Youth**- individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth who are:

1. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
2. Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters; or
4. Abandoned in hospitals.
5. The following children are included in the definition; however, this list is not exhaustive: children who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; children who are living in cars, parks, public spaces, abandoned

building, substandard housing, bus or train stations, or similar settings; and migratory children who qualify as homeless because they are living in circumstances described above. (McKinney Vento Homeless Act [42 U.S.C. § 11431](#) *et seq.*)

(q) **Individualized Education Program (IEP)**- a written plan for each student with a disability that is developed, reviewed, and revised in accordance with Individuals with Disabilities Education Act, [20 U.S.C. § 1414\(d\)](#).

(r) **Individuals with Disabilities Education Act (IDEA)**- the federal law, codified at [20 U.S.C. § 1400](#), *et seq.*, enacted to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; to ensure that the rights of students with disabilities and their parents are protected; to assist states, localities, educational service agencies, and federal agencies to provide for the education of students with disabilities; and to assess and ensure the effectiveness of efforts to educate students with disabilities.

(s) **Kinship Caregiver**- a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, cousin, sibling, or fictive kin who has assumed responsibility for raising a child in an informal, noncustodial, or guardianship capacity upon the parents or legal custodians of such child:

1. Losing or abdicating the ability to care for such child; or

2. Being unable to ensure that the child will attend school for reasons, including, but not limited to:

(i) A parent or legal custodian being unable to provide care due to the death of a parent or legal custodian;

(ii) A serious illness or terminal illness of a parent or legal custodian;

(iii) The physical or mental condition of the parents or legal custodians such that proper care and supervision of the child cannot be provided;

(iv) The incarceration of a parent or legal custodian;

(v) The inability to locate the parents or legal custodians;

(vi) The loss or uninhabitability of the child's home as the result of a natural disaster; or

(vii) A period of active military duty of the parents or legal custodians exceeding 24 months.

(t) **Legal Custodian**- a person that has been awarded permanent custody of a child by court order.

(u) **Local Education Agency (LEA)**- the public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through Grade 12 public education institutions.

(v) **"in loco parentis"**- to assume the duties and responsibilities of a parent without a formal legal process.

(w) **Other Person**- an adult at least 18 years of age or an emancipated minor at least sixteen years of age residing within the boundaries of a Georgia LEA who is not the parent or guardian of a child or children but stands *in loco parentis*.

(x) **Parent**- the legal father or the legal mother of a child.

(y) **Reasonable Efforts**- actions that a reasonable individual would find sufficient to determine whether one conclusion is more likely than the other.

(z) **Residency**- occupying a dwelling located within the boundaries of an LEA where the student lives with a parent, guardian, or other person, unless the student is an emancipated minor.

(aa) **State Board of Education (SBOE)**- the constitutional authority which defines education policy for public K-12 education agencies in Georgia.

(bb) **Withdraw**- the removal of a student from the official roll of a Georgia public school.

(cc) **Withdrawal Code**- an official code which signifies the reason a student has withdrawn from a Georgia public school as defined in the guidelines and timelines published by the GaDOE.

(2) **REQUIREMENTS.**

(a) **Eligibility for Enrollment.**

1. Other than students specifically exempted by rule or by law, the following individuals shall be eligible for enrollment in publically-funded programs in Georgia public schools:

(i) Students who have attained the age of five by September 1 to enroll in the appropriate general education programs unless they attain the age of 21 by September 1 or they have received a high school diploma or the equivalent. Students that have dropped out of school for one quarter or more are eligible to enroll in the appropriate general education programs unless they attain the age of 20 by September 1.

(ii) Students with Individualized Education Programs (IEPs) developed under the Individuals with Disabilities Education Act (IDEA) may attend public school through the age of 21 or until they receive a regular high school diploma.

(iii) Students who were legal residents of one or more other states or countries for a period of two years immediately prior to moving to Georgia and were legally enrolled in a public kindergarten or first grade accredited by a state or regional association or the equivalent thereof, are eligible for enrollment in the appropriate education program if the child attains the age of five for kindergarten or six for first grade by December 31 and the child is otherwise eligible for enrollment as prescribed in O.C.G.A. § [20-2-150](#).

(b) **Persons That May Enroll Eligible Students.**

1. Under the provisions stated in O.C.G.A. § [20-2-690.1](#), a parent, guardian, or other person has the authority to enroll a student in a publicly-funded Georgia school.

(i) A homeless child, as defined in the McKinney-Vento Homeless Act [42 U.S.C. § 11431](#) *et seq.*, shall be enrolled immediately with full participation in all school activities whether or not appropriate documentation can be provided at the time of enrollment.

(I) Upon determining that a student is homeless, as defined by the McKinney-Vento Homeless Assistance Act, the child must be allowed to either remain in the district in which he or she was enrolled prior to becoming homeless or enroll in the district where he or she is now located.

(ii) An LEA shall immediately enroll a student in the physical or legal custody of the Department of Human Services (DHS) or the Department of Juvenile Justice (DJJ) or a student placed by the DHS, DBHDD, or DJJ in a residential facility located within the LEA's jurisdiction, pursuant to O.C.G.A. § [20-2-133\(b\)](#).

(iii) Upon notification by the DJJ that a student will be enrolling in an LEA, the LEA shall enroll the student in his or her home school, as opposed to an alternative educational setting unless the case management consultation team concludes that the best placement for the child would be the alternative setting. Any placement made pursuant to an individualized education program team shall take precedence.

(iv) A grandparent with a properly executed power of attorney for the care of a minor child may enroll their grandchild, without court approval, in the LEA in which the grandparent resides if the specific conditions set forth in

the "Power of Attorney for the Care of a Minor Child Act," O.C.G.A. § [19-9-120](#) through O.C.G.A. § [19-9-129](#) are met.

(I) No person or school official who acts in good faith reliance on a power of attorney for the care of a minor child shall be subject to criminal or civil liability or professional disciplinary action for such reliance.

(II) Except where limited by federal law or the executed power of attorney, the grandparent empowered to enroll the child shall have the same rights, duties, and responsibilities that would otherwise be exercised by the parent pursuant to the laws of this state.

(v) A kinship caregiver shall be authorized, on behalf of a child residing with the kinship caregiver, which child is not in the custody of the Division of Family and Children Services of the Department of Human Services, to give legal consent for such child to: receive any educational services; receive medical services directly related to academic enrollment; or participate in any curricular or extracurricular activities for which parental consent is usually required by executing the affidavit described in O.C.G.A. § [20-1-18](#). The affidavit shall not be valid for more than one year after the date on which it is executed. An LEA shall have the authority to allow a kinship caregiver affidavit to expire at the end of each school year for which the affidavit was submitted.

(I) Upon transmitting to a school an executed affidavit described in O.C.G.A. § [20-1-18](#), the kinship caregiver shall serve as the school's point of contact for the child regarding truancy, discipline, and educational progress for as long as such affidavit shall continue to be in effect.

(II) The decision of a kinship caregiver to consent to or refuse educational services or medical services directly related to academic enrollment or any curricular or extracurricular activities for a child residing with the kinship caregiver shall be superseded by any contravening decision of a parent or a person having legal custody of the child, provided that the decision of the parent or legal custodian does not jeopardize the life, health, safety, or welfare of the child.

(III) Reasonable efforts shall be made by the kinship caregiver to locate at least one of the child's parents prior to the notarization and submission of the affidavit set forth in O.C.G.A. § [20-1-18](#).

(IV) No person that acts in good faith reliance on a properly executed kinship caregiver's affidavit, having no actual knowledge of any facts contrary to those stated in the affidavit, shall be subject to civil liability or criminal prosecution, or to professional disciplinary procedure, for any action which would have been proper if the facts had been as they believed them to be. This subsection shall apply even if educational services or medical services directly related to academic enrollment or any curricular or extracurricular activities are rendered to a child in contravention of the wishes of the parent or legal custodian of such child; provided, however, that the person rendering the educational services or medical services directly related to academic enrollment or any curricular or extracurricular activities shall not have actual knowledge of the wishes of the parent or legal custodian.

(V) A person that relies on a properly executed kinship caregiver's affidavit has no obligation to make further inquiry or investigation. Nothing in this subsection shall relieve any person of responsibility for violations of other provisions of law, rules, or regulations.

(VI) If a child ceases to reside with a kinship caregiver for a period in excess of 30 days, such kinship caregiver shall, not later than 30 days after such period, notify all parties to whom he or she has transmitted the affidavit or to whom he or she has caused the affidavit to be transmitted.

(VII) Any individual who knowingly provides false information in executing the affidavit required by this article commits the offense of false swearing within the meaning of O.C.G.A. § [16-10-71](#) and shall be subject to the penalties prescribed by such Code section.

(VIII) A kinship caregiver's affidavit shall be invalid unless it substantially contains the sample kinship caregiver affidavit provided by the Georgia Department of Education. An LEA shall not change the size or placement of text or change or omit the box around the warning.

(vi) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(I) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis whose residence is other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(vii) A military student in this state shall be allowed to attend any public school that is located within the school system in which the military base or off-base housing in which the student resides is located, provided space is available for additional enrollment. The parent shall assume the responsibility for and cost of transportation of the student to and from the school.

(viii) A student whose parent or guardian is on active duty in the United States armed forces and has received official military orders to transfer into or within this state shall be eligible for enrollment, in the same manner and time as for students residing within the local school system, in the public school of the attendance zone in which he or she will be residing or in a public school authorized pursuant to Code Section [20-2-295](#), prior to physically establishing residency within the local school system, upon presentation of a copy of the official military orders to the local school system.

(I) Each local school system in which a military base or off-base housing is located shall establish a universal, streamlined process available to all students to implement these transfer requirements; and annually notify prior to each school year the parents, guardians or other person, as defined in section (2)(b) of this rule, of each military student by letter, by electronic means, or by such other reasonable means in a timely manner of the options available as set forth in O.C.G.A. § [20-2-295](#).

(viii) LEAs shall accept immigrants/non-visa-holders who meet age and residency requirements and shall not inquire about their legal status in accordance with U.S. Supreme Court Decision in Plyler v. Doe, [457 U.S. 202](#) (1982).

(I) LEAs are not responsible for making determinations regarding immigration and visa status. Rather, the U.S. Department of State (Office of Visa Services) and the Department of Homeland Security (U.S. Citizenship and Immigration Services) are responsible for making such determinations.

(II) LEAs may accept non-immigrant, foreign students on F-1 visas in accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Section 625 of Public Law 104-208).

(III) LEAs may accept non-immigrant, foreign exchange students on J-1 visas in accordance with the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) as amended, [22 U.S.C. 2451](#), et. seq. (1988).

(IV) LEAs shall accept non-immigrant foreign students on derivative visas where they are the qualifying child of a non-immigrant student or exchange visitor (i.e. F-2, M-2, J-2).

(V) LEAs shall accept non-immigrant, foreign students on B-1/B-2 visas and are not responsible for ascertaining whether or not seeking enrollment in school will violate the terms of the visa.

(c) Provisional Enrollment.

1. Other than students specifically exempted by rule or by law, a student shall be enrolled on a provisional basis and allowed to attend an LEA for 30 calendar days while awaiting evidence of age, residence, or other local requirements. The provisional enrollment period may be extended for extenuating circumstances.

(i) If evidence is not provided within this period, the LEA superintendent or designee shall mark the student withdrawn at the end of the thirtieth day.

(ii) The LEA superintendent or designee shall notify the individual that registered the student according to the provisions set forth in section (2)(b) at least 10 calendar days prior to the withdrawal of the student.

(I)The individual that registered the student according to the provisions set forth in section (2)(b) will be considered noncompliant and subject to all penalties as prescribed in O.C.G.A. § [20-2-690.1](#).

(II)The local school superintendent shall report violations to the appropriate authorities for adjudication.

2.O.C.G.A. § [20-2-150\(c\)](#) concerning compulsory attendance of students prior to their seventh birthday does not apply to provisional enrollment.

3.Students pre-registering in an LEA of residence shall not be eligible for provisional enrollment until the beginning of the attendance period of the school term for which the student is enrolling.

4.A student shall not be denied enrollment into an LEA if the student meets residency qualifications and otherwise would not be denied enrollment under O.C.G.A. § [20-2-751.1](#) and O.C.G.A. § [20-2-751.2](#) concerning student expulsion.

5.The LEA shall be required to provisionally enroll students pursuant to Section (2)(c)1 of this rule if their local policy places additional requirements on the other person when enrolling a student in their control or charge.

6.The provisions of O.C.G.A. § [20-2-670](#) regarding the transferal of discipline actions or felony convictions for students in grade 7 and above shall take precedence over any provisional enrollment.

(d) Enrollment Documentation.

1.Other than students specifically exempted by rule or by law, before admitting any individual to a public Georgia school or program, the superintendent or designee shall accept evidence in the order set forth below that shows the individuals date of birth:

(i)A certified copy of a birth certificate, certified hospital issued birth record or birth certificate;

(ii)A military ID;

(iii)A valid driver's license;

(iv)A passport;

(v)An adoption record;

(vi)A religious record signed by an authorized religious official;

(vii)An official school transcript; or

(viii)If none of these evidences can be produced, an affidavit of age sworn to by the parent, guardian, grandparent, or other person accompanied by a certificate of age signed by a licensed practicing physician, which certificate states that the physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

2.During the enrollment process, LEAs shall adhere to:

(i)The provisions of O.C.G.A. § [20-2-771](#) concerning the immunization of students, which includes an exception for religious grounds; and,

(ii)The provisions of O.C.G.A. § [20-2-770](#) concerning nutritional screening and eye, ear, and dental examinations of students.

3. Upon presentation of one of these evidences required in paragraph (2) (d) 1, a photocopy of the document shall be placed in the student's record and the original document presented shall be returned to the individual registering the student according to the provisions set forth in section (2)(b).

4. The LEA shall ensure that the employee or other designated individual responsible for care of homeless students shall assist the homeless student in acquiring the necessary records for enrollment. Proof of residence is not required.

5. The LEA may require a grandparent empowered to enroll the child to produce the same documentation a parent would produce to enroll the child.

6. The LEA may require a kinship caregiver enrolling a child to produce the same documentation a parent would produce to enroll the child.

7. The following provisions apply to a child or children of military families.

(i) In the event that official education records cannot be released to the parents or legal guardian for the purpose of transfer, an LEA shall accept a complete set of unofficial educational records prepared by the sending school and furnished to the parent or legal guardian.

(I) Upon receipt of such unofficial education records, the LEA shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records.

(II) Simultaneously with the enrollment and conditional placement of the student, the LEA shall request the student's official education records from the school in the sending state.

(ii) Students in the household of an active duty military member shall be allowed to continue their enrollment at grade level in the local school system commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age.

(I) A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age.

(II) A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

(iii) The LEA shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in similar programs based on current educational assessments conducted at the school in the sending state or participation or placement in similar programs in the sending state. Such programs include, but are not limited to: gifted and talented programs, and English as a second language.

(I) Nothing in this section shall preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(iv) An LEA shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent.

8. Pursuant to O.C.G.A. § [20-2-150](#), before the final enrollment of a student to a publicly-funded Georgia school is complete, the individual registering the student shall provide a copy of the enrolling student's social security number to the proper school authorities or shall complete and sign a form stating the individual does not wish to provide the social security number.

9. A student shall be identified in the local Student Information System (SIS) and in the Georgia Department of Education official data collection and reporting systems by the student's legal name as it appears on the

documentation submitted for age verification as delineated in paragraph (2)(d)1, or in a court order changing the student's name.

10. Once a student has successfully enrolled in any publicly-funded Georgia school, provided that one of the evidences required in paragraph (2)(d)1 has been provided and recorded in the Georgia Testing Identifier (GTID) as set forth in SBOE Rule [160-5-1-.07](#) and any associated guidelines, further proof of age under this provision is deemed unnecessary.

(e) Withdrawal.

1. A student may be withdrawn by a parent, guardian, grandparent, or other person as provided in (2)(b)1 of this rule.

2. When a parent, guardian, grandparent, or other person as provided in (2)(b)1 of this rule withdraws a student according to the LEA policies and procedures, with documentation of proof of enrollment as provided in (2)(e)1 above, the student's withdrawal date shall be recorded as the last day of student attendance.

(i) If a student is under suspension or expulsion, on the date of withdrawal, the new school of enrollment shall be notified of the terms of the suspension or expulsion.

(ii) If a student is an unemancipated minor who is older than the age of mandatory attendance as required in O.C.G.A. § [20-2-690.1\(a\)](#) and who has not completed all requirements for a high school diploma, wishes to withdraw from school, the student must have the written permission of his or her parent or legal guardian prior to withdrawing and a conference must be held with the school principal or designee pursuant to O.C.G.A. § [20-2-690.1\(e\)](#).

3. When a parent, guardian, grandparent, or other person as provided in (2)(b)1 of this rule does not withdraw a student from a current school according to LEA policies, the LEA shall withdraw the student.

(i) With proof of enrollment in a different school, other LEA, private school, or home study program, the date of withdrawal for a student shall be the last school day of student attendance.

(ii) With no proof of enrollment in another school, other LEA, private school, or home study program, a student shall be withdrawn from a school after 10 consecutive unexcused absences or when the LEA provides documentation validating the student no longer resides in the school's attendance zone.

(I) The student withdrawal date shall be the last day of attendance or the day the LEA obtains documentation validating the student no longer resides in the school's attendance zone.

(II) In the absence of the documented proof as described in (2)(e)8 of this rule, the withdrawal code shall indicate that the student was removed for lack of attendance.

(III) Each superintendent or the superintendent's designee shall notify the parent, guardian, or other person if the LEA plans to withdraw such student. Such notification shall be by certified mail, return receipt requested.

4. A student who is not in attendance on the first day of school but expected based on prior year enrollment, shall be withdrawn as a no-show student and shall not be included in any enrollment or attendance counts.

(i) Students not in attendance on the first day of school but expected based on prior year enrollment shall not accrue absences until the student is physically present and attending.

(ii) The reason for students withdrawn as a "no-show" shall be recorded in the schools official records as unknown, unless the LEA has proof that the student has enrolled in a different school, other LEA, private school, or home study program as set forth in (2)(e)8 of this rule.

5. A student shall be withdrawn from a school on the day the school or LEA receives documentation validating the student no longer resides in the school's attendance zone unless one of the following exceptions occur:

(i)LEA policy allows student to remain enrolled to complete the current school year.

(ii)Student is allowed to remain enrolled based on O.C.G.A. § [20-2-293](#) or O.C.G.A. § [20-2-294](#).

6.A student shall not be withdrawn due to excused absences defined in SBOE Rule [160-5-1-.10](#) and O.C.G.A. § [20-2-690.1\(a\)](#).

7.A student shall not be withdrawn while receiving Hospital/Homebound services.

8.Pursuant to the provisions in [34 Code of Federal Regulations \(C.F.R.\) Part 200](#), a school or LEA shall only use a withdrawal code which denotes that a student transferred if the LEA has proof that the student enrolled in another school, other LEA, private school or home study program.

(i)Documentation must be in writing so that the transfer can be verified through audits or monitoring and maintained in the permanent student record.

(ii)It is the responsibility of the principal to ensure that all student withdrawal information is complete and accurate.

9.The following are acceptable forms of documentation when using withdrawal codes that are associated with students who transferred:

(i)For students transferring to a school within the same LEA or another Georgia LEA, proof shall include the request for records from the receiving school, evidence of a transfer that is recorded in the State's student data collection system, or a letter from an official in the receiving school acknowledging the student's enrollment.

(ii)For students transferring out of state or to a private school, proof shall include the request for records from the receiving school, or a letter from an official in the receiving school acknowledging the student's enrollment.

(iii)For students transferring to a home study program, proof shall include a document signed by the parent, guardian, other person who meets the requirements of the "Power of Attorney for the Care of a Minor Child Act", or kinship caregiver enrolling a child using an executed affidavit which declares their decision to educate the student in a home study program.

(iv)For students transferring to another country, a school or school system must have written confirmation that a student has emigrated to another country ([34 C.F.R. § 200.19\(b\)\(1\)\(ii\)\(B\)](#)), but need not obtain official written documentation. If a parent informs a school administrator that the family is leaving the country, the school administrator may document this conversation in writing and include it in the student's file.

10.LEAs must be able to document the reasons to support student withdrawal as outlined in this rule and SBOE [160-5-1-.07](#) Student and Staff Data Collections and associated guidelines and resources.

11.In the event that a child is withdrawn from a public school to attend a home study program and does not have a Home School Program Declaration of Intent filed pursuant to Code Section [20-2-690](#) within 45 days of such withdrawal, the school shall refer the matter to the Division of Family and Children Services of the Department of Human Services to conduct an assessment. The purpose of such referral and assessment shall be limited to determining whether such withdrawal was to avoid educating the child. Presentation of a copy of such filed declaration shall satisfy the assessment, and the Division of Family and Children Services shall immediately terminate the assessment under this Code section.

12.GOSA may conduct in-depth audits at its discretion, or at the request of the Georgia Department of Education to ensure that LEA data, student records documentation, procedures, and processes are in compliance with this rule.

(i)LEAs found to be non-compliant with these provisions will be reported to the State Board of Education.

(ii) If an audit conducted by GOSA documents findings of noncompliance which affected the calculation of the graduation rate, the GaDOE may adjust the cohort graduation rate for such school and LEA.

Cite as Ga. Comp. R. & Regs. R. 160-5-1-.28

AUTHORITY: O.C.G.A. §§ [15-11-202](#), [19-9-120](#) through [19-9-129](#), [20-1-14](#) through [20-1-18](#), [20-2-133](#), [20-2-150](#), [20-2-293](#), [20-2-293](#), [20-2-294](#), [20-2-670](#), [20-2-690.1](#), [20-2-751.1](#), [20-2-751.2](#), [20-2-770](#), [20-2-771](#), [20-2-2130](#) through [20-2-2170](#), [20-14-25](#), [20-14-26](#).

HISTORY: Original Rule adopted. F. Sep. 14, 2006; eff. Oct. 4, 2006.

Repealed: New Rule adopted. F. Aug. 19, 2012; eff. Sep. 8, 2012.

Amended: F. Aug. 23, 2012; eff. Sep. 12, 2012.

Amended: F. Dec. 8, 2016; eff. Dec. 28, 2016.

Amended: F. Aug. 24, 2017; eff. Sep. 13, 2017.

Amended: F. Jan. 16, 2020; eff. Feb. 5, 2020.

Department 183. STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-12. PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS

183-1-12-.01 Conduct of Elections

Beginning with the 2020 Presidential Preference Primary, all federal, state, and county general primaries and elections, special primaries and elections, and referendums in the State of Georgia shall be conducted via an Optical Scanning Voting System as defined by O.C.G.A. [21-2-1](#)(19.1). Voting at the polls, including both Election Day and absentee-in-person voting shall be conducted via ballots marked by electronic ballot markers and tabulated by ballot scanners. The electronic ballot markers and ballot scanners shall be supplied by the Secretary of State or purchased by the counties with the authorization of the Secretary of State. Absentee-by-mail voting shall also be conducted through the use of an optical scanning voting system.

The Superintendent shall cause every polling place and advance voting location to have a sufficient number of blank paper ballots that can be marked by pen available for use in the event of emergency. The election superintendent shall also be prepared to resupply polling places with emergency paper ballots in needed ballot styles in a timely manner while voting is occurring so that polling places do not run out of emergency paper ballots.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.01

AUTHORITY: O.C.G.A. §§[21-2-1](#), [21-2-31](#).

HISTORY: Original Rule entitled "Voting Machines" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Repealed: New Rule entitled "Conduct of Elections" adopted. F. Aug. 30, 2002; eff. Sept. 19, 2002.

Amended: F. Oct. 24, 2003; eff. Nov. 13, 2003.

Repealed: New Rule of same title adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.02 Definitions

(1)As used in this rule, the term:

(a)"Ballot" shall have the meaning set forth in O.C.G.A. § [21-2-2](#).

(b)"Ballot scanner" shall have the meaning set forth in O.C.G.A. § [21-2-2](#).

(c)"Ballot Style" shall mean the specific offices, candidates, and questions displayed on an electronic ballot marker or paper ballot for voters according to their assigned precinct.

(d)"Electronic ballot marker" shall have the meaning set forth in O.C.G.A. § [21-2-2](#).

(e)"Election management system" is an electronic system that contains databases for elections, allows for the creation of ballots, generates ballot scanner memory cards, and computes tabulated results, amongst performing other election functions.

(f)"Electronic poll book" shall mean an electronic device that contains a list registered voters with sufficient information to look up voters, check them in, and encode voter access cards that bring up the correct ballot on an electronic ballot marker.

(g)"Election Superintendent" or "superintendent" means a county board of elections and registrations, a county board of elections, a judge of the probate court, or an elections supervisor or director so designated by a county board or judge of the probate court. For municipal elections, the term shall include the municipal counterparts set forth in O.C.G.A. § [21-2-2](#).

(h)"Enclosed space" shall mean that area within a polling place enclosed with a guardrail or barrier closing the inner portion of such area so that only such persons as are inside such guardrail or barrier can approach within six feet of the ballot box, voting compartments, voting booths, voting machines, electronic ballot markers, or ballot scanners.

(i)"Opening of the Polls" shall mean the commencement of voting in a particular primary, election, or runoff. Opening of the polls does not refer to the unlocking or opening of the doors of the polling place. Similarly, the term "Closing of the Polls" shall mean the cessation of voting in a particular primary, election, or runoff and not the locking or closing of the doors of the polling place.

(j)"Poll officer" shall have the meaning set forth in O.C.G.A. § [21-2-2](#).

(k)"Polling place" shall have the meaning set forth in O.C.G.A. § [21-2-2](#).

(l)"Precinct" shall have the meaning set forth in O.C.G.A. § [21-2-2](#).

(m)"Voter Access Card" shall mean the electronic card issued to a voter which is inserted into an electronic ballot marker to bring up the voter's correct ballot.

(n)"Zero Tape" shall mean a tape printed out by a ballot scanner unit which shows that no votes have been tabulated by the scanner for that election.

(o)"Voting system" or "voting system components" shall include electronic ballot markers, printers, ballot scanners, election management systems, electronic poll books, and voter access cards.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.02

AUTHORITY: O.C.G.A. §§[21-2-2](#), [21-2-31](#).

HISTORY: Original Rule entitled "Vote Recorders" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Repealed: New Rule entitled "Direct Recording Electronic Voting Equipment" adopted. F. Aug. 30, 2002; eff. Sept. 19, 2002.

Amended: F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: F. May 11, 2004; eff. May 31, 2004.

Amended: ER. 183-1-12-0.4-.02 adopted. F. Sept. 10, 2004; eff. Sept. 9, 2004, the date of adoption.

Amended: F. Dec. 28, 2005; eff. Jan. 17, 2006.

Repealed: New Rule of same title adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

Repealed: New Rule of same title adopted. F. Mar. 17, 2011; eff. Apr. 6, 2011.

Repealed: New Rule entitled "Definitions" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.03 Acceptance Testing

(1)Acceptance tests. Upon the receipt of new, repaired, or upgraded components of the voting system, including electronic ballot markers (which consists of both a touchscreen and a printer), ballot scanners, electronic poll books, and election management systems, the election superintendent of the county is responsible to check that an acceptance test has been performed on the device in accordance with standards issued by the Secretary of State. No component of the voting system shall be placed into service until such time as the unit satisfactorily passes the prescribed acceptance tests.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.03

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Tabulating Center Personnel, Trained and Certified" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Amended: F. Dec. 11, 2003; eff. Dec. 31, 2003.

Repealed: New Rule entitled "Acceptance Testing" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.04 Storage, Maintenance, and Transport of Statewide Voting System Components

1.The election superintendent of the county shall maintain all components of the voting system (including electronic ballot markers, ballot scanners, electronic poll books, and election management systems) in accordance with the requirements of this rule, the directives of the Secretary of State, and the specifications and requirements of the manufacturer.

2.All electronic components of the voting system shall be stored in a climate controlled space in which the temperature and humidity levels are maintained at acceptable levels year-round which shall not be lower than 0 degrees Celsius (32 degrees Fahrenheit) nor higher than 40 degrees Celsius (104 degrees Fahrenheit) and not lower than 20 percent relative humidity and not higher than 85 percent relative humidity such that no condensation forms on such components. The components shall not be stored in an area in which liquids or fluids stand, pool, or accumulate at any time or in areas that are subject to such standing, pooling, or accumulating liquids or fluids. The space in which the components are stored shall be secured and shall be accessible only to persons authorized by the election superintendent to have access to such components or such space. The components shall be stored in their packaging boxes or carrying cases with foam inserts and shall not be stacked more than four units high. The back-up battery for the ballot scanner shall be charged at least every 9 months.

3.The storage areas for the voting system components at the county election office or other designated county facility shall be equipped with one or more of the following forms of electronic surveillance and protection: keypads or electronic locks, motion detectors, video surveillance, or a security system that is connected to an outside monitoring source, such as the police department or fire department.

4.The election Superintendent shall maintain numbered seals on all electronic ballot markers and ballot scanners in storage and all seal numbers shall be recorded and on file in the office of the election superintendent.

5.All components of the voting system shall be securely transported to polling places. Electronic ballot markers (including printers) and ballot scanners shall be transported in secure boxes or carrying cases that provide vibration and impact protection.

6.Upon delivery to a polling place in preparation for a primary, election, or runoff, all components of the voting system shall be secured and protected from unauthorized access. Upon delivery, the components shall either be

stored in a locked, secure room at the polling place; in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, law enforcement official, or licensed security guard; or, if the previously listed options are not feasible, in another manner, that in the reasonable judgement of the superintendent, secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

7.The expenses for the implementation of the storage and security requirements of this rule shall be the responsibility of the county or municipal governing authority, as applicable, unless such security features are provided by the State.

8.Maintenance of Voting System Components. After the end of the initial warranty period for state owned voting system components, the county shall be responsible for maintaining an appropriate warranty or otherwise be responsible for maintenance and upkeep of such devices, including the repair and/or replacement of any devices which are destroyed, damaged, or otherwise rendered incapable of use in elections.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.04

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Certification of Program Instructions" was filed on July 24, 1968; effective August 12, 1968.

Repealed: New Rule entitled "Storage, Maintenance, and Transport of Statewide Voting System Components" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.05 Security of Voting System Components at County Elections Office or Designated County Storage Area

1.Software security. The software contained in electronic ballot markers, ballot scanners, election managements systems, and electronic poll books, regardless of whether the unit is owned by the county or the State, shall not be modified, upgraded, or changed in any way without the specific prior approval of the Secretary of State.

2.Electronic ballot markers, ballot scanners, and election management systems shall not be connected to the internet and no other software shall be loaded onto or maintained or used on computers on which the election management system software is located except as specifically authorized by the Secretary of State.

3.The room in which the election management system is located shall be locked at all times when the system is not directly under the supervision of the election superintendent or his or her designee. Lock and key access to the room where the election management system is located shall be limited to the county election superintendent; the election supervisor, if any; personnel of the county election superintendent's office designated by the county election superintendent; building maintenance personnel; and emergency personnel. Building maintenance personnel shall have access to the room in which the election management system is located only to the extent necessary to carry out their maintenance duties. The election superintendent shall maintain on file at all times in the office of the election superintendent a complete and up to date list of all maintenance personnel with access to the room in which the election management system is located. Emergency personnel shall have access to the room in which the election management system is located only as necessary in the event of an emergency and only for the duration of such emergency condition.

4.The election management system shall remain password-locked at all times when not in use.

5.While in storage at the county elections office or designated county facility, all components of the voting system (including electronic ballot markers, ballot scanners, electronic poll books, ballot boxes, and election management systems) shall be stored under lock and key at all times when not in use. Lock and key access to such items shall be limited to the county election superintendent; members of the county board of elections; the election supervisor, if

any; personnel of the county election superintendent's office designated by the county election superintendent; building maintenance personnel; and emergency personnel. Building maintenance personnel shall have access to the area where such items are stored only to the extent necessary to carry out their maintenance duties. The election superintendent shall maintain on file at all times in the office of the election superintendent a complete and up to date list of all maintenance personnel with access to the area in which such items are stored. Emergency personnel shall have access to the area where such items are stored only as necessary in the event of an emergency and only for the duration of such emergency condition. Whenever maintenance or emergency personnel are required to enter the storage area, the election superintendent must be notified of that entry as soon as possible and the election superintendent must maintain a log of those persons who entered the storage area.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.05

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Ballot Envelopes" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. Aug. 5, 1969; eff. Aug. 24, 1969.

Repealed: New Rule entitled "Ballot Envelopes and Fold Over Ballot Cards" adopted. F. May 26, 1970; eff. June 14, 1970.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Repealed: F. Dec. 11, 2003; eff. Dec. 31, 2003.

Adopted: New Rule entitled "Security of Voting System Components at County Elections Office or Designated County Storage Area." F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.06 Handling of Voting System

1. All personnel, with the exception of the permanent employees of the Office of the Secretary of State and permanent employees of the county or municipal election superintendent, who prepare voting equipment for use in a primary, election, or runoff shall complete an oath of custodian before each election. One copy of the oath shall be placed on file in the office of the election superintendent and an additional copy shall be filed with the records for the election filed with the clerk of superior court or the municipal clerk, as appropriate. The oath of custodian shall be in the following form:

STATE OF GEORGIA

COUNTY/MUNICIPALITY OF _____

OATH OF CUSTODIANS AND DEPUTY CUSTODIANS OF GEORGIA VOTING SYSTEM

I, _____, do swear (or affirm) that I will as a (deputy) custodian of the voting systems for the County/Municipality of _____, faithfully perform all of my duties in accordance with state law; that I will prepare in accordance with all applicable rules and regulations governing the use of the voting system all components to be used in primaries, elections, and runoffs in this county/municipality; that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying out my duties while preparing the voting system for use in primaries, elections, and runoffs; and that I am not disqualified by law to hold the position of (deputy) custodian.

(Deputy) Custodian

Administered by, sworn to,

and subscribed before me,

this ____ day of _____, 20__

Superintendent

(Required by O.C.G.A. Section [21-2-379.6\(b\)](#))

2. Any electronic ballot markers, ballot scanners, electronic poll books, ballot boxes and accessories that are removed from storage for educational or training purposes must be signed in and out on an equipment log maintained by the election superintendent. The log shall contain, at a minimum, a description of the item being checked out, including any serial number or identifying number; the date and time when the item is checked out; the name of the person checking out the item; and the date and time when the item is returned to storage. The items checked out of storage shall remain in the custody and control of the person checking out the items at all times and the person checking out the items shall personally return such items. Each person who utilizes equipment for educational or training purposes must be adequately trained in the use of the equipment prior to the release of the equipment into such person's custody.

3. The election management system computers shall not be moved or relocated for any purposes. Should it become necessary to relocate an election management system computer or any of its components from one facility to another, the election superintendent shall notify the Secretary of State in advance in writing of the reason for the relocation and the proposed new location. The election management system shall not be relocated unless and until written authorization for the relocation is received from the Secretary of State except in the event of an emergency situation beyond the control of the election superintendent. If an emergency arises causing the election management system to be moved, the election superintendent is responsible to notify the Secretary of State as soon as possible of the move.

4. The poll manager shall sign a receipt for components of the voting system assigned to such poll manager's precinct. Upon returning election supplies to the election superintendent's office following the close of the polls, the poll manager shall account for all such items and shall certify that all such items have been returned or shall describe any missing items and explain why such items have not been returned. The Secretary of State shall prepare and provide a chain of custody sheet for this purpose.

5. All voting system components and other equipment assigned to designated county election technicians shall be accounted for on the night of a primary, election, or runoff and shall be returned to storage. Each technician shall sign a receipt for all such items issued to such technician and, upon returning such items to the election superintendent's office following the close of the polls, the technician shall account for all such items and shall certify that all such items have been returned or shall describe any missing items and explain why such items have not been returned. The Secretary of State shall prepare and provide a chain of custody sheet for this purpose.

6. The election superintendent shall notify the Secretary of State of any instances of unaccounted for components of the voting system as soon as possible.

7. The election superintendent shall perform an audit count of all voting system components housed and maintained by the jurisdiction on an annual basis. The results of the audit shall be submitted to the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.06

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-379.6](#).

HISTORY: Original Rule entitled "Defective Ballot Cards, Duplication and Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. Aug. 5, 1969; eff. Aug. 24, 1969.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Repealed: New Rule entitled "Provisional Ballots" adopted. F. Oct. 18, 2002; eff. Nov. 7, 2002.

Repealed: New Rule of same title adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: F. Dec. 21, 2005; eff. Jan. 10, 2006.

Repealed: New Rule of the same title adopted. F. Mar. 17, 2011; eff. Apr. 6, 2011.

Repealed: New Rule of the same title adopted. F. May 27, 2011; eff. June 16, 2011.

Repealed: New Rule entitled "Handling of Voting System" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.07 Preparation for Elections

1.The election superintendent shall review the electronic databases used to generate ballots for correctness and accuracy in generating paper ballots and touchscreen displays.

2.Each ballot style and touchscreen display shall be proofread by the election superintendent or a person or persons under the direction of the superintendent to check that the ballot contains the proper offices, candidates, and questions to be submitted to the voters, that the offices and names are spelled and designated correctly, that political party or body affiliations and incumbency of candidates are correctly designated where applicable, and that the questions are presented in accordance with law and this rule and that the correct offices and questions are presented on each ballot style or touchscreen display.

3.For each office up for election, the paper ballot or touchscreen display shall state the name of the office; the post, position, or person presently holding the office if necessary to identify the specific office subject to election; the number of candidates for which the voter may vote for such office; the names of the candidates; the residence address of the candidates if there has been a determination that the names are sufficiently similar to so require such information under O.C.G.A. § [21-2-379.5](#). In partisan elections, the paper ballot and touchscreen display shall designate the political party or body that nominated the candidate or a designation of the candidate as an independent candidate; and the designation of the incumbency of a candidate seeking reelection to the office which the candidate then holds.

4.The offices, candidates, and questions shall be listed on the ballot in the order specified in O.C.G.A. §§ [21-2-379.4](#) and [21-2-379.5](#).

5.The election superintendent shall review the audio ballot prepared for use with the touchscreen display for voters with disabilities. The superintendent shall confirm that every section of the audio ballot is pronounced correctly. The election superintendent shall also confirm that no candidate's name; political party, political body, or independent designation; incumbency; or other such information nor any referendum question or answer or response thereto is emphasized, stressed, or otherwise inflected in any manner to distinguish a particular candidate, party or body, question, answer or response to a referendum question either negatively or positively or to suggest whether to vote for or against such candidates or questions in such audio recordings.

6.The Superintendent shall check that the memory cards used in the ballot scanner are formatted and contain no extraneous software or data prior to use in an election. The ballot scanner memory cards shall be named to indicate the polling place where they will be used. If more than one ballot scanner is to be used in a single polling place, the memory card name shall differentiate between the scanners.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.07

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-379.4](#), [21-2-379.5](#).

HISTORY: Original Rule entitled "Ballot Cards, Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. Oct. 20, 1975; eff. Nov. 9, 1975.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Repealed: F. Dec. 11, 2003; eff. Dec. 31, 2003.

Amended: New Rule entitled "Preparation of the Electors List and Use of Express Poll" adopted. F. Mar. 8, 2006; eff. Mar. 28, 2006.

Repealed: New Rule entitled "Preparation for Elections" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.08 Logic and Accuracy Testing

1. Primaries and Elections.

a. On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the election superintendent shall commence the preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners for use on Election Day.

b. On or before the third day preceding the advance voting period, the election superintendent shall commence the preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners for use during the advance voting period. Voting system components that passed logic and accuracy testing for advance voting do not have to be re-tested for use on Election Day for the same election, unless there is a change in the programming or database used by the component.

c. At least five days prior to the commencement of such preparation and testing, the election superintendent shall publish a notice in the legal organ of the county stating the date, time, and place or places where preparation and testing of the voting system components for use in the primary or election will commence, and stating that such preparation shall continue from day to day until such preparation is complete and that such preparation and testing shall be open to the public and that members of the public are entitled to be present during the preparation and testing. Prior to a runoff election, the Superintendent shall prominently post notice of the date, time, and place of such testing at least 24 hours prior to its occurrence.

d. The election superintendent shall cause such preparation and testing to begin on such date and time and at such place or places. Such preparation and testing shall be open to members of the public to observe; however, such members of the public shall not in any manner interfere with the preparation and testing of the voting system components. Any person found to be interfering with the preparation and testing process may be asked to leave the testing process and may be cited for interfering with an election official while in performance of election duties. Any questions and/or complaints from the general public regarding the preparation and testing process must be directed to the election superintendent and not to the individual personnel conducting the preparation and testing process. The election superintendent may make such reasonable rules and regulations concerning the conduct of such members of the public observing such preparation and testing, as the election superintendent deems necessary and appropriate; provided, however, that such rules and regulations shall not prevent members of the public from fairly observing the preparation and testing of the voting system components.

2. In addition to any reasonable rules and regulations that the election superintendent may create for the public to observe the preparation and testing process, the election superintendent or designee thereof, shall:

a. Be available for the first hour of the first day of testing to explain the preparation and testing process and to respond to questions and provide answers regarding the purpose and the process of preparation and testing;

b. Maintain a presence at all times during the preparation and testing process;

c. Administer an oath of custodian prior to beginning the preparation and testing process to any county personnel (except permanent state, county, or municipal election staff) appointed by the election superintendent to conduct the preparation and testing process;

d. Establish an area reasonable in proximity for the public to observe the preparation and testing process. Such area shall provide reasonable accommodations for the public insofar as space permits, but shall not be so established as to deny the general public the opportunity to view the process; however, the area should be of such nature so as to allow the preparation and testing process to proceed without interference by the general public;

e. Allow only election office personnel or individuals assigned to conduct the preparation and testing to enter the testing area during the preparation and testing process;

f. Prohibit any preparation and testing reports created for recording the seal numbers of voting system components from being disclosed to the public;

g. Prohibit the security seal numbers or other security measures of any voting system components from being disclosed to the public; and

h. Prohibit photographic and audio equipment of any kind, including cell phone cameras, from being used to record the security seal numbers or other measures used to secure any voting system components, provided that this rule shall not prohibit the news media from reporting on the preparation and testing process, so long as seal numbers and other security measures on any voting system component are not recorded or displayed in any manner.

3. During the public preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners to be used in a particular primary or election, the election superintendent shall cause each electronic ballot marker and scanner to be programmed with the election files for the precinct at which the electronic ballot marker and ballot scanner unit will be used.

The superintendent shall cause the accuracy of the components to be tested by causing the following tasks to be performed:

A. Check that the electronic poll books accurately look up and check-in voters via both the scanning function and manual lookup and create a voter access card that pulls up the correct ballot on the electronic ballot marker for every applicable ballot style.

B. Check that the touchscreen on the electronic ballot marker accurately displays the correct selections and that the touchscreen accurately reflects the selected choices.

C. Check that the printer prints a paper ballot that accurately reflects the choices selected on the touchscreen and immediately mark all printed paper ballots as "test" ballots.

D. Check that the ballot scanner scans the paper ballot, including both ballots marked by electronic ballot markers and ballots marked with a pen, and that the ballot scanner scans ballots regardless of the orientation the ballot is entered into the scanner.

E. Check that the tabulation contained in the ballot scanner memory card can be accurately uploaded to the election management system, and that the tabulated results match the selections indicated on the paper ballot.

If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests. Upon the successful completion of the logic and accuracy test, the component shall be cleared of any vote totals collected during testing. A zero tape shall be run on the ballot scanner subsequent to successful testing, and the tape shall be attached to the custodian's certification form to document the logic and accuracy testing. The components shall then be sealed and securely stored for transfer to the polling place.

4. After the completion of Logic and Accuracy testing on any voting system component, each component shall be sealed and safely and securely stored until such time as the component is transported to the polling place in which such component is to be used. The zero tapes, results tapes, test ballots, and other paperwork shall be securely stored by the superintendent.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.08

AUTHORITY: O.C.G.A. §[21-2-31](#).

HISTORY: Original Rule entitled "Defective and Duplicated Ballot Cards, Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. Oct. 20, 1975; eff. Nov. 9, 1975.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Repealed: F. Dec. 11, 2003; eff. Dec. 31, 2003.

Adopted: New Rule entitled "Logic and Accuracy Testing." F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.09 Transport to Polls

1. The election superintendent shall take all necessary measures to cause the voting system components to be safely and securely transported to the polling places.

2. The election superintendent shall cause the voting system components for each polling place to be delivered to the polling place at least one hour before the time for the opening of the polls. The election superintendent shall cause magnifying devices to be made available at each polling place to assist voters in reviewing their paper ballots.

3. If the voting system components are stored at a polling place prior to the arrival of the poll manager or their designee, the election superintendent shall cause the components to remain stored in a locked, secure manner with appropriate climate control as described in Rule [183-1-12-.04](#).

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.09

AUTHORITY: O.C.G.A. §[21-2-31](#).

HISTORY: Original Rule entitled "Write-In Ballots", Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. May 26, 1970; eff. June 14, 1970.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Repealed: F. Dec. 11, 2003; eff. Dec. 31, 2003.

Adopted: New Rule entitled "Transport to Polls." F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.10 Before the Opening of the Polls

1. The poll officers shall set up and power on the voting system components for voting prior to the opening of the polls. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the election superintendent may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the poll officers.

2.The poll officers shall verify that the seal for each voting system component is intact and that there is no evidence or indication of any tampering. The poll officers shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering, the election superintendent shall be immediately notified and such component shall not be used until such matters are resolved by agreement of the election superintendent and the poll manager.

3.The poll manager shall check that the electronic poll books, electronic ballot markers, and ballot scanners all indicate zero counts prior to the opening of the polls.

4.The poll manager shall cause each ballot scanner in the polling place to run a zero tape prior to the start of voting. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such unit shall not be used until the unit is cleared and the matter is resolved by agreement of the election superintendent and the poll manager.

5.The poll manager and two witnesses who have been sworn as poll officers pursuant to O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall sign the zero tape from the ballot scanner. The poll manager and those same two witnesses shall then confirm that the ballot box is empty. The Secretary of State shall develop a form to be signed by the poll manager and the two witnesses attesting that the ballot box was empty prior to the opening of the polls. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent with the polling place recap forms at the close of the polls. The ballot box shall then be securely locked and sealed. Once the ballot box is verified to have been empty and locked and sealed, no person shall access the inside of the ballot box while voting is occurring unless it is absolutely necessary to the functioning of elections. Any such access shall be by the poll manager and two witnesses who have been sworn as poll officers, and the poll manager and witnesses shall attest, on a form to be developed by the Secretary of State, to when and for what purpose the ballot box was accessed, and that no action was taken to affect the results of the election. That form shall also be returned to the election superintendent with the polling place recap form at the close of the polls.

6.The poll officers shall verify that there is no unauthorized matter affixed to any of the voting system components or present in the voting booths.

7.The poll officers shall affix a card of instructions for voting within each voting booth and shall place at least one printed sample ballot and at least one voting instructions poster approved or provided by the Secretary of State outside the enclosed space at the polling place for the information of the voters. At least one printed sample ballot and one voting instructions poster shall also be posted in the enclosed space. Prior to voters entering the enclosed space, the poll officers may also distribute to such voters a card of instructions for voting on the voting system that has been approved or provided by the Secretary of State. The poll officers shall also have a sufficient supply of sample ballots available should voters request to view them while voting or reviewing their ballot.

8.As near as possible to exit of the enclosed space in every polling place in a manner that is visible to voters as they exit the enclosed space, the poll manager shall post a sign that informs voters that ballots shall not be removed from the enclosed space.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.10

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-94](#), [21-2-95](#).

HISTORY: Original Rule entitled "Use of Absentee Ballots When Voting Machines are Inaccessible" was filed on November 14, 1986; effective December 4, 1986.

Repealed: New Rule entitled "Before the Opening of the Polls" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.11 Conducting Elections

1. As each voter presents himself or herself at the polling place for the purpose of voting during the time during which the polls are open for voting, each voter shall be offered instruction by a poll officer in the method of voting on the voting system, including specific verbal instruction to review their printed ballot prior to scanning it and that sample ballots and magnifying devices are available upon request to assist them in reviewing their paper ballot. In providing such instruction, the poll officers shall not in any manner request, suggest, or seek to persuade or induce any voter to vote any particular candidate, political party, or political body, or for or against any particular question.

2. (a) When a person presents himself or herself at the polling place for the purpose of voting during the time during which the polls are open for voting, the person shall complete a voter certificate and submit it to the poll officers. The voter certificate may be an electronic or paper record. The poll officers shall verify the identity of the person and that the person is a registered voter of the precinct and, if so, shall approve the voter certificate and enter an appropriate designation on the electors list for the precinct reflecting that the voter has voted in the primary, election, or runoff being conducted. The voter's name shall then be entered on the appropriate numbered list of voters.

(b) A poll officer shall then issue the voter an appropriate voter access card authorizing the voter to vote the correct ballot on the touchscreen or utilize the correct access code to manually bring up the correct ballot on the touchscreen. The voter shall then enter the enclosed space in the polling place and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen component, review the selections on his or her printed ballot, scan his or her printed ballot into the scanner, and return the voter access card to a poll officer. Then the voter shall exit the enclosed area of the polling place.

(c) If an emergency situation makes utilizing the electronic ballot markers impossible or impracticable, as determined by the election superintendent, the poll officer shall issue the voter an emergency paper ballot that is to be filled out with a pen after verifying the identity of the voter and that the person is a registered voter of the precinct. Emergency paper ballots shall not be treated as provisional ballots, but instead shall be placed into the scanner in the same manner that printed ballots in the polling place are scanned. The election superintendent shall cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. The poll manager shall store all emergency ballots in a secure manner and that all used and unused emergency ballots are accounted for. All unused emergency ballots shall be placed into a secure envelope and sealed such that the envelope cannot be opened without breaking such seal.

(d) If an emergency situation exists that makes voting on the electronic ballot markers impossible or impracticable, the poll manager shall alert the election superintendent as soon as possible. The existence of an emergency situation shall be in the discretion of the election supervisor. However, if a poll manager is unable to contact the election superintendent after diligent effort, the poll manager shall have the ability to declare that an emergency situation exists at the polling place. The poll manager shall continue diligent efforts to contact the election superintendent, and shall inform the superintendent as soon as possible of the situation at the polling place. The election superintendent, in his or her discretion, shall either overrule or concur with the declaration of emergency circumstances. While the determination of an emergency situation is in the discretion of the election superintendent, the types of events that may be considered emergencies are power outages, malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use, or waiting times longer than 30 minutes.

3. At least once each hour during the time while the polls are open, the poll officers shall examine the enclosed space to verify that no unauthorized matter has been affixed to any voting system component or placed in the voting booth and that the voting system components have not been tampered with in any manner. Poll officers shall also check that no unattended ballots are left in the printer or anywhere in the enclosed space other than the appropriate ballot box. Any unattended ballots found in the enclosed space that do not belong to a voter currently in the enclosed space shall not be counted, but shall be secured and labelled as unattended ballots.

4. The polling place shall be arranged in such a manner as to provide for the privacy of the elector while voting and to allow monitoring of each voting system component by the poll officers while the polls are open. The electronic

ballot markers and ballot scanners used in the polling place shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such units against tampering, damage, or other improper conduct. In addition, there shall be at least one electronic ballot marker configured for use by physically disabled electors at each advance voting location. In addition, at least one ballot marking device shall be configured for voting by physically disabled voters in wheelchairs and provisions shall be made to provide for the privacy of such electors while voting.

5. It shall be permissible under O.C.G.A. § [21-2-410](#) and shall not constitute assistance in voting under O.C.G.A. § [21-2-409](#) for poll officers to assist a voter in inserting the voter access card into the ballot marking device and in explaining the operation of the unit to the voter; provided that the poll officer shall withdraw from the voting booth prior to the voter making any selections. The poll officers shall not in any manner request, suggest, or seek to persuade or induce any voter to vote for any particular candidate, political party, or political body, or for or against any particular question.

6. Voters utilizing an audio tactile interface (ATI) device to vote on the ballot marking device without the assistance of any other individual shall not be considered as receiving assistance in voting and shall not be required to complete the forms required for receiving assistance in voting pursuant to O.C.G.A. § [21-2-409](#); however, if another person other than a poll officer is handling the printed ballot before it is inserted into the scanner, that person shall be considered as assisting.

7. The poll officers shall confirm that voters deposit their ballots and return the voter access cards to the poll officers prior to leaving the enclosed space in the polling place. The poll officers shall arrange and configure the polling place and provide staffing at such places within the polling place to confirm that a voter will not leave the enclosed space with a ballot or voter access card.

8. The election superintendent shall cause each polling place to be sufficiently staffed and a poll officer to be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer instruction throughout the period while voting is occurring reminding voters to review their printed paper ballots, but shall take all reasonable precautions not to view the selections on an elector's ballots unless it is required due to assistance requested by the elector.

9. A voter may request information from poll officers concerning how to use the electronic ballot marker or any other voting system component at any time during the voting process. However, once the voter scans his or her ballot into the ballot scanner, even if the ballot is blank with no votes cast, such voter shall be deemed to have voted and may not thereafter vote again. If a voter leaves the room encompassing the enclosed space with his or her paper ballot and does not place that ballot into the appropriate ballot scanner or ballot box, that voter shall be deemed to have voted and may not thereafter vote again. A sign shall be placed at the exit of the enclosed space that informs every voter that ballots may not be removed from the enclosed space. Any paper ballot that is removed from the room encompassing the enclosed space shall not be counted and shall be marked as spoiled by a poll officer.

10. (a) If a voter discovers that the ballot presented on the electronic ballot marker is not correct or, for a partisan primary, is not the ballot that the voter desired to vote, the voter shall immediately notify a poll officer. The poll officer shall cancel or void the ballot on the electronic ballot marker without attempting in any manner to see how the voter has voted and shall then take the necessary steps to provide the voter with the correct ballot and make any necessary corrections to the voter certificate of the voter, the electors list, and the numbered list of voters.

(b) If, while reviewing his or her printed ballot, the voter discovers that the printed ballot does not contain the proper ballot selections or that the voter was not issued the proper ballot, the voter shall immediately inform a poll officer. The poll officer shall spoil the paper ballot and take the necessary steps to allow the voter to make his or her selections again on the electronic ballot marker and cause the correct ballot to be issued.

(c) If the voter places his or her paper ballot into the ballot scanner or ballot box prior to notifying the poll officials of any errors in the ballot, the voter shall be deemed to have voted and shall not be permitted to cast another ballot.

11. (a) If any voting system component malfunctions during the day of a primary, election, or runoff, the poll manager shall immediately notify the election superintendent and shall not allow any voter to use the component

until and unless the malfunction is corrected. The poll manager shall utilize appropriate backup procedures so that voting is not interrupted due to any equipment malfunctions. The election superintendent shall immediately arrange for the repair of the voting system component or shall provide a replacement component as soon as practicable. A replacement component shall not be used unless it has been appropriately tested prior to its use.

(b) In the event that a ballot scanner malfunctions, the voter shall place their voted ballot in the emergency bin connected to the ballot box. The ballots in the emergency bin shall be counted when the ballot scanner is properly functioning, by a replacement ballot scanner brought to the polling place, or, if neither are available, by another scanner at the county elections office. Poll officers may scan ballots placed into the emergency bin through the ballot scanner or a replacement ballot scanner when doing so will not interfere with voting. A voter placing his or her ballot into the emergency bin is considered to have voted that ballot and shall not be permitted to cast another ballot.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.11

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-409](#), [21-2-410](#).

HISTORY: Original Rule entitled "Conducting Elections" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.12 Tabulating Results

(a) After the Polls Close.

1. Immediately after the polls close and the last voter has voted, the poll manager and two witnesses who have been previously sworn as poll officers as provided in O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall begin the closing procedure on each ballot scanner so that no further votes are cast and record the number of scanned ballots from every ballot scanner used in the polling place. The poll manager and the two witnesses shall record the number of scanned ballots from each scanner on a recap form to be developed by the Secretary of State. The poll manager and the two witnesses shall cause each ballot scanner to print three tapes of the tabulated results and shall sign each tape indicating that it is a true and correct copy of the tape produced by the ballot scanner. If the poll manager or the witnesses have reason to believe that printed tapes are not a true and correct tabulation of the ballots scanned by that ballot scanner, the poll manager or witness shall document the reasons and evidence for that belief and inform the election superintendent, who shall take appropriate action, in his or her discretion, so that the ballots in the ballot box associated with the ballot scanner are accurately tabulated.

2. The poll manager shall cause the number of printed ballots from each ballot marking device to be recorded on the recap form. The poll manager shall further cause the number of spoiled ballots and ballots placed in the emergency bin of the scanner that were unable to be scanned to be recorded on the recap form. The poll manager shall cause the total number of voter check ins from the electronic poll book and/or paper voter list to be recorded on the recap form. If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.

3. One of the three tapes of the tabulated results printed from the ballot scanner shall be affixed to the door of the polling place for the information of the public along with a copy of the provisional ballot recap form for the polling place. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purposes) provided by the election superintendent, along with the "poll officer" memory card from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The poll manager and the two witnesses shall initial the envelope indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the polling place recap form.

4. The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the

paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent. A separate container shall be used for the paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the count of the ballots from the tabulation tape, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the poll manager and the same two witnesses such that it cannot be opened without breaking the seal. The poll manager and the two witnesses shall sign a label affixed to the container indicating that it contains all of the correct ballots from the indicated ballot box and no additional ballots.

5. The poll manager and the same two witnesses who emptied the ballot box shall complete and sign a form indicating that the ballot box was properly emptied and the ballots were properly stored and secured. Such form shall be delivered to the election superintendent with the completed polling place recap form. The ballot box shall be resealed and the new seal numbers shall be documented.

6. The envelopes containing the tabulation tape and the memory card, the containers containing the paper ballots, the completed polling place recap forms, voter access cards, supervisor's cards, electors lists, numbered lists of voters, electronic poll books, and other such paperwork shall be delivered to the election superintendent by the poll manager and at least one other sworn poll officer or law enforcement official. The election superintendent or his or her designee shall receive the materials and shall issue a receipt to the poll manager for the materials. The poll manager and any poll officers who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with. The election superintendent, in his or her discretion, may allow a designee of the poll manager to deliver the envelopes or containers containing the ballot scanner tabulation tapes and memory cards to be used for unofficial reporting of results prior to the delivery of the other polling place materials provided that the same procedures for transit and delivery set forth herein are followed.

7. Before leaving the polling place, the poll manager shall power off, secure, and seal all electronic ballot markers, ballot boxes, and ballot scanners. The polling place shall be locked to prohibit unauthorized entry.

(b) Consolidation of Results.

1. All persons involved with the tabulation and consolidation of the election results and who will operate the computer programs or handle the memory cards shall be sworn in the same manner that custodians are sworn before entering into their duties.

2. Only persons who are permanent employees of the election superintendent or have been duly sworn as poll officers or custodians shall touch or be in contact with any ballot, container, returns, tapes, device, memory card, or any other such election materials. Only persons who are employed by the election superintendent or have been duly sworn shall be in the immediate area of the tabulating center designated by the superintendent for the officers to conduct the tabulation and consolidation of the election results.

3. The tabulation and consolidation shall be performed in public. However, the election superintendent may make reasonable rules and regulations for conduct at the tabulating center for the security of the results and the returns and to avoid interference with the tabulating center personnel.

4. Upon the delivery of any election materials from a polling place, the election superintendent or his or her designee shall provide a receipt that clearly states what election materials have been delivered.

5. Upon receiving the paper ballots and the memory cards, the election superintendent shall verify the signatures on the sealed envelopes and containers, verify that the seals are intact, that the envelopes or containers have not been opened, and that there is no evidence of tampering with the envelopes, containers, or their contents.

6. In the case of elections for county, state, and federal office, after verifying that the envelopes and containers are properly sealed and have not been opened or tampered with, the election superintendent shall break the seal and open each envelope and remove the memory card and results tape. The election superintendent or his or her designee shall then insert the memory card into the election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

7. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § [21-2-419](#), the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff.

8. The election superintendent shall not list and certify in the official consolidated returns for an election any results for write in candidates who were not properly qualified under O.C.G.A. § [21-2-133](#).

9. In the case of primaries, elections, and runoffs for county, state, and federal office, the county election superintendent shall transmit to the Secretary of State the election returns by precinct for the county in electronic format or by electronic means, as may be specified by the Secretary of State, within fourteen days following a primary, election, or runoff.

(c) Election Night Reporting. The election superintendent shall transmit to the Secretary of State unofficial election results for all races for state offices in any primary, election, or runoff as soon as possible after the closing of the polls for such primary, election, or runoff. Such results shall be transmitted in a format prescribed by the Secretary of State. At a minimum, the results shall be transmitted upon one third of the precincts reporting results, upon two thirds of the precincts reporting results, and upon all precincts reporting results, including absentee ballots within all precincts. Except upon prior notice to and consultation with the Secretary of State, no election superintendent shall conclude the tabulation of votes on election night in any primary, election, or runoff in which there are contested races for federal and state offices until and unless all such unofficial results, including absentee ballots, have been transmitted to the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.12

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-94](#), [21-2-95](#).

HISTORY: Original Rule entitled "Tabulating Results" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.13 Storage of Returns

(a) After tabulating and consolidating the results, the election superintendent shall prepare an electronic file which shall contain a copy of the information contained on each memory card which shall include all ballot images as well as vote totals and a copy of the consolidated returns from the election management system.

(b) The electronic file shall be stored on a secure medium which shall be placed in a sealed envelope or container and shall become a part of the election materials which shall be deposited with the clerk of superior court or the municipal clerk, as appropriate, in accordance with O.C.G.A. § [21-2-500](#). In addition, the signed results tape from each ballot scanner and the corresponding paper ballots shall also be deposited with the clerk of superior court.

(c) The memory cards shall be sealed in an appropriate container and securely maintained by the election superintendent until the period for requesting a recount of the primary, election, or run off results has expired. The election superintendent and at least one other sworn individual in the tabulating center shall seal the container and sign the seal such that the container cannot be opened without destroying or damaging the seal. Upon the expiration of the period for requesting a recount, the election superintendent may use the memory cards for programming ballot scanners units for the next primary, election, or runoff.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.13

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-500](#).

HISTORY: Original Rule entitled "Storage of Returns" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.14 Maintenance of Equipment

(a)Each county shall be responsible for maintaining all components of the voting system, including electronic ballot markers, printers, ballot scanners, electronic poll books, computers, and software provided to such county by the Secretary of State or purchased by such county and shall either purchase a warranty/maintenance agreement for such equipment and software or shall assume the responsibility for repair, maintenance, and upkeep of all system components.

(b)In the event of any malfunction or problem with any voting system component, the county election superintendent shall document the problem and its resolution and shall provide such information to the Secretary of State. The documentation shall include a detailed description of the malfunction or problem, the steps taken to correct the malfunction or problem, and the cause of such malfunction or problem if a cause can be determined.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.14

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Maintenance of Equipment" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.15 Use of Equipment by Municipalities

The county election superintendent is authorized to permit any municipality within the county to conduct its election with electronic ballot markers, printers, ballot scanners, and other components of the statewide voting system through a written intergovernmental agreement between the county and the municipality; provided that the municipality agrees to maintain and operate the equipment in accordance with law, these rules and regulations, and the manufacturer's guidelines and specifications and provided further that the municipality trains all of its election personnel and poll officers in the proper operation and conduct of elections utilizing such equipment through an appropriate training program approved by the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.15

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Use of Equipment by Municipalities" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.16 Demonstrations of Voting Equipment

When being used for demonstration and voter education purposes, electronic ballot markers and ballot scanners shall not utilize or be programmed with the official ballot to be used in the primary or election. The device shall utilize or be programmed with a ballot containing the names of fictitious or historical persons whose names do not appear on the official ballot for such primary or election.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.16

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Demonstrations of Voting Equipment" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.17 Tabulating Center Personnel, Trained and Certified

All tabulating center personnel must be trained in their respective duties and certified as required by O.C.G.A. [§ 21-2-99](#) for poll officers. All programmers, operators, and data center personnel shall be sworn as provided in O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) for poll officers.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.17

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-94](#), [21-2-95](#), [21-2-99](#).

HISTORY: Original Rule entitled "Tabulating Center Personnel, Trained and Certified" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.18 Provisional Ballots

(1) This rule shall govern the casting of provisional ballots by voters at primaries and elections in accordance with O.C.G.A. §§ [21-2-418](#) and [21-2-419](#).

(2) In each polling place, there shall be established a location or station in the public area of the polling place for the purpose of issuing and receiving provisional ballots.

(3) The election superintendent shall provide each polling place with an adequate supply of provisional ballots in each ballot style (district combination) for the precinct and an inner ballot envelope and an outer ballot envelope. The election superintendent shall also be prepared to resupply polling places with provisional ballots in needed ballot styles in a timely manner while voting is occurring so that polling places do not run out of provisional ballots. The ballot envelopes shall be so designed that the ballot will fit within the inner ballot envelope and the inner ballot envelope will fit within the outer ballot envelope. The inner ballot envelope shall have printed on it the words "Official Provisional Ballot" and nothing else. The outer envelope shall have places for inserting the person's name, precinct, date and name of election, ballot style (district combination), and whether such ballot is a regular provisional ballot, a provisional ballot cast by a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. §§ [21-2-220](#) and [21-2-417](#), or a ballot cast during poll hours extended by a court order, or a combination thereof. Primaries and elections conducted by counties shall use optical scan ballots for provisional voting. The poll manager shall cause all voted provisional ballots to be deposited into the provisional ballot box and not be inserted into the polling place ballot scanner and kept separate and apart from non-provisional ballots cast at the polling place. Municipalities shall use the same type of ballots as the municipality uses for mail-in absentee voting. The election superintendent shall also provide a booth for voting provisional ballots in the enclosed space which will provide privacy for a person while voting a provisional ballot and a secure container in which the voted provisional ballots shall be placed.

(4) Voters whose names do not appear on electors list.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but the person's name does not appear on the official electors list for the precinct, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the polling place shall have an electronic poll book that includes a mastered list of registered voters in the state, and the poll workers shall check the list to determine if the person is assigned to a different polling place within the county or registered in a different county. If the person's name appears on the master list for a different precinct within the same county, the poll workers shall inform the person of his or her correct polling place. The person shall be instructed to go to his or her correct polling place if practicable, but that if it is not practicable for the person to get to his or her correct polling place before the close of polls, that the person may vote a provisional ballot in the polling place in which they are present. If, after receiving that instruction, the person states that it is not practicable for him or her to get to their correct polling place prior to the close of voting, the poll officer shall offer the person a provisional ballot. If the person is registered in a different county, the poll officer shall inform the person that he or she appears to be registered in a different county. If the person is still eligible to vote in the county in which they appear to be registered, the person may return to that county to vote. If the person states a good-faith belief that he or she timely registered to vote in the county in which he or she is present, he or she shall be offered a provisional ballot.

(b) If the person's name is not found on the official list of electors for the precinct or the master list, the poll officers shall immediately contact the registrars and the person shall provide such information as the registrars may request to determine if the person is eligible to vote in the election. The registrars shall promptly review the information provided by the person and shall attempt to determine if the person timely and properly registered to vote in the county in which he or she is present.

(c) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election and should be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to add the person's name to the official electors list for the precinct and shall permit the person to vote in the same manner as other voters in the precinct vote. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the precinct with a notation of the name of the registrar who authorized such addition. Upon presentation of a properly completed voter certificate and the identification required by O.C.G.A. § [21-2-417](#), the person shall be permitted to vote in the same manner as other voters in the precinct.

(d) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election but should be assigned to a different precinct within the same county where the person is present, the registrars shall direct the poll officers to inform the person of the appropriate other precinct and the registrars shall notify the officers of such other precinct to add the person's name to the official electors list for such other precinct. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers at such other precinct which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the other precinct by the poll officers of the other precinct with a notation of the name of the registrar who authorized such addition. Upon the completion of a voter certificate and the submission of the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other persons in such other precinct. However, the poll officer shall also instruct the person that if it is not practicable for such person to go to such other precinct before the polls close and the person communicates that to the poll officers, the person shall be offered a provisional ballot at the precinct in which the person is present. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(e) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if properly registered, would be assigned to the precinct at which the person is present, the registrars shall inform the poll officers and the person shall be offered a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.

(f) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county at which the person is present, the registrars shall direct the poll officers to inform the person of the appropriate precinct. The registrars shall notify the officers of such other precinct to permit the person to vote a provisional ballot when such person arrives at such precinct, completes an official voter registration form and a provisional ballot voter certificate, and submits the appropriate identification required by O.C.G.A. § [21-2-417](#). When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. However, the poll officer shall also instruct the person that if it is not practicable for such person to go to such other precinct before the polls close and the person communicates that to the poll officers, the person shall be offered a provisional ballot at the precinct at which such person is present. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § [21-2-419\(c\)](#).

(g) If the person appears at a precinct in a county or municipality in which the person does not reside, the registrars shall instruct the poll officers to direct the person to contact the registrars in the county in which the person resides to determine in which precinct such person should vote.

(h) If the poll officers cannot get in touch with the registrars after making a reasonable effort to do so, the poll officers shall be authorized to permit the person to receive a provisional ballot at the precinct without additional authorization from the registrars. In such case, all votes cast by such person for candidates for whom such person is

properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § [21-2-419\(c\)](#).

(i) Upon accepting the opportunity to receive a provisional ballot, the person shall complete a provisional ballot voter certificate and an official voter registration form and submit such completed certificate and form to the poll officers along with the appropriate identification required by O.C.G.A. § [21-2-417](#). The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an Inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(j) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public. The provisional ballot voter certificate and voter registration form shall be attached together and shall be placed in a separate, distinctively marked envelope or reusable document container which shall be placed in a secure location in the polling place.

(5) Voter who registered for first time by mail but did not provide required identification.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but does not have the identification required by O.C.G.A. § 21-2-417 and the person's name appears on the official electors list for the precinct with a designation that the person registered to vote for the first time in this state by mail but has not provided the required identification to the registrars as required by O.C.G.A. § 21-2-220, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the person shall be permitted to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the poll officers shall issue the appropriate ballot style (district combination) to the person as shown on the electors list. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(b) Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) The provisional ballot shall not be counted unless the voter provides the identification required by O.C.G.A. § [21-2-220](#) and [21-2-417](#) to the registrars before the end of the period set by law for the verification of provisional ballots. Such identification may be provided to the registrars in person, by email, by facsimile transmission or, in the case of disabled voters, by delivery by a third party.

(6) Voters voting during extended polling hours in an election in which federal candidates are on the ballot.

(a) In the event that the polling hours for a polling place are extended by a court order beyond the normal closing time for a primary, election, or runoff in which federal candidates are on the ballot, all voters who vote after the normal closing time for the polling place shall vote by provisional ballot.

(b) Voters whose names appear on the electors list and who have the appropriate identification required by O.C.G.A. § [21-2-417](#) shall complete a provisional voter certificate and shall be issued a provisional ballot along with an inner ballot envelope and an outer ballot envelope. Such voters shall not be required to complete a voter registration form. It also shall not be necessary to obtain approval from the registrars to issue provisional ballots to such voters. The poll officers shall place the name of the person on the numbered list of provisional ballot voters. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to a provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers. Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box to designate that the ballot is an extended poll hours provisional ballot, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) If the voter's name is not on the electors list, the poll workers shall follow the provisions of this rule for regular provisional balloting under this rule and, if the voter is authorized by the registrars to vote a provisional ballot under the terms of this rule, shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(d) If the voter's name is on the electors list but registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § 21-2-220, the poll officers shall permit the voter to vote in accordance with the provisions of this rule for first time voters who register for the first time in this state by mail without providing the required identification, and shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(e) The poll officers shall provide each first time voter who registered for the first time in this state by mail without providing the required identification who casts a provisional ballot information on how the voter may provide the registrars with the appropriate identification in order that the voter's ballot may be counted.

(7) Each voter casting a provisional ballot in a primary, election, or runoff in which federal candidates appear on the ballot shall be given written information explaining how such voter can ascertain if such ballot is counted and, if such ballot is not counted, the reason why such ballot was not counted.

(8) The provisional ballot voter certificates and voter registration cards may be picked up during the day by a registrar or deputy registrar for the purpose of beginning the process of determining the eligibility of the persons to cast provisional ballots. Before transferring the voter certificates and registration cards to the registrars during the day, the poll officers shall note the number of certificates and cards being transferred to the registrars. If such voter certificates and registration cards are not picked up by the registrars by the time that the polls close and the last voter has voted, the envelope in which the provisional ballot voter certificates and voter registration cards have been deposited shall be securely sealed and shall be returned to the election superintendent with the other materials from the polling place.

(9) After the close of the polls and the last voter has voted, the poll officers shall account for all voted provisional ballots, cancelled and spoiled provisional ballots, and unused provisional ballots. The ballot stubs and unused and spoiled ballots shall then be securely sealed in the container provided for them by the election superintendent. The poll officer, along with two other witnesses sworn as poll officers, shall then proceed to open the secure container in which the provisional ballots were deposited and count the number of voted provisional ballots contained therein. The poll officer and witnesses shall then compare the total number of persons voting provisional ballots as shown on the numbered list of provisional ballot voters with the number of ballots issued and the number of ballots voted. If

these numbers do not equal one another. the poll officers shall determine the reason for the inconsistency and shall correct the problem before going further. The poll officer and witnesses shall seal the voted provisional ballots in a container for transfer to the election superintendent. The poll officers shall complete and sign a provisional ballot recap sheet and post one copy of the recap sheet on the door of the polling place with the election results from the precinct. The remaining copies of the provisional ballot recap sheet along with the numbered list of provisional ballot voters shall be returned to the election superintendent with the other election materials from the precinct.

(10) Upon receiving the election materials from the precincts, the election superintendent shall cause the envelope containing the provisional ballot voter certificates and voter registration cards to be promptly removed from the other materials and, if applicable, transferred to the registrars for processing. If applicable, the voter certificates and registration cards shall be transferred to the registrars no later than 9:00 a.m. on the day following the day of the primary, election, or runoff. The election superintendent shall also remove the container containing the voted provisional ballots and shall place such container in a secure location within the election superintendent's office.

(11) Upon receiving the provisional ballot voter certificates and voter registration cards from the election superintendent, the registrars shall promptly proceed to determine the eligibility of each person that voted a provisional ballot.

(a) If the registrars determine that the person did timely register and is eligible and entitled to vote in such primary, election, or runoff, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is accepted and shall notify the election superintendent of the proper ballot style (district combination) for the voter.

(b) If the registrars determine that the person did not timely register to vote for the primary or election or is not eligible and entitled to vote in such primary or election or if the registrars cannot determine by the close of business on the third business day following the day of the primary, election, or runoff if the voter timely registered and was eligible and entitled to vote in such primary or election, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is rejected.

(c) Not later than the close of business on the third business day following the day of the primary, election, or runoff, the registrars shall return to the election superintendent the numbered list of provisional ballot voters reflecting the accepted and rejected provisional ballots.

(d) The names of those persons whose names are accepted shall be added to the official electors list. The voter registration cards of those persons whose ballots are rejected on the numbered list of provisional ballot voters shall be processed by the registrars and, if found to be eligible and qualified, shall be added to the electors list for future elections.

(e) The registrars shall maintain the provisional ballot voter certificates for the same period of time and under the same conditions as the regular voter certificates. Voter registration cards completed by provisional ballot electors shall be maintained for the same period of time and under the same conditions as other voter registration cards.

(12) Upon receiving the numbered list of provisional ballot electors from the registrars, the election superintendent shall prepare to count the accepted provisional ballots. The election superintendent shall first compare the precinct designation and election district information with the style of ballot (district combination) cast by the provisional ballot voter.

(a) If the ballot style (district combination) voted by the voter was correct, then the election superintendent shall open the outer envelope and place the inner envelope containing the ballot into a ballot box.

(b) If the ballot style (district combination) voted by the voter was not correct, then the election superintendent shall open the outer envelope and note the correct ballot style (district combination) on the inner envelope. Each such inner envelope shall then be placed in a separate container until all of the outer envelopes have been opened. The outer envelopes shall then be stored in a location away from the inner envelopes in a manner such that the inner envelope and ballot of a voter cannot be identified as being the ballot of a particular voter. The superintendent shall then open each such inner envelope and remove the ballot and shall place a unique identifying number on the ballot along with the designation of the precinct at the top of the ballot. The election superintendent shall then prepare or

cause to be prepared a duplicate ballot. The duplicate ballot shall be clearly labeled with the word "Duplicate" and shall bear the name of the precinct and the same unique identifying number as the original ballot at the top of the ballot. The election superintendent shall transfer or cause to be transferred to the duplicate ballot, in the presence of at least two other consolidation assistants and in public, only the votes cast by the provisional ballot voter in the races and on the questions to which such voter was eligible and entitled to vote. The votes entered on the duplicate ballot shall be verified by at least one consolidation assistant. The completed duplicate ballot shall be placed in the ballot box with the other provisional ballots to be counted. The original ballot shall be placed into an appropriate container and retained.

(c)After opening all of the outer envelopes and making all necessary duplicate ballots, the election superintendent shall then open the inner envelopes of the ballots in the ballot box and proceed to count the votes in the same manner as absentee ballots are counted. Upon completing the count, the election superintendent shall add the provisional ballot votes to the other votes cast at the polls and by absentee ballot and shall consolidate and certify the results of the primary, election, or runoff. The provisional ballots and any duplicates shall be retained for the same time period and in the same manner as absentee ballots.

(d)The rejected provisional ballots shall be marked on the outer envelope as "Not Counted" and shall not be opened. The ballots shall be maintained for the same time period and in the same manner as absentee ballots which were returned too late to be counted.

(e)The election superintendent shall notify the registrars of the names of those persons who cast a provisional ballot in the wrong precinct or on an incorrect ballot style (district combination).

(13)Upon identifying the rejected provisional ballot electors, the registrars shall proceed at the earliest possible time to notify each such person by first-class mail at the address shown on the provisional ballot voter certificate that his or her ballot was not counted because of the inability of the registrars to verify that the person timely registered to vote or such other proper reason. The registrars shall also attempt to notify the person by telephone or email if the provisional ballot voter certificate contains an email address or telephone number. If the person's voter registration card was approved, the registrars shall also notify the person that his or her name will be added to the elector's list and the person will be eligible to vote in future primaries and elections and that a voter notification or precinct card will be mailed to the person to provide the voter with the correct precinct and election district information.

(a)Upon receiving notification from the election superintendent of the names of persons who cast provisional ballots in the incorrect precinct or on the incorrect ballot style (district combination), the registrars shall notify such persons of their correct precinct and/or election district information. The sending of a voter notification or precinct card by first-class mail to the address shown on the voter registration card completed by such person when voting by provisional ballot shall be sufficient notice for such voters.

(b)If the person's voter registration is rejected, the registrars shall notify the person of such rejection in accordance with O.C.G.A. § [21-2-226\(d\)](#).

(c)In addition, the registrars shall establish a free access system, such as a toll-free telephone number or an Internet website, by which voters who cast provisional ballots in a primary, election, or runoff in which federal candidates are on the ballot may ascertain whether their ballots were counted or, if the ballots were not counted, the reasons why such ballots were not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such system. Access to information about an individual provisional ballot shall be restricted to the voter who cast such ballot.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.18

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-226](#), [21-2-417](#), [21-2-418](#), [21-2-419](#), [21-2-420](#).

HISTORY: History. Original Rule entitled "Provisional Ballots" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Note: Correction of non-substantive typographical errors in subparagraphs (4)(d),(5)(a) (sentences one and five) and (6)(d), period corrected to comma in "...by O.C.G.A. § 21-2-417.the person..."; "...by O.C.G.A. § 21- 2-220. the

poll officers...”; “...to the person. the poll officers...”; “...by O.C.G.A. § 21-2-220. the poll officers...”, respectively, as requested by the Agency for original rule filed on Jan. 23, 2020. Effective February 12, 2020.

183-1-12-.19 Preparation of the Electors List and Use of Electronic Poll Book

(1) Election superintendents shall cause each polling place to be equipped with an appropriate number of electronic poll books within the county during primaries, elections, and runoffs. Electronic poll books shall be the primary method for checking in voters and creating voter access cards, but the superintendent shall cause every polling place to be equipped with a paper backup list of every registered voter assigned to that polling place. The paper backup list shall be used in case the electronic poll books do not properly function. The superintendent shall cause poll workers to be adequately trained in checking in voters on both electronic poll books and paper backup list.

(2) The county election superintendent shall maintain each electronic poll book device, and all components in a secure location as provided for in Rule [183-1-12-.04](#) and [183-1-12-.05](#).

(3) Effective January 1, 2006, the registrars of each county shall utilize the absentee ballot subsystem of the statewide voter registration system for absentee balloting and advance voting.

(4) The registrars of each county shall complete the entry of new and updated voter registrations on a timely basis as required by the Secretary of State and shall notify the Secretary of State upon the completion of all such data entry after a registration deadline.

(5) Prior to each primary or election as specified by the Secretary of State, the county election superintendent shall provide to the Secretary of State or his or her designee a final copy of the election management system database for the county.

(6) The county election superintendent and the registrars shall notify the Secretary of State or his or her designee of any changes to the voter registration file for the county or the election management system database that occur after the process for programing the electronic poll books has begun.

(7) During the period in which election system components are tested and prepared prior to delivery to polling places, the election superintendent shall cause each electronic poll book to undergo logic and accuracy testing. Each electronic poll book must pass such logic and accuracy test prior to being delivered to a polling place. The election superintendent or registrars shall verify the information contained on the electronic poll books prior to delivering the units to polling places.

(8) Prior to delivery to a polling place, the election superintendent or registrars shall cause the electronic poll books to accurately mark all persons who have been issued or cast absentee ballots in the election.

(9) Upon the conclusion of each primary, election, or runoff, the poll officers shall return the electronic poll books with the other election materials from the polling place to the election superintendent. The registrars and election superintendent shall inform the Secretary of State of all voters who cast ballots in each primary election or runoff in a format to be determined by the Secretary of State and in the same time period as the official election returns.

(10) For electors whose names are added to the voter registration rolls after the preparation of the electronic poll books, the registrars shall provide a printed supplemental list for use at the affected polling places.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.19

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Preparation of the Electors List and Use of Electronic Poll Book" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-12-.20 Use of Emergency Paper Absentee Ballots When Voting Machines are Inaccessible

Emergency paper ballots shall be offered to and may be used by persons with disabilities in non-emergency situations if the electronic ballot marker are inaccessible.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.20

AUTHORITY: O.C.G.A. [§21-2-31](#).

HISTORY: Original Rule entitled "Use of Emergency Paper Absentee Ballots When Voting Machines are Inaccessible" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Department 183. STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-14. ABSENTEE VOTING

183-1-14-.02 Advance Voting

(1) Counties and municipalities shall use electronic markers and ballot scanners for in-person absentee voting during the advance voting period. As used in this rule, the term "registrar" or "registrars" means a county board of registrars, a county board of elections and registration, a joint county-municipal board of elections and registration, a municipal absentee ballot clerk, a municipal registrar, or the designee of a board of registrars, board of elections and registration, or joint county-municipal board of elections and registration.

(2) The registrar shall publish the times, dates, and locations of the availability of advance voting in their jurisdiction on a publicly accessible website, or if the registrar does not have a website, in a newspaper of general circulation or by posting in a prominent location in the county, no later than 7 days prior to the beginning of the advance voting period. Any additional advance voting locations added after that deadline shall be published as soon as possible. The registrar shall endeavor not to remove or alter any advance voting locations after they are published, but if emergency or unforeseen circumstances make such a change necessary, the registrar shall publish those changes as soon as possible.

(3) Electronic ballot markers and ballot scanners shall be configured and tested in accordance with the provisions of Rule [183-1-12-.08](#) prior to use in advance voting. Public notice of the time and place for such configuration and testing of the electronic ballot markers and ballot scanners to be used for advance voting shall be given in accordance with O.C.G.A. § [21-2-374](#) and [21-2-379.25](#) and Rule [183-1-12-.08](#) prior to such configuration and testing.

(4) The electronic ballot markers and ballot scanners to be used for advance voting shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such components against tampering, damage, or other improper conduct. In addition, there shall be at least one electronic ballot marker configured for use by physically disabled electors, at each advance voting location.

(5) Voter access cards for use in electronic ballot markers for advance voting may be encoded by use of an electronic poll book or other device approved by the Secretary of State. The registrar may also utilize the correct access code to manually bring up the correct ballot on the touchscreen.

(6) Magnifying devices shall be available at advance voting locations to assist voters in reviewing their paper ballots.

(7) On the first day of the advance voting period, prior to any votes being cast on ballot scanners, the registrars shall verify that the seals for each electronic ballot marker, ballot scanner, and ballot box are intact and that there is no evidence or indication of any tampering with the seal or the component. The registrars shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering with the seal or component, the election superintendent shall be immediately notified and such component shall not be used until such matters are resolved by agreement of the election superintendent and the registrars. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the registrars may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the registrars. The registrars and two witnesses sworn as poll officers as provided in O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall run a zero tape on each ballot scanner prior to the beginning of advance voting on those scanners, and the registrar and the two witnesses shall sign the zero tape in the space provided. The registrars shall verify that the electronic ballot markers and ballot scanners all indicate zero counts prior to the opening of the polls. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such component shall not be used until the component

is cleared and the matter is resolved by agreement of the election superintendent and the registrars. The registrar and the same two sworn witnesses who signed the zero tape shall inspect and confirm that the ballot box associated with that scanner is empty and contains no ballots or other unauthorized matter, and shall verify that fact in writing on a form to be developed by the Secretary of State. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent at the close of the advance voting period with the other paperwork from the voting location. The registrars shall verify that there is no unauthorized matter affixed to the electronic ballot markers, ballot scanners, or voting booths. The registrars shall affix a card of instructions for voting within each voting booth. Prior to voters entering the voting booth, the registrars may also distribute to such voters a card of instructions for voting that has been approved or provided by the Secretary of State.

(8) If at the close of voting on any day during the advance voting period, there are more than 1,500 ballots inside any ballot box, the registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. In the discretion of the registrar, the same procedure for emptying the ballot box may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule [183-1-12-10\(5\)](#).

(9) At the close of voting each day during the advance voting period, the registrars shall document the election counter number from the ballot scanner on the daily recap sheet. The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff. Each electronic ballot marker, ballot scanner, ballot box, electronic poll book, paper backup poll book, and voter access cards shall then be secured overnight. If the room where advance voting is taking place cannot be locked and secured overnight in the reasonable judgment of the superintendent, the superintendent shall cause the voting system components to be stored in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, a licensed security guard, or a law enforcement official; or if, if the previously listed options are not feasible, in another manner that in the reasonable judgment of the superintendent secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

(10) Each morning during the advance voting period prior to voting beginning, the registrars shall verify the seal numbers on each electronic ballot marker and ballot scanner to be used for advance voting with the number of the seal recorded on the daily recap sheet from the previous day of advance voting and shall verify that the seals do not show any signs of tampering. If the seal number corresponds to the entry on the daily recap sheet and there is no evidence of tampering, the electronic ballot markers and ballot scanners shall be turned on. If the numbers do not match or there is evidence of tampering, the election superintendent shall be notified immediately and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. After turning on the ballot scanners, the registrars shall verify the election counter number with the number recorded on the daily recap sheet from the previous day of advance voting. If the numbers do not match, the election superintendent shall be immediately notified and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. The election counter number shall then be entered onto the daily recap sheet for that day.

(11) Voters who vote absentee ballots in person shall first complete an absentee ballot application and sign an oath, which may be on the same form and may be on paper or digital. After the registrars determine that the voter is eligible to vote, the registrars shall note the voter's registration number and ballot style on the absentee ballot

application. Each voter shall be offered instruction by a registrar in the method of voting on the voting system, including specific instruction to review their printed ballot prior to scanning it. In providing such instruction, the registrar shall not in any manner request, suggest, or seek or persuade or induce any voter to vote any particular ticket or for any particular candidate, or for or against any particular question. The voter shall then be issued a voter access card programmed with the correct ballot style or the registrar shall use the correct access code to manually bring up the correct ballot on the electronic ballot marker. The voter shall then enter the enclosed space in the advance voting location and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen unit, review the selections on his or her printed ballot, scan his or her printed ballot into the scanner, and return the voter access card to a poll worker.

(12)The registrars shall cause each advance voting location to be sufficiently staffed and a poll worker is to be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer instruction throughout the period while voting is occurring reminding voters to review their printed paper ballots.

(13)At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet. The registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. The ballot scanners and ballot containers shall then be secured until time for the tabulation of votes.

(14)By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

(15)After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent. The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purpose), provided by the election superintendent along with "poll worker" memory cards from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The envelope shall be initialed by the poll manager and the two witnesses indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the

number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the absentee ballot recap form.

(16)After completing the printing of the results, the ballot scanner shall be turned off, secured, and resealed. The ballot scanners shall then be placed in a secure area with appropriate climate control. The envelopes containing the memory cards and results tapes, voter access cards, poll worker cards, ballot encoder devices, numbered lists of absentee voters, absentee ballot recap forms, and other such paperwork shall be transported to the office of the election superintendent by the election superintendent or tabulating center personal, which transportation shall at all times involve at least two authorized individuals. The office of the election superintendent shall receive the materials and shall document delivery. The election superintendent or tabulating center personal who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with.

(17)Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.

Cite as Ga. Comp. R. & Regs. R. 183-1-14-.02

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-385](#).

HISTORY: Original Rule entitled "Use of DRE Units for Absentee Balloting" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: New title "Advance Voting." F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-14-.11 Mailing and Issuance of Ballots

During early voting, as additional applicants for absentee ballots are determined to be eligible, the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots or provisional absentee ballots, if appropriate, to such additional applicants immediately upon determining their eligibility. The board or clerk shall make such determination and mail or issue official absentee ballots; provisional absentee ballots, if appropriate, or notices of rejection of absentee ballot applications to such additional applicants within 3 business days after receiving the absentee ballot applications.

Cite as Ga. Comp. R. & Regs. R. 183-1-14-.11

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-384](#).

HISTORY: Original Rule entitled "Mailing and Issuance of Ballots" adopted. F. May 27, 2011; eff. June 16, 2011.

Amended: F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-14-.12 Eligibility of Application for Absentee Ballot

(1)The application for an absentee ballot shall be in writing and shall contain sufficient information for proper identification of the elector. To be deemed sufficient, an application for an absentee ballot must contain the signature of the applicant.

(a)In the case of the elector making such application for an absentee ballot, the application shall contain the signature of such elector.

(b)In the case of a relative making an application on behalf of an elector pursuant to O.C.G.A. § [21-2-381\(a\)\(1\)\(B\)](#), the application shall contain the signature of the elector's relative as well as the relationship of the relative to the elector.

(2) Any person or entity, except an election superintendent or registrar, that creates an application for absentee ballot form for an elector, other than the elector themselves, shall ensure that the absentee ballot form is substantially in the same form as the application for absentee ballot form made available by the Secretary of State. Such person or entity shall also clearly disclose on the face of the application for absentee ballot form that they created the application for absentee ballot form. Any nonconforming application for absentee ballot shall still be processed if it meets the legal requirements of O.C.G.A. § [21-2-381\(a\)](#).

Cite as Ga. Comp. R. & Regs. R. 183-1-14-.12

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-381](#).

HISTORY: Original Rule entitled "Eligibility of Application for Absentee Ballot" adopted. F. Dec. 28, 2015; eff. Jan. 17, 2016.

Amended: F. Jan. 23, 2020; eff. Feb. 12, 2020.

183-1-14-.13 Prompt Notification of Absentee Ballot Rejection

When a timely submitted absentee ballot is rejected, the board of registrars or absentee ballot clerk shall notify the elector by mailing written notice no later than the close of business on the third business day after receiving the absentee ballot. However, for any timely submitted absentee ballot that is rejected after the close of the advance voting period, the board of registrars or absentee ballot clerk shall notify the elector by mailing written notice no later than 3:00 PM on the next business day. The board of registrars or absentee ballot clerk shall also attempt to notify the elector by email and telephone within the same time requirements if an email or telephone number is on the elector's voter registration record.

Cite as Ga. Comp. R. & Regs. R. 183-1-14-.13

AUTHORITY: O.C.G.A. §§[21-2-31](#), [21-2-386](#).

HISTORY: Original Rule entitled "Prompt Notification of Absentee Ballot Rejection" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Department 183. STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-15. RETURNS OF PRIMARIES AND ELECTIONS

183-1-15-.02 Definition of Vote

(1)Lever-type Voting Machines. A vote cast on a lever-type voting machine shall be the choice made by a voter by either operating the lever adjacent to the name of the candidate or answer to a question for which the voter desires to vote or by writing of the name of a qualified write-in candidate on the machine in accordance with the instructions for voting on the voting machine and then recording such votes on the machine by the actuation of the main lever which casts such votes and returns the other levers to their original positions.

(2)Optical Scan Voting Systems.

(a)A vote cast on an optical scan ballot marked by hand shall be the choice made by a voter by either:

1.Filling in the oval adjacent to the name of the candidate or answer to a question for which the voter desires to vote; or

2.Filling in the oval adjacent to the appropriate write-in space and writing the name of a qualified write-in candidate in the appropriate space on the ballot as specified in the instructions for voting such ballot.

(b)In reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § [21-2-483\(g\)\(2\)](#), if the voter filled in the oval next to the name of a candidate whose name appears on the ballot and filled in the oval adjacent to the write-in space and wrote the name of the same candidate in the write-in space for the same office, the properly cast vote shall be counted and the write-in vote shall be ignored.

(c)If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § [21-2-483\(g\)\(2\)](#), it appears that there is a properly cast vote and what is clearly a stray mark which has caused the ballot scanner to read the vote for such office as an overvote, the properly cast vote shall be counted and the stray mark shall be ignored.

(d)If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § [21-2-483\(g\)\(2\)](#), a voter marks his or her ballot in a manner other than that specified by law and this rule, the votes shall be counted if, in the opinion of the vote review panel as provided in O.C.G.A. § [21-2-483\(g\)\(2\)\(B\)](#), the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

(e)When an optical scan ballot marked by hand contains stray marks or marks which prevent the ballot scanner from properly recording valid votes as determined under this rule and by law, the ballot shall be duplicated in accordance with law to correct such problems and the duplicate shall then be tabulated.

(f)In lieu of manually duplicating a ballot pursuant to paragraph (e), the manual review of ballots with overvotes by vote review panels pursuant to O.C.G.A. § [21-2-483\(g\)](#) may be done by reviewing a digital image of the ballot and electronically adjudicating the intent of the voter, if such determination is recorded on the digital image of the ballot.

(g)When an optical scan ballot marked by an electronic ballot marker contains marks added, in addition to what was printed by the electronic ballot marker, the additional marks shall be ignored.

(3)Paper Ballots.

(a) A vote cast on a paper ballot that is not counted by an optical scan system (i.e. in certain municipal elections) shall be a choice made by a voter by either:

1. Placing an "X", a check, or other similar mark in the square adjacent to the name of the candidate or answer to a question for which the voter desires to vote; or

2. Writing the name of a qualified write-in candidate in the appropriate space on the ballot as specified in the instructions for voting such ballot.

(b) If a voter marks his or her paper ballot in a manner other than that specified by law and this rule, the votes shall be counted if, in the opinion of the poll officers as provided in O.C.G.A. § [21-2-439](#), the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

(c) If the voter marked the square next to the name of a candidate whose name appears on the ballot and wrote in the name of the same candidate in the write-in space for the same office, the properly cast vote shall be counted and the write-in vote shall be ignored.

(4) Write-in Votes. In no event shall votes cast for write-in candidates who have not qualified in accordance with O.C.G.A. § [21-2-133](#) be counted or recorded.

Cite as Ga. Comp. R. & Regs. R. 183-1-15-.02

AUTHORITY: O.C.G.A. §§ [21-2-2](#), [21-2-31](#), [21-2-133](#), [21-2-439](#), [21-2-483](#).

HISTORY: Original Rule entitled "Definition of Vote" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: F. Jan. 23, 2020; eff. Feb. 12, 2020.

Department 189. RULES OF STATE ETHICS COMMISSION

Chapter 189-2. PRACTICE AND PROCEDURE

189-2-.01 Definitions

The following words and terms as used in these rules shall have the meaning hereinafter ascribed to them or as set forth in O.C.G.A. § 21-5 et seq.:

(1)“Advisory Opinion” an opinion issued by the Commission pursuant to its authority under O.C.G.A. § [21-5-6\(b\)\(13\)](#). The provision of information or advice by Commission staff in response to questions shall not constitute an "advisory opinion" in terms of the law unless such information or advice is formally adopted by the Commission pursuant to O.C.G.A. § [21-5-6\(b\)\(13\)](#).

(2)“Complainant” a person who files a written complaint alleging a violation of one or more laws under the jurisdiction of the Georgia Government Transparency and Campaign Finance Commission.

(3)“Compliance Order” a written document wherein the Commission and the Respondent agree and consent to terms which may include findings of fact, conclusions of law, cease and desist language, remedial action to be taken, oral or written statements to be made or issued, prohibition of actual or threatened violations, the ordering of actions necessary to correct cited deficiencies and a waiver of any appeal rights.

(4)“Consent Order” a written document wherein the Commission and the Respondent agree and consent to terms which shall include admissions of violations by the Respondent, findings of fact; conclusions of law, cease and desist language, imposition of civil penalties, late filing fees, and/or administrative fees and which may include, among other things, remedial actions to be taken, oral or written statements to be made or issued, prohibition of actual or threatened violations, or the ordering of actions necessary to correct cited deficiencies and a waiver of any appeal rights. Consent Orders must be signed by the Respondent and received by the Commission staff not later than seven (7) days prior to the date the case is scheduled to be heard before the Commission, unless the Executive Secretary has approved an extension of time.

(5) “Contested Case” a case that will proceed to an administrative hearing in accordance with the Georgia Administrative Procedure Act following a finding that there are reasonable grounds to believe that the Georgia Government Transparency and Campaign Finance Act or other statute under the jurisdiction of the Commission has been violated.

(6)“Credit Received on Loan” a contribution received by a candidate or campaign committee for the forgiveness of a loan and/or a portion of an outstanding loan carried by the candidate or campaign committee.

(7)“Deferred Payment” an expenditure for the payment of anything of value which is received by, provided to, furnished to, or conveyed to/or on behalf of a candidate or a campaign committee that was previously reported on a prior or current Campaign Contribution Disclosure Report for the time period in which the thing of value was provided.

(8)“End Recipient” the person or entity paid for providing goods or services to benefit a candidate, officeholder, or campaign committee regardless of whether such payment is arranged, passed through, or paid by a third party or agent for the candidate, officeholder, or campaign committee.

(9)“Frivolous Complaint” a complaint that lacks a Legal Basis, Legal Merit, or factual basis to support the allegations in said complaint, as alleged by the Complainant, that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(10)“Good Faith” a state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one's duty or obligation, or (3) absence of intent to defraud or to seek unconscionable advantage.

(11)“Hearing” a proceeding before the Commission or its designated hearing officer for either the consideration of a modification or a change in existing rules, or for an adjudication of issues presented in a contested case, at which all parties at interest are afforded an opportunity to present testimony, documentary evidence and arguments, as to the matter under consideration.

(12)“Hearing Officer” an individual designated by the Commission for the purpose of presiding over a hearing as herein defined.

(13)“In-kind expenditure” an expenditure of any goods or services for which a candidate or campaign committee did not extend payment to an end-recipient for the goods or services provided, but for which the campaign received the use/benefit of said goods or services (*e.g.*, A computer is loaned to the campaign and the computer is returned to the donor upon the conclusion of the campaign).

(14)“Independent Expenditure” a political campaign communication that expressly advocates the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate or candidate's authorized committees.

(15)“Legal Basis” a legal principle or statute which constitutes the basis for the claim that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(16)“Legal Merit” an argument that is supported by a legal principle or statute, that is advanced by the Complainant in Good Faith, that constitutes the basis for the claim that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(17)“Loan Repayment” an expenditure made by a candidate or campaign committee to retire or reduce any outstanding loan carried by the candidate or campaign committee. Any such expenditure must note and itemize which loan the payment is being applied to (*e.g.*, 2012 General Election Loan \$500.00; and, 2012 Primary Election Loan \$1,000.00).

(18)“Local Filing Officer” a local filing officer is any person who supervises and/or qualifies local officials for election to county and/or municipal offices, said term shall include, but not be limited to, all county election superintendents, municipal clerks, and chief executive officers of municipalities.

(19)“Notice of Hearing” a written statement of the substance of a specific charge alleging violation of the statute, rule, or regulation to be considered at a hearing to the person or party affected thereby, or of the substance of a proposed rule to be considered, which will afford actual notice to all interested persons. Notice shall be given in accordance with the Georgia Administrative Procedure Act.

(20)“Preliminary Hearing” a proceeding before the Commission for the purpose of deciding if there are reasonable grounds to believe that the Georgia Government Transparency and Campaign Finance Act or other statute under the jurisdiction of the Commission has been violated, or if there are reasonable grounds to believe there has been a failure to comply with any rule or regulation promulgated by the Commission, and if the matter should be set down for a "Hearing" for the purpose of determining whether a violation of the Georgia Government Transparency and Campaign Finance Act or other statute within the jurisdiction of the Commission and whether any sanctions should be imposed should a violation be found. This term also specifically includes hearings held pursuant to the issuance of an Administrative Subpoena.

(21)“Refund” any contribution (either cash or in-kind) which is returned by a candidate or campaign committee to the original donor and not expended for campaign purposes. A refund must be made in full to the donor making a contribution if the campaign is refunding a single contribution; or pro rata to all donors if the campaign is being terminated and excess funds must be disposed of. All funds contributed to any candidate or campaign committee are not personal assets of the candidate or committee and can only be disposed of by refund to the donor(s) or transfer in accordance with O.C.G.A. § [21-5-33](#).

(22)“Respondent” a person against whom a complaint is filed or who has been added as such by the Commission at a preliminary hearing based on a finding of reasonable grounds to believe that a violation of the Georgia Government Transparency and Campaign Finance Act has occurred; or a person who has been named a Respondent by the Commission by virtue of a finding of probable cause to open an investigation.

(23)“Rule” any regulation, standard, or statement of general or particular applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the Commission.

(24)“Substantial Compliance” the requirement that all reports submitted pursuant to the Georgia Government Transparency and Campaign Finance Act be at least 90% compliant with respect to technical defects.

(25)“Technical Defect” an inadvertent or scrivener's error in the preparation or making of a filing with the Commission or with a local filing officer. "Technical defects" include such mistakes as showing incorrectly or failing to show a date, a contributor's occupation, an address, an email address or an employer, or other similar errors. Accounting errors constitute technical defects if they include obvious errors in addition or subtraction. The failure to list or show the disposition of a contribution is not an accounting error that constitutes a "technical defect."

Cite as Ga. Comp. R. & Regs. R. 189-2-.01

AUTHORITY: O.C.G.A. §§ [21-5-6](#), [21-5-7](#), [21-5-7.1](#), [21-5-34](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Apr. 9, 1987; eff. Apr. 29, 1987.

Amended: F. Feb. 22, 2000; eff. Mar. 13, 2000.

Amended: F. Oct. 12, 2006; eff. Nov. 1, 2006.

Repealed: New Rule of same title adopted. F: Dec. 18, 2007; eff: Jan. 7, 2008.

Amended: F. Aug. 24, 2015; eff. Sep. 13, 2015.

Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.

Amended: F. Jan. 13, 2020; eff. Feb. 2, 2020.

189-2-.11 Rules of Procedure - Seeking an Award of Attorney's Fees

The Commission shall assess reasonable and necessary attorney's fees and expenses of litigation in any administrative action pending before the Commission, upon the motion of the Respondent or the Commission itself, if it finds that a Complainant or the Complainant's counsel filed a Complaint, or any related pleading thereto, that is frivolous, which shall include, but not be limited to, a complaint or pleading that lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein.

(1)Whenever a Respondent desires to seek an award of attorney's fees against a Complainant pursuant of O.C.G.A. § [21-5-6\(b\)\(23\)](#) on the grounds that the latter filed a complaint that was frivolous, the Respondent and Complainant shall comply with, to the extent practicable, the following rules of procedure.

(a)Respondent may include in their initial answer to the Complaint, *inter alia*, a request for attorney's fees pursuant to O.C.G.A. § [21-5-6\(b\)\(23\)](#).

(b)In the alternative, Respondent may also file, at any time before a final judgment in said case is rendered by the Commission, a separate motion requesting attorney's fees pursuant to O.C.G.A. § [21-5-6\(b\)\(23\)](#). If the Respondent is filing a separate motion, said motion shall comply with subsection (d) of this rule as detailed below.

(c)The Respondent's request (either by responsive pleading or separate motion) shall include, but not be limited to, the following:

1.A clear and concise statement of the facts upon which the Respondent asserts to support their claim that the complaint lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein against them.

2.A clear and concise statement of the legal argument upon which the Respondent asserts to support their claim that the complaint lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein against them.

3.A clear and concise statement as to the amount of attorney's fees that are being requested. Said statement shall be accompanied by, but not limited to, a copy of the Respondent's outstanding attorney's fee invoice that has been received as of the date of the request. Moreover, the Respondent shall update their request, if applicable, by submitting a copy of their current attorney's fee invoice within 48 hours of the hearing on their request for attorney's fees.

(d)If the Respondent files a separate motion requesting attorney's fees pursuant to O.C.G.A. § [21-5-6\(b\)\(23\)](#), said motion shall be filed directly with the Commission and an exact copy of said motion shall also be served upon the Complainant (at the Complaint's last known address as contained in the Complaint filed with the Commission) by the Respondent. Service shall occur concurrently with the filing of said motion with the Commission. Service of the motion requesting attorney's fees shall be considered effectuated upon the Complainant by the transmittal of said motion via regular U.S. mail or via standard commercial carrier to include, but not limited to, UPS and FedEx.

(e)If the Respondent files a written request for attorney's fees (either by motion, answer or responsive pleading), the Complainant shall be afforded an opportunity to file a written response to the Respondent's written request for attorney's fees, said response period shall be no less than fifteen (15) business days from the date of service of the Respondent's written request for attorney's fees with the Commission. The Complainant's written response shall be filed directly with the Commission and an exact copy of said response shall also be served upon the Respondent (at the Respondent's last known address as contained in the Respondent's answer, responsive pleading or motion requesting attorney's fees) by the Complainant, said service shall occur concurrently with the filing of said response with the Commission. Service of the written response shall be considered effectuated upon the Respondent by transmittal of said response via regular U.S. mail or via standard commercial carrier to include, but not limited to, UPS and FedEx. Any response in opposition to the Respondent's request for attorney's fees shall include, but not be limited to, the following:

1.A clear and concise statement of the facts upon which the Complainant asserts to support their claim that the complaint does not lack a Legal Basis, Legal Merit, or factual basis to support the claims made therein against the Respondent.

2.A clear and concise statement of the legal argument upon which the Respondent asserts to support their claim that the complaint does not lack a Legal Basis, Legal Merit, or factual basis to support the claims made therein against the Respondent.

(f)Attorney's fees awarded pursuant to O.C.G.A. § [21-5-6\(b\)\(23\)](#) and the applicable rules of the Commission shall not exceed the amounts which are reasonable and necessary for defending or asserting the rights of the Respondent. Further, no award for attorney's fees shall exceed the actual amount of attorney's fees that were expended by the Respondent in the case constituting the grounds for the request for attorney's fees.

(g)No Complainant and no attorney representing same shall be assessed attorney's fees as to any claim which the Commission determines was asserted by said Complainant or attorney in a Good Faith attempt to establish a new theory of law in Georgia if such new theory of law is based on some recognized precedential or persuasive authority. Further, the Commission shall judge whether a complaint or subsequent pleading is frivolous based upon the information that was publicly available to the Complainant at the time the complaint or subsequent pleading was made, and not upon information that was subsequently discovered by the Commission's staff in their investigation.

(h)An award of attorney's fees under these rules and pursuant to O.C.G.A. § [21-5-6\(b\)\(23\)](#) shall be determined by an order of Commission and said order shall be reduced to writing by Commission staff at the conclusion of the

Commission's hearing. Further, any such order awarding attorney's fees shall constitute a binding order of the Commission subject to further enforcement as provided by Georgia law.

Cite as Ga. Comp. R. & Regs. R. 189-2-.11

AUTHORITY: O.C.G.A. §§ [21-5-6\(7\)](#), [21-5-6\(23\)](#).

HISTORY: Original Rule entitled "Rules of Procedure - Seeking an Award of Attorney's Fees" adopted. F. Jan. 13, 2020; eff. Feb. 2, 2020.

Department 195. GEORGIA BOARD FOR HEALTH CARE WORKFORCE

Chapter 195-14. DENTAL LOAN REPAYMENT PROGRAM

195-14-.01 General Definitions

(1)"Georgia Board of Health Care Workforce" means the organization and its office created under O.C.G.A. § [49-10](#).

(2)"Loan" refers to the service repayable grant awarded by the Georgia Board of Health Care Workforce to applicants who are desirous of becoming dentists practicing dentistry in rural areas of Georgia.

(3)"Loan Repayment" refers to repayment of all or a portion of recipient's outstanding dental education loan debt. Qualifying debt is held by an established lending institution, identifiable as originating from the debt incurred to obtain a dental education and fully disclosed at the time of application.

(4)"Qualified Debt" is any debt incurred to obtain a dental education, fully disclosed at the time of application, and is currently not in default. Even if a creditor now considers the defaulted loan to be in good standing, such debt shall not be considered Qualified Debt.

(5)"Dental Education Loan Debt" refers to loans incurred by the applicant to finance his/her dental education that remains unpaid during the contract period.

(6)"Eligible and Qualified Applicant" refers to, as minimum qualifications, a dentist with outstanding dental education loan debt, licensed to practice dentistry in the State of Georgia who desires to serve in a Board-approved, rural area of Georgia.

(7)"Dental School" means an institution of dental education that received accreditation or provisional accreditation by the American Dental Association's Commission on Dental Accreditation for a program in dental education designed to qualify the graduate for licensure by the Georgia Board of Dentistry.

(8)"Recipient" means any person who receives any amount of funding from the Dentists for Rural Areas Assistance Program of the Georgia Board of Health Care Workforce.

(9)"Service Repayment" means the period of service earned by the dentist, as approved by the Board, toward repayment of the service cancelable loan in professional dental services rendered by the recipient and as required under the provisions of the loan contract.

(10)"Credit" means that amount of time credited to the recipient for services rendered in compliance with the provisions of the contract. Credit is typically applied one year of funding for each year of service rendered in compliance with the repayment provisions of the contract.

(11)"Rural and Underserved Area" is defined as a Board approved rural county in Georgia of 50,000 population or less according to the United States decennial census of 2010 or any future such census or at any hospital or facility operated by or under jurisdiction of the Department of Public Health, Department of Community Health, Department of Behavioral Health and Developmental Disabilities, Department of Human Resources, Department of Corrections or the Department of Juvenile Justice. Facilities falling under jurisdiction of the mentioned state agencies must include dental employment by approved agency or, in case of contracted employment, the dentist must be treating patients of the approved agency with equal provisions given to that agency's missions.

(12)"Contract Renewal" means the yearly renewal of the loan repayment contract between the recipient and the Board. The contract period shall be renewable on a one-year basis for a period not exceeding four years and a total amount not exceeding \$100,000.

(13)"Award Amount" refers to the annual amount obligated to a loan repayment recipient. The award amount shall be determined by the Board. At its annual meeting, the Board may, within its discretion, set the award amount for new loans within the limit of the appropriated funds for the budget year. Said amount shall be set forth in the official minutes of the Board.

(14)"Georgia Board of Health Care Workforce" means that agency of Georgia State Government created under O.C.G.A. § [49-10-1](#), whose purpose is to address the health care workforce needs of Georgia's communities through the support and development of medical education programs and to increase the number of physicians and health care practitioners practicing in underserved rural areas.

(15)"Default" means breach of contract by the recipient in failing to begin or failing to complete the contractual service obligation of the Dentists for Rural Areas Assistance Program.

(16)"Ad Damnum or Double Damages" refers to the penalty resulting from a loan repayment recipient defaulting on their contractual obligations. Default requires immediate repayment of double the total principal amount received less any pro-rated amount for repaid service as provided in the contract.

(17)"Cancellation of Contract" refers to the discretionary power of the Georgia Board of Health Care Workforce to cancel any contract for cause deemed sufficient by the Board, provided such authority is not exercised unreasonably or arbitrarily.

(18)"Full Time" refers to the minimum number of hours of work required per week to fulfill service obligations. Full time is considered at least 32 clinical hours providing direct patient care during normal clinic hours at the approved practice site. Remaining hours must be spent providing practice-related administrative activities. On-call hours are not considered part of the full time requirement. No more than 7 weeks (35 workdays) per year can be spent away from the practice for vacation, holidays, continuing professional education, illness or any other reason. Absences greater than 7 weeks a year will extend the service commitment.

(19)"Compelling Reasons" refers to conditions such as a life threatening illness or loss of ability to practice dentistry or to be gainfully employed due to illness or accident. The Board may consent to a lesser measure of damages for compelling reasons.

Cite as Ga. Comp. R. & Regs. R. 195-14-.01

AUTHORITY: O.C.G.A. §[49-10-1](#).

HISTORY: Original Rule entitled "General Definitions" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Repealed: New Rule of same title adopted. F. July 31, 2018; eff. Aug. 20, 2018.

Repealed: New Rule of same title adopted. F. Jan. 27, 2020; eff. Feb. 16, 2020.

195-14-.02 Eligibility Criteria and Application Process

(1) **Eligibility Criteria.** Program eligibility is limited to applicants who meet the following criteria:

a. Be licensed to practice dentistry in Georgia by the Georgia Board of Dentistry.

b. Agree to practice full time (a minimum of forty hours per week) in a Board-approved practice location in a rural community in Georgia designated by the Georgia Board of Health Care Workforce.

c. Must maintain a Georgia Medicaid number and actively treat Medicaid patients.

d. Must not have other current contractual service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.

e. Must meet all other requirements as set forth by the Georgia Board of Health Care Workforce.

(2) **Application Process.** Each applicant must:

a. Submit a completed application form

b. Submit a full disclosure of all outstanding dental education debt.

c. Submit a copy of the contract between the practice entity and the applicant or a letter of attestation from the applicant documenting a commitment to full time (40+ hours per week) practice in the rural community where the practice is located.

d. Attest that the applicant does not have any other current service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.

Cite as Ga. Comp. R. & Regs. R. 195-14-.02

AUTHORITY: O.C.G.A. [§49-10-3](#).

HISTORY: Original Rule entitled "Eligibility Criteria and Application Process" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Repealed: New Rule of same title adopted. F. Jan. 27, 2020; eff. Feb. 16, 2020.

195-14-.04 Award Process

A. The Board staff shall notify each applicant in writing of the Board's decision within ten (10) days following the decision.

B. The successful applicant will be asked to accept or decline the award of a loan by signing and submitting an *Acceptance Form*.

C. Those applicants who accept the loan award shall receive a contract for participation in the Dentists for Rural Areas Assistance Program. Each recipient will be allowed 10 days in which to review the contract with an attorney as to its contents if they so choose.

D. Loan awards that are rejected by the applicant shall be made available to the next highest ranking applicant based on the discussion and action taken by the Board.

E. The Board staff shall arrange for all valid and approved contracts to be executed by the Executive Director and Board Chairman. Such documents shall be notarized and the official seal affixed.

F. One of two fully executed copies of each loan contract shall be returned to the applicant and one kept in the permanent records of the Georgia Board of Health Care Workforce.

G. Funds shall be paid directly to the financial institution holding the recipient's dental student loan debt unless payment arrangements are otherwise directed in writing by the Board.

H. The Board staff shall submit a check request to the Georgia Department of Community Health for payment of loan awards approved by the Board and for which fully executed contract is on file in the Board offices.

I. The Board staff shall maintain appropriate records necessary to account for the expenditure of funds for the Dentists for Rural Areas Assistance Program.

Cite as Ga. Comp. R. & Regs. R. 195-14-.04

AUTHORITY: O.C.G.A. §[49-10-3](#).

HISTORY: Original Rule entitled "Award Process" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Repealed: New Rule of same title adopted. F. Jan. 27, 2020; eff. Feb. 16, 2020.

195-14-.05 Contract Provisions

A. The term of the Dentists for Rural Areas Assistance Program contract will be one year.

B. Awards shall be in an amount determined by the Board at the annual meeting of the Board.

C. Recipients shall provide one year of service in a practice location approved by the Board for each contract.

D. The contract may be renewed up to three times, for a total of four contract years.

E. Annual documentation of the dentist's practice location and other information is required to be submitted by the recipient in the form of an annual report to the Board.

Failure to submit the annual report will eliminate eligibility for contract renewal.

F. Each Dentist for Rural Areas Assistance Program recipient is responsible for keeping the Board apprised of his/her current address and telephone number at all times.

G. The Board has the discretionary power to cancel any contract for cause deemed sufficient by the Board. Upon such cancellation by the Board, two times the total uncredited amount of the loan paid on behalf of the recipient shall at once become due and payable to the Georgia Board of Health Care Workforce.

H. The Georgia Board of Health Care Workforce is vested with full and complete authority to bring an action in its own name against any recipient for any balance due the Georgia Board of Health Care Workforce on any such contract.

Cite as Ga. Comp. R. & Regs. R. 195-14-.05

AUTHORITY: O.C.G.A. §§[49-10-3](#), [31-34-6\(2\)](#).

HISTORY: Original Rule entitled "Contract Provisions" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Repealed: New Rule of same title adopted. F. Jan. 27, 2020; eff. Feb. 16, 2020.

195-14-.06 Contract Default, Penalty and Appeal

(1) Default - a recipient will be considered in default of the contractual obligations of the Dentists for Rural Areas Assistance Program under any of the following situations:

- The recipient loses his/her Georgia dental license or restrictions are placed on the recipient's license rendering him/her ineligible to practice full time dentistry in agreement with the terms of the DRAA contract;
- The recipient fails to begin professional practice in a Board approved practice location in a rural community in Georgia as specified in the contract;
- The recipient fails to complete the full term of the contractual service obligation in the practice location specified in the contract;

- The recipient fails to maintain a full time practice (40+hours per week) in the Board approved practice location specified in the contract;
- The recipient fails to provide Board staff with access to records or other information necessary to monitor the recipient's compliance with contract terms.

(2)Penalty for Default - upon a finding of default by the Board, the recipient shall immediately be liable to the Board for two times the original principal amount of the loan award provided to the recipient.

(3)Reduction of Penalty - the Georgia Board of Health Care Workforce may consent or agree to a lesser measure of damages in recognition of service provided or for other compelling reasons.

(4)Appeal Process - a recipient found to be in default may appeal the finding to the Board in writing. The recipient shall also have the right to request a hearing before the Board to appeal a finding of default or enforcement of the penalty provision. If a recipient fails to appear for a scheduled hearing before the Board, the recipient shall forfeit all rights of appeal. The Board shall consider appeals from recipients prior to enforcement of the penalty provision.

(5)Enforcement of Penalty - the penalty provision for default shall be enforced by a letter of demand for payment from the Board to the recipient. If the recipient fails to respond to the letter of demand for payment, collection shall be pursued through the civil courts.

Cite as Ga. Comp. R. & Regs. R. 195-14-.06

AUTHORITY: O.C.G.A. §§[49-10-3](#), [31-34-6\(2\)](#).

HISTORY: Original Rule entitled "Contract Default, Penalty, and Appeal" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Repealed: New Rule of same title adopted. F. Jan. 27, 2020; eff. Feb. 16, 2020.

195-14-.08 Allocation of Funds

(1)Funds for all awards granted through the Dentists for Rural Areas Assistance program shall be allocated from funding appropriated to the Georgia Board of Health Care Workforce by the Georgia General Assembly for that purpose.

Cite as Ga. Comp. R. & Regs. R. 195-14-.08

AUTHORITY: O.C.G.A. §[49-10-3](#).

HISTORY: Original Rule entitled "Allocation of Funds" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Repealed: New Rule of same title adopted. F. Jan. 27, 2020; eff. Feb. 16, 2020.

195-14-.10 Due Process and Collection Provisions in the Event of Default

A. Intent and General Approach.

It is the intention of the Georgia Board of Health Care Workforce to carry out the purpose of the Dentists for Rural Areas Assistance Program to recruit dentists to practice in rural areas of Georgia. It is also the intention of the Georgia Board of Health Care Workforce to assure due process in the enforcement of the provisions of the program contract. Therefore, in the event of default by the recipient of the service obligations of the contract, the Board will take reasonable steps to negotiate completion of the service obligation by the recipient prior to enforcement of the penalty provisions of the contract.

B. Assessment of Default.

Board staff shall investigate potential default situations, obtain information from recipients pertaining to the potential default report to the Board.

C. Notification and Due Process Procedures.

In the event the Board determines a recipient to be in default, the following steps shall be taken:

(1) Notification of Default.

The Executive Director of the Board shall notify the recipient by certified mail of the Board's finding that the recipient is in default. The letter of notification shall include the facts upon which the Board made its finding of default. The letter of notification shall provide information on the penalty provisions of the contract, including the total penalty due and payable, the Board's procedures for enforcement of the penalty provisions, and the opportunity for the recipient to obtain a hearing before the Board to appeal the finding of default.

(2) Opportunity for a Hearing prior to enforcement of penalty provisions.

Upon receipt of a notice of default, the recipient will be allowed thirty (30) days from the mailing date of the default notice to request a hearing before the Board to dispute the finding of default or to provide information to the Board as to why the penalty provisions of the contract should not be enforced. Said hearing shall take place within sixty (60) days of receipt of a clearly written request for a hearing.

(3) Hearing.

a. The Board Chair shall serve as the presiding officer for the hearing. In the absence of the Chair, the Board Vice-Chair shall preside.

b. The recipient shall have a reasonable amount of time during the hearing to present information relevant to the issue of default to the Board. The presiding officer of the hearing shall determine the length of the hearing and shall have the sole authority to bring the hearing to closure.

c. Testimony of individuals with knowledge relevant to the recipient's case is requested to be submitted in writing to the Board at least one week prior to the date of the hearing.

The presiding officer of the hearing may permit live testimony if, in the sole opinion of the presiding officer, the information to be presented by witnesses is relevant and useful to assist the Board in making an appropriate decision.

d. Neither the Board nor the recipient shall be represented by legal counsel at the hearing.

e. At the conclusion of the hearing, action to accept or reject the recipient's appeal shall be made by majority vote of the Board members present. The decision of the Board shall be final.

f. The recipient shall be notified in writing of the Board's decision within ten (10) days of the date of the hearing.

g. If the recipient declines the offer of a hearing before the Board or fails to appear as scheduled, the penalty provisions of the contract shall be enforced immediately.

D. Enforcement of Penalty Provisions.

(1) In the event of default, and following implementation of the notification and due process procedures, the penalty provisions of the contract shall be enforced through the civil courts.

(2) In the event legal actions is instituted to collect any amount under the contract, the recipient shall pay attorney's fees incurred in the collection in an amount equal to fifteen percent (15%) of the unpaid balance of principal and interest.

(3) Principal and penalties collected through the courts shall be used to pay the balance of any costs of collection, with the balance returned to the State of Georgia treasury.

(4) Penalty payments made to the State Treasury shall be duly recorded by the Georgia Board of Health Care Workforce and a record of payment maintained in the recipient's permanent file.

Cite as Ga. Comp. R. & Regs. R. 195-14-.10

AUTHORITY: O.C.G.A. §§[49-10-3](#), [31-34-6\(2\)](#).

HISTORY: Original Rule entitled "Due Process and Collection Provisions in the Event of Default" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Repealed: New Rule of same title adopted. F. Jan. 27, 2020; eff. Feb. 16, 2020.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-1. DEFINITIONS

300-2-1-.01 Meaning Of Terms Used

(1)"Law" means the Employment Security Law of Georgia, Official Code of Georgia Annotated (O.C.G.A.), Title 34, Chapter 8.

(2)"Commissioner" means the Commissioner of Labor of Georgia. Where appropriate, Commissioner shall also mean any duly authorized representative of the Commissioner.

(3)"Department" means the Georgia Department of Labor.

(4)"Division" means the Unemployment Insurance Service Division in the Georgia Department of Labor.

(5)"Reimbursable Basis" means the method of payment wherein an employing unit has elected to reimburse this department for the amount of benefits chargeable to such unit in lieu of making quarterly contributions to the department.

(6)Such terms as "employing unit" (O.C.G.A. Section [34-8-34](#)), "employer" (O.C.G.A. Section [34-8-33](#)), "employment" (O.C.G.A. Section [34-8-35](#)), "wages" (O.C.G.A. Section [34-8-49](#)), and "calendar quarter" (O.C.G.A. Section [34-8-25](#)) are used in a special and restricted sense; and their meaning should be carefully noted.

(7)Total, Part-Total, and Partial Unemployment.

(a)"Total Unemployment" means the unemployment of any individual in any week during which the individual performs no services and with respect to which no wages are payable to the individual.

(b)"Part-Total Unemployment" means any claim week during which an otherwise qualified individual performs services and earns wages not exceeding his weekly unemployment insurance amount plus \$50.00.

(c)"Partial Unemployment" means any complete pay-period week during which an individual is attached to the individual's regular employer and works less than full-time, due only to lack of work, and earns wages not exceeding the individual's weekly unemployment insurance amount plus \$50.00. Partial unemployment claims are initiated by the employer.

NOTE: The Georgia Employment Security Law provides for benefit payments to be made in multiples of \$1.00. Therefore, earnings in excess of \$50.00 must be adjusted to the nearest dollar, i.e., the odd cents .01 through .49 will be adjusted to the next lower dollar; .50 through 99 will be adjusted to the next higher dollar.

(8)Week of Total, Part-Total, or Partial Unemployment.

(a)A week of total or part-total unemployment is defined as the calendar week beginning on Sunday and ending at midnight the following Saturday.

(b)A week of partial unemployment shall consist of an employer's established pay-period week. A week of partial unemployment, for one not paid on a weekly basis, shall consist of a calendar week beginning on Sunday and ending the following Saturday night at midnight.

(9)The following definitions shall apply in the application of the disqualification provisions of O.C.G.A. Sections [34-8-194](#) and [34-8-195](#):

(a)"Bodily Injury" is physical harm, damage or injury inflicted on an individual by another individual.

(b)"Conscious Neglect" is a failure to use that degree of care which would be exercised by an ordinarily prudent person under the same or similar circumstances. It does not require a willful intent to abuse an employer's business but it does require a showing of disregard for the normal or acceptable consequences of the action or the failure to perform one's job duties. It is to be distinguished from the claimant's inability to satisfactorily perform the duties of the job. A showing by the employer that the claimant failed to perform a task for which the claimant had previously demonstrated a degree or level of proficiency by satisfactorily performing the task in the past will shift the burden of proof to the claimant to show that the individual had an inability to perform the task in question.

(c)"Fault" is a failure to follow rules, orders or instructions, or failure to discharge the duties for which the claimant was employed. Fault which is of a disqualifying nature cannot be a technical failing, a minor mistake or the mere inability to do the job. Rather, a breach of duty to constitute fault must take into consideration such factors as length of service, nature of duties, prior warnings, equal enforcement of all progressive discipline programs and any other factors which might be used to establish reasonable expectations that the discharge was imminent. The claimant must have been aware that a discharge would likely result from the violation of the rule. In the case of a discharge due to a violation of an employer's rule, order or instruction, an employer has the burden of proving that the claimant knew or should have known that the violation of the rule, order or instruction could have resulted in termination.

(d)"Full-time Continuous Employment" for the purposes of O.C.G.A. Section [34-8-24](#) is normally considered to be at least thirty (30) hours of work in a week or such other number of hours as is normal in a particular industry. A claimant shall be expected to look for full-time continuous employment and shall be expected to accept an offer to such work after filing an otherwise valid claim for benefits.

(e)"Intentional Conduct" is that personal behavior or action by an individual which is willful, conscious or deliberate that results in damage to another person's property or results in bodily harm to another individual. A claimant who commits an act which a reasonably prudent person would contemplate to result in damage may be said to intend that result, whether he desired it or not; for every person is presumed to intend the natural consequences of his or her own actions.

(f)"Misconduct" is conduct evincing such willful or wanton disregard of an employer's interest as is found in violation or disregard of standards of behavior which the employer has the right to expect of an employee, or in carelessness or negligence in such degree, or recurrence as to manifest fault, or to show a disregard of the employer's interests or of the employee's duties and obligation to the employer. Misconduct includes but is not limited to a violation of a known work rule which is reasonable and related to the job being performed.

(g)"Part-time Employment" shall be construed to be work which is other than full-time continuous employment as defined above, without regard to whether it is of limited duration as to days, weeks or months. A claimant is encouraged to accept part-time work at any time as long as the part-time work does not unreasonably interfere with the claimant's search for fulltime continuous employment, but the claimant must report all earnings for such work to the department.

(h)"Physical Assault" is touching the person of another against his/her will with physical force, in an intentional, hostile or aggressive manner.

(i)"Suitable Work" means work in the individual's usual occupation or work for which the individual is reasonably fitted. In determining whether an individual is reasonably fitted for a particular job, the department shall consider the totality of circumstances, including, but not limited to:

- 1.The degree of risk involved to the claimant's health, safety and morals;
- 2.The claimant's physical fitness;
- 3.The claimant's prior training;

- 4.The claimant's experience;
- 5.The claimant's prior earnings;
- 6.The length of the claimant's unemployment;
- 7.If the work is not directly related to claimant's recent work experience, the claimant's prospects for obtaining local work in such claimant's customary occupation; and
- 8.The distance and time for commuting.

(j)"Theft" is the taking of an employer's property, or the property of any other employee or the property of any other person while on the employer's premises or otherwise within the scope of the employee's job duties, without the consent of the owner of the property, with the intent to deprive the owner of the value of the property, and to appropriate it for the use and benefit of the person taking the property. The value of the property taken shall be the fair market value at the time of replacement.

(10)"Personal services" mean work performed by an individual for personal remuneration. Work performed by an individual or sole proprietorship is presumed to be personal services unless otherwise exempted by the Employment Security Law or the Rules of the Georgia Department of Labor. Work performed by a corporation or a partnership does not meet the definition of personal services.

(11)"Rate buy down" with respect to voluntary contributions pursuant to O.C.G.A. Section [34-8-178](#) means the payment of such additional amounts in response to notice from the Department as to enable an employer to receive a lower rate of contributions.

(12)Most Recent Employer.

(a)"Most Recent Employer" as defined under O.C.G.A.[34-8-43](#) shall not include an employer subject to the provisions of the federal Railroad Unemployment Insurance Act.

(b)"Most Recent Employer" as defined by O.C.G.A.[34-8-43\(a\)](#) shall mean the last employer for whom an individual worked and was separated.

(c)An entity must be an "Employer", as defined by O.C.G.A.[34-8-33](#), to qualify as an individual's "Most Recent Employer".

Cite as Ga. Comp. R. & Regs. R. 300-2-1-.01

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#), [34-8-190](#), [34-8-191](#).

HISTORY: Original Rule entitled "Investigation of Accidental Injuries" was filed and effective on May 18, 1965.

Amended: Rule renumbered as [300-3-1-.01](#) and Rule [300-1-1-.01](#), entitled "Meaning of Terms Used," renumbered as 300-2-1-.01. Filed May 20, 1966; effective June 8, 1966.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 16, 1974; effective November 5, 1974.

Amended: Filed November 4, 1976; effective November 24, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 24, 1983; effective November 13, 1983.

Amended: F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Jun. 25, 1998; eff. Jul. 15, 1998.

Amended: F. Dec. 11, 2015; eff. Dec. 31, 2015.

Amended: F. Jan. 31, 2017; eff. Jan. 31, 2017, as specified by the Agency.

Amended: F. Mar. 24, 2017; eff. Apr. 1, 2017, as specified by the Agency.

Amended: New title "Meaning Of Terms Used." F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-2. REPORTS

300-2-2-.02 Employer Tax and Wage Reports

(1) (a) Except as otherwise provided in these rules for the annual reporting of wages and taxes by employers with domestic employment only, each employer, pursuant to the provisions of O.C.G.A. Sections [34-8-121](#) and [34-8-165](#), shall complete and file with the department on or before the last day of the month following the end of each calendar quarter an "Employer's Quarterly Tax and Wage Report", for report of wages paid and taxes due with respect to such quarter, listing the full first and last name, a valid social security number, and amount of wages paid to each individual employee. For all quarterly reporting periods after March 31, 2020:

1. Employers with more than twenty-five (25) employees, shall submit an "Employer's Quarterly Tax and Wage Report," electronically in a format approved by the Commissioner. If submitted by any other means the "Employer's Quarterly Tax and Wage Report," shall be deemed as not received by the department and may be returned to the employer. Pursuant to O.C.G.A. Section [34-8-165](#), a penalty shall apply if the "Employer's Quarterly Tax and Wage Report" is filed after the due date.

2. Employers with twenty-five (25) employees or less, shall submit an "Employer's Quarterly Tax and Wage Report," electronically or in a format approved by the Commissioner for Employer with 100 or less employees. If submitted by any other means the "Employer's Quarterly Tax and Wage Report," shall be deemed as not received by the department and may be returned to the employer. Pursuant to O.C.G.A. Section [34-8-165](#), a penalty shall apply if the "Employer's Quarterly Tax and Wage Report" is filed after the due date.

(b) 1. Whenever additional wage information is needed by the department to determine alternative base period wages pursuant to O.C.G.A. Section [34-8-21\(b\)](#), or to determine regular or alternative base period wages for any individual employed in domestic service by an employer under O.C.G.A. Section [34-8-22\(a\)\(2\)](#) with domestic employment only, each employer shall report such additional wage information as may be requested by the department. Employers shall report the additional wage information to the department by the date designated by the department in its request. An employer shall have ten (10) days from the date of mailing of the department's request to report such additional information.

2. A report of additional wage data made in response to a department request under subparagraph (b)(1) is not a substitute for quarterly wage reports required under paragraph (a) above or for annual reports required of employers with domestic employment only. A report of additional wage data made in response to a department request under subparagraph (b)(1) shall not relieve the employer from properly reporting all wage information with the appropriate quarterly or annual report, when such report is due.

3. Whenever additional wage information requested by the department under subparagraph (b)(1) above is not received by the department within the time required, the department may use documentary information supplied by the claimant (cash receipts, wage check stubs, and Internal Revenue Service tax forms 1099 or W-2) to determine base period wages.

(2) An employer receiving Form DOL-10, "Notice of Status Determination", or other forms that may hereafter be adopted for notice to employer of liability for taxes, shall immediately complete and file such reports for all completed calendar quarters from the effective date of liability.

(3) Instructions on or prescribed for any report form, method or format now or hereafter required by the Commissioner shall have the force and effect of rules issued pursuant to O.C.G.A. Sections [34-8-70](#), [34-8-121](#) and [34-8-150](#).

(4)The "Employer's Quarterly Tax and Wage Report", regardless of the form, method or format used by the employer, is deemed as received when the completed report is delivered to the department. Such reports shall be completed in accordance with the instructions on the forms or as prescribed for the report method or format used.

(a)All wages paid an employee in insured employment by an employer shall be reported for the quarter in which payment was actually made to the employee. When payment has been made by check, the remuneration shall be reported for the quarter in which the employee's paycheck is dated. In the event the remuneration is paid in cash, or any medium other than cash or check, the remuneration shall be reported for the quarter in which the cash or benefit was received by the employee. Such reports shall include all information with respect to administrative assessments pursuant to O.C.G.A. Section [34-8-180](#), et seq.

1.This information shall be reported on the same form, by the same method, or in the same format, and shall be submitted at the same time, as all other information on the "Employer's Quarterly Tax and Wage Report" except as otherwise provided herein. Employers of domestic workers under O.C.G.A. Section [34-8-33\(a\)\(2\)](#) with domestic employment only shall complete and file reports annually with the department on or before January 31st of each year for the prior calendar year; such annual reports shall be on such form(s) as may hereafter be adopted for report of wages paid and taxes due with respect to such domestic employment during each calendar year, listing the full first and last name, valid social security number, and amount of quarterly wages paid to each individual domestic employee. Except for the annual reporting of wages and taxes and the additional wage data reporting requirements of subparagraph (1)(b)1. above and Rule [300-2-3-.01\(6\)](#), when applicable, requirements for reporting wages by employers of domestic employment only shall be the same as for other employers.

2.All wages as described above in this subparagraph shall be applied against the employer's rate of contribution as well as the administrative assessment.

3.Any assessments which are not paid when due shall be collected in the same manner as that provided in the Employment Security Law for the collection of contributions, taxes, penalties, interest, costs and reimbursements in lieu of contributions. Any amount due as an assessment may be included in tax executions along with other such payments due, or may be collected by separate tax executions.

(i)Any assessment which becomes delinquent, regardless of whether other funds are due from the respective employer, shall bear interest at the rate provided for delinquent contributions in O.C.G.A. Section [34-8-166](#).

(ii)Any delinquent assessment shall become the personal debt of the person required under the provisions of O.C.G.A. Section [34-8-167](#) to file returns or to pay assessments provided under O.C.G.A. Section [34-8-180](#), et seq.

(b)Wages omitted from the regular report filed for any quarter shall be reported on separate forms by quarters, properly identified as "supplemental", and showing the reason for omission from the regular report. Taxes on such wages shall be computed at the rate in effect during the quarter in which the wages were paid.

(c)Any employer who discontinues business or transfers a part or all of the assets of a business shall, within ten (10) days after such discontinuance or transfer, file wage reports covering all operations not theretofore reported and give notice to the department in writing of the following:

- 1.The date of such discontinuance or transfer;
- 2.Whether there are any insolvency proceedings involved;
- 3.Whether there is a successor or acquirer of such business;
- 4.The name and address of such acquirer, if any; and
- 5.The date on which the employer ceased to employ workers.

(d)The acquirer of any portion of a business of another shall notify the department in writing, within ten (10) days from the date of the acquisition, of the following:

1.From whom acquired;

2.Whether acquirer is an individual, partnership or corporation (if a partnership, the name, address and legal domicile of each partner); and

3.The date on which such acquisition occurred.

(e)The acquirer of any portion of a business shall comply with all of the conditions of O.C.G.A. Section [34-8-175](#) relating to the filing of reports, the payment of contributions, interest and penalties.

(f)An employer which has no employment in a calendar quarter, shall, within the prescribed time, write across the face of the report "No Employment" and shall date, sign and mail the report.

(g)Any receiver, trustee in bankruptcy or other representative of any legal trust shall within ten (10) days after succeeding to the control or management of any business or estate of any employer, notify the department giving the following information:

1.The number and style of the case in which an order was entered authorizing it to act; and

2.A copy of the order of appointment.

Cite as Ga. Comp. R. & Regs. R. 300-2-2-.02

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#), [34-8-83](#), [34-8-150](#), [34-8-158](#), [34-8-159](#), [34-8-165](#), [34-8-180](#).

HISTORY: Original Rule entitled "Hazardous Materials Overhead" adopted. F. and eff. May 18, 1965.

Amended: Rule renumbered as [300-3-2-.02](#) and Rule 300-1-2-.02, entitled "Reports," renumbered as 300-2-2-.02. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Employer Tax and Wage Reports" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Amended: F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule of same title adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Amended: F. Jan. 9, 1989; eff. Jan. 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Dec. 10, 2002; eff. Jan. 1, 2003, as specified by the Agency.

Amended: F. Jan. 24, 2020; eff. Feb. 13, 2020.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-3. TAX RATES AND COVERED EMPLOYMENT

300-2-3-.01 Quarterly Reports

(1) (a) Except as otherwise provided in these rules for the annual reporting of wages and taxes by employers with domestic employment only, pursuant to the provisions of O.C.G.A. Sections [34-8-121](#), [34-8-150](#), [34-8-158](#), [34-8-159](#), [34-8-160](#), [34-8-161](#), and [34-8-180](#), "Employer's Quarterly Tax and Wage Reports" shall be filed on a quarterly basis and all taxes thereon shall be due and paid on or before the last day of the month which follows the end of the quarter to which they apply. Employers of domestic workers under O.C.G.A. Section [34-8-33\(a\)\(2\)](#) with domestic employment only shall file reports annually on or before January 31st of each year for the prior calendar year on such form(s) as may hereafter be adopted for report of wages paid and taxes due with respect to such domestic employment for the prior calendar year, and all taxes thereon shall be due and paid on or before January 31st immediately following the calendar year to which such taxes apply.

(b) "Employer's Quarterly Tax and Wage Report" must be filed and taxes and administrative assessments paid within ten (10) days from the date any employer discontinues or makes a transfer of the assets of the business.

(c) Any amount owed the department by an employing unit which has elected to reimburse benefits paid in lieu of contributions shall be due and payable on or before the thirtieth (30th) day after the release date of the "Reimbursable Employer's Quarterly Bill", Form DOL-621.

(2) Each employer (other than those who have elected the Reimbursable Option) is required to pay taxes and administrative assessments on the taxable wage base portion of wages paid to each individual employee during the calendar year as defined in O.C.G.A. Section [34-8-49](#). Wages paid during such calendar year with respect to employment performed in another state for the same employer (legal entity), which wages were reported to another state and the taxes thereon paid, shall be considered as wages reported to the State of Georgia for the purposes of computing taxable wages paid to an individual during such calendar year (if the other state has a lower taxable wage base the difference will be taxable wages of Georgia). When a change in ownership (successorship) occurs, all taxable wage base wages paid and reported by the predecessor employer, excluding wages paid by a reimbursable employer, for the same individual for the same calendar year shall be treated as taxable wages paid by the successor employer.

(a) Wages. Salaries, commissions, drawing accounts, lodging and board, bonuses, holiday and vacation pay are wages within the meaning of the Employment Security Law. Flat fee expense payments shall be considered wages, whereas reimbursement expenses for which adequate documentation of actual expense reimbursed is maintained shall not be considered wages.

(b) Bonus means the sum paid to or other thing of value received by an employee from an employer as additional payment for services performed in insured employment.

(c) Drawing accounts, or advances against commissions, shall be deemed wages for services in insured employment in the amount actually drawn by the employee at the time so drawn. Any advance against commission, including that paid to insurance agents, shall not be exempt from the definition of wages.

(d) Board and lodging furnished an employee by an employer shall be construed as wages for services in insured employment.

1. In the case of employees of apartment complexes, the value of an apartment given in lieu of wages shall be the same value accepted as rent for a like apartment in the same complex. Such value placed thereon shall be included as wages for reporting purposes.

2. For the purpose of reporting wages and taxes the minimum value of board and lodging shall be computed as follows, and no agreement between the employer and the employee shall reduce the value of said meals and lodging below these amounts: meals-breakfast \$3.00, lunch \$4.00, dinner \$6.00; lodging-\$200.00 per month, \$50.00 per week, or \$10.00 per day.

(3) All payroll tax payments shall be made directly to the Georgia Department of Labor by check, draft or money order, made payable to the Georgia Department of Labor or by such other method approved by the Commissioner. Payments by cash may be remitted only by registered mail or paid to an authorized representative of the Georgia Department of Labor. The authorized representative who received the cash must issue a receipt to the payer. NOTE: The payment of this tax is covered by the criminal bad check law, O.C.G.A. Section [16-9-20](#) and civil damages are as specified in O.C.G.A. Section [13-6-15](#).

(4) The tax payment of any employing unit which becomes liable for payroll taxes, except those employers who have elected to make payments in lieu of contributions and employers of domestic workers under O.C.G.A. Section [34-8-33\(a\)\(2\)](#) with domestic employment only, shall become due and payable on the last day of the month next following the end of the calendar quarter within which:

(a) The twentieth (20th) calendar week occurred during the calendar year in which there were employed four or more individuals for some portion of a day in each of any twenty different weeks within a calendar year under O.C.G.A. Sections [34-8-33\(a\)\(4\)](#) or [34-8-33\(a\)\(9\)](#). The first payment of such employer shall include taxes with respect to all wages paid for employment from the first day of the calendar year, or from the first day of employment within such calendar year; or

(b) Such employing unit became an employer under O.C.G.A. Sections [34-8-33\(a\)\(5\)](#), [34-8-33\(a\)\(6\)](#) or [34-8-33\(a\)\(8\)](#). The first payment of such employer shall include taxes with respect to all wages paid for employment from the first day of the calendar year or from the first day of employment within such calendar year; or

(c) Such employing unit was notified of its liability by this department under O.C.G.A. Sections [34-8-33\(a\)\(7\)](#) or [34-8-33\(a\)\(10\)](#). The first payment of such employer shall include taxes with respect to all wages paid for employment from the effective date of liability; or

(d) Such employing unit paid for service in employment wages of \$1,500.00 or more in any calendar quarter under O.C.G.A. Section [34-8-33\(a\)\(1\)\(A\)](#). The first payment of such employer shall include taxes with respect to all wages paid for employment from the first day of the calendar year or from the first day of employment within such calendar year; or

(e) The twentieth (20th) calendar week matured during the calendar year in which there were employed one or more individuals for some portion of a day in each of any twenty (20) different weeks within a calendar year under O.C.G.A. Section [34-8-33\(a\)\(1\)\(B\)](#). The first payment of such employer shall include taxes with respect to all wages paid for employment from the first day of the calendar year or from the first day of employment within such calendar year; or

(f) Such employing unit paid for service in domestic employment cash remuneration of \$1,000.00 or more in any calendar quarter under O.C.G.A. Section [34-8-33\(a\)\(2\)](#). The first payment of such employer shall include taxes with respect to all wages paid for employment from the first day of the calendar year or from the first day of employment within such calendar year; or

(g) Under O.C.G.A. Section [34-8-33\(a\)\(3\)](#), the twentieth (20th) calendar week occurred during the calendar year in which there was employed in agricultural labor ten (10) or more individuals for some portion of a day in each of any twenty (20) different weeks within a calendar year, or such employing unit paid for service in agricultural employment cash remuneration of \$20,000.00 or more in any calendar quarter. The first payment of such employer shall include taxes with respect to all wages paid for employment from the first day of the calendar year or from the first day of employment within such calendar year. (See Rule [300-2-3-.18](#).)

(5) All provisions of these regulations with respect to taxes, contributions, penalty, interest and costs shall apply with equal force and effect to the administrative assessment specified in O.C.G.A. Section [34-8-180](#) et seq. All information with respect to the administrative assessments imposed under O.C.G.A. Section [34-8-180](#) et seq. shall be submitted on the "Employer's Quarterly Tax and Wage Report" except that employers with domestic employment only shall submit all information with respect to the administrative assessments imposed under O.C.G.A. Section [34-8-180](#) et seq. on the report required to be made annually by such employers on or before January 31st of each year for the prior calendar year on such form(s) as may hereafter be adopted for report of wages paid and taxes due with respect to domestic employment for such calendar year.

(6) All employers shall report additional wage information whenever requested by the department to determine alternative base period wages in compliance with O.C.G.A. Section [34-8-21\(b\)](#), or to determine regular or alternative base period wages for any individual employed in domestic service by an employer under O.C.G.A. Section [34-8-33\(a\)\(2\)](#) with domestic employment only. Employers shall provide such additional wage information in accordance with the Rules of the department.

Cite as Ga. Comp. R. & Regs. R. 300-2-3-.01

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#), [34-8-83](#), [34-8-150](#), [34-8-158](#), [34-8-159](#), [34-8-165](#), [34-8-180](#).

HISTORY: Original Rule entitled "Sanitation" adopted. F. and eff. May 18, 1965.

Amended: Rule renumbered as [300-3-3-.01](#) and Rule 300-1-3-.01, entitled "Job Insurance Taxes by Employers," renumbered as 300-2-3-.01. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Unemployment Insurance Taxes" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Amended: F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule of same title adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Repealed: New Rule of same title adopted. F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: Rule retitled "Quarterly Reports". F. June 25, 1998; eff. July 15, 1998.

Amended: F. Dec. 10, 2002; eff. Jan. 1, 2003, as specified by the Agency.

Amended: F. Jan. 24, 2020; eff. Feb. 13, 2020.

300-2-3-.02 Penalty and Interest

(1) Pursuant to the provisions of O.C.G.A. Sections [34-8-49](#), [34-8-158](#), [34-8-159](#), [34-8-160](#), [34-8-161](#), [34-8-166](#) and [34-8-184](#) interest on delinquent unemployment insurance tax contributions, administrative assessments and reimbursements in lieu of contributions shall be computed from the first day following the due date thereof at the rate specified in the Employment Security Law. Interest will be charged from due date until payment is received.

(2) "Employer's Quarterly Tax and Wage Report" is deemed as received when the completed report is delivered to the department.

(a) Such reports are deemed filed when received by the department as further provided in Rule [300-2-2-.02](#), or when placed in the mail service. When placed in the mail service, the postmark cancellation date shall control over any prior postage meter date shown on the envelope or package.

(b)Penalty shall be assessed at the greater of \$20.00 per report, per month or .05 percent of total wages for each month or fraction of a month that an "Employer's Quarterly Tax and Wage Report" is late in filing.

(3)Liability under O.C.G.A. Section [34-8-33\(a\)\(8\)](#) - acquisition of a liable business:

(a)Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the acquisition occurred or from the end of the month following the month in which the employer was notified of the liability, whichever is the later date.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the acquisition occurred.

(4)Liability under O.C.G.A. Section [34-8-33\(a\)\(9\)](#) - combined employment of two or more not liable employing units:

(a)Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the twentieth (20th) week during the calendar year was reached or from the end of the month following the month in which the employer was notified of its liability, whichever is the later date.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer reached the twentieth (20th) week during the calendar year.

(5)Liability under O.C.G.A. Section [34-8-33\(a\)\(6\)](#) - re-registration of an employer after being inactive (unless terminated):

(a)Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the employer re-entered business.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the employer re-entered business.

(6)Liability under O.C.G.A. Section [34-8-33\(a\)\(7\)](#) - election of coverage:

(a)Penalty. In all cases, penalty will be charged from the end of the month following the month in which the employer was notified of liability or from the end of the month following the initial quarter of liability, whichever is the later date.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer was notified of its liability.

(7)Liability under O.C.G.A. Section [34-8-33\(a\)\(10\)](#) - liability under federal law:

(a)Penalty. In all cases, penalty will be charged from the end of the month following the month in which the employer was notified of liability or from the end of the month following the initial quarter of liability, whichever is the later date.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the employer employed its first worker in Georgia.

(8)Liability under O.C.G.A. Section [34-8-33\(a\)\(1\)\(A\)](#) - payment of \$1,500.00 or more in wages for any one quarter in either the current or preceding calendar year:

(a)Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the employer had \$1,500.00 or more in wages or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer had \$1,500.00 or more in wages.

(9)Liability under O.C.G.A. Section [34-8-33\(a\)\(1\)\(B\)](#) - employment of one or more employees:

(a)Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the twentieth (20th) week during the calendar year was reached or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer reached the twentieth (20th) week during the calendar year.

(10)Liability under O.C.G.A. Section [34-8-33\(a\)\(5\)](#) - operation of a governmental organization:

(a)Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the employer was notified of liability.

(b)Interest. In all cases, where an employer is on a contributory basis, interest will be charged on delinquent taxes from the regular due date of each "Employer's Quarterly Tax and Wage Report" (which the employer must file and pay), regardless of when the employer was notified of liability.

(c)In all cases, where an employer is on a reimbursable basis, interest will be charged beginning thirty (30) days after the release date of Form DOL-621, "Reimbursable Employer's Quarterly Bill".

(11)Liability under O.C.G.A. Section [34-8-33\(a\)\(4\)](#) - operation of a non-profit organization:

(a)Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the twentieth (20th) week during the calendar year was reached or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b)Interest. In all cases, where an employer is on a contributory basis, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer reached the twentieth (20th) week during the calendar year.

(c)In all cases, where an employer is on a reimbursable basis, interest will be charged beginning thirty (30) days after the release date of Form DOL-621, "Reimbursable Employer's Quarterly Bill".

(12)Liability under O.C.G.A. Section [34-8-33\(a\)\(8\)](#) - acquisition by a not liable employer of a liable business causing liability:

(a)Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the acquisition occurred or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the acquisition occurred.

(13)Liability under administrative decision - coverage of employer under administrative decision:

(a)Penalty. In all cases, penalty will be charged from the end of the month following the month in which the employer was notified of liability.

(b)Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer was notified of liability.

(14)Liability under O.C.G.A. Section [34-8-33\(a\)\(2\)](#) - employment of employees in domestic service:

(a)Penalty. Except as otherwise provided herein, penalty will be charged from the regular due date for the quarter in which the employer paid \$1,000.00 or more in cash remuneration or from the end of the month following the month in which the employer was notified of liability, whichever is the later date. Employers with domestic employment only shall be charged penalty from the regular due date for the calendar year in which the employer paid \$1,000.00 or more in cash remuneration or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b)Interest. Except as otherwise provided herein, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer paid \$1,000.00 or more in cash remuneration. Employers with domestic employment only shall be charged interest from the last day of the month following the calendar year in which the employer paid \$1,000.00 or more in cash remuneration.

Cite as Ga. Comp. R. & Regs. R. 300-2-3-.02

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#), [34-8-83](#), [34-8-150](#), [34-8-158](#), [34-8-159](#), [34-8-165](#), [34-8-180](#).

HISTORY: Original Rule entitled "Washing Facilities" adopted. F. and eff. May 18, 1965.

Amended: Rule renumbered as [300-3-3-.02](#) and Rule 300-1-3-.02, entitled "Interest," renumbered as 300-2-3-.02. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Penalty and Interest" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule of same title adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Repealed: New Rule of same title adopted. F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Dec. 10, 2002; eff. Jan. 1, 2003, as specified by the Agency.

Amended: F. Jan. 24, 2020; eff. Feb. 13, 2020.

300-2-3-.03 Refund and Adjustment Procedure

(1)Initiation by department. The Commissioner may make refunds or adjustments to an account upon discovery of errors with respect to overpayment of amounts due.

(2)Request by employer.

(a)Any request for refund or adjustment of unemployment tax, interest, cost, administrative assessments or any combination of the foregoing must be made in writing and directed to the Commissioner.

(b)Such written request must be received by the Commissioner within three (3) years from the date the report was due or was assessed by the department.

(c)The specific basis of the request must be stated in the request.

(3)Review of the request.

(a)The Commissioner or his authorized representative shall have a reasonable time, normally not to exceed one hundred twenty (120) days, in which to review the request and furnish a written decision thereon if the request is denied.

(b)The decision may be reviewed or reconsidered by the Commissioner if a written request for such review or reconsideration is received by the Commissioner within fifteen (15) days of the release date of the original decision denying the refund or adjustment request.

(c)A decision not to grant a refund or adjustment shall be final within fifteen (15) days as described herein and shall not be subject to review in the absence of such a request for reconsideration or review.

(d)If a request for reconsideration or review as stated in (c) above, of a decision is timely received, it will be processed under the provisions of O.C.G.A. Section [34-8-220](#), except that decisions from this level of administrative appeal must be appealed to the courts, as stated in (e) below, without review by the board of review.

(e)The decision of the Commissioner not to grant a reconsideration or review request shall be final unless there is an appeal therefrom to the Superior Court of the county in which such decision was rendered within fifteen (15) days of the release date of the denial.

(4)If the request for refund or adjustment is granted by the Commissioner a refund shall be made, if the account of the employer is currently inactive; there are no current employees of the employer; the account is current with the department and the employer does not owe the department money for any purpose. The refund shall not include interest.

(5)If a refund or adjustment request is granted and the account of the employer with the Department is still active, the employer may, at its option, receive a refund without interest, or make the appropriate credit adjustment in future "Employer's Quarterly Wage and Tax Reports", provided the account is current in every respect. If the account is not current then no refund shall be made, but rather adjustments will be made out of future quarters as deemed appropriate by the department.

(6)The experience rate history account created pursuant to O.C.G.A. Section [34-8-154](#) is strictly an account used to track the history of a particular employer's unemployment tax history. Nothing in this rule establishes an employer or any individuals in its employ the right to claim funds paid by the employer into the fund, regardless of whether the employer ceases business, or the experience rate history account of that employer is inactivated, terminated or otherwise ceases to exist.

Cite as Ga. Comp. R. & Regs. R. 300-2-3-.03

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#).

HISTORY: Original Rule entitled "Refund and Adjustment Procedure" adopted. F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Jun. 25, 1998; eff. Jul. 15, 1998.

Amended: F. Jan. 24, 2020; eff. Feb. 13, 2020.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-4. UNEMPLOYMENT INSURANCE BENEFIT PAYMENTS

300-2-4-.01 Regular Unemployment Insurance Benefit Payments

Pursuant to the provisions of O.C.G.A. Sections [34-8-190](#), [34-8-191](#), and [34-8-195](#), filing claims:

(a) Total and part-total claims. To file a claim for total or part-total unemployment, an individual must report to the department and file a claim as specified by the department. Registration for work with the department is required as directed by the department and failure to register may cause benefits to be withheld.

(b) Partial Claims. Form DOL-408, "Weekly Report of Low Earnings", properly completed, shall constitute a claim for compensable credit with respect to such week of partial unemployment covered by the claim. Form DOL-408, "Weekly Report of Low Earnings", shall be completed by the employer and furnished to the employee no more than thirty (30) days from the end of the employer's payroll week during which employee worked less than full-time. Provided such employee may, upon failure of the employer to provide such forms, file such claim at the nearest claims office of the department. Such claims must be filed within sixty (60) days from the end of the employer's payroll week in which said claimant worked less than full-time. Provided, further, that the limitations imposed hereunder may, in the discretion of the Commissioner or the Commissioner's designee, be waived upon the showing of extenuating circumstances.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.01

AUTHORITY: O.C.G.A. §§ [34-8-2-6\(a\)\(4\)](#), [34-8-70](#), [34-7-190](#).

HISTORY: Original Rule entitled "Goggles" was filed and effective on May 18, 1965.

Amended: Rule renumbered as [300-3-4-.01](#) and Rule 300-1-4-.01, entitled "Regulations Pertaining to Job Insurance Payments (Claimants)" renumbered as 300-2-4-.01. Filed May 20, 1966; effective June 8, 1966.

Amended: Rule repealed and a new Rule entitled "Regular Unemployment Insurance Payments" adopted. Filed October 16, 1974; effective November 5, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 24, 1983; effective November 13, 1983.

Amended: Filed January 9, 1989; effective January 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: Rule retitled "Regular Unemployment Insurance Benefit Payments". F. Jun. 25, 1998; eff. Jul. 15, 1998.

Amended: F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

300-2-4-.03 Reporting Requirements on Claims

(1)Total and part-total claims. To claim credit for weeks of unemployment subsequent to a claim filed pursuant to this Section, the claimant shall complete a certification of eligibility as directed by the department and otherwise report as directed by the department.

(2)Partial claims. Form DOL-408, "Weekly Report of Low Earnings", mailed or delivered by the employer to the Georgia Department of Labor, shall constitute the claimant's weekly eligibility certification, provided that such form is properly executed by both employer and claimant. (See Rule [300-2-4-.09](#)). The claimant must otherwise continue to report as directed by the department.

(3)For reasons found to constitute good cause, a claimant unable to report to the department as directed may be permitted to report within the two (2) day period following the date the claimant was directed to report. Good cause is defined as circumstances beyond the claimant's control, such as:

(a)An "act of God" or similar event which prevented the claimant from timely reporting;

(b)Death of an individual's immediate family member.

(i)The reporting requirements shall be waived for the day of the death and for four (4) consecutive calendar days thereafter.

(ii)As used in this rule, "immediate family member", means a spouse, child, stepchild, adopted child, grandchild, parent, grandparent, brother or sister of the individual or his or her spouse and the spouse of any of the foregoing; or

(c)Personal illness or disability of a temporary nature of claimant or a dependent family member which occurred in such a way to prevent the claimant from timely reporting, and the claimant made diligent efforts to give notice to the department prior to the time for the scheduled reporting date.

(4)Notwithstanding any provision of this rule, any notice of appeal must be filed within the time limitations specified in Chapter 5 of these rules.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.03

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#), [34-8-190](#).

HISTORY: Original Rule entitled "Protection from Hot Metals" was filed and effective on May 18, 1965.

Amended: Rule renumbered as [300-3-4-.03](#) and Rule 300-1-4-.03, entitled "Regulations Pertaining to Supplemental Payments" renumbered as 300-2-4-.03. Filed May 20, 1966; effective June 8, 1966.

Amended: Rule repealed and a new Rule entitled "Employer Supplemental Payments" adopted. Filed October 16, 1974; effective November 5, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 24, 1983; effective November 13, 1983.

Amended: Rule entitled "Employer Supplemental Payments" renumbered as [300-2-4-.05](#) and a new Rule entitled "Reporting Requirements on Claims" adopted. Filed January 9, 1989; effective January 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1998.

Amended: F. Jun. 25, 1998; eff. Jul. 15, 1998.

Amended: F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-5. APPEALS

300-2-5-.02 Benefit Appeals to an Administrative Hearing Officer

(1)The appeal.

(a)Any party of interest dissatisfied with an administrative determination may file in writing a notice of appeal with the department, setting forth the name of the claimant and the social security number contained on the determination and the date of such determination. An appeal may be filed online via internet, by mail, by overnight statutory mail, or by hand delivery to the department.

(b)A determination establishing or denying a right to draw benefits shall be deemed final, unless a written appeal is filed within fifteen (15) days after the determination is handed to or mailed to an interested party. An appeal will be considered timely filed if it is properly filed via the internet (in accordance with instructions provided by the department for such filing), postmarked, or hand delivered within fifteen (15) days of the mailing date of the determination. For purposes of these rules, a postal meter mark will not be considered to be a postmark. Determinations which are appealed via alternative means of delivery such as private courier, facsimile transmittal, or otherwise in parcels lacking physical evidence of delivery by the U.S. Postal Service shall be deemed filed on the date the appeal is received by the department pursuant to Official Code of Georgia Annotated Section [50-13-23](#).

(c)An employer who is liable for the payment of unemployment insurance tax, is reimbursable or is a governmental agency; who has paid that individual insured wages for services; and who is entitled to notice of claim filed by that individual as the most recent employer, as defined by O.C.G.A. Section [34-8-43](#), shall be deemed to be an interested party to the administrative determination of such claim.

(2)The notice of hearing.

(a)Claimant benefit hearings shall be scheduled promptly to be conducted by telephone. The Chief Administrative Hearing Officer shall determine the time, place, and manner in which telephone appeals hearings shall be conducted. Once a hearing has been scheduled, postponement or continuation of the hearing is within the discretion of the Chief Administrative Hearing Officer or their designee or, if the hearing has commenced, the administrative hearing officer presiding over the hearing. In person hearings will only be scheduled when physical impairments of the interested parties and/or witnesses, the complexity or nature of the case and other pertinent factors are shown to the Chief Administrative Hearing Officer or their designee, who shall determine whether the need for an in person hearing has been established, and the time, place, and manner in which any such in person hearing shall be conducted.

(b)Hearings conducted telephonically, except where waiver is given, shall be heard by an administrative hearing officer no earlier than ten (10) days after written notice of the time and place is mailed to the interested parties. In-person appeals, when allowed and except where waiver is given, shall be heard by an administrative hearing officer at the earliest possible date, but no earlier than seven (7) days after written notice of the time and place is mailed to the interested parties.

(c)The notice of hearing shall cite the sections of law pertinent to the appeal and include a general statement of the issues involved.

(3)The hearing.

(a)The administrative hearing officer shall administer the oath to all witnesses prior to accepting testimony and shall conduct the hearing in an orderly manner, maintaining control and preventing any disruption of the hearing process.

The administrative hearing officer shall develop the record by conducting appropriate inquiries and shall allow each party an opportunity to examine and cross-examine witnesses on all matters pertinent to the issues. No testimony shall be taken that does not permit the parties of interest an opportunity for cross-examination. Any individual who disrupts the procedures, after warning, may be ejected and denied any further participation in the hearing.

(b) Issuance of subpoenas. Subpoenas to compel the attendance of witnesses and the production of records pertinent to any hearing of an appeal shall be issued by the Chief Administrative Hearing Officer upon request therefor from a party of interest. The Department shall be a party of interest for the purposes of this rule.

1. The Department must receive the request for subpoenas at least five (5) business days prior to the hearing date.

2. The request shall state the reason why the subpoenas are needed.

3. The party requesting the subpoenas shall have the responsibility of serving the subpoenas.

4. Service shall be completed no less than three (3) business days prior to the hearing date for it to be considered timely.

5. The Department shall not be responsible for any fees associated with the production of documents or service of subpoenas.

(c) Witness Fees.

1. In-Person Hearings. A witness fee of \$10.00 per day per docket shall be paid to a subpoenaed person in attendance at an in-person hearing; provided, however, that no witness fee shall be paid unless the subpoenaed person makes written request to the Department, on a form established by the Department, within seven (7) days of participation in the hearing. The total witness fees paid to an individual shall not exceed \$30.00 per appeal. Witness fees shall not be paid to a party representative or an employee of an employer subpoenaed by that employer.

2. Telephonic Hearings. Witness fees shall only be paid for attendance at in-person hearings.

(d) Appeals involving multi-claimants or a labor dispute may be heard by a three-person tribunal consisting of an administrative hearing officer, as chairman, and two other members appointed by the Commissioner for that purpose, except when the administrative hearing officer is designated to hear the matter alone. When heard by a three-person tribunal, the decision of two-members of the tribunal shall constitute the decision of the tribunal. The other member may file a dissenting report giving reasons for not agreeing with the decision.

(e) Appeals involving multi-claimants or involving a labor dispute may be heard at any place designated by the chairman of the three-person tribunal or the designated administrative hearing officer hearing these appeals.

(4) Form and contents of decision. The administrative hearing officer shall observe the suggestions of the Employment and Training Administration, United States Department of Labor in regard to the form and contents of benefit decisions.

(5) A postponement of the hearing may be granted upon request showing providential cause will prevent the attendance of a party or essential witnesses. A request for postponement must be made at the earliest practical time and must be made in writing or by facsimile transmission. In the absence of very unusual circumstances, a business engagement will not constitute good cause for postponement. Such requests may be granted or denied at the discretion of the Chief Administrative Hearing Officer.

(6) Requests to reopen a hearing. Any interested party, including the department, who fails to appear may request to reopen a hearing within fifteen (15) days after the administrative hearing officer's decision is issued. The petition shall state fully the ground upon which the request to reopen a hearing is sought, giving complete details for the failure to appear as scheduled. A new hearing will then be scheduled to cover the issue of the party's failure to appear as scheduled and may also include the issues raised on the initial appeal. In the absence of very unusual circumstances a business engagement will not constitute good cause to reopen a hearing. The petition to reopen a

hearing may be granted upon a showing of providential cause for failure to attend or failure to give timely notice of inability to attend the original hearing.

(7)Correction of error and augmentation of the record. Any interested party, including the department, may request correction of an administrative hearing officer or the board of review decision if the request is made in writing and filed or mailed within fifteen (15) calendar days of the release date of the decision. The administrative hearing officer or the board of review retains jurisdiction to reopen the hearing, amend or correct any decision which is not final, or exercise continuing jurisdiction as provided by the rules pertaining to O.C.G.A. Section [34-8-220](#) unless the board of review has accepted an appeal. Whenever a request for correction is submitted to the administrative hearing officer or the board of review, a decision will be issued and new appeal rights will be established.

(8)Requests for removal of an administrative hearing officer from a case. A party may request that an administrative hearing officer remove himself or herself from a case on the basis of partiality, interest or prejudice. An administrative hearing officer's employment with the department shall not, by itself, be sufficient cause for removal of an administrative hearing officer from a case. The request for removal must be made in writing prior to the hearing, unless the reason for the request was not or could not have been known prior to the hearing. The request must state specific facts which are alleged to establish cause for removal. If the administrative hearing officer agrees that he or she should be reassigned, another administrative hearing officer will be assigned to the case. However, if the administrative hearing officer finds no reason to remove himself or herself, he or she will rule on the request verbally during the hearing and explain the basis for the ruling. Challenges to the partiality of the administrative hearing officer will not result in a delay of the hearing. Appeals pertaining to the partiality of the administrative hearing officer may be filed consistent with the time limitations for appealing the decision.

Cite as Ga. Comp. R. & Regs. R. 300-2-5-.02

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#), [34-8-222](#).

HISTORY: Original Rule entitled "Inspection in Certain Plants Governed by American Standards Association and the Underwriters' Laboratories, Inc." adopted. F. and eff. May 18, 1965.

Repealed: New Rule entitled "Regulations Pertaining to Appeals" adopted. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Board of Review Rules Pertaining to Appeals" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Repealed: New Rule of same title adopted. F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule entitled "Board of Review Regulations Relating to Appeals" adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule entitled "Appeals to Appeals Tribunal" adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Repealed: New Rule entitled "Benefit Appeals to an Administrative Hearing Officer" adopted. F. Jan. 9, 1989; eff. Jan. 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Dec. 9, 2005; eff. Jan. 1, 2006, as specified by the Agency.

Amended: Title changed to "Benefit Appeals to an Administrative Hearing Officer. Amended." F. Sep. 29, 2014; eff. Oct. 19, 2014.

Amended: F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-8. GOVERNMENTAL AND NON-PROFIT ACCOUNTS

300-2-8-.03 Employers Electing to Reimburse in Lieu of Paying Contributions

(1) No eligible employer may change its method of payment from a reimbursable basis to a contributory basis or from a contributory basis to a reimbursable basis unless:

(a) There are no unpaid debts, taxes, contributions, reimbursement amounts, penalty, interest or recording fees outstanding against such employer; and

(b) The employer has completed two (2) calendar years under the prior method (reimbursable basis or contributory basis).

(2) Election to change from reimbursable to contributory.

(a) In any case in which an employer was first a contributor, then a reimbursor, and now terminates such election; according to O.C.G.A. Section [34-8-158\(d\)\(2\)](#), such employer shall have an employment experience rating computation as provided in O.C.G.A. Section [34-8-155](#). This computation shall be computed on the basis of all the employer's experience (contribution period and reimbursement period). The period of reimbursement will be considered a zero balance period; provided, however, that all reimbursements billed to the employer are paid.

(b) In any case in which any employer having no prior coverage elects to be on a reimbursable basis and who, at a later date, terminates such election; according to O.C.G.A. Section [34-8-158\(d\)\(2\)](#), such employer shall have an employment experience rating computation as provided in O.C.G.A. Section [34-8-155](#). The computation shall be computed on the basis of all the employer's experience (the reimbursement period only). The period of reimbursement will be considered a zero balance period; provided, however, that all reimbursements billed to the employer are paid.

(3) Election to change from contributory to reimbursable.

(a) In any case in which an employer was first a reimbursor, then a contributor, and now elects reimbursement, such employer shall have its reserve balance (positive or negative) remain fixed as of the completion of processing of the last quarter of the year preceding the change in method of payment. Such reserve shall be frozen in the event the employer subsequently elects to return to the contributory method.

(b) In any case in which an employer on contributory basis now elects reimbursement, such employer shall have its reserve balance (positive or negative) remain fixed as of the completion of processing of the last quarter of the year preceding the change in method of payment. Such reserve will be frozen in the event the employer subsequently elects to return to the contributory method of payment.

(4) The standard of acceptance of securities for deposit, as required by law, shall be the same as that required of trustees under Georgia law for investment in bonds and other securities as set forth in O.C.G.A. Sections [53-8-6](#) or [53-13-54](#). Such securities shall include, but are not limited to, the following:

(a) Bonds or other securities authorized by or issued by this state;

(b) Direct and general obligations of the United States Government;

(c) Obligations unconditionally guaranteed by the United States Government;

(d)Obligations of agencies of the United States Government issued by the:

1.Federal Land Bank;

2.Federal Home Loan Bank;

3.Federal Intermediate Credit Bank; or

4.Central Bank for Cooperatives.

(e)Deposits of funds at interest in any chartered state or national bank or trust company located in this state and which is insured by the Federal Deposit Insurance Corporation to the extent of the insurance;

(f)Accounts and certificates of state chartered associations and federal savings and loan associations, which are insured by the Federal Savings and Loan Insurance Corporation to the extent of the insurance.

(g)Irrevocable letters of credit which name the Commissioner of Labor as obligee.

(5)Acceptance of cash deposit, surety bond and/or acceptable securities may be subject to the approval of a committee of no less than three (3) employees of the department (one of whom is an attorney) appointed by the Commissioner.

(a)Amount. The amount of the securities required by this subsection shall be equal to two and seven-tenths percent (2.7%) of the organization's taxable wages paid for employment as defined in O.C.G.A. Section [34-8-49](#) for the four (4) calendar quarters immediately preceding the effective date of election or anniversary of the effective date of election, whichever date shall be most recent and applicable, or twenty-six (26) times the maximum potential weekly benefit amount as provided in O.C.G.A. Section [34-8-193](#), whichever amount is higher. If the organization did not pay wages in each of such four (4) calendar quarters the amount of the securities shall be as determined by the Commissioner.

(b)The effective date of a bond, irrevocable letter of credit or other type security instrument shall cover the period of time which equals the benefit year of any claim for benefits which could have been filed by an employee of the employing unit as of the date of notification by the Department to the employing unit of the option to be a reimbursable employer.

(6)Any amount owed to the department by an employing unit which has elected to reimburse benefits paid in lieu of contributions shall be due and payable on or before the thirtieth (30th) day after the release date of the Reimbursable Employers Quarterly Bill, Form DOL-621.

(7)When a decision to allow benefits is subsequently reversed on appeal, an employer electing to reimburse in lieu of paying contributions shall be relieved of benefit charges in the same manner as a contributory employer, subject to the limitations of O.C.G.A. § [34-8-157\(b\)\(2\)\(E\)](#) and Rule [300-2-3-.05](#).

Cite as Ga. Comp. R. & Regs. R. 300-2-8-.03

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-70](#).

HISTORY: Original Rule entitled "Employers Electing to Reimburse in Lieu of Paying Contributions" adopted. F. Jun. 25, 1998; eff. Jul. 15, 1998.

Amended: F. Jan. 24, 2020; eff. Feb. 13, 2020.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-9. QUALIFICATIONS AND PENALTIES FOR UNEMPLOYMENT INSURANCE BENEFITS CLAIMS

300-2-9-.09 Services in Professional Sports

(1) Pursuant to O.C.G.A. Section [34-8-196](#), paragraph (c), an individual shall be considered as "participating in professional sports or athletic events or to be in training or preparing to so participate" if such individual is a professional athlete, coach, manager or trainer who is employed by the professional team or as a referee or umpire employed by a professional league or association or other individual in similar situations who performs services in professional sports.

(2) For purposes of this paragraph and O.C.G.A. Section [34-8-196](#), "substantially all" means 90% or more of the wages shown in the base period of an individual worker's claim for unemployment insurance benefits.

Cite as Ga. Comp. R. & Regs. R. 300-2-9-.09

AUTHORITY: O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-196](#).

HISTORY: Original Rule entitled "Services in Professional Sports" adopted. F. Jun. 25, 1998; eff. Jul. 15, 1998.

Amended: F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-7. INSPECTION-CHILD LABOR REGULATIONS

Subject 300-7-1. CHILD LABOR - MINORS IN ENTERTAINMENT

300-7-1-.01 Intent

(1) **General.** These Rules shall apply to all Minors employed in the State of Georgia in the entertainment Industry and to the entities that employ a Minor in a Production or who are responsible for the safety and welfare of the Minor while at a Location where the Minor is Performing.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.01

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Suitable Conditions for Performance" was filed on May 22, 1980; effective June 11, 1980.

Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed July 21, 1988; effective August 10, 1988.

Amended: F. Dec. 11, 2014; eff. Dec. 31, 2014.

Repealed: New Rule entitled "Intent. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Intent" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.02 Definitions

(1) As used in these Rules, the following terms shall be in effect:

(a) **Certification Number:** The Number issued by the Department to a specific entity indicating Department approval for a Minor to work in the entertainment industry or an Employing Unit's ability to hire a Minor.

(b) **Child Labor Coordinator:** An employee or contractor of the Employing Unit or an approved subcontractor of the Employing Unit's contractor at the Location who is responsible for the coordination of services and safety of the Minor during the time the Minor is at the Location.

(c) **Commissioner:** The Commissioner of the Georgia Department of Labor or the Commissioner's authorized designated representatives.

(d) **Department:** The Georgia Department of Labor and any authorized representatives thereof.

(e) **Employment:** An authorized association through performance or participation with or for any Employing Unit in a Production whether or not monetary remuneration is provided.

(f) **Employing Unit:** An entertainment industry employer who is an organization, or individual, using the services of any minor in: Motion pictures of any type (e.g. film, videotape, etc.), using any format (theatrical film, commercial, documentary, television program, internet etc.) by any medium (e.g. theater, television, videocassette, etc.); photography; recording; modeling; theatrical productions; publicity; rodeos; circuses; musical performances; and any other performances where minors perform to entertain the public. Employing Unit includes, but is not limited to,

motion picture production company, theatrical group or association, electronic broadcasting company or photographic modeling agency, or casting company, whether or not incorporated.

(g) **Employing Unit Representative:** The designated representative of the Employing Unit who is responsible for providing all required information to the Department. Such individual shall be the primary contact person for the Employing Unit in all matters concerning the employment of Minors.

(h) **Employing Unit Certification:** The certification issued by the Department signifying approval of the application and granting the Employing Unit the ability to hire Minors to perform in Productions in the State.

(i) **Episodic Production:** A Production consisting of two or more episodes within a sixty (60) day period. Each episode is produced separately and shown to the public separately.

(j) **Exemption Certification:** A certification issued by the Department waiving certain Rule requirement(s) for an Employing Unit.

(k) **Incident:** An occurrence where a Minor suffers an injury to their health or well-being while at the Location.

(l) **Location:** The work site where the Minor is employed to perform in a Production. Location includes, but is not limited to, any facility established by the Employing Unit from which minors are at the disposal of, or subject to call by the Employing Unit to perform, whether or not physically located where that Production is occurring.

(m) **Location Time:** The total time the Minor is on the Location of the Employing Unit including, but not limited to, work time, meal time, tutoring time, break time, and any other time spent at the Location regardless of the reason.

(n) **Episodic Temporary Certification:** This Certification allows the Employing Unit whose Production is episodic to utilize more than ten (10) Minors for five (5) or less days in each Episodic Production.

(o) **Minor:** Anyone under the age of eighteen (18), unless documentation shows the individual is lawfully emancipated, an armed service member, or married.

(p) **Minor Certification:** This is the Certification and Certification Number issued by the Department to the registering Minor signifying approval of the application and granting the Minor the ability to perform in Productions.

(q) **Performance or Performing:** Participation by a Minor in a Production or exhibition that is available to the public or may be made available to the public.

(r) **Production:** A work to be presented including, but not limited to, stage, screen, television, internet, video tape, audio tape, open air, runway modeling, or in still photographs or phonographic recording of any kind. Production shall not include any play or production produced exclusively by a state approved school or produced by a recognized church organization.

(s) **Representative of the Minor:** The custodial parent or a court approved legal guardian.

(t) **Rules:** The Rules of the Georgia Department of Labor - Minors in Entertainment.

(u) **SBC:** Security Background Check for Studio Teachers and Child Labor Coordinators conducted by an Employing Unit annually in accordance with Rule [300-7-1-.04](#). All SBCs shall be considered valid for one (1) year from date of the background check is conducted.

(v) **School Night:** Any time after 6:00 P.M. the night before a school day.

(w) **State:** The State of Georgia.

(x) **Studio:** A facility, ordinarily consisting of rooms, buildings, or a collection of buildings, where a controlled environment is developed, equipped, and maintained to produce a Production. This includes both interior spaces, such as a sound stage, and exterior spaces, such as a backlot. Ordinarily a studio is used to produce multiple Productions, often simultaneously.

(y) **Studio Teacher:** A person certified as a teacher by the Georgia Professional Standards Commission or who possesses a valid teaching certification from another state or territory,

(z) **Temporary Certification:** Certification issued by the Department to an Employing Unit who is utilizing more than ten (10) Minors for five (5) or less days in a Production or Episodic Production.

(aa) **Work Time:** The total time that a Minor is participating in anything for the Employing Unit related to the Production at the Location, excluding meal time, tutoring and any breaks for rest and recreation.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.02

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Promotional Activity" was filed on May 22, 1980; effective June 11, 1980.

Amended: Rule repealed and a new Rule entitled "Intent" adopted. Filed July 21, 1988; effective August 10, 1988.

Amended: F. Dec. 11, 2014; eff. Dec. 31, 2014.

Repealed: New Rule entitled "Definitions. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Definitions" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.03 Employment of a Minor

(1) General.

(a) It is the responsibility of the Employing Unit to ensure compliance with the Official Code of Georgia Annotated and Official Rules and Regulations of the State of Georgia with regard to Minors in entertainment.

(b) The Employing Unit must be issued an approved Employing Unit Certification and Certification Number by the Department before it can employ or otherwise utilize a Minor in a Production.

(c) The Employing Unit must have an approved Location prior to having the Certified Minor perform in the Production.

(d) No Minor may perform in a Production scene until such Minor has been issued an approved Minor Certification by the Department and the Employing Unit has verified that the Minor Certification is valid and in good standing.

(e) Infants between birth to fifteen (15) days of age are NOT allowed to work in a Production.

(2) Hours of Performance.

(a) The Hours of Performance for all Minors fifteen (15) days of age or older shall be in accordance with the Department Form "Schedule of Hours of Performance".

(b) For the purposes of computing Hours of Performance, a Minor will be considered at the Location commencing with the Minor's sign-in on the Employing Unit's Hours of Performance Log at the Location until the Minor is allowed to leave the Location by the Employing Unit. In the alternative, the Employing Unit may use its time sheets maintained for the purposes of payroll. If time sheets are used in lieu of the Department's Performance Log, a copy of such time sheets must be retained at the Location.

(c)Meal periods are not work time. Meal time may be scheduled at the end of the day as long as the first meal is within six (6) hours of start time and subsequent meals are no more than seven (7) hours after the start of the previous meal period.

(d)No work day shall start earlier than 5:00 A.M.

(e)No Minor shall work more than six (6) consecutive days.

(3) Travel Time for Minors Employed in the Entertainment Industry.

(a)Except for the initial forty-five (45) minutes of travel time from lodging to Location, all time spent by the Minor in traveling to participate in the production shall count as the Minor's Location Time.

(4) Extended Hours.

(a)A request may be made to the Commissioner for permission for the Minor to work earlier or later than approved hours. Each request shall be submitted in writing at least twenty-four (24) hours prior to the time needed along with a written consent of the Representative of the Minor. If approved, the Commissioner shall issue an Exemption Certification.

(5) School Days.

(a)When any Minor between ages four (4) and eighteen (18) works during school hours, twelve (12) hours must elapse between the Minor's time of dismissal and time of call on the following day; or if the Minor is not working the next day, the start of the Minor's regular school day. If the Minor is employed for the following day and the Minor's regular school day starts less than twelve (12) hours after the Minor's dismissal time, the Minor must be offered instruction by the Production Company and, if requested, such instruction must be provided to the Minor the next day

(6) Supervision of Minor.

(a)No Minor may be sent to wardrobe, makeup, hairdressing or employed in any manner unless under the general supervision of the Child Labor Coordinator or Representative of the Minor.

(b)If the Minor is dismissed early and is not to be picked up at dismissal, the Minor shall be under the supervision of a Child Labor Coordinator until picked up.

(c)All Minors must have a Representative of the Minor present at all times when the Minor is at the Location, including all times the Minor is in wardrobe, make-up, or dress.

(d)If the Representative of the Minor is unable to be in attendance, the Minor shall not Perform; provided, however, that the Minor may perform if the Representative of the Minor provides written consent to the Child Labor Coordinator and the Child Labor Coordinator agrees in writing to assume the responsibility for the safety and well-being of the Minor.

(e)The Employing Unit must retain the Representative of the Minor's written permission to be responsible for the Minor during the Production.

(7) Medical Care and Safety.

(a)Prior to a Minor's first call, the Employing Unit must obtain the written consent of the Representative of the Minor for medical care in the case of any emergency. However, if the Representative of the Minor refuses to provide such consent due to religious beliefs, the Employing Unit must at least obtain written consent for external emergency aid, provided such consent is not contrary to the aforementioned religious beliefs.

(b)When atmospheric smoke is utilized at the Location, the Employing Unit must comply with the standards set forth on the Department Form, "Minors and Atmospheric Smoke: Acceptable Standards", including listing compounds being used.

(c)Medical personnel retained by the Employing Unit to provide medical care to a Minor must be licensed to provide such care by the appropriate professional licensing authority and in good standing.

(8) Hazardous, Unlawful or Unacceptable Activity.

(a)A Minor in any Production shall not be allowed to work in any Location deemed hazardous by the Department under Official Rules and Regulations of the State of Georgia, by the appropriate state or federal agency, or certified police, fire and rescue personnel.

(b)No Minor shall be required to work in a situation that places the Minor in a clear and present danger to life and/or limb.

(c)Emergency medical personnel must be on site when there is reasonable risk of harm to the minor at the Location which may require medical attention.

(d)No Minor between fifteen (15) days of age to six (6) months of age shall be exposed to light exceeding 100 foot-candles for more than thirty (30) seconds at a time

(e)No minor between fifteen (15) days and two (2) years of age may be exposed to atmospheric smoke.

(f)A Minor shall not be required, coerced, or otherwise permitted to pose nude or perform acts which are sexually explicit as defined by the Georgia Criminal Code.

(g)No Minor shall be present on a set while adults are posing nude or performing acts which are sexually explicit as defined by the Georgia Criminal Code.

(h)The aforementioned prohibitions shall not be waived by the Representative of the Minor.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.03

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Age Restriction" was filed on May 22, 1980; effective June 11, 1980.

Amended: Rule repealed and a new Rule entitled "Notification Requirements" adopted. Filed July 21, 1988; effective August 10, 1988.

Amended: F. Dec. 11, 2014; eff. Dec. 31, 2014.

Repealed: New Rule entitled "Employment of a Minor. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Employment of a Minor" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.04 Child Labor Coordinator

(1) Child Labor Coordinator.

(a)Each Employing Unit shall have a Child Labor Coordinator, who is responsible for the coordination of services and safety of all Minors in the Employment of the Employing Units at the Location. The Child Labor Coordinator shall not take on any other role or perform any other function for the Employing Unit when a Minor is at the Location.

(b)The ratio of Child Labor Coordinator to Minors shall not exceed one (1) Child Labor Coordinator per ten (10) minors at a Location.

(c)The Child Labor Coordinator shall:

1.Be twenty-one (21) years of age or older;

2.Be retained by the Employing Unit;

3.Have completed a security background check ("SBC") prior to certification to verify that the individual:

(i)has not been convicted of a crime of moral turpitude;

(ii)has NO Felony convictions or "no lo contendere" or "no contest" plea within the preceding seven (7) years for crimes of moral turpitude;

(iii)has no uncompleted deferred adjudication, probation, or parole for any felony (regardless of whether the convictions are within the preceding seven (7) years);

(iv)is not listed as an active sex offender using an available sex offender database.

4.Be at the Location when Minor(s) are present.

5.Complete the Child Labor Coordinator certification course as established by the Department on the form, "Child Labor Coordinator Certification Course Requirements".

(d)Upon request from an authorized representative of the Department, a copy of the SBC will be made available to the Department within one business day of receipt of the request by the Employing Unit.

(e)Any individual failing to meet any one of the requirements set forth in (c) above shall not serve as a Child Labor Coordinator.

(f)The Child Labor Coordinator shall be responsible for:

1.Ensuring that, in the event the Representative of the Minor is not present or in proximity of the Minor, the Minor is safe;

2.Maintaining the Hours of Performance Log;

3.Ensuring the Minor does not exceed the total hours at the Location or allowable Work Time; and

4.Timely advising the Department of any Incidents, violations of these Rules, or safety issues at the Location.

5.Being responsive to inquiries or requests for information from Representatives of Minors.

(g)At all times a Minor is present at the Location, the Child Labor Coordinator shall wear a badge, tag, or other clothing clearly identifying themselves as the Child Labor Coordinator.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.04

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Age of Employment" was filed on May 22, 1980; effective June 11, 1980.

Amended: Rule repealed and a new Rule entitled "Education Requirements" adopted. Filed July 21, 1988; effective August 10, 1988.

Amended: F. Dec. 11, 2014; eff. Dec. 31, 2014.

Amended: F. July 13, 2015; eff. Aug. 2, 2015.

Repealed: New Rule entitled "Child Labor Coordinator. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Child Labor Coordinator" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.05 Employer Certification Requirements

(1) General.

(a) Any Employing Unit prior to employing or otherwise utilizing the services of a Minor in any Production must have a valid Certification Number issued by the Department.

(2) Certification.

(a) Application.

1. The Employing Unit must provide all information requested by the Application and submit the Application to the Department for approval along with a one-time administrative assessment for registration of \$500.00; provided, however, if the Employing Unit only engages in industrial training films or commercial advertising production, then the administrative assessment for registration is \$250.00.

2. If the Application is approved by the Department, the Department will issue a permanent Certification Number to the Employing Unit. This permanent Certification number shall be valid from the date issued unless otherwise set forth in these Rules.

(b) Renewal.

1. At the end of the calendar year, the Employing Unit shall reply to a Renewal Notice from the Department to maintain the Certification. Failure to respond may result in the suspension or termination of the Certification.

(c) Changes in Certification Information provided:

1. After Certification has been granted by the Department, the Employing Unit shall notify the Department within five (5) business days of any changes in the information provided on the application by the Employing Unit.

(3) Insurance.

(a) The Employing Unit shall have valid Georgia Worker's Compensation Insurance in the amounts of the statutory limits established in Title 34, Chapter 9 of the O.C.G.A. covering the Minors.

(b) If the Employing Unit is self-insured the Employing Unit must submit a certificate from the Georgia Board of Workers' Compensation stating that the Employing Unit qualifies to pay its employees' compensation claims.

(c) Upon request by the Department the Employing Unit shall timely provide the Department a copy of the Worker's Compensation Insurance certificate.

(4) **Violation of Rules.** The Employing Unit's Certification may be revoked or suspended for the violations of these Rules.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.05

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Educational Requirements" was filed on May 22, 1980; effective June 11, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 21, 1988; effective August 10, 1988.

Amended: F. Dec. 11, 2014; eff. Dec. 31, 2014.

Repealed: New Rule entitled "Employer's Certification Requirements. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018

Repealed: New Rule entitled "Employer Certification Requirements" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.06 Minor Certification Requirements

(1) General.

(a) For a Minor to be eligible for Employment in the entertainment industry, the Minor shall have a Representative.

(b) Any Minor prior to being employed or otherwise providing service utilized in any Production, shall have his or her Representative complete and submit to the Department an electronic Application for Initial or Renewal Certification for the Minor. This Certification will allow the Minor to be employed by a Certified Employing Unit.

(2) Certification.

(a) Initial.

1. The Representative of the Minor must submit the completed Initial Application electronically to the Department for Approval.

2. This Certification number shall be valid for one (1) calendar year ending on December 31st of the year the Initial Certification is issued.

(b) Renewal.

1. At the end of the calendar year, the Minor's Representative may submit electronically a Renewal Application to the Department for review and approval

2. After Certification has been granted, the Department shall be notified within five (5) business days of any changes in the information provided by the Representative of the Minor.

(3) **Violation of Rules.** The Minor's Certification may be revoked or suspended for violations of these Rules.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.06

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Withdrawal of Consent" was filed on May 22, 1980; effective June 11, 1980.

Amended: Rule repealed and a new Rule entitled "Guardianship" adopted. Filed July 21, 1988; effective August 10, 1988.

Amended: New title "Guardianship and Child Labor Coordinator. Amended." F. Dec. 11, 2014; eff. Dec. 31, 2014.

Repealed: New Rule entitled "Minor's Certification Requirements. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Minor Certification Requirements" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.07 Representative of the Minor

(1) General.

(a) All Employed Minors must have a Representative.

(b) Unless granted an exception as set forth in these Rules, the Representative shall be present at the Location at all times when the Minor is on the Location.

(c) Upon request by the Department, the Representative of the Minor shall provide to the Department appropriate documentation establishing the basis for the individual to serve in the capacity of Representative of the Minor.

(d) Only the Representative of the Minor registered with the Department can provide written consent to allow the Child Labor Coordinator of the Employing Unit to assume responsibility for the Minor on the Location or for additional hours.

(e) The Representative of the Minor and the Studio Teacher shall maintain and be responsible for a log of the Minor's "Bank" of instruction hours during a Production.

(f) Should the Commissioner determine that it is in the Minor's best interest, the consent of the Representative of the Minor may be suspended and the Minor shall be removed from the Location until such time as an Appeal hearing is concluded.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.07

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Hearing on Consent Withdrawal" was filed on May 22, 1980; effective June 11, 1980.

Amended: Rule repealed and a new Rule entitled "Safety Inspection of the Work Location" adopted. Filed July 21, 1988; effective August 10, 1988.

Amended: F. Dec. 11, 2014; eff. Dec. 31, 2014.

Repealed: New Rule entitled "Representative of the Minor. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Representative of the Minor" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.08 Production and Locations

(1) General.

(a) Prior to submitting a Location to the Department for approval, the Employing Unit must electronically register the Production with the Department.

(b) Before a Location is authorized for Minors to work on a Production, the Employing Unit will submit a Location application electronically to the Department.

(c) Along with the Application for the initial Location of the Production, the Employing Unit shall submit a one-time administrative assessment of \$50.00. All subsequent Location Applications for that Production shall not be subject to further assessments.

(2) Facilities for the Minors and their Representatives.

(a)For all Locations in which a Minor will be required to perform or is performing, the Employing Unit must provide adequate facilities for the Minor including dressing rooms, and for the Minor and their Representatives, rest rooms, and a rest area with appropriate hydration, seating, and protection from the weather. Such rest area may not also be used simultaneously for tutoring.

(b)No dressing room shall be occupied simultaneously by a Minor and an adult performer or by Minor(s) of the opposite sex.

(3) Location Application.

(a)The Employing Unit shall:

1.Provide the physical address of the Location and specific directions to where the Location can be found at the physical address or in the alternative, provide a Department assigned Location Number.

2.Provide a detailed description of the tasks to be performed by the Minor including anticipated length of participation by the Minor; and

3.Be completed for each Minor employed.

(b)If the Location application is approved, the Employing Unit can employ Minors who are certified with the Department.

(c)Location approval will be valid for sixty (60) calendar days from date of approval.

(d)Location Approval is valid only for the Location as described in the Location Application.

(e)Should significant changes occur in the information or circumstances provided in 300-7-1-.08(3)(a)(2) after consent has been granted, the Department shall be notified by the requesting party within one (1) business day of said changes.

(4) Inspection of the Location.

(a)During all times in which any Minor is Employed at the Location, the Commissioner or their designee shall have the right to inspect, with or without notice, such Location in order to ascertain compliance with the Rules by the Employing Unit and/or the Representative of the Minor.

(b)The Employing Unit shall cooperate with the Commissioner or their designee and timely provide any requested documentation and a suitable place to conduct a review of any documentation.

(c)The Child Labor Coordinator shall be available to meet with the Commissioner or their designee during the inspection.

(d)In the event the Commissioner or their designee is denied access to the Location, the Employing Unit's Certification may be suspended.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.08

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Conditions of Employment" was filed on July 21, 1988; effective August 10, 1988.

Amended: New title "Conditions of Employment. Amended." F. Dec. 11, 2014; eff. Dec. 31, 2014.

Amended: F. July 13, 2015; eff. Aug. 2, 2015.

Repealed: New Rule entitled "Production and Locations. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Production and Locations" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.09 Education Requirements

(1) General.

(a) When a Minor is guaranteed more than 1 day of employment during a school week, the Employing Unit shall allow time for instruction, provide a suitable facility and a Studio Teacher from the initial (first) day of such Performance when the Minor is Performing on any day the Minor's regularly attended school is in session.

(b) When a Minor works more than one (1) school day in a school week, the Employing Unit will provide a Studio Teacher for any day the Minor's regularly attended school is in session.

(c) Upon the request of the Representative of a Minor who works more than one (1) school day in a school week for two (2) or more Employing Units, the current Employing Unit on the second school day shall allow time for instruction; provide a suitable facility and a Studio Teacher on that day of such Performance. The Representative must give the Employing Unit twenty-four (24) hours notice to provide such tutoring.

(d) If a Minor is homeschooled, the Employing Unit shall use the school district calendar where the Minor resides.

(e) Teaching instruction each day shall not commence before 7:00 a.m. and shall cease at 6:00 p.m. with a minimum of twenty (20) minutes for each teaching block.

(f) A Minor, who is a high school graduate or has a GED or its equivalent from a state education department and a letter from the Representative of the Minor stating that the Minor does not have to attend school, shall not be subject to this Rule 300-7-1.09.

(2) Studio Teacher and Curriculum.

(a) When any Minor, between the age of four (4) to the age of eighteen (18), due to Performance responsibilities is absent from regular school curriculum, for more than one (1) calendar school day in a school week, then the Minor shall receive at least three (3) hours of instruction per school calendar day from a Studio Teacher at the Location during the Production.

(b) A Minor between the ages of four (4) and nine (9) may "bank" one (1) hour of instruction time per school day, not to exceed a total of five (5) banked hours per week. Minors between nine (9) and eighteen (18) years of age may "bank" two hours of instruction time per school day, not to exceed a total of ten (10) banked hours per week. No more than ten (10) hours can be banked at any given time. No hours may be banked during a school night (a night that precedes a school day), past 6:00 p.m., or during non-school days. When "bank" hours are used by the Minor, the Minor may replace such hours. "Banked" hours are not valid except with the Production the Minor was Performing with when earned.

(c) No more than two (2) banked hours may be used per school day. No more than ten (10) banked hours may be used per week. For Minors between the age of four (4) years and six (6) years, no more than eight (8) banked hours may be used per week.

(d) The Representative of the Minor shall present a copy of the log of the "Bank" instruction hours to the Child Labor Coordinator who shall attach a copy along with any request to allow the Minor additional Performance time. Such request to be maintained by the Child Labor Coordinator at the Location during the Performance.

(e)The Studio Teacher and Representative shall maintain a record of each Minor's attendance, grades, and banked hours.

(f)The record maintained by the Studio Teacher and/or Representative shall be turned over to the Minor's local school officials within two (2) business days of the end of the Employment by the Employing Unit.

(g)The Studio Teacher must have completed a SBC to verify that the individual has not been convicted of a crime of moral turpitude. In regard to the SBC, the Studio Teacher must meet the same criteria as the Child Labor Coordinator.

(h)Any individual failing to meet the requirements set forth in (g) above shall not serve as a Studio Teacher.

(i)At the request of the Department, the Studio Teacher's SBC shall be provided to the Department.

(j)The Studio Teacher shall be provided by the Employing Unit and neither the Minor, Representative of the Minor nor the Minor's family shall incur any costs associated with the Studio Teacher.

(k)The Studio Teacher may serve as the Child Labor Coordinator when only one Minor is on Location or the Studio Teacher is not instructing while serving as the Child Labor Coordinator.

(l)The ratio of Studio Teacher to Minors shall not exceed one (1) Studio Teacher per ten (10) Minors.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.09

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Withdrawal of Consent" was filed on July 21, 1988; effective August 10, 1988.

Amended: New title "Withdrawal of Consent. Amended." F. Dec. 11, 2014; eff. Dec. 31, 2014.

Amended: F. July 13, 2015; eff. Aug. 2, 2015.

Repealed: New Rule entitled "Education Requirements. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Education Requirements" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.10 Temporary Certification

(1) General.

(a)The Department will only grant one (1) Temporary Certificate per Production. The Temporary Certification will allow an Employing Unit to employ or utilize for a Production, ten (10) or more Minors for a period not to exceed five (5) consecutive calendar days in a calendar year.

(b)Should the Employing Unit engage in producing another Production, then the Employing Unit may request another Temporary Certification for that specific Production.

(c)If the Employing Unit is engaged in an Episodic Production, the Employing Unit may request an Episodic Temporary Certification.

(d)It is the sole and exclusive discretion of the Department that a Temporary Certificate or Episodic Temporary Certification may be issued to the applying Employing Unit.

(2) Application.

(a)The Employing Unit wanting a Temporary Certification or an Episodic Temporary Certification to allow the utilization of ten (10) or more Minors in their Production or episodes must file an application with the Department.

(b)If the application is approved, the Department will issue a Temporary Certification Number to the Employing Unit.

(c)By accepting the Temporary Certification Number, the Employing Unit agrees to have and maintain the information set forth on the Department's Temporary Certification Log form for one (1) year.

(d)If at any time after the issuance of the Temporary Certification, the conditions upon which the Exemption was granted should change the Employing Unit shall notify the Department within one (1) business day.

(e)The Department shall only grant one (1) Temporary Certification for a Production per year or if an Episodic Temporary Certification is granted the Episodic Temporary Certification can be used once per episode.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.10

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Exemption Application" was filed on July 21, 1988; effective August 10, 1988.

Amended: New title "Exemption Application. Amended." F. Dec. 11, 2014; eff. Dec. 31, 2014.

Amended: F. July 13, 2015; eff. Aug. 2, 2015.

Repealed: New Rule entitled "Temporary Certification. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Temporary Certification" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.11 Exemptions

(1) General.

(a)Employing Units may file a written petition with the Commissioner for an exemption to allow the organization to utilize Minors in their Productions without the necessity of the Minors having been issued a Department Certification ("Petition") if the Employing Unit is:

(i)a Non-Profit or a Government Organization, who are exempted from paying federal tax; and who are making industrial (training films) or commercial advertising Productions;

(ii)Nonprofit theatrical organizations presenting a Production and exempt from the payment of federal taxes

(b)The organization shall provide assurance that it has read and agrees to comply with the conditions set forth in O.C.G.A. Section [39-2-18\(b\)](#).

(c)In the sole and exclusive discretion of the Commissioner, an Exemption Certificate may be issued to the petitioning organization.

(d)If the Exemption Certificate is granted, the petitioning organization shall be exempt from compliance of the responsibilities imposed on an Employing Unit as to only utilizing Certified Minors in its Production and any application payment for registering. The organization must comply with all other Rules.

(e)An Exemption Certificate shall expire on December 31st of the calendar year in which it is issued.

(f)If after the issuance of the Exemption, the conditions upon which the Exemption was granted should change, the organization shall notify the Department within two (2) business days.

(g)After one (1) year from the date of revocation, the organization may reapply for an Exemption.

(2) Other Exemptions.

(a)An Employing Unit may file a Petition with the Commissioner for an exemption of certain Rules.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.11

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Exemptions. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Exemptions" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.12 Child Labor Citations and Penalties

(1) **General.**Pursuant to O.C.G.A. § [39-2-19](#) it is the duty of the Commissioner to issue rules and regulations to ensure enforcement of the law concerning the employment of Minors as actors or performers.

(2) **Violations and Penalties.** The violations that may be cited by the Department and any penalties to be assessed by the Department arising out of such citation are set forth on the form appropriate schedule.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.12

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Child Labor Citations and Penalties. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Child Labor Citations and Penalties" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.13 Appeals

(1) General.

(a)In the event an Employing Unit or the Representative of a Minor is issued a citation for violation of these Rules, the cited entity may by a written appeal addressed to the Georgia Department of Labor, or by email requesting the Commissioner to review the citation and that the citation be dismissed, withdrawn or modified.

(b)The Commissioner or the Commissioner's designated administrative adjudicator will review the matter and issue a ruling.

(2) Appeals Process.

(a)All appeals are heard by the Commissioner's designated administrative adjudicator.

(b)All appeals to the Commissioner shall be made and received by the Department within two (2) state business days from the date of issuance of the citation.

(c)A telephone hearing will be scheduled within two (2) state business days from receipt of the appeal by the Department and the conduct of the hearing will be in accordance with GDOL- UI Appeal Tribunal Procedure.

(d)Failure to appear for the hearing will result in a dismissal of the appeal.

(e) Failure to timely file an appeal will result in the appeal being dismissed. The appealing party may request a reconsideration of the dismissal; provided such request is received by the Department within five (5) calendar days of the dismissal.

(f) Appeals under these Rules should be forwarded to the address provided at the time the citation is issued.

(g) The designated administrative adjudicator will issue a final determination. This is a final administrative determination; there are no further administrative appeal rights.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.13

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Appeals. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Note: Correction of non-substantive typographical error in Rule. "**History.** Original Rule entitled "Appeal. New" adopted." corrected to "**History.** Original Rule entitled "Appeals. New" adopted." Effective January 30, 2020.

Repealed: New Rule entitled "Appeals" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.14 Written Notices

All written notices to the Commissioner or the Department should be sent to:

Georgia Department of Labor,

Attention Child Labor Section,

148 Andrew Young International Blvd. NE,

Atlanta, Georgia 30303 or by email.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.14

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Written Notices. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Written Notices" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

300-7-1-.15 Forms

(1) Forms

(a) The Department will maintain and make available to the public a list of forms and schedules relevant to Child Labor - Minors in Entertainment.

(2) Request for Forms.

(a) Requests for forms may be made, in person or by mail, at the Georgia Department of Labor, 148 Andrew Young International Boulevard NE, Atlanta, Georgia or by internet by typing: <https://dol.georgia.gov/>.

Cite as Ga. Comp. R. & Regs. R. 300-7-1-.15

AUTHORITY: O.C.G.A. §§ [39-2-18](#), [39-2-19](#).

HISTORY: Original Rule entitled "Forms. New" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Repealed: New Rule entitled "Forms" adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-9. EMPLOYMENT SERVICES DIVISION

Subject 300-9-2. PROFESSIONAL EMPLOYER ORGANIZATIONS

300-9-2-.01 Rights, Powers, and Responsibilities

(1) For the purposes of O.C.G.A. Section [34-7-6\(b\)](#), co-employers and their employees shall be considered employees of the professional employer organization ("PEO") so as to participate in the PEO's group life, accident and sickness, disability income, worker's compensation, and other types of insurance coverage; retirement plans; and other types of employee benefits.

Cite as Ga. Comp. R. & Regs. R. 300-9-2-.01

AUTHORITY: O.C.G.A. § [34-2-6\(a\)\(4\)](#).

HISTORY: Original Rule entitled "Rights, Powers, and Responsibilities" adopted. F. Jan. 24, 2020; eff. Feb. 13, 2020.

Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

Chapter 360-2. LICENSE REQUIREMENTS

360-2-.01 Requirements for Licensure

(1)An applicant for a medical license must provide:

(a)An affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the **DHS-USCIS SAVE**(Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

(b)An application that is complete, including all required documentation, signatures, seals, and fees. An application shall expire one year from the date of receipt. Any subsequent application must be accompanied by submission of appropriate documentation and application fee.

(c)Evidence of good moral character. Reference Forms shall be valid for six months from the date of signature. If the application is not approved during the six-month period, the Board may require a new and more current reference.

(d)Verification of licensure from every state in which the applicant has ever held any type of medical license.

(e)Verification of a passing score on one of the following examinations approved by the Board:

i.Steps 1, 2 and 3 of the United States Medical Licensing Examination (USMLE)

ii.Federation Licensing Examination (FLEX taken on or before June 1, 1985) (combined scores from different FLEX administrations between January 1, 1978 and January 1,1985 are not accepted)

iii.FLEX Components I and II (FLEX taken after June 1, 1985)

iv.National Board of Medical Examiners (NBME)

v.State Medical Board of Examinations taken before June 30, 1973

vi.Medical Council of Canada Qualifying Examination (MCCQE) for graduates of Canadian medical schools who completed post-graduate training in Canada

vii.National Board of Osteopathic Medical Examiners (NBOME)

viii.Comprehensive Osteopathic Medical Licensing Examination (COMLEX)

ix.The certifying examination of the Puerto Rico Medical Board, for graduates of Puerto Rican medical schools who completed post-graduate training in Puerto Rico.

(f)Verification of medical education by submitting an official transcript of all medical education directly to the Board from the school where such education was taken. If the transcript is in a foreign language, a certified English translation must be furnished. The transcript shall include the dates the applicant attended the school and the grades received in all courses taken to fulfill the requirements of the degree granted. At the Board's discretion, the medical

school transcript requirement may be waived and the results of the Federation of State Medical Boards (FSMB) verification service may be accepted if the applicant adequately demonstrates that all diligent efforts have been made to secure transcripts from the school. In such a case, the Board may require the applicant to appear for a personal interview before the Physician Licensure Committee of the Board.

i. Medical schools in the United States, Puerto Rico and Canada must require a minimum of two years of pre-medical education and be approved by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association Commission on Osteopathic College accreditation (AOA COCA), or the Committee on Accreditation of Canadian Medical Schools (CACMS).

ii. A medical school located outside the United States, Puerto Rico and Canada and Fifth Pathway programs must have a program of education in the art and science of medicine leading to a medical doctor degree or the medical doctor equivalent that requires a minimum of two (2) years of pre-medical education and includes at least 130 weeks of instruction. Applicants must have official transcripts that include at least 130 weeks of instruction.

(g) Verification of post-graduate/residency training as follows:

i. Graduates of approved medical schools must show completion of one year of postgraduate training in a program approved by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA) or the Royal College of Physicians and Surgeons of Canada (RCPSC) or the College of Family Physicians of Canada (CFPC). The Board may consider current certification of any applicant by a member board of the American Board of Medical Specialties (ABMS) as evidence that such applicant's postgraduate medical training has satisfied the requirements of this paragraph. Approved Medical Schools are those located in the United States, Puerto Rico, and Canada, those listed on the *Medical Schools Recognized by the Medical Board of California* (effective February 4, 2010, adopted by reference), and schools that have been approved by a regional accreditation authority with standards equivalent to LCME and approved by the National Committee on Foreign Medical Education and Accreditation (NCFMEA).

ii. Graduates of medical schools not approved by the Board must show completion of three years of postgraduate training in a program approved by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), the Royal College of Physicians and Surgeons of Canada (RCPSC), or the College of Family Physicians of Canada (CFPC). The Board may consider current certification of any applicant by a member board of the American Board of Medical Specialties (ABMS) as evidence that such applicant's postgraduate medical training has satisfied the requirements of this paragraph.

iii. Applicants who were licensed in another State on or before July 1, 1967 are not required to supply proof of any postgraduate/residency training.

(h) Verification of residence in the United States for one year, except for graduates of Canadian medical schools, if the applicant is an alien.

(i) Graduates of foreign medical schools outside of Canada must provide proof of certification by the Educational Commission for Foreign Medical Graduates (ECFMG) unless they were licensed by another state before March 1, 1958. This requirement does not apply to foreign-trained students who furnish proof of the following:

(i) successful completion of AMA approved Fifth Pathway program, and

(ii) passing the ECFMG qualifying medical component examination with a score of 75 or above.

(2) The Board in its discretion may require an applicant for licensure to take and pass the Special Purposes Examination (SPEX) prepared by the Federation of State Medical Boards of the United States, or other Board-approved competency assessment. The circumstances under which the Board may require a competency examination include, but are not limited to applicants for licensure who have been the subject of disciplinary action in another state; or who would be subject to disciplinary action or corrective action in this state based upon their conduct or condition; or who have previously engaged in the practice of medicine and who have not practiced for a period greater than thirty (30) consecutive months.

(3)Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure.

Cite as Ga. Comp. R. & Regs. R. 360-2-.01

AUTHORITY: O.C.G.A. §§ [43-1-17](#), [43-34-5](#), [43-34-21](#), [43-34-24](#), **43-34-24.1**, [43-34-26](#), [43-34-27](#), [43-34-37](#), [43-34-41](#).

HISTORY: Original Rule entitled "Application for Licensure" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 2, 1970; eff. Oct. 22, 1970.

Repealed: New Rule of same title adopted. F. Jan. 26, 1976; eff. Feb. 15, 1976.

Repealed: New Rule of same title adopted. F. Dec. 15, 1982; eff. Jan. 4, 1983.

Amended: F. June 17, 1985; eff. July 7, 1985.

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

Amended: F. Aug. 9, 1993; eff. Aug. 29, 1993.

Amended: F. June 11, 2001; eff. July 1, 2001.

Repealed: New Rule entitled "Requirements to Take the USMLE III" adopted. F. Jan. 24, 2002; eff. Feb. 13, 2002.

Amended: F. Nov. 18, 2002; eff. Dec. 8, 2002.

Amended: F. Feb. 18, 2004; eff. Mar. 9, 2004.

Amended: F. Oct. 28, 2004; eff. Nov. 17, 2004.

Repealed: New Rule entitled "Requirements for Licensure" adopted. F. May 11, 2012; eff. May 31, 2012.

Repealed: New Rule of the same title adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

360-2-.14 Requirements for Approval of International Medical Schools

(1)An international medical school seeking Board approval pursuant to O.C.G.A. [43-34-26](#) shall provide the Board with the following:

(a)A completed application and application fee.

(b)Completed self-assessment form that establishes or demonstrates that:

(i)MD Degree or equivalent. The medical school's educational program leads to an MD degree or the international equivalent, and the medical school's core curriculum and clinical instruction meets the standards of schools accredited by the Liaison Committee on Medical Education and one of the following:

(A)The medical school is owned and operated by the government of the country in which it is located, and the country in which it is located and the medical school's primary purpose is educating its own citizens to practice medicine in that country; or

(B)The medical school has a charter or registration by the jurisdiction in which it is domiciled and meets the standards set forth in subsections (b) (ii)-(xi) below.

(ii)Mission and objectives. The institution shall have a clearly-stated written purpose and mission statement, and have institutional objectives that are consistent with preparing graduates to provide competent medical care. These must include:

(A)Teaching, patient care, and service to the community;

(B)The expectations concerning the education students will receive; and

(C)The role of basic science and clinical research as an integral component of its mission, including the importance, processes, and evaluation of research in medical education and practice.

(iii)Organization. The institution shall be organized as a definable academic unit responsible for a resident educational program that leads to the MD degree.

(iv)Curriculum. The structure and content of the educational program shall provide an adequate foundation in the basic and clinical sciences and shall enable students to learn the fundamental principles of medicine, to acquire critical judgment skills, and to use those principles and skills to provide competent medical care.

(v)Governance. The administration and governance structure system shall allow the institution to accomplish its mission and objectives.

(vi)Faculty. The faculty shall be qualified and sufficient in number to achieve the institution's objectives. A "qualified" faculty member is a person who possesses either a credential generally recognized in the field of instruction, or a degree, professional license, or credential at least equivalent to the level of instruction being taught or evaluated. The institution shall have a formal ongoing faculty development process that will enable it to fulfill its mission and objectives.

(vii)Admission and promotion standards. The institution shall have and adhere to standards governing admission requirements and student selection and promotion that are consistent with the institution's mission and objectives.

(viii)Financial resources. The institution shall possess sufficient financial resources to accomplish its mission and objectives.

(ix)Facilities. The institution shall have, or have access to, facilities, laboratories, equipment, and library resources that are sufficient to support the educational programs offered by the institution and to enable it to fulfill its mission and objectives. If the institution utilizes affiliated institutions to provide clinical instruction, the institution shall be fully responsible for the conduct and quality of the educational program at those affiliated institutions.

(x)Records. The institution shall maintain and make available for inspection any records that relate to the institution's compliance with this section for at least five years, except that student transcripts shall be retained indefinitely.

(xi)Branch campuses. An institution with more than one campus shall have written policies and procedures governing the division and sharing of administrative and teaching responsibilities between the central administration and faculty, and the administration and faculty of the other locations. These policies shall be consistent with the institution's mission and objectives. The institution shall be fully responsible for the conduct and quality of the educational programs at these sites. If an institution operates a branch campus located within the United States or Canada, instruction received at that branch campus shall be deemed to be instruction received and evaluated at that institution. For the purpose of this section, the term "branch campus" means a site other than the main location of the institution, but does not include any hospital at which only clinical instruction is provided.

(2)The Board may, on its own or at the request of an institution, determine whether an institution meets the requirements of subsections 1(a) and 1(b). The Board shall have the discretion to determine whether a site visit is necessary in order to verify the accuracy and completeness of the data provided and to conduct an in-depth review of the program to determine whether the institution is in compliance with these regulations.

(3)The Board may receive, review, evaluate, and process any materials and visit the facilities of an institution seeking approval of their program, or the Board may contract with an independent company or agency to perform those services for and make recommendations to the Board. The Board shall make the final decision regarding the approval of an institution and its program. All costs related to the evaluation and review process, including costs for a site visit, must be paid by the institution under review and be negotiated with the Board or the company selected by the Board to perform the evaluation.

(4)An institution's failure to provide requested data regarding its educational program or to cooperate with a site visit team shall be grounds for disapproval of its educational program.

(5)If an institution receives and wishes to retain the Board approval of its educational program, it shall do the following:

(a)Notify the Board, in writing, no later than 30 days after making any changes to the following:

(i)Location;

(ii)Mission, purpose, or objectives;

(iii)Change of name;

(iv)Any change in curriculum or other circumstances that would affect the institution's compliance with subsections (a) and (b);.

(v)Shift of change in control. A "shift or change in control" means any change in the power or to manage, direct, or influence the conduct, policies, and affairs of the institution from one person or group of people to another person or group of people. This does not include the replacement of an administrator with another person, if the owner does not transfer any interest in, or relinquish any control of, the institution to that person.

(b)Every seven years, the institution shall submit to the Board documentation sufficient to establish that it remains in compliance with the requirements of this section.

(c)The documentation submitted pursuant to subsection (5)(b) shall be reviewed by the Board or its designee to determine whether the institution remains in compliance with the requirements of this section. The Board shall make the decision if the institution remains in compliance.

(6)The Board may, at any time, withdraw its determination of approval when an institution is no longer in compliance with this section. Prior to withdrawing its determination of approval, the Board shall send the institution a written notice of its intent to withdraw its approval, identifying those deficiencies upon which it is proposing to base the withdrawal, and giving the institution 120 days from the date of the notice to respond to the notice. The Board shall have the sole discretion to determine whether a site visit is necessary in order to ascertain the institution's compliance with this section. The Board shall notify the institution of its decision and the basis for that decision.

(7)The approval process outlined in this rule does not apply to medical schools that have already been classified as "Approved Medical Schools" in Rule [360-2-.01\(1\)\(g\)\(i\)](#). Pursuant to Rule [360-2-.01\(1\)\(g\)\(i\)](#), "Approved Medical Schools" are medical schools located in the United States, Puerto Rico, and Canada and those listed on the Medical Schools Recognized by the Medical Board of California (effective February 4, 2010, adopted by reference) and schools that have been approved by a regional accreditation authority with standards equivalent to LCME and approved by the National Committee on Foreign Medical Education and Accreditation (NCFMEA)."

Cite as Ga. Comp. R. & Regs. R. 360-2-.14

AUTHORITY: O.C.G.A. § [43-34-26\(a\)\(1\)\(B\)](#).

HISTORY: New Rule entitled "Requirements for Approval of International Medical Schools" adopted. F. Nov. 9, 2012; eff. Nov. 29, 2012.

Repealed: New Rule of the same title adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

Chapter 360-13. RESPIRATORY CARE PROFESSIONALS, TECHNICIANS AND THERAPISTS

360-13-.01 Requirements for Board Certification

(1) To be eligible for Board certification, an applicant must:

(a) provide an affidavit and a secure and verifiable document in accordance with O.C.G.A. [50-36-1\(f\)](#). An affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency;

(2) be at least 18 years of age;

(3) have submitted a completed application and the fees as required by the Board;

(4) Effective of January 1, 2020, all applicants must submit evidence of receiving a passing score on one of the following examinations given by the National Board of Respiratory Care:

(i) Certified Respiratory Therapy Technician (CRTT) offered by the National Board for Respiratory Care (NBRC) prior to July 1, 1999.

(ii) Entry level Certified Respiratory Therapy (CRT) offered by the NBRC prior to January 1, 2015.

(iii) Therapist Multiple Choice (TMC) offered by the NBRC prior to January 1, 2019; or

(iv) TMC and Clinical Simulation Examination (CSE) offered by the NBRC after January 1, 2019;

(5) have three months of experience working under the supervision of a licensed physician; and

(6) provide an original letter of recommendation on a form provided by the Board, signed by a physician licensed to practice medicine in Georgia, who serves as a local medical director or advisor under whom the applicant will practice; reference forms shall be valid for six-months from the date of signature. If the application is not approved during the six-month period, the Board may require a new and more current reference.

(7) In order to qualify as a medical director or advisor under whom the applicant will practice, such person must:

(a) hold a current Georgia medical license;

(b) have experience in and knowledge of respiratory care; and

(c) be readily available to the applicants in his/her workplace.

Cite as Ga. Comp. R. & Regs. R. 360-13-.01

AUTHORITY: O.C.G.A. §§ [43-34-143](#), [43-34-144](#), [43-34-145](#), [43-34-148](#).

HISTORY: Original Rule entitled "Purpose" adopted as ER. 360-13-0.4-.01. F. Sept. 10, 1986; eff. Sept. 4, 1986, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Dec. 18, 1986; eff. Jan. 7, 1987.

Amended: F. Jan. 12, 1994; eff. Feb. 1, 1994.

Repealed: New Rule entitled "Requirements for Board Certification" adopted. F. Aug. 14, 2003; eff. Sept. 3, 2003.

Repealed: New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

Repealed: New Rule of same title adopted. F. May 11, 2012; eff. May 31, 2012.

Repealed: New Rule of same title adopted. F. Jan. 13, 2014; eff. Feb. 2, 2014.

Repealed: New Rule of same title adopted. F. Feb. 19, 2016; eff. Mar. 10, 2016.

Repealed: New Rule of same title adopted. F. Jan. 28, 2020; eff. Feb. 17, 2020.

Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

Chapter 360-30. FEDERAL STUDENT LOAN DEFAULT

360-30-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 360-30-.01

AUTHORITY: O.C.G.A. §§ [43-1-19](#), [43-1-29](#), [43-34-1](#), [43-34-5](#), [43-34-8](#).

HISTORY: Original Rule entitled "Federal Student Loan Default" adopted. F. May 10, 2005; eff. May 30, 2005.

Repealed: New Rule of same title adopted. F. July 9, 2010; eff. July 29, 2010.

Repealed: F. Jan. 28, 2020; eff. Feb. 17, 2020.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-3. REVOCATION AND SUSPENSION

375-3-3-.06 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.06

AUTHORITY: O.C.G.A. § [40-5-4](#).

HISTORY: Original Rule entitled "Suspension, Revocation, and Cancellation Forms Based on Violations" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.

Repealed: F. Jan. 30, 2020; eff. Feb. 19, 2020.

375-3-3-.15 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.15

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-56](#).

HISTORY: Original Rule entitled "Forms" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Repealed: F. Jan. 30, 2020; eff. Feb. 19, 2020.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-7. SAFETY RESPONSIBILITY

375-3-7-.07 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 375-3-7-.07

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-56](#).

HISTORY: Original Rule entitled "Safety Responsibility Forms" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

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Department 520. GEORGIA REAL ESTATE COMMISSION

Chapter 520-2. STANDARDS FOR REAL ESTATE COURSES

520-2-.04 [Effective 7/1/2020] Real Estate Courses

(1) Developing and Offering Courses.

(a)Purpose. The Commission intends that all courses offered by its approved schools to meet the requirements of this Chapter shall be educational in nature. Schools should not specifically orient courses to the passing of state licensing examinations or other examinations. The courses should introduce students to the language of the profession and basic theory underlying the duties and responsibilities of real estate licensees. They should also seek to improve licensee's skills in handling the normal business activities of a licensee. Courses must require practice in the skills being taught and provide a significant number of exercises for practice of those skills. All courses should make students aware of the need for further study and the perfection of practical skills.

(b)Course Code. An approved school may not hold out a course as meeting the requirements of this Chapter until the course is posted on the Commission's electronic record of the school's courses or the school receives other written authorization from the Commission.

(2) **Instructors.** Only instructors approved by the Commission under the standards of this Chapter may instruct Salespersons Prelicense, Brokers Prelicense, or Community Association Managers Prelicense courses. Only instructors with appropriate experience and knowledge of the content areas of Salespersons Postlicense or continuing education courses may teach these courses.

(3) **Hours of Instruction.** For all courses under the requirements of this chapter, an "instructional hour" means a period of time of at least fifty minutes of instruction or other learning activity. In-class instruction and testing in any course shall not exceed seven and one-half hours per day. The school shall hold all in-class instruction between the hours of 7:00 a.m. and 10:00 p.m. with breaks totaling at least fifteen minutes every two hours. The schedule must allow reasonable time for preparation for each classroom session. All in-class instruction for Brokers Prelicense course students shall be separate from all in-class instruction for Salespersons Prelicense course students. Instructors shall utilize no more than thirty minutes of audio or video material toward meeting any required in-class (or makeup) hours of instruction unless the Commission grants written authorization for such material prior to its use.

(4) Prelicense Courses.

(a)Documentation Required for Offered Courses. For each prelicense course, the approved school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1)Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete.

(2)Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction.

(3)Texts. A list of text materials utilized in the course;

(4)Evaluation Materials. Copies of daily tests, final examinations, or other materials used to evaluate student performance;

(5)Student Records. - Records that identify each student and the student's attendance record and final grade for any course; and

(6)Course Evaluations. Written summaries of student evaluations of the courses.

(7)Ethics. Every course offered by an approved school for prelicense credit must include acknowledgment and coverage of the ethical implications of the subject matter of the course.

(8)Additional Subjects. Schools may offer units of instruction on subjects other than those required for courses cited in this Rule only with prior written authorization from the Commission.

(9)Reading Assignments and Exercises. For all prelicense courses cited in this Rule, schools must include with each instructional unit appropriate reading assignments for completion out of class. The school shall also require that students complete out of class extensive written exercises that the school grades.

(10)Student Certifications. Each out of class written assignment a student submits for grading must include the following:

I certify that I have personally completed this assignment.

Date Student's Signature

The school shall refuse to grade any out of class written assignment on which the student does not sign this statement.

(11)An approved instructor and/or the school coordinator/director must grade the written course work required of students.

(b)Community Association Managers Prelicense Course. A Community Association Managers Prelicense Course must provide for a minimum of twenty-five instructional hours. Schools may not count time students spend on breaks as part of in-class instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of in-class instruction time. The course must cover fundamentals in the following areas:

1.property law including Georgia laws on common interest ownership, public rights and limitations, and fair housing laws;

2.forms of ownership including planned unit development (PUD), homeowner's associations, condominiums, cooperatives, timeshares, townhouses, and master association relationships and how to interpret community association governing documents;

3.contracts and transaction documents including the content and negotiation of management agreements, the nature and content of insurance documents, and resale certificates;

4.real estate instruments and conveyances including notices, proxies, and liens and amendments to documents and the requirements for reinstatement;

5.law of agency including identifying and understanding agency relationships and duties between community association managers and association boards, members, and tenants of members; single and dual agency; and agency disclosure;

6.financing instruments and basic accounting practices including principles of accounting for trust accounts, for common interest associations, and for lender requirements for recertification;

7.Georgia real estate license law;

8.ethics in community association management;

9.environmental laws;

10.safety precautions; and/or

11.such other areas as the Commission may from time to time require or authorize.

(c)Salespersons Prelicense Course. A Salespersons Prelicense Course must provide for a minimum of seventy-five instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of the required instruction time. The course must cover fundamentals in the following areas:

1.real estate contracts including completing and presenting form real estate sales contracts with extensive practice with problems involving new FHA, VA, and conventional loans; loan assumptions; brokerage engagements; and leases (students must demonstrate proficiency in completing such form contracts by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);

2.real estate instruments and conveyances;

3.closing procedures (RESPA) including a salesperson's responsibilities at a loan closing conducted by someone else and an explanation of standard closing procedures and documents used in the salesperson's services area;

4.law of agency including agency disclosure;

5.pricing real property (students must demonstrate proficiency in preparing forms which document such pricing by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);

6.real estate financing including extensive practice in estimating costs of selling and purchasing property and estimating monthly payments (students must demonstrate proficiency in completing forms which document such estimates by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);

7.Georgia's Residential Mortgage Fraud law and methods for identifying possible fraud in transactions and properly reporting alleged fraud;

8.community association management activities and property management activities;

9.environmental laws;

10.taxation;

11.city and urban development;

12.fair housing;

13.anti-trust laws;

14.safety precautions;

15.Georgia's real estate license law; and/or

16.such other areas as the Commission may from time to time require or authorize.

(d)Brokers Prelicense Course. A Brokers Prelicense Course must provide for a minimum of sixty instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or the final examination may not constitute more than ten percent of the required instruction time. The Brokers Prelicense Course must review all subject areas covered in the Salespersons Prelicense Course so that students may learn advanced concepts in those areas. In addition, the course must include significant components covering conducting loan closings, real estate office management, personnel policies, trust account record keeping, discharging a broker's responsibility for associate licensees, and/or such other areas as the Commission may from time to time require or authorize.

(5) Sales Postlicense Course.

(a)Documentation Required for Offered Courses. For each postlicense course, the school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1)Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete;

(2)Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction;

(3)Texts. A list of text materials utilized in the course;

(4)Evaluation Materials. Copies of daily tests, final examinations, or other materials used to evaluate student performance;

(5)Student Records. Records that identify each student and the student's attendance record; and

(6)Course Evaluations. Written summaries of student evaluations of the courses.

(7)Ethics. Every course offered by an approved school for postlicense credit must include acknowledgment and coverage of the ethical implications of the subject matter of the course.

(b)A Sales Postlicense Course must provide for a minimum of twenty-five instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of the required instruction time. The curriculum of the course must focus on legal fundamentals and/or basic practices in sales or management of residential, agricultural, commercial, or industrial properties. If the subject matter of the course addresses residential sales, then the course must include a component on Georgia's Residential Mortgage Fraud law and methods for identifying possible fraud in transactions and properly reporting alleged fraud.

(6) Continuing Education Courses. Every approved school must offer every calendar year a course designed to help licensees meet the continuing education requirements of O.C.G.A. § [43-40-8\(e\)](#). This course or courses shall be in addition to the Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, or Brokers Prelicense Course.

(a)Documentation Required for Offered Courses. For each continuing education, course, the approved school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1)Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete

(2)Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction.

(3)Texts. A list of text materials utilized in the course;

(4)Student Records. Records that identify each student and the student's attendance record; and

(5)Course Evaluations. Written summaries of student evaluations of the courses.

(b)Duration of Classes. No school may offer a continuing education course of fewer than three credit hours. A credit hour is defined as an "instructional hour" means a period of time of at least fifty minutes of instruction or other learning activity. In-class instruction and testing in any course must not exceed seven and one-half clock hours per day.

(c)Subject Areas. In order to provide reasonable guidelines for approved schools but without defining every area or topic of continuing education, the Commission has identified the following areas or topics of continuing education that are considered appropriate for continuing education in addition to the areas or topics found in paragraph (4) of this Rule. These areas or topics of continuing education are:

- 1.all forms of real estate including agricultural, commercial, and industrial;
- 2.real estate development and construction
- 3.real estate legal descriptions, plats, and surveys;
- 4.land use and zoning;
- 5.property management, landlord/tenant issues;
- 6.real estate ad valorem taxes;
- 7.real estate title issues;
- 8.water rights;
- 9.real estate income tax issues;
- 10.real estate inspections;
- 11.business brokerage;
- 12.real estate auctions;
- 13.ethics; and
- 14.such other subjects as the Commission may deem appropriate.

The Commission has identified the following areas or topics that may not be considered appropriate areas or topics of continuing education unless the area or topic has the prior written authorization of the Commission. Courses designed for the personal growth, business development, or to specifically benefit the real estate licensee are discouraged. The areas or topics of continuing education that may not be considered appropriate for continuing education include, but are not limited to:

- 1.the psychology of selling;
- 2.personality assessments;
- 3.business development;

4. personal real estate investing;
5. retirement planning;
6. personal or business branding such as dress and presentation techniques;
7. motivational classes or seminars;
8. time management classes;
9. sales and marketing techniques unrelated to real estate;
10. instruction in the use of technology, computers, or other devices; and
11. training in social media;

Courses that have already been issued a course approval code may continue until such time as further approval may be required.

(d) **Courses Exceeding Twenty-Four Hours.** The Commission will accept any course for continuing education credit that exceeds twenty-four classroom hours in length only if such course also meets all requirements for approval as a Sales Postlicense course.

(e) **Repeating Courses.** A licensee who has successfully completed a course to meet any part of such licensee's continuing education credit may not repeat that course unless at least one full year has passed since the completion of that course.

(f) **Effective July 1, 2020,** any course developed to qualify as a continuing education course on the topic of license law under Rule [520-1-.05\(1\)\(e\)](#) shall have a minimum of three credit hours and shall contain a review of material limited to the following areas of license law:

- (1) The effects on license status by a licensee of prohibited conduct found in O.C.G.A. § [43-40-15\(c\), \(d\), \(e\), \(f\), \(g\), \(h\), \(i\), \(j\), \(k\), and \(m\)](#);
- (2) Requirements of a qualifying broker and an affiliated licensee upon transfer of a license from one firm to another under O.C.G.A. [43-40-19](#) and Rule [520-1-.07\(5\)](#);
- (3) Requirements of a qualifying broker and affiliate licensee concerning trust or escrow accounts under O.C.G.A. § [43-40-20](#) and under Rule [520-1-.08](#);
- (4) Unfair trade practices prohibited by O.C.G.A. § [43-40-25\(b\)](#);
- (5) Brokerage relationships under Rule [520-1-.06](#);
- (6) Management responsibilities of real estate firms under Rule [520-1-.07\(4\), \(5\)](#) and 6;
- (7) Advertising under O.C.G.A. § [43-40-25\(b\)\(1\), \(2\), \(11\), \(12\) and \(21\)](#) and Rule [520-1-.09](#);
- (8) Handling real estate transactions under Rule [520-1-.10](#); and
- (9) Licensees acting as principals under Rule [520-1-.11](#).

(7) **Teaching Methods.** While instructors may use such teaching methods as lecture, discussion, questions and answers, etc. in in-class sessions, instruction should also include role play, simulations, or other similar instructional

techniques designed to assist students in mastering such skills as writing offers, presenting offers, calculating costs, pricing property, and complying with fair housing laws.

(8) Interactive Instruction Required. Schools must present courses to students through interactive instructional techniques. Examples of interactive instruction include such teaching techniques as providing a student (1) the opportunity for immediate exchange with an instructor in a classroom setting and (2) immediate assessment and remediation through computer assisted or other audio or audiovisual interactive instruction. Schools shall not attempt to provide instruction primarily by having students (a) read text material, (b) listen to audio tapes, (c) watch video tapes or films, or (d) study questions similar to those on the state licensing examinations or by combining elements of (a) through (d) above.

(9) Distance Education Courses. Distance education is comprised of courses in which instruction does not take place in a traditional classroom setting but rather through other media in which distance and time separate teacher and student. Schools generally deliver distance education courses through such media as telecommunications or by computer. The Commission approves distance education courses:

(a) that meet all of the requirements of this chapter, or

(b) for which the applicant provides satisfactory documentation that the Association of Real Estate License Law Officials (ARELLO) has certified the course as meeting its distance education standards. Any Commission approval based on such an ARELLO certification will cease immediately upon notice from ARELLO that ARELLO has discontinued such certification of the course for any reason. Synchronous Internet Courses or "Webinar" Courses require ARELLO certification. In distance education courses, a credit hour is defined as sixty minutes of instruction.

(10) Computer-Based Courses. The Commission approves the offering of computer-based courses that meet the specific standards of this Rule and all other applicable requirements of this Chapter.

(a) Teach to Mastery. Every course offered under this Rule must teach to mastery. Teaching to mastery means that the course must, at a minimum:

1. divide the material into major units as approved by the Commission;
2. divide each of the major units of content into modules of instruction for delivery on a computer;
3. specify the learning objectives for each module of instruction. The learning objectives must be comprehensive enough to insure that if all the objectives are met, the student will master the entire content of the course;
4. specify an objective, quantitative criterion for mastery used for each learning objective;
5. implement a structured learning method by which each student is able to attain each learning objective;
6. provide means of diagnostic assessment of each student's performance on an ongoing basis during each module of instruction. This assessment process must measure what each student has learned and not learned at regular intervals throughout each module of instruction, and the diagnostic assessment must specifically assess the mastery of each concept covered in the content material.
7. provide a means of tailoring the instruction to the needs of each student as identified in (10) (a) 5. above. The process of tailoring the instruction must insure that each student receives adequate remediation for specific deficiencies identified by the diagnostic assessment;
8. continue the appropriate remediation on an individualized basis until the student demonstrates achievement of each mastery criterion;
9. require that the student demonstrate mastery of all material covered by the learning objectives for the module before the student completes the module; and

10. consist of interactive computer-based instructional material which will reasonably require a student completing the course to expend the number of hours for which the school offers the course.

(b) Documentation of Methodology. Prior to the development of specific computer-based courses to be offered to meet prelicense, postlicense, and continuing education requirements, a school must submit to the Commission for its approval satisfactory documentation of the method by which the course will accomplish each element of mastery in paragraph (a) of this Rule. If the Commission authorizes that method, the school may utilize that method in developing any courses it may offer to meet licensees' education requirements under this chapter. The school must base the rationale for the educational processes implemented with computer-based study on sound instructional strategies systematically designed and proven effective through educational research and development. The school must specify the basis and rationale for any proposed instructional approach in any request for approval.

(c) Required Testing and Evaluation of Courses. Courses offered under this Rule must also meet the criteria outlined in this Rule except those covering in-class instruction. Except where the Commission has granted permission in writing to do otherwise, persons developing computer-based courses must:

1. when developing prelicense courses for salespersons and community association managers, utilize at least nine persons in testing programs in order to evaluate for the developer the quality of content and the user friendliness of software and hardware. Of those nine persons, at least three must be unlicensed, at least three must be licensed salespersons or community association managers, and at least six must be non-educators. Persons developing any other courses for education credit for licensees must utilize at least six persons in testing programs in order to evaluate for the developer the quality of the content and the user friendliness of software and hardware. Of those six persons at least four must be non-educators and no more than two may be brokers, unless the course will only be offered to brokers. Persons developing such courses must document that those testing the programs have varying skill and knowledge levels of computers and real estate; and

2. make reasonably available to an authorized representative of the Commission documentation on the development and testing processes utilized in its computer-based courses.

(d) The Commission has determined that the following types of programs do not meet the requirements of this Rule:

1. those programs that consist primarily of text material presented on a computer or other audio or audiovisual programs rather than in printed material;

2. those programs that consist primarily of questions similar to those on the state licensing examination;

3. Those programs that consist primarily of combinations of the elements in 1. and 2. above.

(e) An approved instructor and/or the school coordinator/director must supervise the grading of the written course work required of students in computer-based courses.

(f) Every computer-based course for the Community Association Managers Prelicense Course must consist of interactive computer-based programs that will reasonably require the student to expend at least twenty-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Salespersons Prelicense course must consist of interactive computer-based programs that will reasonably require the student to expend seventy-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Sales Postlicense Course must consist of interactive computer-based programs that will reasonably require the student to expend twenty-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Brokers Prelicense course must consist of interactive computer-based programs that will reasonably require the student to expend sixty hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for continuing education must consist of interactive computer-based instructional material that will reasonably require the student completing the course to expend the number of hours for which the school offers the course.

(g) Every school offering a computer-based course under the requirements of this Chapter must offer those courses under an instructor. For the Community Association Managers, Salespersons Prelicense, and Brokers Prelicense

courses, the school must offer those courses under an approved instructor. Every instructor in a computer-based course must:

1. be available to answer students' questions or provide them assistance as necessary;
2. provide reasonable oversight of students' work in order to insure that the student who completes the work is the student who is enrolled in the course;
3. certify students as successfully completing a computer-based course only if the student:
 - (i) has completed all instructional modules required to demonstrate mastery of the material,
 - (ii) has attended any hours of live instruction and/or testing required for a given course, and
 - (iii) has passed the final examination for the Community Association Managers, Salespersons Prelicense, Sales Postlicense, Brokers Prelicense or any test required by a continuing education course.
4. obtain from each student the following certification statement:

I certify that I have personally completed each assigned module of instruction. I understand that if any other person has completed any module of instruction or any part of this course required for completion of the course, the school may not award credit for the course or may withdraw credit already awarded for the course.

Date Student's Signature

A school or instructor may permit a student to complete this statement in an electronic or internet format in any computer-based or distance learning course. A school must provide prior documentation or demonstration to the Commission of the method by which the school will acquire this statement. The Commission must authorize the method of requiring this certification.

(h) Schools may provide homework exercises, contract forms, or other assessment exercises required in courses in a computer-based or internet delivery format. A school must provide prior documentation or demonstration to the Commission of the delivery methods prior to offering such exercises or assessments. The Commission must authorize the delivery method offered by the school.

(i) Schools may permit students in computer-based or distance-learning courses to complete written homework exercises, standard forms, or other assessment exercises. Each written assignment a student submits for completion of a computer-based or distance learning course must include the following:

"I certify that I have personally completed this assignment. I understand that if any other person has completed any assignment, contract form, or other written assessment required for completion of the course, the school may not award credit for the course or may withdraw credit already awarded for the course."

Date Student's Signature

(11) **Course Examinations.** Every Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, and Brokers Prelicense Courses must conclude with an examination administered by the approved school.

(a) **Scheduling.** Schools shall administer final examinations for every Salesperson Prelicense and Brokers Prelicense Courses on a day when the course holds no in-class instruction. Schools may administer final examinations for every

Community Association Managers Prelicense Course and Salespersons Postlicense Course on the last day of in-class instruction.

(b)Passing Score. On final examinations administered for Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, and Brokers Prelicense Courses, schools must require that students achieve a passing score on the final examination that is consistent with the passing score required on state qualifying examinations for these licenses unless a school has first obtained the written permission of the Commission to require a different passing score.

(c)Retaking a Course Examination. Schools may elect to allow any student who fails to achieve a passing score to take another examination on another day without repeating instruction. If a student fails to achieve a passing score on a second final examination, the student must repeat all instruction of that course before taking another examination.

(d)Security. Schools must maintain at least two forms of a final examination for each course and must provide the Commission, upon its request, with reasonable assurances that examinations are secure from distribution to students except upon administration of an examination. These final examinations are evaluation tools, not teaching tools. While schools may supply students with information regarding their individual proficiency in areas of the examination, they must not review specific questions from these examinations with students. The Commission may impose any sanction permitted by law on the approval of any school and/or instructor that fails to provide proper security for examinations.

(e)Content Areas for Salespersons Prelicense Examination. The final examination for the Salespersons Prelicense Course must include at least five questions each on (a) brokerage engagements, (b) legal descriptions and legal aspects of contracts, (c) methods of payment and earnest money, (d) special stipulations and writing sales contracts, (e) leases and fair housing, (f) licensees acting as principals, (g) anti-trust laws, (h) basic finance, (i) loan types, (j) pricing property, (k) seller's costs, (l) qualifying purchasers and purchaser's costs, (m) contract closing, and (n) such other matters as the Commission may from time to time require or authorize.

(f)Examination Formats. Final Examinations for prelicense and postlicense courses should attempt to measure the student's competence in the knowledge or skills taught in the course. A school need not submit a course final examination to the Commission if: (1) the examination consists of multiple choice questions with a minimum of four choices of answers for each question; (2) the final examination for the Salespersons Prelicense Course and the Brokers Prelicense Course consists of no fewer than one hundred questions; and (3) the final examination for the Community Association Managers Prelicense Course and the Sales Postlicense Course consists of no fewer than fifty questions. A school must submit to the Commission for approval any course final examination that does not meet the above criteria prior to the examination's being administered for the course.

(g)Proctoring. Schools must provide proctors for all final examinations for prelicense and postlicense courses and for any continuing education courses that require the passing of a final examination in order to receive credit for the course. The school director, coordinator, approved instructor, or other person designated by the school director or coordinator may administer or proctor final examinations in courses. The school director or coordinator must insure that examinations are conducted according to the requirements of this chapter.

(12) Alternatives for Meeting Prelicense Course Requirements.

(a)College Courses. Applicants for examination may qualify to sit for examination by presenting college transcripts that show courses in real estate subjects of at least ten quarter hours or six semester hours if the application is for the salesperson's examination or fifteen quarter hours or nine semester hours if the application is for the broker's examination. Applicants for the community association manager's examination may qualify to sit for the examination by presenting college transcripts that show real estate courses of at least four quarter hours or two semester hours with a concentration in community associations and community association management.

1. Applicants must submit an official transcript at the time of making application for examination; and the applicant may be required to provide a description of the course or courses from the school's catalogue or bulletin.

2. Only courses which count towards the student's obtaining a major in the field of real estate or courses dealing with principles, fundamentals, or essentials of real estate and only courses in agency, real property law, and contract law at a school of law will satisfy this requirement. College correspondence courses and courses that qualify for continuing education units do not satisfy the requirements of this Rule.

(b) Credits for Instructors. The Commission shall approve as meeting the education requirements for examination any instructor who submits satisfactory proof that he or she has taught a course or courses named in this Rule within two years prior to making application to sit for an examination.

(c) Sales I, Sales II, and Sales III. Applicants who successfully completed all three of the Sales I, Sales II, and Sales III courses prior to January 1, 1993, may present certificates of completion of those courses from approved schools in order to sit for the qualifying examination for a salesperson's license.

(d) Courses Approved by Other Jurisdictions. Prelicense education courses for community association managers, salespersons, and brokers authorized by the regulatory body that regulates real estate licensees in any state, district, territory, possession, or province of the United States or Canada are approved as meeting the corresponding prelicense education requirements in Georgia provided that such courses are similar in credit hours earned to Commission required prelicense courses and are offered through classroom instruction or through computer-based instruction that is consistent with the standards of these regulations.

(13) Alternatives for Meeting Continuing Education Requirements.

The Commission shall deem a licensee to have met the continuing education requirement of O.C.G.A. § [43-40-8\(e\)](#) for a renewal period if the licensee successfully completes in a renewal period any of the following courses that have at least the total number hours of instruction the law requires the licensee to complete:

(a) Prelicense and Post-license Courses. Licensees may obtain continuing education credits by successfully completing during a renewal period a Community Association Managers Prelicense, Salespersons Prelicense, Sales Post-license, or Brokers Prelicense course. Salespersons who complete the twenty-five hour Sales Post-license course in their first year of licensure may count that course as meeting nine (9) hours of the continuing education requirement for the first renewal period.

(b) College Courses. A licensee may obtain continuing education credit for a renewal period by completing at an accredited college or university any course of four quarter hours or two semester hours

1. which counts toward obtaining a major in the field of real estate or courses dealing with principles, fundamentals, or essentials of real estate;

2. which counts toward obtaining a major in business administration, accounting, finance, or marketing offered by a college or university accredited by one of the regional accrediting associations recognized by the United States Department of Education; and

3. in courses in agency, real property law, and contract law at an accredited school of law. Licensees may not use college correspondence courses or college continuing education courses to qualify under this Rule.

(c) Credits for Instructors. The Commission shall deem the continuing education requirement for a real estate renewal period as met by any instructor who submits satisfactory written proof that he or she has taught any of the courses offered under the requirements of this Chapter for a total of the hours required under Rule [520-1-.05\(1\)\(d\)](#) during the renewal period in which the instructor is applying for a renewal of a real estate license.

(d) Non-resident Licensees. The Commission shall deem the continuing education requirement as met by any nonresident licensee who submits satisfactory written proof that he or she has met the continuing education requirement of his or her state of residence during the renewal period in which the licensee is applying for a renewal of a real estate license. If the state of residence of a nonresident licensee does not require continuing education, then such nonresident licensee must meet the continuing education requirements of a resident licensee.

(e) Courses Approved by Other Jurisdictions. Licensees may use continuing education courses authorized by the regulatory body that regulates real estate licensees in any state, district, territory, possession, or province of the United States or Canada to count toward meeting the continuing education requirement for real estate licensees in Georgia. The Commission deems such courses as meeting continuing education requirements only if a school offers the courses through classroom instruction or through computer based instruction that is consistent with the standards for computer based courses or distance education described in this Rule and only if the course is for three or more credit hours.

(14) Verification of Course Completion.

The Commission may require licensees completing courses under this Rule to submit transcripts or other verification of completion that the Commission deems necessary and adequate.

Cite as Ga. Comp. R. & Regs. R. 520-2-.04

AUTHORITY: O.C.G.A. §§ [43-40-2](#), [43-40-8](#), [43-40-25](#).

HISTORY: Original Rule entitled "Instructors and School Directors/Principals" adopted as ER. 520-2-0.2-.04. F. and eff. July 5, 1974, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975.

Amended: F. Jan. 17, 1977; eff. Feb. 6, 1977.

Repealed: New Rule entitled "Resident Course for Broker's Examination" adopted. F. June 13, 1979; eff. July 3, 1979.

Amended: F. June 5, 1980; eff. July 1, 1980, as specified by the Agency.

Amended: F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency.

Repealed: New Rule entitled "Salesperson's First Year and Second Year Courses" adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency.

Repealed: New Rule entitled "Course Examinations" adopted. F. July 10, 1986; eff. Jan. 1, 1987, as specified by the Agency.

Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.

Amended: F. Nov. 10, 1988; eff. Dec. 1, 1988, as specified by the Agency.

Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.

Amended: F. June 13, 1991; eff. July 3, 1991.

Amended: F. Aug. 17, 1993; eff. Sept. 6, 1993.

Amended: F. Apr. 7, 1994; eff. Apr. 27, 1994.

Amended: F. Sept. 8, 1995; eff. Sept. 28, 1995.

Amended: F. June 14, 1996; eff. July 4, 1996.

Amended: F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency.

Amended: F. Mar. 2, 1999; eff. Mar. 22, 1999.

Amended: F. Feb. 14, 2002; eff. Mar. 6, 2002.

Amended: F. Apr. 11, 2002; eff. May 1, 2002.

Repealed: New Rule entitled "Real Estate Courses" adopted. F. May 2, 2005; eff. May 22, 2005.

Amended: F. Jan. 12, 2006; eff. Feb. 1, 2006.

Amended: F. Aug. 15, 2007; eff. Sept. 4, 2007.

Amended: Nov. 2, 2011; eff. Nov. 22, 2011.

Amended: F. July 10, 2014; eff. Aug. 1, 2014, as specified by the Agency.

Amended: Aug. 14, 2014; eff. Sep. 3, 2014.

Amended: F. June 9, 2016; eff. June 29, 2016.

Amended: F. Jan. 21, 2020; eff. July 1, 2020, as specified by the Agency.

Department 560. RULES OF DEPARTMENT OF REVENUE
Chapter 560-11. LOCAL GOVERNMENT SERVICES DIVISION
Subject 560-11-14. STATE AND LOCAL TITLE AD VALOREM TAX FEE

560-11-14-.01 Definitions

(1)As used in O.C.G.A. § [48-5C-1](#) and in these regulations, the term:

(a)"Commercial motor vehicle" shall have the same meaning as provided for in O.C.G.A. § [40-1-8.3](#).

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

(c)"County tag agent" or "tag agent" means those persons that have been designated as tag agents of the commissioner as provided for in O.C.G.A. § [40-2-23](#).

(d)"Date of purchase" means the date so provided on the application for certificate of title.

(e)"Dealer" or "dealership" shall have the same meaning as a dealer of new or used motor vehicles as provided for in O.C.G.A. § [40-3-2\(3\)](#).

(f)"Department" means the Department of Revenue.

(g)"Electronic Title and Registration" means an electronic process by which a dealer, through a vendor authorized by the commissioner, initiates the motor vehicle titling and registration process and by which the application for certificate of title is considered received by the county tag agent.

(h)"Fair market value" means:

1.For a new motor vehicle the retail selling, less any reduction for the trade-in value of another motor vehicle and any rebate. The retail selling price shall include any charges for labor, freight, delivery, dealer fees, and similar charges, tangible accessories, dealer add-ons, and mark-ups, but shall not include any federal retailers' excise tax or extended warranty, service contract, maintenance agreement, or similar products itemized on the dealer's invoice to the customer or any finance, insurance, and interest charges for deferred payments billed separately. No reduction for the trade-in value of another motor vehicle shall be taken unless the name of the owner and the vehicle identification number of such trade-in motor vehicle are shown on the bill of sale;

2.For a motor vehicle that is leased:

(A)In the case of a motor vehicle that is leased to a lessee for use primarily in the lessee's trade or business and for which the lease agreement contains a provision for the adjustment of the rental price as described in Code Section [40-3-60](#), the agreed upon value of the motor less any reduction for the trade-in value of another motor vehicle, including any vehicle(s) owned by the lessor, and any rebate; or

(B)In the case of a motor vehicle that is leased other than described in part (1)(h)2.(A) of this regulation, the total of the base payments pursuant to the lease agreement, plus any down payments. The term "any down payments" as used in this subparagraph means cash collected from the lessee at the inception of the lease which shall include cash supplied as a capital cost reduction; shall not include rebates, noncash credits, or net trade allowances; and shall include any up front payments collected from the lessee at the inception of the lease except for taxes or fees imposed by law and monthly lease payments made in advance.

3. For a used motor vehicle purchased from a new or used car dealer other than under a seller financed sale arrangement, the retail selling price of the motor vehicle, less any reduction for the trade-in value of another motor vehicle. The retail selling price shall include any charges for labor, freight, delivery, dealer fees and similar charges, tangible accessories, dealer add-ons, and mark-ups, but shall not include any federal retailers' excise tax or extended warranty, service contract, maintenance agreement, or similar products itemized on the dealer's invoice to the customer or any finance, insurance, and interest charges for deferred payments billed separately. No reduction for the trade-in value of another motor vehicle shall be taken unless the name of the owner and the vehicle identification number of such trade-in motor vehicle are shown on the bill of sale.

4. For a used motor vehicle purchased from a person other than a new or used car dealer or purchased under a seller financed sale arrangement, the average of the current fair market value and the current wholesale value of a motor vehicle for a vehicle listed in the current motor vehicle ad valorem assessment manual utilized by the state revenue commissioner and based upon a nationally recognized motor vehicle industry pricing guide for fair market and wholesale market values in determining the taxable value of a motor vehicle under Code Section [48-5-442](#); provided, however, that, if the motor vehicle is not listed in such current motor vehicle ad valorem assessment manual, the fair market value shall be the value from a reputable used car market guide designated by the commissioner and, in the case of a motor vehicle purchased from a new or used car dealer under a seller financed sale arrangement, less any reduction for the trade-in value of another motor vehicle.

(i) "Immediate family member" means a spouse, parent, child, sibling, grandparent, or grandchild and includes those who have attained such immediate family member status through a legal determination recognized in this state.

(j) "International Registration Plan" means the international reciprocal registration agreement for commercial motor vehicles and all amendments thereto as provided for in O.C.G.A. § [40-2-88](#).

(k) "Loaner vehicle" means a motor vehicle owned by a dealer which is withdrawn temporarily from dealer inventory for exclusive use as a courtesy vehicle loaned at no charge for a period not to exceed thirty (30) days within a 366-day period to any one customer whose motor vehicle is being serviced by such dealer.

(l) "Motor vehicle" shall have the same meaning as provided for in O.C.G.A. § [40-1-1\(33\)](#).

(m) "New motor vehicle" shall have the same meaning as provided for in O.C.G.A. § [40-1-1\(34\)](#).

(n) "Month" means a period of thirty (30) consecutive calendar days.

(o) "Owner" shall have the same meaning as provided for in O.C.G.A. § [40-1-1\(39\)](#).

(p) "Person" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

(q) "Proceeds" means the combined state ad valorem title tax fee, local ad valorem title tax fee, administrative fee, penalties, and interest.

(r) "Rebuilt title" shall have the same meaning as provided for in O.C.G.A. § [40-3-37](#).

(s) "Rental charge" means the title value received by a rental motor vehicle concern for the rental or lease for thirty-one (31) or fewer consecutive days of a rental motor vehicle, including the total cash and nonmonetary consideration for the rental or lease, including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver but excluding all charges for motor fuel taxes or sales and use taxes.

(t) "Rental motor vehicle" means a motor vehicle designed to carry fifteen (15) or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver.

(u) "Rental motor vehicle concern" means a person or legal entity which owns or leases five (5) or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

(v)"Salvage motor vehicle" shall have the same meaning as provided for in O.C.G.A. § [40-3-2\(11\)](#).

(w)"Salvage title" shall have the same meaning as provided for in O.C.G.A. § [40-3-36](#).

(x)"Sales and use tax" means combined state and local sales and use tax as imposed by Chapter 8 of Title 48, unless otherwise specifically provided for in O.C.G.A. § [48-5C-1](#) or these regulations to refer only to state sales and use tax, or local sales and use tax, respectively.

(y)"Tax collector" or "tax commissioner" means those persons that have been designated as tag agents of the commissioner as provided for in O.C.G.A. § [40-2-23](#).

(z)"Used motor vehicle" shall have the same meaning as provided for in O.C.G.A. § [40-1-1\(74\)](#).

Cite as Ga. Comp. R. & Regs. R. 560-11-14-.01

AUTHORITY: O.C.G.A. §§[40-3-3](#), [48-5C-1](#).

HISTORY: Original rule entitled "Definitions" approved. F. Jan. 4, 2013; eff. Jan. 24, 2013.

Repealed: New Rule of same title adopted. F. Nov. 30, 2017; eff. Dec. 20, 2017.

Amended: F. Dec. 14, 2018; eff. Jan. 3, 2019.

Amended: F. Jan. 29, 2020; eff. Feb. 18, 2020.

560-11-14-.10 Non-Profit Organizations

(1)Any motor vehicle which is donated to a non-profit organization exempt from taxation under Section [501\(c\)\(3\)](#) of the Internal Revenue Code, shall, when titled in the name of such nonprofit organization, be subject to and local title ad valorem tax fees in the amount of 1% of the fair market value of the motor vehicle.

(2)In order to obtain the reduced rate, qualifying non-profit organizations shall provide at the time of application for certificate of title proof of their tax exempt status under Section [501\(c\)\(3\)](#) of the Internal Revenue Code and shall certify on a form prescribed by the commissioner that such motor vehicle was donated to such organization.

Cite as Ga. Comp. R. & Regs. R. 560-11-14-.10

AUTHORITY: O.C.G.A. §§[40-3-3](#), [48-5C-1](#).

HISTORY: Original rule entitled "Non-Profit Organizations" approved. F. Jan. 4, 2013; eff. Jan. 24, 2013.

Amended: F. Jan. 29, 2020; eff. Feb. 18, 2020.

560-11-14-.12 Exemptions

(1)The state and local title ad valorem tax fee shall not apply to:

(a)Corrected titles.

(b)Replacement titles under O.C.G.A. § [40-3-31](#).

(c)Titles reissued to the same owner pursuant to O.C.G.A. §§ [40-3-50](#), [40-3-51](#), [40-3-52](#), [40-3-53](#), [40-3-54](#), [40-3-55](#), or [40-3-56](#).

(d)The transfer of a title from one legal entity in which an individual holds an ownership interest of at least 50% to another legal entity in which the same individual holds an ownership interest of at least 50%, provided that the title ad valorem tax has been previously levied on such motor vehicle and has been paid by the transferring entity or such individual.

(e)Any other exemption in subsection (d)(15) of O.C.G.A. § [48-5C-1](#).

(2)Motor vehicles owned or leased by or to the state or any county, consolidated government, municipality, county or independent school district, or other government entity in this state shall not be subject to the state and local title ad valorem tax fees provided for in O.C.G.A. § [48-5C-1](#); provided, however, that such other government entity shall not qualify for such exclusion unless it is exempt from ad valorem tax and sales and use tax pursuant to general law.

(3)The state and local title ad valorem tax fee shall not apply to a qualified person as provided in this part:

(a)Any qualified service connected disabled veteran pursuant to O.C.G.A. § [48-8-3\(30\)](#) when the veteran received a grant from the United States Department of Veterans Affairs to purchase and specially adapt a vehicle to his disability may apply for an exemption of the state and local title ad valorem tax fee. Such veteran shall submit to the county tag agent a form prescribed by the commissioner attesting to their exempt status, the motor vehicle purchase agreement or bill of sale, and documentation approved by the commissioner demonstrating their disabled status and receipt of the veteran's grant.

(b)Any qualified disabled veteran pursuant to O.C.G.A. § [48-5-478](#) may apply for an exemption of the state and local title ad valorem tax fee. Such veteran shall submit to the county tag agent a form prescribed by the commissioner attesting to their exempt status, the motor vehicle purchase agreement or bill of sale, and documentation approved by the commissioner demonstrating their disabled status.

1.A veteran shall be granted an exemption provided that the veteran has applied for or has transferred a disabled veteran's license plate to such vehicle as provided for in O.C.G.A. § [40-2-69](#).

2.A veteran shall not be granted an exemption for a subsequent vehicle unless the original vehicle which received the exemption is sold, traded or otherwise transferred to another person. If the original vehicle is transferred to an immediate family member by the veteran such transfer shall be subject to the full rate of title ad valorem tax in effect as of the date of the transfer. If such immediate family member subsequently transfers the vehicle to another immediate family member then that subsequent transfer shall receive the reduced rate of title ad valorem tax applicable to immediate family members.

(c)Any qualified veteran pursuant to O.C.G.A. § [48-5-478.1](#) who is a citizen and resident of Georgia and is a former prisoner of war or their unremarried surviving spouse may apply for an exemption of the state and local title ad valorem tax fee. Such veteran or their unremarried surviving shall submit to the county tag agent a form prescribed by the commissioner attesting to their exempt status, the motor vehicle purchase agreement or bill of sale, and documentation approved by the commissioner demonstrating the veteran's designation as a former prisoner of war.

1.A veteran or their unremarried surviving spouse shall be granted an exemption provided that the veteran has met the requirements of O.C.G.A. § [40-2-73](#).

2.A veteran shall not be granted an exemption for a subsequent vehicle unless the original vehicle which received the exemption is sold, traded or otherwise transferred to another person. If the original vehicle is transferred to an immediate family member by the veteran such transfer shall be subject to the full rate of title ad valorem tax in effect as of the date of the transfer. If such immediate family member subsequently transfers the vehicle to another immediate family member then that subsequent transfer shall receive the reduced rate of title ad valorem tax applicable to immediate family members.

(d)Any qualified veteran pursuant to O.C.G.A. § [48-5-478.2](#) who is a citizen and resident of Georgia and was awarded the Purple Heart may apply for an exemption of the state and local title ad valorem tax fee. Such veteran shall submit to the county tag agent a form prescribed by the commissioner attesting to their exempt status, the

motor vehicle purchase agreement or bill of sale, and documentation approved by the commissioner demonstrating their award of the Purple Heart.

1.A veteran shall be granted an exemption provided that the veteran has applied for or has transferred a Purple Heart license plate to such vehicle as provided for in O.C.G.A. § [40-2-84](#).

2.A veteran shall not be granted an exemption for a subsequent vehicle unless the original vehicle which received the exemption is sold, traded or otherwise transferred to another person. If the original vehicle is transferred to an immediate family member by the veteran such transfer shall be subject to the full rate of title ad valorem tax in effect as of the date of the transfer. If such immediate family member subsequently transfers the vehicle to another immediate family member then that subsequent transfer shall receive the reduced rate of title ad valorem tax applicable to immediate family members.

(e)Any qualified veteran pursuant to O.C.G.A. § [48-5-478.3](#) who is a citizen and resident of Georgia and was awarded the Medal of Honor may apply for an exemption of the state and local title ad valorem tax fee. Such veteran shall submit to the county tag agent a form prescribed by the commissioner attesting to their exempt status, the motor vehicle purchase agreement or bill of sale, and documentation approved by the commissioner demonstrating their award of the Medal of Honor.

1.A veteran shall be granted an exemption provided that the veteran has applied for or has transferred a Medal of Honor license plate to such vehicle as provide for in O.C.G.A. § [40-2-68](#).

2.A veteran shall not be granted an exemption for a subsequent vehicle unless the original vehicle which received the exemption is sold, traded or otherwise transferred to another person. If the original vehicle is transferred to an immediate family member by the veteran such transfer shall be subject to the full rate of title ad valorem tax in effect as of the date of the transfer. If such immediate family member subsequently transfers the vehicle to another immediate family member then that subsequent transfer shall receive the reduced rate of title ad valorem tax applicable to immediate family members.

Cite as Ga. Comp. R. & Regs. R. 560-11-14-.12

AUTHORITY: O.C.G.A. §§[40-3-3](#), [48-5C-1](#).

HISTORY: Original rule entitled "Exemptions" approved. F. Jan. 4, 2013; eff. Jan. 24, 2013.

Amended: F. July 27, 2015; eff. Aug. 16, 2015.

Repealed: New Rule of same title adopted. F. Nov. 30, 2017; eff. Dec. 20, 2017.

Amended: F. Jan. 29, 2020; eff. Feb. 18, 2020.