



*Honorable Nathan Deal*  
Governor

## **Department of Public Safety**

**Post Office Box 1456**  
**Atlanta, Georgia 30371-1456**  
**Phone: (404) 624-7477**  
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*Colonel Mark W. McDonough*  
Commissioner

March 12, 2012

### **MEMORANDUM**

**TO:** DPS Section Supervisors  
GSP Post Commanders  
MCCD Region Commanders  
Capitol Police Supervisors

**FROM:** Colonel Mark W. McDonough

Enclosed are proposed rule changes concerning the Department of Public Safety.

Such rules are to be placed on your bulletin board for a period of thirty (30) days. After the rules and Notice of Public Hearing have been posted, please fill out the attached form and mail only the attached form to the personal attention of Ms. Jacqueline Bunn at Post Office Box 1456, Atlanta, GA 30371. It is not necessary to send the form by registered or certified mail.

If you have any questions, please direct them to the Legal Services Section at (404) 624-7423.

OFFICIAL:

Colonel Mark W. McDonough  
Commissioner

Enclosures

## NOTICE OF PUBLIC HEARING

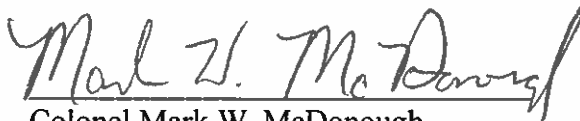
PLEASE TAKE NOTICE THAT on April 12, 2012, at 10:00 a.m. in the Media Room at the Department of Public Safety, 959 East Confederate Avenue, S.E., Atlanta, Georgia, a public hearing will be held for the presentation of proposed administrative rule changes which are attached and incorporated by reference.

The chapter affected by the proposed rule & regulation changes is listed below:

**Chapter 570-34-001 through 570-34-011 TO CREATE RULES AND REGULATIONS IMPLEMENTING THE PROVISIONS OF O.C.G.A. § 35-2-58, WHICH WILL GOVERN THE DISPOSITION OF VEHICLES FOR SALE BY THE DEPARTMENT OF PUBLIC SAFETY.**

All interested persons are hereby advised of the opportunity to submit data, views or arguments, orally or in writing. Oral comments will be limited to ten minutes per person. Anyone needing more than ten minutes should request additional time by contacting Legal Services, Post Office Box 1456, Atlanta, Georgia 30371, in writing, 24-hours prior to the hearing.\*

This 12<sup>TH</sup> day of March, 2012.



Colonel Mark W. McDonough  
Commissioner

\*Anyone with a disability needing assistance should contact Bridget Peppers, ADA Coordinator, at (404) 624-7081, three days prior to the hearing.

Attachment

# RULES OF THE DEPARTMENT OF PUBLIC SAFETY

## Chapter 570-34

### VEHICLE SALES PROGRAM

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#### **570-34-001 Definitions.**

“As Is – Where Is” means that the vehicle is acquired without warrant, express or implied, as to completeness, kind, character, or quality of any property, or its fitness for any use or purpose; and returns and/or exchanges of any “vehicles for sale” are not authorized.

“Auction Vendor” means the Department of Public Safety’s contracted vendor for auction of vehicles specified for public auction per rule 570-34-005.

“Auction Vehicle” means any vehicle not sold to a qualifying county or city governmental entity as provided for in rule 570-34-002.

“Department” means the Georgia Department of Public Safety (“DPS”).

“Political subdivision” means any county or municipality of this state.

“Vehicle(s) for Sale” means a motor vehicle to which the Georgia Department of Public Safety has title and is authorized to sell under O.C.G.A. Code Section 35-2-58 and that has been designated for sale by the Headquarters Adjutant.

#### **570-34-002 Order of priority in disposition.**

(a) In the disposition of a vehicle for sale, the Department shall give first priority of sales to political subdivisions within the state. Vehicle(s) for sale thus sold must be for the use of the recipient agency or political subdivision with the title being in such agency, unit or organization.

(b) Vehicles shall be listed for sale on the Department’s Website periodically as for sale with an initial listing date, mileage, make, model, year, vehicle identification number (“VIN”), description of the general condition of the vehicle (such as Fair, Good, or Excellent), sales price, and location for viewing at designated times.

(c) The value of model specific equipment (such as push bumpers, sirens, speakers, light-bars, consoles, and cages) shall be incorporated in the sales price.

(d) Any Vehicle not sold to a political subdivision within thirty (30) days of listing for sale shall become eligible for Department sale to the general public through the Auction Vendor.

- (e) No employee of the Department or such employee's immediate family member shall purchase a vehicle sold by fixed price or negotiated sale for the direct or indirect benefit of any such employee or employee's immediate family member.
- (f) The Headquarters Adjutant may immediately remove for auction or disposal a vehicle damaged in an accident or with a mechanical defect making it inoperable.

**570-34-003 First-come, first-served.**

- (a) Vehicle sales to political subdivisions are available on a first-come, first-served basis. The first eligible political subdivision presenting the Department with the full amount of the sale price shall be deemed the purchaser of the vehicle.
- (b) The Department reserves the right to deny any transfer at its discretion and to whose such decision is final.

**570-34-004 Transfer to political subdivision by negotiated sale; conditions.**

When any vehicle is sold to a political subdivision, pursuant to Rule 570-34-002 and Rule 570-34-003, such transfer shall be subject to the following conditions:

- (a) The vehicle shall not be resold by any such political subdivision within one year after the transfer without the written consent of the Department;
- (b) The Department shall have the right, which shall be exercised at its discretion, to supervise the resale of the property at public outcry to the highest responsible bidder if the resale of the property is within one year after such transfer.

**570-34-005 Auction of vehicles to the public.**

- (a) Vehicles not sold to political subdivisions may be auctioned through the Department's Auction Vendor under the terms set by the Department's agency contractor with said vendor. A vehicle may be determined to immediately be an Auction Vehicle without being offered as a Vehicle for Sale to the local political subdivisions, at the discretion of the Headquarters Adjutant, when the vehicle's condition is of poor quality.
- (b) Vehicles for Sale will be eligible for the Department to sell as Auction Vehicles at the Department's discretion after the minimum of the 30-day listing has expired; however, there is no requirement that vehicles be transferred within this timeframe, and, depending upon factors such as space and potential sales, the Department may opt to retain vehicles for sale for an extended timeframe as determined by the Headquarters Adjutant.
- (c) Equipment such as push bumpers, sirens, speakers, light-bars, consoles, and cages shall be removed prior to auction for reuse by the Department, if possible, or, where reuse is not a viable option, such equipment shall be sold for salvage value.

**570-34-006 Valuation of Vehicle for Sale to Public Entity.**

- (a) The pricing of all surplus fleet vehicles to political subdivisions will be researched and determined by the Department's Property staff based upon references provided by the Kelley Blue Book Private Values. The Pricing will be based upon mileage of each individual vehicle and its condition (such as Fair, Good, or Excellent) as defined by Kelley Blue Book.
- (b) The Headquarters Adjutant has the discretion to include in the sales price of vehicles to political subdivisions equipment maintained on the vehicle (such as law enforcement lights, cages, bumpers, etc.) or to remove such equipment for scrap or reuse by the Department as deemed appropriate.

(c) With the permission of the Commissioner, the Headquarters Adjutant may uniformly reduce the price of all comparable vehicles to help facilitate disposal of such vehicles.

**570-34-007 Payment.**

(a) All payments by political subdivisions must be in the form of cash, cashier's check, certified check, or postal money order (made payable to the "Georgia Department of Public Safety"), or other method approved by the Department's Comptroller. Payment must be made at the time of purchase. No property may be removed prior to full payment of the purchase price. Payments for sales shall be made at the Department site where the property is located.

(b) If payment is not received, the sale is not complete and the item is available as per Rule 570-34-003.

**570-34-008 State does not guarantee.**

(a) The description of the property offered for sale is compiled from available information. All vehicles are sold "as is" and "where is" with no discounts, warranties, or other incentives offered.

(b) All property offered for sale or a portion thereof is subject to withdrawal at any time at the discretion of the Department's Headquarters Adjutant.

(c) A refund or an adjustment will not be made due to property not meeting expectations, a political subdivision's failure to inspect prior to sale, or change of condition of property from the time of award to the time of pickup.

(d) Any cost of weighing, packaging, crating, loading or hauling vehicle is assumed by the purchaser unless otherwise provided.

(e) A vehicle may be inspected where the vehicle sits. The vehicle may be started and run for a brief time, but not test-driven.

**570-34-009 Failure to pay or remove property.**

(a) If an eligible political subdivision fails to pay in full for the vehicle(s) at the time of sale, the property may be resold as provided for 570-34-003, on a first-come, first-served basis.

(b) All Vehicles must be removed on or before the date indicated on the sales receipt. The date of removal on the receipt shall be at the discretion of the Administrative Services Captain in charge of the garage facilities (utilizing factors such as available space to store vehicles and incoming and outgoing inventory).

(c) Vehicles may only be removed by appointment. Purchasers should coordinate and schedule pick-up appointments with the designated point of contact on the Department's website.

**570-34-010 Personal and property risk.**

Persons attending during exhibition, sale, or removal of vehicles assume all risks of damage or loss to persons and property and specifically release the Department and the State of Georgia from liability.

**570-34-011 Vehicle titles and emissions.**

The Department will turn over the existing title or certificate upon receipt of payment. It is the Buyer's responsibility to apply for a new title. Titles may be subject to any restrictions as indicated in the item description on the website. Open titles cannot be issued. Titles must be

issued in the name of the Political Subdivision purchasing the vehicle(s). The Department will not issue replacement titles.



Colonel Mark W. McDonough  
Commissioner

## Department of Public Safety

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Melissa Rodgers  
Director of Legal Services

March 12, 2012

### MEMORANDUM

TO: DPS Section Supervisors  
GSP Post Commanders  
MCCD Region Commanders  
Capitol Police Supervisors

FROM: Jacqueline Bunn   
Director of Legal Services

The enclosed rules 570-34-001 through 570-34-011 and Notice of Public Hearing were posted on:

DATED POSTED	POST # / SECTION	LOCATION

The enclosed rule(s) shall remain posted for thirty (30) days.

\_\_\_\_\_  
Date Mailed to Legal Services

Signed: \_\_\_\_\_  
Commander or Supervisor

Please return only this form to the Legal Services Section immediately upon posting the proposed rule changes. It is not necessary to send by certified or registered mail.