

**MOTOR VEHICLE DEALER BOARD  
RULEMAKING HEARING MINUTES**

**January 18, 2022**

A rulemaking hearing was held via video conference with Cisco WebEx. The following persons were virtually present:

**BOARD MEMBERS:**

Carrie Ann Baumgart  
Charla Berens  
Kathleen Chandler  
Fletcher Flower  
Amanda Gordon  
Kevin Shaughnessy  
Luke Walch

**MEMBERS ABSENT:**

John Linton

**SENIOR DIRECTOR, SPECIALIZED  
BUSINESS GROUP:**

Cory Amend

**EXECUTIVE SECRETARY:**

Chris Rouze

**AID ENFORCEMENT  
DIVISION STAFF:**

Chris Hartman  
John Opeka  
Gloria Breeden  
Frank Agos  
Joshua Dexter  
Michael Calo  
Erika Garcia  
Kyle Boyd  
Suzi Karrer  
Beth Spellerberg  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Sarah Killeen

**VISITORS:**

David Cardella, CIADA  
Matthew Groves, CADA  
Jarod Mullins, Tractor Supply Company  
Nicole Brenner, Reed Smith LLP  
Nelson Scott, PDAC  
Jeff Perry, GM

Vicky Strada, Trailers Plus  
Steven Perkins

1<sup>st</sup> Vice President, Carrie Baumgart, opened the rulemaking hearing of January 18, 2022 at 9:03 a.m.

Ms. Baumgart determined that a quorum of the Board was present and called for a motion to open the hearing to consider the proposed rule revisions to 1CCR 205-1, motor vehicle regulation 44-20-121(3)(i) and 1CCR 205-2, powersports vehicle regulation 44-20-420(3)(i).

Ms. Gordon made a motion to open the rulemaking hearing - passed unanimously.

Ms. Rouze reminded stakeholders that the Cisco Webex platform is being used for the hearing and asked all who wished to comment, complete the virtual sign-in sheet found on the Division's website, which becomes part of the official rulemaking record.

Ms. Baumgart stated that the rulemaking will proceed according to provisions of the Colorado Administrative Procedures Act specifically section 24-4-103 C.R.S. and according to other relevant provisions of law, regulation and policy.

Ms. Baumgart further stated that today's rulemaking hearing received official public notice on Dec 25, 2021 by means of publication in Volume 44 No. 22 of the Colorado Registrar. Public notice for the rule 44-20-121(3)(i) and 1CCR 205-1 related to motor vehicles came under tracking number 2021-00802. Public notice for rule 44-20-420(3)(i) and 1CCR 205-2 related to powersports vehicles came under tracking number 2021-00803. Supplemental public notice took place through publication on the websites of the Department of Regulatory Agency and the Auto Industry Division of the Department of Revenue.

Ms. Baumgart stated that the purpose of today's hearing is to hear views of all interested parties of the public. The rulemaking hearing will close after the Board has heard the Division and the public's comments and any received written submissions presented in the course of the hearing. The Board will then publicly deliberate upon the entire rulemaking record before it makes any decisions on any of the proposed revisions to the rules. Board members were provided redlined version with proposed change(s) and a clean version for their review. Ms. Baumgart gave instructions on how the public forum will proceed.

The Board may decide either to:

- **Adopt completely the proposed revisions to the rules as presented by the Division; or**
- **Adopt proposed revisions to the rules as presented by the Division with modifications made by the Board; or**

- **Table the rule for consideration later in the meeting; or**
- **Continue deliberations until a later date; or**
- **Reject the proposed revisions to the rules as presented by the Division and keep the current rules in place in their current form.**

Ms. Baumgart turned the floor over to Rules Administrator, Beth Spellerberg.

Ms. Spellerberg thanked all stakeholders for their participation in the working groups and presented an overview of the entire rulemaking record.

Ms. Spellerberg stated that the Division's goal is to propose simple, effective and enforceable rules that do not adversely affect the industry's ability to be successful but to keep the paramount issue of consumer protection at the forefront. The Division supports the revisions and finds that the modifications do not impact the overall concept of what the Division and stakeholders agreed to in principle.

Ms. Baumgart asked for public comments and that each speaker make their comments as succinct as possible.

Ms. Nicole Brenner of Reed Smith LLP, stated that they would like to use SKU numbers in place of stock or VIN number and the exception for advertising the year of utility trailers.

Mr. Dave Cardella of CIADA, stated that they support all modifications except eliminating the year of utility trailers in the advertising.

Mr. Groves of CADA, stated that they support presented modifications but are concerned with setting up a regulatory structure that would allow manufacturers to create more national inventory.

Ms. Baumgart asked for a motion to close the public comment phase to consider proposed rule revisions.

Mr. Shaughnessy made a motion to close the public comment phase of the rulemaking hearing - passed unanimously.

Ms. Baumgart stated that the Board will begin public deliberations. Only Board members and the Attorney General's representative are permitted to participate unless authorized by the Chair.

After public deliberations, Ms. Baumgart stated that the Board would now vote on the two rules.

Mr. Shaughnessy made a motion to adopt the proposed revisions to 1CCR 205-1, Regulation 44-20-121(3)(i), related to Motor Vehicles as proposed and publicly noticed by the Auto Industry Division - passed unanimously.

Mr. Shaughnessy made a motion to adopt the proposed revisions to 1CCR 205-2, Regulation 44-20-420 (3)(i), related to Powersports Vehicles as proposed and publicly noticed by the Auto Industry Division - passed unanimously.

Ms. Baumgart thanked everyone for their participation and asked for a motion to close the rulemaking hearing.

Ms. Gordon made a motion to close the rulemaking hearing - passed unanimously.

Meeting adjourned at 10:14 a.m.

*(Note: The Minutes of the Motor Vehicle Dealer Board summarize the contents of the meeting. They are not verbatim transcripts and are based principally upon the digital recording of the meeting and upon the later collaboration of staff attendees to ensure that the summary faithfully captures the matters before the Board and the actions the Board took. The digital recording of the meeting is a permanent record of the Board, retained in the electronic filing system of the Auto Industry Division, and is available as a resource for review, as needed.)*

Chris Rouze  
Executive Secretary