

**MOTOR VEHICLE DEALER BOARD  
EMERGENCY RULEMAKING HEARING MINUTES**

**March 16, 2021**

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

**BOARD MEMBERS:**

Charla Berens  
Fletcher Flower  
John Linton  
Matthew Porter  
Kevin Shaughnessy  
Luke Walch  
Michael Widhalm

**MEMBERS ABSENT:**

Carrie Ann Baumgart  
Ramona Bode

**EXECUTIVE DIRECTOR  
DEPT OF REVENUE:**

Mark Ferrandino

**SENIOR DIRECTOR OF THE  
SPECIALIZED BUSINESS GROUP:**

Cory Amend

**EXECUTIVE SECRETARY:**

Chris Rouze

**AID ENFORCEMENT  
DIVISION STAFF:**

Chris Hartman  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Brad Jones

Mr. Linton, opened the emergency rulemaking hearing of March 16, 2021 at 9:03 a.m. and introduced Board members and representatives of the Attorney General and Division offices.

Mr. Linton determined that a quorum of the Board was present to consider the repeal of rules 44-20-102(22)-COVID DIAL regarding motor vehicles and 44-20-402(17)-COVID DIAL regarding powersports vehicles. The Board will also consider the promulgation and adoption of rules 44-20-102(22)-COVID DIAL 2<sup>nd</sup> Edition regarding motor vehicles and 44-20-402(17)-COVID DIAL 2<sup>nd</sup> Edition regarding powersports vehicles.

Mr. Linton called for a motion to open the hearing for the Board to consider the repeal of the two current emergency rules and promulgation of two new rules related to both 1CCR 205-1 regarding motor vehicles (MV) and 1CCR 205-2 regarding powersports vehicles (PS).

Mr. Shaughnessy made a motion to enter the rulemaking hearing - passed 6-1 (Mr. Linton as Chair voted) (Mr. Porter abstained).

Mr. Linton stated that the emergency rulemaking will proceed according to provisions of the Colorado Administrative Procedures Act 24-4-103(6) (a), C.R.S. and is not subject to the requirements under Subsections 3 and 4 of that statutory provision. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

Ms. Rouze stated that the two emergency rules promulgated on November 17, 2020 will expire tomorrow and, in an effort, to continue to enable motor vehicle dealers, used motor vehicle dealers, powersports dealers and used powersports dealers to continue retail sales and operations during the pendency of the COVID-19 pandemic, we propose to repeal the two existing emergency rules and replace them with two new rules.

Mr. Linton asked if any Board members had any questions before proceeding. Mr. Linton asked if the public would like to make commentary.

Mr. Linton asked for a motion to close the public comment phase of the emergency rulemaking hearing.

Mr. Widhalm made a motion to close the public comment phase of the emergency rulemaking hearing – passed unanimously.

Mr. Linton stated that the Board will begin public deliberations to make decisions on the current emergency rules and the two new emergency rules. Only Board members and the Attorney General's representative are permitted to participate unless authorized by the Chair. Each rule must be voted on separately. The Board must also vote to approve statement of justification for each emergency rule in accordance with provisions of the Colorado Administrative Procedures Act 24-4-103(6) (a), C.R.S.

Mr. Linton asked for a motion to repeal the current emergency regulation 44-20-102(22)-COVID Dial previously promulgated on November 17, 2020 – passed unanimously.

Mr. Linton asked for a motion to repeal the current emergency regulation 44-20-402(17)-COVID Dial previously promulgated on November 17, 2020 – passed unanimously.

Mr. Linton asked for a motion to adopt the proposed emergency regulation 44-20-102(22)-COVID DIAL 2<sup>nd</sup> Edition and that the Board authorize him to sign the statement of emergency justification and adoption concerning emergency regulation 44-20-102(22)-COVID DIAL 2<sup>nd</sup> Edition – passed unanimously.

Mr. Linton asked for a motion to adopt the proposed emergency regulation 44-20-402(17)-COVID DIAL 2<sup>nd</sup> Edition and that the Board authorize him to sign the statement of emergency justification and adoption concerning emergency regulation 44-20-102(17)-COVID DIAL 2<sup>nd</sup> Edition – passed unanimously.

Mr. Linton thanked everyone for their participation in the emergency rulemaking hearing and asked for a motion to close the rulemaking hearing.

Mr. Jones stated that the new rules are now in effect for 120 days and will be filed with the Secretary of State's office.

Mr. Widhalm made a motion to close the emergency rulemaking hearing – passed unanimously.

Meeting adjourned at 9:22 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