

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

April 3, 2020

An emergency rulemaking hearing was held at the Department of Revenue, Division of Gaming office, Golden, Colorado. The following persons were virtually present:

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
Fletcher Flower
Ramona Graves Bode
John Linton
Matthew Porter
Luke Walch
Jason White
Michael Widhalm

MEMBERS ABSENT:

**SENIOR DIRECTOR OF
ENFORCEMENT**

Cory Amend

ACTING EXECUTIVE SECRETARY:

Chris Rouze

**DEPT OF REVENUE,
AID, ENFORCEMENT
DIVISION STAFF:**

Chris Hartman
Arleen Criddell-Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones

VISITORS:

David Cardella, CIADA
Michael Dommermuth, CADA
Jerry Abboud
Chris Hochmuth, DMV
Harry Sherrell

President and Chair, John Linton, opened the emergency rulemaking hearing of April 3, 2020 at 1:02 p.m. Mr. Linton turned the floor over to Acting Executive Secretary, Chris Rouze.

Ms. Rouze opened the hearing with a reminder to all of the recent Executive Order issued by Governor Polis ordering Coloradans to stay at home due to the presence of COVID-19 and the Colorado Public Health and Environment (CDPHE) public health orders implementing stay at home order requirements.

Ms. Rouze stated that in light of these orders, the Motor Vehicle Dealer Board will consider the promulgation of two emergency regulations in accordance with 24-4-103(6)(a), C.R.S., which would permit motor vehicle dealers, used motor vehicle dealers, powersports vehicle dealers and

used powersports vehicle dealers to conduct online and limited retail sales transactions to the citizens of Colorado.

Ms. Rouze further stated that these proposed emergency regulations will provide guidance for dealers to conduct transactions while protecting businesses and citizens by practicing extreme social distancing. The Division worked closely with the Associations and stakeholders to structure emergency rules which are broadly written to provide flexibility while adhering to the Governor's and CDPHE's public health orders. Since these public orders could be revised, there are no specific processes outlined.

Mr. Jones provided a detailed overview of the proposed amended rules.

Mr. Linton determined that a quorum of the Board was present and called for a motion to open the hearing to consider proposed revisions to 1CCR 205-1 regarding motor vehicles (MV) and 1CCR 205-2 regarding powersports vehicles (PS). The Board will consider the following proposed emergency rules:

1. **MOTOR VEHICLE Emergency Regulation 44-20-102(22)-E: Online Transactions and In-Person Interactions**
2. **POWERSPORTS Emergency Regulation 44-20-402(17)-E: Online Transactions and In-Person Interactions**

Ms. Bode made a motion to enter into emergency rulemaking hearing - passed unanimously (Ms. Baumgart abstains).

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.

Ms. Rouze reiterated the emergency hearing overview as there were 29 persons on the WebEx call at the beginning of the hearing and now a total of 42 virtually in attendance.

Mr. Flowers asked about test drives. Ms. Rouze stated that CDOT has provided guidelines regarding how to sanitize vehicles.

Ms. Bode asked about electronic signatures. Ms. Rouze stated that is a DMV issue and reminded everyone there are documents that currently require wet signatures.

Ms. Berens asked if we are aware of what other states are doing and if consumers need protection from purchases during this emotional crisis?

Ms. Rouze stated that the Associations provided information on what other states were doing specifically New Mexico. Mr. Jones stated that all regulations and statutory provisions remain in place that ensure consumer safety.

Mr. Linton opened the public comment phase of the emergency rulemaking hearing.

Mr. Sherrell asked if the best practices for motor vehicles apply to demo rides for motorcycles.

Mr. Rouze replied yes since motorcycles are defined as motor vehicles.

Mr. Cardella of CIADA thanked the Board for setting the meeting.

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

Mr. White made a motion to close the public comment phase of the emergency rulemaking hearing – passed unanimously (Ms. Baumgart abstains).

Mr. Linton stated that the Board will begin public deliberations to make decisions on the proposed emergency rules. Only Board members and the Attorney General's representative are permitted to participate unless authorized by the Chair.

Mr. Jones stated that the statement of justification is the basis for the emergency rules and needs to be authorized during the adoption of each regulation.

Mr. Widhalm asked if rules will remain in effect should pandemic end sooner than the 120 days.

Mr. Jones stated that the rules could be made permanent during future rulemaking and this can be discussed further at an upcoming Board meeting.

Mr. Linton asked for a motion to adopt emergency regulation 44-20-102(22)-E and that the Board authorizes him to sign the statement of emergency justification and adoption concerning emergency regulation 44-20-102(22)-E – passed unanimously (Ms. Baumgart abstains).

Mr. Linton asked for a motion to adopt emergency regulation 44-20-402(17)-E and that the Board authorizes him to sign the statement of emergency justification and adoption concerning emergency regulation 44-20-102(17)-E – passed unanimously (Ms. Baumgart abstains).

Mr. Linton thanked everyone for their participation in the emergency rulemaking hearing.

Ms. Bode made a motion to close the rulemaking hearing – passed unanimously (Ms. Baumgart abstains).

The rules are in effect immediately for 120 days.

Meeting adjourned at 1:47 p.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
Acting Executive Secretary