

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

**May 1, 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  
Luke Walch  
Jason White  
Michael Widhalm

**MEMBERS ABSENT:**

Matthew Porter

**SENIOR DIRECTOR OF  
ENFORCEMENT**

Cory Amend

**EXECUTIVE SECRETARY:**

Chris Rouze

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

Chris Hartman

**ATTORNEY GENERAL'S OFFICE:**

Brad Jones

**VISITORS:**

David Cardella, CIADA  
Michael Dommermuth, CADA  
Jerry Abboud  
Tim Jackson, CADA  
Matthew Groves

President and Chair, John Linton, opened the emergency rulemaking hearing of May 1, 2020 at 9:01 a.m. 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.).

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

1. **MOTOR VEHICLE Emergency Regulation 44-20-102(22)-E: Motor Vehicle Transactions During COVID-19 Pandemic**

**2. POWERSPORTS Emergency Regulation 44-20-402(17)-E: Powersports Transactions During COVID-19 Pandemic**

Mr. White made a motion to open the emergency rulemaking hearing – passed unanimously (Widhalm 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. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

Ms. Rouze stated that due to subsequent revisions to public health orders and Governor Polis' issuance of Executive Order D 2020-044 Safer at Home and the Colorado Department of Public Health and Environment Public Order 20-28 (PHO 20-28), the Motor Vehicle Dealer Board will consider the promulgation of two amended emergency rules.

Mr. Linton asked if any board members had any questions before proceeding.

Mr. Flower asked if rules promulgated today will be in effect for 120 days. Mr. Jones of the Attorney General's office confirmed the amended rules start from the day the rule is adopted.

Mr. Tim Jackson of CADA informed the Board that he has provided Ms. Rouze with research documentation for distribution to Board members containing data from other states as it pertains to the performance of showrooms that were open versus closed.

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

Ms. Baumgart 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 proposed amended emergency rules. Only Board members and the Attorney General's representative are permitted to participate unless authorized by the Chair. The Board must also vote to approve statement of justification for each amended emergency rule in accordance with provisions of the Colorado Administrative Procedures Act (24-4-103 (6) (a), C.R.S.).

Mr. Walch asked if there will be clarity of the new rules in regards to restrictions county by county. Mr. Jones stated that the rules were broadly drafted and county restrictions may vary. He suggested verifying required restrictions with each county prior to conducting transactions.

Mr. Linton asked for a motion to adopt the proposed amended version of emergency regulation 44-20-102(22)-E and that the Board authorize him to sign the statement of emergency justification and adoption concerning amended emergency regulation 44-20-102(22)-E – Ms. Bode made a motion to approve, passed unanimously.

Mr. Linton asked for a motion to adopt the proposed amended version emergency regulation 44-20-402(17)-E and that the Board authorize him to sign the statement of emergency justification

and adoption concerning amended emergency regulation 44-20-102(17)-E – Ms. Bode made a motion to approve, 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. White made a motion to close the emergency rulemaking hearing – passed unanimously.

Mr. Jones stated that the rules are now in effect.

Meeting adjourned at 9:47 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