

**MOTOR VEHICLE DEALER BOARD  
RULEMAKING HEARING MINUTES**

**June 21, 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  
Fletcher Flower  
Amanda Gordon  
Kevin Shaughnessy  
Luke Walch

**MEMBERS ABSENT:**

Kathleen Chandler  
Teshome Tesfaye

**SENIOR DIRECTOR, SPECIALIZED  
BUSINESS GROUP:**

Cory Amend

**EXECUTIVE SECRETARY:**

Chris Rouze

**AID ENFORCEMENT  
DIVISION STAFF:**

John Opeka  
Beth Spellerberg  
Gloria Breeden  
Joshua Dexter  
Michael Calo  
Dale Sundeen  
James Osborn  
Erika Garcia  
Cheryl Morrison  
John Bulman  
Ryan Simonson  
Devon Acker  
Teresa Conley  
Bailey Gould  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Sarah Killeen

**VISITORS:**

Nathan Brock, CADA  
Art Erwin, Christopher's Dodge Ram, Inc.

Matthew Sowash  
Joshua Troxell  
Haroon Sulehria  
Sid Moreno

1<sup>st</sup> Vice President, Carrie Baumgart, opened the rulemaking hearing of June 21, 2022 at 9:13 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 related to 1CCR 205-1 regarding motor vehicles and proposed rule revisions related to 1CCR 205-2 regarding powersports vehicles.

The Board will consider proposed revisions to the following rules:

1. Motor Vehicle Regulation 44-20-121(7)(c)
2. Powersports Vehicle Regulation 44-20-420(6)(c)

The Board will also specifically consider proposed repeal of the following rule:

1. Powersports Vehicle Regulation 44-20-420(6)(d)

Mr. Flower 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. Rouze stated that we are embarking on this rulemaking process because Congress enacted Title 3 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which amended the Federal Child Support Enforcement program. Of relevance here is 42 USC 666 A16, under which the state has the authority to withhold or suspend driver licenses, professional and occupational licenses and recreational and supporting licenses of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.

In response to this Act, the Colorado General Assembly passed HB97-1205. This bill added several statutory provisions concerning occupational and professional licenses of those delinquent on their child support obligations. Section 26-13-126 C.R.S. is part of the Colorado Child Support Enforcement Act. It authorizes the Department of Human Services to request the denial, suspension or revocation of any professional, occupational or recreational license issued by state licensing agencies after following certain requirements as far as communications with the child support obligor and exhaustion of the child support obligor's rights of review.

The Division, in collaboration with Assistant Attorney General, Sarah Killen and the stakeholders worked on the proposed changes you see before you today. Currently there are two somewhat parallel rules; one pertaining to motor vehicles and one pertaining to powersports vehicles. The current powersports rule has a separate subsection (d) which, in the proposed rule, we have rolled up into subsection (c) so that it mirrors the motor vehicle rule.

If the Board adopts the proposed revisions to powersports rule 44-20-420(6)(c), you will then need to repeal rule 44-20-420(6)(d) as it would be duplicitous.

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 March 25, 2022 by means of publication in Volume 45 No. 6 of the Colorado Registrar. Public notice for the rule 44-20-121(7)(c) and 1CCR 205-1 related to motor vehicles came under tracking number 2022-00137.

Public notice for rule 44-20-420(6)(c), rule 44-20-420 (6)(d) and 1CCR 205-2 related to powersports vehicles came under tracking number 2022-00138. Supplemental public notice took place through publication on the websites of the Department of Regulatory Agencies 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. The rulemaking hearing is quasi legislative in nature, not adversarial. The rulemaking hearing will close after the Board has heard the Division and the public's comments and any received written submissions presented during 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**
- **Repeal the rule 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 and attendees for their participation in the working group 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.

Mr. Nathan Bork of CADA, stated that the Colorado Automobile Dealers Association understand the confines of the regulation and support it.

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

Mr. Walch 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.

Ms. Berens stated that she is appreciative that the Board can reference these rules when considering future applicants for licensure. The consensus was the same for all Board members in attendance.

After public deliberations, Ms. Baumgart stated that the Board will now vote on the three rules discussed.

Mr. Shaughnessy made a motion to adopt the proposed revisions to 1CCR 205-1, Regulation 44-20-121(7)(c), 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(6)(c) related to Powersports Vehicles as proposed and publicly noticed by the Auto Industry Division - passed unanimously.

Mr. Shaughnessy made a motion to repeal 1CCR 205-2, Regulation 44-420(6)(d), 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.

Mr. Walch made a motion to close the rulemaking hearing - passed unanimously.

Meeting adjourned at 9:48 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