

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

August 5, 2020

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

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
John Linton
Luke Walch
Michael Widhalm

MEMBERS ABSENT:

Ramona Graves Bode
Fletcher Flower
Matthew Porter

**SENIOR DIRECTOR OF
ENFORCEMENT**

Cory Amend

EXECUTIVE SECRETARY:

Chris Rouze

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

Chris Hartman
John Opeka
Josh Dexter
Frank Agos
Beth Spellerberg
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones

VISITORS:

Todd O'Connell, CIADA
Suzanne Karrer, SDO

President and Chair, John Linton, opened the emergency rulemaking hearing of August 5, 2020 at 2:02 p.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 rules 44-20-102(22)-COVID regarding motor vehicles and 44-20-402(17)-COVID. Mr. Linton called for a motion to open the hearing for the Board to consider emergency rules related to both 1CCR 205-1 regarding motor vehicles (MV) and 1CCR 205-2 regarding powersports vehicles (PS).

Mr. Widhalm made a motion to enter the rulemaking hearing - passed unanimously (Mr. Linton as Chair voted).

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 there were no changes to the agenda as posted. Ms. Rouze announced that Governor Polis has reappointed Ms. Bode and Mr. Linton to the Board for another term.

Ms. Rouze stated that there is no need to repeal the rules promulgated in April as they have naturally expired. Mr. Jones has drafted two versions of emergency rules for the Board's consideration.

Ms. Rouze stated that 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 emergency, and in accordance with Executive Order D 2020 44, Executive Order D 2020 079, Executive Order D 2020 091, Executive Order D 2020 123, Executive Order D 2020 127, Executive Order D 2020 138, Executive Order D 2020 142, Public Health Order 20-28 (recently amended July 30, 2020), Public Health Order 20-32, and other guidance issued by the Colorado Department of Public Health and Environment, the Centers for Disease Control (CDC) and local counties and municipalities, it is necessary to engage in rulemaking activities and adopt emergency regulations 44-20-102(22)-COVID and 44-20-402(17)-COVID.

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

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

Mr. Walch made a motion to close the public comment phase of the emergency rulemaking hearing – passed unanimously (Mr. Linton as Chair voted).

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. 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. Widhalm asked if there is an expiration date for the new rules.

Mr. Jones stated that rules will be in effect for 120 days from today if adopted by the Board.

Mr. Linton asked for a motion to adopt the proposed emergency regulation 44-20-102(22)-COVID and that the Board authorize him to sign the statement of emergency justification and adoption concerning emergency regulation 44-20-102(22)-COVID – Mr. Widhalm made a motion to adopt proposed rule – passed unanimously (Mr. Linton as Chair voted) .

Mr. Linton asked for a motion to adopt the proposed emergency regulation 44-20-402(17)-COVID and that the Board authorize him to sign the statement of emergency justification and adoption concerning emergency regulation 44-20-102(17)-COVID – Mr. Widhalm made a motion to adopt proposed rule – passed unanimously. (Mr. Linton as Chair voted).

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

Mr. Walch made a motion to close the emergency rulemaking hearing – passed unanimously (Mr. Linton as Chair voted).

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

Meeting adjourned at 2:15 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
Executive Secretary