

MOTOR VEHICLE DEALER BOARD RULEMAKING HEARING MINUTES

September 18, 2018

A rulemaking hearing was held at the Department of Revenue offices, Lakewood, Colorado. The following persons were present:

BOARD MEMBERS:

Fletcher Flower
John Linton
Steven Perkins
Michael Widhalm
Jason White

MEMBERS ABSENT:

Carrie Baumgart
Ramona Graves Bode
Lucky Heggs
Matthew Porter

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT(S):

Leland BeBee
Beth Spellerberg

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

Chris Rouze
Christine Hartman
John Opeka
Gloria Breeden
Frank Agos
Josh Dexter
Arleen Criddell-Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones

VISITORS:

Matthew Groves, CADA
Todd O'Connell, CIADA
Suzanne Karrer, SDO

President, Steven Perkins, opened the Rulemaking hearing of September 18, 2018 at 1:00 p.m.

Mr. Perkins 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 proposed revisions to the following rules:

1. **MV rule 12-6-104 (3)(a)**
2. **MV rule 12-6-104 (3)(d)(II)**
3. **MV rule 12-6-104 (3)(f)(I)**
4. **MV rule 12-6-104 (3)(o) and**
5. **MV rule 12-6-104 (4)**

The Board will specifically consider the following proposed new rules:

1. **MV rule 12-6-104 (3)(f)(II)**
2. **PS rule 12-6-504 (1)(a)**
3. **PS rule 12-6-504 (1)(d)(II)**
4. **PS rule 12-6-504 (1) and**
5. **PS rule 12-6-504 (1)(f)(V)**

Mr. White read into record the motion to enter the formal rulemaking hearing - passed unanimously (Mr. Perkins as Chair voted).

Mr. Perkins stated that the purpose of today's hearing is to hear views of all interested parties of the public. The rulemaking hearing will close after the Board has heard the Division and the public's comments and any received written submissions presented in 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. The new and revised rules will have rule numbers associated with Title 44. The Board may decide either to:

- Adopt completely the proposed revisions to the rules as presented by the Division; or
- Adopt proposed revisions to the rules as presented by the Division with modifications made by the Board; 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.

Mr. Perkins gave instructions on how the public forum will proceed.

Mr. Bebee presented the full rulemaking record and gave a synopsis of its contents.

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 changes do not impact the overall concept of what the Division and stakeholders agreed to in principle.

For the record, Mr. Todd O'Connell, on behalf of CIADA and Attorney Mike McKinnon, expressed support to adopt the new and revised rules.

Mr. Zulauf recommended that the new and revised rules be adopted as presented.

Mr. Widhalm made a motion to close the oral comment phase of the rulemaking hearing – passed unanimously (Mr. Perkins as Chair voted).

Mr. Perkins called the rulemaking hearing deliberations to order and stated that deliberations will progress segment by segment as follows:

Segment One – **MV rule 12-6-104 (3) (a)** – Mr. White made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

PS rule 12-6-504 (1) – Mr. White made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

Segment Two – **MV rule 12-6-104 (3) (d) (II)** – Mr. Widhalm made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

PS rule 12-6-504(1) (d) (II) – Mr. Widhalm made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

Segment Three – **MV rule 12-6-104 (4)** – Mr. Widhalm made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

PS rule 12-6-504(1) (f) (V) – Mr. Widhalm made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

Segment Four – **MV rule 12-6-104 (3) (f) (II)** – Mr. White made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

PS rule 12-6-504 (1) (f) (V) – Mr. White made the motion to adopt the rule – passed unanimously (Mr. Perkins as Chair voted).

Segment Five – **MV rule 12-6-104 (3) (o)** – Mr. Widhalm made the motion to accept the recommendation to delete the current rule – passed unanimously (Mr. Perkins as Chair voted).

Segment Six – **MV rule 12-6-104 (3) (f) (I)** – Mr. Widhalm made the motion to accept the recommendation to delete the current rule – passed unanimously (Mr. Perkins as Chair voted).

Mr. Widhalm made a motion to close the rulemaking hearing – passed unanimously (Mr. Perkins as Chair voted).

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.)

Bruce Zulauf
Executive Secretary