

MINUTES

AUTO INDUSTRY DIVISION

RULEMAKING WORKING GROUP 1

Meeting of September 23, 2021
2:00 p.m.

Virtually via Cisco Webex

Working Group Members Present

Chris Rouze, Director - Auto Industry Division
Chris Hartman, Deputy Director - Auto Industry Division
Beth Spellerberg, Rules Administrator - Auto Industry Division
David Cardella, CEO, CIADA
Frank Agos, Investigative Supervisor - Auto Industry Division
Gloria Breeden, Investigative Supervisor - Auto Industry Division
Howard Lenox, General Motors
Jerry Abboud, Executive Director, PDAC
John Opeka, Agent-In-Charge - Auto Industry Division
Sarah Killeen, Assistant Attorney General - Colorado Attorney General's office
Joshua Dexter, Investigative Supervisor - Auto Industry Division
Cory Amend, Senior Director - Specialized Business Group - CDOR
Arleen Criddell Tapanen - Meeting Recorder - Auto Industry Division

Director Rouze opened the meeting of Group 1 to review rules for the Pre-Licensing Education Program requirements and Pre-Licensing Provider requirements. This stakeholder meeting will be recorded and posted on the Auto Industry Division (Division) website. Meeting attendees introduced themselves.

Director Rouze stated that this set of rules had not been reviewed since the 2007 legislative session. In 2017 legislation was enacted requiring a review of all rules. C.R.S. 44-4-103.3 requires us to conduct a review of the rules to assess the continuing need for and appropriateness and cost effectiveness of rules to determine if they should continue in their current form, be modified or repealed.

The review must consider if any rules are affected by any federal or state laws enacted or any federal or state rules promulgated within the last three years. There have been no federal or state laws that effect this set of rules except for the 2018 recodification of our statues and rules moving them from title 12 to title 44.

The Division reviewed this set of rules internally and did not identify anything that needed to be modified, added or repealed. This meeting gives stakeholders the

opportunity to bring forth any changes or modifications you would like the Motor Vehicle Dealer Board (MVDB) to consider during the rulemaking process. Director Rouze turned the floor over to Rules Administrator, Beth Spellerberg (Administrator).

Administrator Spellerberg stated that there are A and B sections of each rule pair. The A section is for motor vehicles and the B section for powersports. Administrator Spellerberg went through each rule pair and encouraged stakeholder feedback.

Rules under Review:

Regulation 44-20-118(7)(d)	Rule Pair 1
Regulation 44-20-417(7)(d)	Rule Pair 1
Regulation 44-20-118(7)(f)(I)	Rule Pair 2
Regulation 44-20-417(7)(f)(I)	Rule Pair 2
Regulation 44-20-118(7)(f)(II)	Rule Pair 3
Regulation 44-20-417(7)(f)(II)	Rule Pair 3
Regulation 44-20-118(7)(f)(III)	Rule Pair 4
Regulation 44-20-417(7)(f)(III)	Rule Pair 4
Regulation 44-20-118(7)(f)(IV)	Rule Pair 5
Regulation 44-20-417(7)(f)(IV)	Rule Pair 5
Regulation 44-20-118(7)(g)	Rule Pair 6
Regulation 44-20-417(7)(g)	Rule Pair 6
Regulation 44-20-118(7)(h)	Rule Pair 7
Regulation 44-20-417(7)(h)	Rule Pair 7

Regulation 44-20-417(7)(f)(I) - Mr. Abboud suggested the inclusion of the dealer's requirement to provide the registration and have the purchaser fill out the forms for the Division of Parks and Wildlife for Off-Highway vehicles (Article 14.5) and snow mobiles (Article 14) vehicles.

The collective working group agreed to modify **Regulation 44-20-417(7)(f)(I)** by adding **title 33** to the education curriculum.

Regulation 44-20-118(7)(f)(II) - Mr. Cardella asked about credentials for pre-licensing providers. He suggests that instructors be licensed attorneys with at least three years' experience in representing car dealers and providing instruction in state compliance relating to dealerships or a current employee of a pre-licensing provider who has three years' experience teaching compliance classes related to motor vehicle dealers and state laws and regulations related to motor vehicle dealers.

Administrator Spellerberg stated that instructors were not specified in the regulation, only the providers.

The collective working group agreed to leave **Regulation 44-20-118(7)(f)(II), Section B, para 1, section c., #3**), as is.

Regulation 44-20-118(7)(f)(IV) - Mr. Cardella suggested providing only in-class training sessions versus CD or DVD training.

There was a discussion concerning allowing webinar training. Providing in-class training only would be counter intuitive in lieu of the COVID 19 pandemic.

After a lengthy discussion, the collective working group came to the consensus to leave **Regulation 44-20-118(7)(f)(IV) Section B, para 1, #2**), as is. All parties concurred.

Director Rouze thanked everyone for their participation and adjourned the meeting at 3:21 p.m.

(Note: The minutes of these rulemaking working groups are very general in nature and only 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 working group and the discussion the group had. The digital recording of the meeting is a permanent record of the Division, retained in the electronic filing system of Division, and is available on the Division's website).