

MOTOR VEHICLE DEALER BOARD RULEMAKING HEARING MINUTES

October 15, 2019

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

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
Fletcher Flower
John Linton
Luke Walch
Michael Widhalm

MEMBERS ABSENT:

Ramona Graves Bode
Matthew Porter
Jason White

**SENIOR DIRECTOR OF
ENFORCEMENT**

Cory Amend

ACTING EXECUTIVE SECRETARY:

Chris Rouze

LEGAL ASSISTANT:

Leland BeBee

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

Christine Hartman
John Opeka
Gloria Breeden
Frank Agos
Josh Dexter
Rob Urbach
Eric Teklu
Beth Spellerberg
Margaret Jungmann
Arleen Criddell-Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones

VISITORS:

Matthew Groves, CADA
Todd O'Connell, CIADA
Brittany Wirth, Legislative & Rules Coordinator
Suzanne Karrer, SDO

President, John Linton, opened the Rulemaking hearing of October 15, 2019 at 1:00 p.m.

Mr. Linton 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. **PS Rule 44-20-404 (1) (l)**
2. **MV Rule 44-20-108 (1) (b)**
3. **PS Rule 44-20-408 (1) (b)**
4. **MV Rule 44-20-110**
5. **PS Rule 44-20-410**
6. **MV Rule 44-20-121 (3) (a)**
7. **PS Rule 44-20-420 (3) (a)**
8. **MV Rule 44-20-121 (6) (a)**
9. **PS Rule 44-20-420 (5) (a)**

The Board will specifically consider deletion of the following proposed rules:

1. **MV Rule 44-20-121 (6) (f)**
2. **PS Rule 44-20-420 (5) (f)**
3. **MV Rule 44-20-121 (3) (c)**
4. **PS Rule 44-20-420 (3) (c)**
5. **MV Rule 44-20-121 (6) (h)**
6. **PS Rule 44-20-420 (5) (h)**

The Board will specifically consider the following proposed new rules:

1. **MV Rule 44-20-121**
2. **PS Rule 44-20-420**
3. **MV Rule 44-20-121 (6.5) (a)**

Mr. Widhalm read into record the motion to enter the formal rulemaking hearing - passed unanimously.

Mr. Linton stated that the formal rulemaking hearing will proceed according to provisions of the Colorado Administrative Procedures Act (24-4-103, C.R.S.) and according to other relevant provisions of law, regulations and policy.

Mr. Linton 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 and make decisions on the proposed revisions, deletions or adoption of new 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. 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 proposed revisions, deletions, adoption of new rules and finds that the modifications do not impact the overall concept of what the Division and stakeholders agreed to in principle.

Mr. Linton opened the public comment phase of the rulemaking hearing – passed unanimously.

Mr. Todd O'Connell expressed the support of CIADA in regards to adopting new and revised rules as well as the recommendation to delete rules.

Mr. Flower made a motion to close the public comment phase of the rulemaking hearing – passed unanimously.

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

Segment A – **PS Rule 44-20-404 (1) (l)** – Mr. Widhalm made a motion to adopt the rule without modification – passed unanimously.

Segment B – **MV Rule 44-20-108 (1) (b)** – Mr. Widhalm made a motion to adopt the rule without modification – passed unanimously.

PS Rule 44-20-408 (1) (b) – Mr. Flower made a motion to adopt the rule without modification – passed unanimously.

Segment C – **MV Rule 44-20-110** – Ms. Baumgart made a motion to adopt the rule without modification – passed unanimously.

PS Rule 44-20-410 – Mr. Widhalm made a motion to adopt the rule without modification – passed unanimously.

MV Rule 44-20-121 (6) (f) – Mr. Flower made a motion to accept the recommendation to delete the current rule – passed unanimously.

PS Rule 44-20-420 (5) (f) – Mr. Widhalm made a motion to accept the recommendation to delete the current rule – passed unanimously.

Segment D – **MV Rule 44-20-121** – Mr. Widhalm made a motion to adopt the new rule – passed unanimously.

PS Rule 44-20-420 – Mr. Widhalm made a motion to adopt the new rule – passed unanimously.

MV Rule 44-20-121 (3) (c) - Mr. Flower made a motion to accept the recommendation to delete the current rule – passed unanimously.

PS Rule 44-20-420 (3) (c) – Mr. Widhalm made a motion to accept the recommendation to delete the current rule – passed unanimously.

MV Rule 44-20-121 (6) (h) – Mr. Flower made a motion to accept the recommendation to delete the current rule – passed unanimously.

PS Rule 44-20-420 (5) (h) – Mr. Flower made a motion to accept the recommendation to delete the current rule – passed unanimously.

Segment E – **MV Rule 44-20-121 (3) (a)** – Mr. Widhalm made a motion to adopt the rule without modification – passed unanimously.

PS Rule 44-20-420 (3) (a) – Mr. Widhalm made a motion to adopt the rule without modification – passed unanimously.

MV Rule 44-20-121 (6) (a) – Ms. Baumgart made a motion to adopt the rule without modification – passed unanimously.

PS Rule 44-20-420 (5) (a) – Ms. Baumgart made a motion to adopt the rule without modification – passed unanimously.

MV Rule 44-20-121 (6.5) (a) – Mr. Widhalm made a motion to adopt the new rule – passed unanimously.

Mr. Linton thanked everyone for their participation in the rulemaking hearing.

Mr. Widhalm made a motion to close the rulemaking hearing – passed unanimously.

Meeting adjourned at 3:32 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
Acting Executive Secretary