

MINUTES
AUTO INDUSTRY ENFORCEMENT DIVISION
RULEMAKING WORKING GROUP 2

Meeting of October 17, 2017
1:30 p.m. – 4:30 p.m.

1881 Pierce St.
Lakewood, CO 80214

Working Group Members Present

Bruce Zulauf (Chair, CDOR – Auto Industry Division)
Chris Rouze (Co-Chair, CDOR – Auto Industry Division)
Corey Amend, Deputy Senior Director of Enforcement - CDOR
Gloria Breedon, CDOR – Auto Industry Division
John Opeka, CDOR – Auto Industry Division
Frank Agos, CDOR – Auto Industry Division
Leland Bebee, CDOR – Auto Industry Division
Brandi Cane, CDOR – Auto Industry Division
Todd O’Connell, Executive Director – CIADA
Michael Dommermuth, Esq. – CADA
Matthew Groves, CADA
Brad Jones (Colorado Attorney General’s Office)

Director Zulauf opened the 3rd meeting of Working Group 2 to review and discuss written comments provided from stakeholders and the Division’s subject matter experts in regards to the following Rules:

Regulation 12-6-102(16)	Off Premise Permits and Books/Records
Regulation 12-6-502(16)	Powersports – New Rule
Regulation 12-6-104(3)(e)	Default Authority by the Executive Secretary
Regulation 12-6-504(1)(e)(l)	Powersports – New Rule
Regulation 12-6-504(1)(l)	ANSI Requirements for Powersports Vehicles
Regulation 12-6-105(1)(b)	Additional Delegations of Authority to Exec. Secy.
Regulation 12-6-504(1)(b)	Additional Delegations of Authority to Exec. Secy.
Regulation 12-6-104(3)(i)	Dealer Signage for New and Used Motor Vehicle Dealers
Regulation 12-6-504(1)(j)	Dealer Signage for New and Used Powersports Dealers
Regulation 12-6-115(6)	Service of Process for Motor Vehicle Dealer Licensee on Executive Secretary
Regulation 12-6-517(6)	Service of Process for Powersports Dealer Licensee on Executive Secretary

Working Group Meeting Scope – Topics and Discussion

- Review drafts of proposed changes to rules;
- Determine if a fourth Group meeting is needed.

Mr. Zulauf began by stating that the Division should be able to draft these rules and upload onto the Secretary of State's website by the end of October. The formal rulemaking hearing will then be tentatively scheduled for Wednesday, December 6, 2017.

Mr. Bebee stated that drafted rules with no change will not be uploaded to Secretary of State's office and the Board would formally vote during hearing to leave the rules as is.

Mr. Bebee proceeded to address each rule stakeholders decided to have noticed and those stakeholders decided not to have noticed. A lengthy discussion of each followed.

Mr. O'Connell discussed non-compliance of the proper use of signage by dealerships. A lengthy discussion followed.

Mr. Zulauf informed stakeholders that if the Board decides to open any rule after a rule has been noticed, the rule would have to be reviewed during next year's regulatory agenda, which would be after the legislative session in May 2018.

Ms. Rouze suggested that the rules be noticed with no changes and then during the formal hearing in December, the public along with the Board, gets a chance to weigh in on each rule which would in effect eliminate the process being delayed until May 2018.

Mr. Bebee agreed with the recommendation. Group took a 10 min. break - Reconvened at 2:55 p.m.

Mr. Dommermuth and Mr. Groves of CADA presented their proposal, which suggest Rule 12-6-102(16) and proposed Rule 12-6-502(16) be placed in the proper section for Off-Premise Permit. A lengthy discussion followed.

Director Zulauf requested that stakeholders submit their informal ideas/drafts in writing by Monday, October 23.

Public Comment: None

Director Zulauf thanked everyone for their participation and adjourned the meeting at 3:55 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.)