

**MOTOR VEHICLE DEALER BOARD
RULEMAKING HEARING MINUTES**

November 16, 2021

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

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
Kathleen Chandler
Fletcher Flower
John Linton
Kevin Shaughnessy

MEMBERS ABSENT:

Amanda Gordon
Luke Walch

EXECUTIVE SECRETARY:

Chris Rouze

**AID ENFORCEMENT
DIVISION STAFF:**

Chris Hartman
John Opeka
Gloria Breeden
Frank Agos
Joshua Dexter
Cheryl Morrison
Erika Garcia
Kyle Boyd
Beth Spellerberg
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen

VISITORS:

Art Erwin, Christopher's Dodge Ram Inc.
David Cardella, CIADA
Matthew Groves, CADA
Landon Gates, PDAC

President, John Linton, opened the rulemaking hearing of November 16, 2021 at 11:01 a.m.

Mr. Linton determined that a quorum of the Board was present and called for a motion to open the hearing to consider the proposed rule revision to 1CCR 205-2 regarding powersports rule 44-20-417(f)(I).

Mr. Shaughnessy made a motion to open the rulemaking hearing - passed unanimously.

Mr. Linton stated that the emergency rulemaking 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, regulation and policy.

Today's rulemaking hearing received official public notice on October 25, 2021 by means of publication in Volume 44 No. 20 of the Colorado Registrar. Public notice of rules found in 1CCR 205-2 related to powersports vehicles came under tracking number 2021-00642. Supplemental public notice took place through publication on the website of the Department of Regulatory Agency and the Auto Industry Division of the Department of Revenue.

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 before it makes any decisions on any of the proposed revisions to the rules. Mr. Linton gave instructions on how the public forum will proceed.

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**
- **Table the rule for consideration later in the meeting; 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. Linton turned the floor over to Rules Administrator, Beth Spellerberg.

Ms. Spellerberg presented an overview of the entire rulemaking record.

Ms. Spellerberg stated that 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.

Mr. Linton asked for public comment and no one expressed they wished to make a comment.

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

Ms. Chandler made a motion to close the public comment phase of the rulemaking hearing - passed unanimously.

Mr. Linton stated that the Board will begin public deliberations. Only Board members and the Attorney General's representative are permitted to participate unless authorized by the Chair.

Board members were provided redlined version with proposed change(s) and a clean version for their review.

Mr. Linton asked for motion to adopt the proposed modification to regulation 44-20-417(7)(f)(I).

Mr. Shaughnessy made a motion to adopt the proposed modification to regulation 44-20-417(7)(f)(I) and add Title 33 to the education curriculum - passed unanimously.

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

Ms. Berens made a motion to close the rulemaking hearing - passed unanimously.

Meeting adjourned at 11:19 a.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