

NOTICE OF RULEMAKING HEARING

DEPARTMENT OF REVENUE MOTOR VEHICLE DEALER BOARD

The Motor Vehicle Dealer Board of the Colorado Department of Revenue, (“Board”), will consider the promulgation of amendments to its Rules and Regulations as authorized by the Colorado Motor Vehicle Dealer Board Code, 1 CCR 205-2, section 44-20-404(1)(a), C.R.S. For specific information and language concerning the proposed changes and new rules, please refer to the contents of this Notice and to the proposed rules that are set forth following this notice and are available on the Board’s website, <https://sbg.colorado.gov/motor-vehicle-dealer-board>.

STATUTORY AUTHORITY FOR RULEMAKING

The Board promulgates the amendments to these rules pursuant to the authority granted in subsections Colorado motor vehicle dealer board regulation law, 44-20-404(1)(a) of the Colorado Revised Statutes and section 24-4-103, C.R.S., of the Administrative Procedure Act.

SUBJECT OF RULEMAKING

The proposed rules and relevant information are posted on the Board's website, <https://sbg.colorado.gov/motor-vehicle-dealer-board>. In addition, the proposed rules attached to this Notice are fully incorporated herein.

The Board will consider the promulgation of the following list of existing rules with proposed changes. For specific information and language concerning the proposed changes, please refer to the proposed rules that are set forth with this Notice, posted on the Board’s website, and posted on the Colorado Secretary of State’s website.

RULES TO BE CONSIDERED FOR AMENDMENT OR ADOPTION

The Rule to be considered for amendment or adoption is described as follows:

1 CCR 205-2, Powersports Vehicles

Regulation 44-20-420(6)(c), Unfitness of Financial Character or Record
Regulation 44-20-420(6)(d), Unfitness of Financial Character or Record

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of the rulemaking hearing to be held on June 21, 2022, will include any written comments or oral testimony submitted or presented.
2. Written Comments. The Board encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by May 27, 2022, so that the Board can review comments prior to the rulemaking hearing. Written comments will also be accepted after that date. The deadline to submit written comments is 5:00 P.M. on May 27, 2022. Written comments may be emailed to: dor_dealerboardrules@state.co.us. In addition, you may submit written comments to:

Colorado Motor Vehicle Dealer Board
Attn: Rulemaking
1707 Cole Boulevard, Suite 300
Golden, Colorado 80401

3. Oral Comments. At the Board's discretion, they may afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing. If allowed, oral presentations will likely be limited to two minutes or less per person. Individuals will not be allowed to cede their time to another person (for instance, one person speaking on behalf of five people will not be given ten minutes to speak). Organized groups of individuals are urged to identify one spokesperson and to be concise. The Board encourages interested parties to avoid duplicating material and testimony previously submitted in connection with the Prior Hearing.

HEARING SCHEDULE

Date: June 21, 2022

Time: 9:00 a.m.

Location: Due to the ongoing nature of the COVID-19 pandemic, this hearing will be held virtually through Webex. The Access link for the rulemaking hearing will be posted on the Board's website.

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The hearing may be continued at such place and time as the Board may announce.

The Board shall deliberate upon the rulemaking record, including oral testimony and written submissions presented, as well as applicable legal provisions and any related matters properly submitted before the hearing record is closed. Pursuant to said hearing, in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Board will adopt such rules as in its judgment are justified by the rulemaking record and applicable legal provisions.

Dated this 3rd day of March, 2022.

DEPARTMENT OF REVENUE

Motor Vehicle Dealer Board

DEALING IN POWERSPORTS VEHICLES

1 CCR 205-2

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Statement of Basis: The statutory basis for the regulations is 44-20-404(1)(a).

REGULATION 44-20-420(6)(c)

The Board, in determining whether a licensee or applicant has demonstrated unfitness of financial character or record, will consider net worth, liquid assets including cash, lines of credit, marketable securities, credit reports, unpaid judgments and/or tax liens, delinquent debts, ~~and~~ bankruptcy status, ~~and child support obligation status~~. Applications for a powersports vehicle dealer license will be closely evaluated based on the factors herein and the applicant's concept of operation for the business to assess the potential for harm to retain customers.

(I) Failure to timely pay any fine imposed by the Board, or the submission of a draft or check for the payment of any fee required by the Board which is dishonored shall be deemed to demonstrate unfitness of financial character or record.

(II) Any license for which an application has been made pursuant to this part 4 may be denied if, [at the time of the application], the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrears. If the Board receives notice of the Applicant's noncompliance pursuant to sections 24-35-116 and 26-13-126, C.R.S., the application may be denied.

(III) Any license for which an application for renewal has been made pursuant to this part 4 may be denied on a conditional basis if, at the time of the renewal application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrearages pursuant to sections 24-35-116 and 26-13-126, C.R.S.

~~REGULATION 44-20-420(6)(d)~~

~~Failure to timely pay any fine imposed by the Board, or the submission of a draft or check for the payment of any fee required by the Board which is dishonored shall be deemed to demonstrate unfitness of financial character or record.~~