



JOHN W. SUTHERS
Attorney General

CYNTHIA H. COFFMAN
Chief Deputy Attorney General

DANIEL D. DOMENICO
Solicitor General

STATE OF COLORADO
DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

DEPARTMENT OF LAW REGULATORY AGENDA
FOR CALENDAR YEAR 2014

This document contains the Colorado Department of Law's regulatory agenda for calendar year 2014 submitted pursuant to C.R.S. §2-7-203(2)(a)(IV).

List of New Rules or Revisions to Existing Rules Expected to Be Proposed in CY 2014

A. Colorado Debt- Management Services (DMSA)

1. Proposed Rules

- a. New rules under the DMSA defining terms used therein.
- b. New rules under the DMSA concerning records required to be retained by persons subject to the Act.
- c. Repeal of outdated existing rules under the DMSA, specifically Rule 2, Adjustment of Dollar Amounts – Consumer Price Index, and Rule 3, Insurance Cancellation Notice, 4 CCR 902-2 (7-08).
- d. New rule providing guidance regarding the definition of “trust account.”
- e. New rule regarding the amount of the surety bond so that the bond amount could be based on the amount of debt under the providers’ enrollment agreements.
- f. New rule clarifying the reporting requirements to the consumer about their trust account.
- g. New rule clarifying the time requirements and process of providing refunds to consumers after a program is terminated.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §12-14.5-232(c).

3. Purpose

The purpose of the any proposed rules is to provide clarification to persons subject to the DMSA of terms used therein so they may conform their conduct to the law. Established record retention requirements result in better compliance, consumer protection, and efficient enforcement. In

addition, amendments to the DMSA in 2011 repealed several statutory sections. Rules that implemented those sections are no longer needed and should be repealed for simplicity and to avoid confusion.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by October 1, 2014.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including debt-management service companies and consumers that contract with such companies, will be affected by this anticipated rulemaking.

B. Uniform Consumer Credit Code (UCCC)

1. Proposed Rules

a. Amending rule 10(7) under the UCCC to clarify what records are required concerning payment and account histories.

b. New rule regarding fees for electronic payment.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §5-6-104(1)(e).

3. Purpose

The purpose of the proposed rules is to provide clarification to persons subject to the UCCC. Clarified record retention requirements result in better compliance, consumer protection, and efficient enforcement.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by December 1, 2014.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including supervised lenders and consumers that contract with such companies, will be affected by this anticipated rulemaking.

C. Colorado Fair Debt Collection Practices Act (CFDCPA)

1. Proposed Rules

a. Amend rule 1.04 under the CFDCPA regarding the process for Letters of Admonition.

b. Amend rule 2.03(1) to clarify what “expressly authorized” means.

c. New rule regarding what is and is not allowed as far as a payment convenience fee.

d. New rule regarding the requirements before a collection agency may utilize ACH or other electronic payment methods in the collection of a debt.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §12-14-114.

3. Purpose

The purpose of the any proposed rules is to provide clarification to persons subject to the CFDCPA of terms used therein so they may conform their conduct to the law. Clarification in definitions and processes results in better compliance, consumer protection, and efficient enforcement.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by November 1, 2014.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including collection agencies and consumers that are collected upon by such companies, will be affected by this anticipated rulemaking.

D. Peace Officers Standards and Training (P.O.S.T.)

1. Proposed Rules

- a. Amending Rule 1, Definitions, to correct some grammatical and style errors; update the fingerprint card definition in (bb); remove (dd) the Post ID Card; increase the refresher academy hours to 96 hours and add arrest control in the required instruction in (gg); and remove reference to C.R.S. §30-10-510 in (jj).
- b. Amending Rule 11, Provisional Certification, to correct some grammatical and style errors and add arrest control instruction to the refresher academy requirements.
- c. Amending Rule 13, Renewal of Basic Certification, to remove the requirement to submit a high school diploma and to add arrest control instruction to the skills proficiency requirements.
- d. Repealing Rule 27.

2. Statutory Basis

The statutory basis for adoption of the proposed rules are C.R.S. §24-31-303(1)(g) and C.R.S. §24-31-305(1.7)(c).

3. Purpose

The purpose of the amended rules is to provide clarification to persons subject to POST peace officer certification requirements and require additional training for peace officers seeking basic certification, provisional certification and renewal of certification which will, in turn, improve the health, safety and welfare of the citizens of Colorado. The purpose of repealing Rule 27 is that federal law governs the carrying of concealed firearms by retired law enforcement officers.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by December 11, 2013.

5. Listing of Persons and Parties Affected

Peace officers, including those applying for basic certification, provisional certification and the renewal of basic certification, will be affected by this anticipated rulemaking.