

cdps

Office of the Executive Director
 700 Kipling Street, Suite 1000
 Denver, CO 80215-5865
 (303) 239-4398
 FAX (303) 239-4670

November 1, 2012

Colorado General Assembly
 200 East Colfax Avenue
 Denver, CO 80203

RE: Colorado Department of Public Safety Regulatory Agenda

Dear Members of the General Assembly:

Below please find the Regulatory Agenda for the Colorado Department of Public Safety, pursuant to C.R.S. 2-7-203(2)(a)(IV).

January, 2013

1. The Colorado State Patrol, Motor Carrier Safety Section, will be filing a Notice of Proposed Rulemaking on January 31, 2013, for "Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles" pursuant to C.R.S. 42-4-235(4)(a). The purpose of these rules is to provide guidance and regulation to individuals, corporations, Colorado government, governmental subdivisions and agencies, and other legal entities who operate commercial vehicles in Colorado as defined in C.R.S. 42-4-235(1)(a). These rules will affect commercial motor carriers and operators, as well as governmental subdivisions, entities or legal entities based in Colorado who operate commercial vehicles. The anticipated effective date is April 30, 2013.

2. The Colorado State Patrol, Hazardous Materials Unit (Troop 8C), will be filing a Notice of Proposed Rulemaking on January 31, 2013, for "Rules and Regulations Concerning the Permitting, Routing and Transportation of Hazardous and Nuclear Materials and the Transportation of Agricultural Products in the State of Colorado" pursuant to C.R.S. 42-20-108(1) and (2); 42-20-403, 504 and 508; and 42-20-108.5. The purpose of these rules is to provide guidance regarding the permitting, routing and safe transportation of hazardous and nuclear materials by motor vehicle within the State of Colorado. These rules will affect public and private sector hazardous materials transporters and responders. Troop 8C's Representative Group consists of public and private sector persons and entities identified through an ongoing stakeholder engagement program, participants in a recently concluded statewide Hazardous Materials Routing Issues Identification Project, the Colorado Motor Carriers Associations, the Colorado Sheriff's Association, Colorado Fire Chiefs (via the Division of Fire Safety), Local Emergency Planning Committees, the Colorado Municipal League, and Colorado Counties, Inc.. The anticipated effective date is April 30, 2013.

John W. Hickenlooper
GOVERNOR

James H. Davis
EXECUTIVE DIRECTOR

Colorado State Patrol

Colorado Bureau
of Investigation

Division of
Criminal Justice

Division of Fire
Prevention and Control

Division of Homeland Security
and Emergency Management



3. The Colorado State Patrol, Hazardous Materials Unit (Troop 8C), will be filing a Notice of Proposed Rulemaking on January 31, 2013, for "Claims for Reimbursement for the Costs of Handling Hazardous Substance Incidents" pursuant to C.R.S. 29-22-104(6)(a) and (6)(b). The purpose of these rules is to provide guidance to public entities claiming reimbursement for the costs associated with hazardous substance incident responses. These rules will affect highway transportation and emergency response communities. Troop 8C's Representative Group consists of public and private sector persons and entities identified through an ongoing stakeholder engagement program, the Colorado Motor Carriers Associations, the Colorado Sheriff's Association, Colorado Fire Chiefs (via the Division of Fire Prevention and Control), Local Emergency Planning Committees, the Colorado Municipal League, and Colorado Counties, Inc. The anticipated effective date is April 30, 2013.
4. The Colorado State Patrol, Port of Entry, will be filing a Notice of Proposed Rulemaking on January 31, 2013, for "Port of Entry Rules for Commercial Motor Carrier, Size, Weight and Clearance" pursuant to C.R.S. 42-8-104. The purpose of these rules is to set forth the size and weight limits, clearance and permitting requirements, and define port operations as they pertain to commercial motor vehicles. These rules will affect Colorado Department of Transportation, Department of Revenue, Federal Highway Authority, Federal Motor Carrier Safety Administration, Colorado Motor Carriers Association, and commercial motor vehicles operated in the state. The anticipated effective date is April 30, 2013.

February, 2013

1. The Colorado Bureau of Investigation, InstaCheck Unit, will be filing a Notice of Proposed Rulemaking on February 1, 2013, for "Procedures for Appealing a Denial Decision" pursuant to C.R.S. 24-33.5-5424(5). The purpose of these rules is to provide guidance regarding the appeals process, an appellant's responsibility during the appeal process, and the agency's responsibility in rendering a final administrative decision of firearm eligibility. These rules will affect any person denied the purchase of a firearm in Colorado by the Colorado Bureau of Investigation and the federal firearm licensees that sell firearms. The anticipated effective date is May 30, 2013.

March, 2013

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2013, for "Firefighter, First Responder and Hazardous Materials Responders Voluntary Certification Program" pursuant to C.R.S. 24-33.5-1204. The purpose of these rules is to set standards to measure the level of knowledge, skills and abilities possessed by firefighters and to attest that these individuals meet nationally recognized standards. These competencies-based standards permit evaluation of training programs and promote uniformity in emergency services training. Additionally, there is an advisory board whose purpose is to advise the director on the administration of the voluntary fire service education and training program within the Division of Fire Prevention and Control and voluntary firefighter, first responder, and hazardous materials responder certification programs. These rules will affect the Colorado State Fire Chief's Association, Colorado Fire Training Officers Association, members of the emergency response communities, local fire departments, local law enforcement agencies, all hazardous disciplines, International Fire Service Accreditation Congress (IFSAC), and the National Board on Fire Service Professional Qualifications (Pro Board). The anticipated effective date is June 30, 2013.

2. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2013, for "Hazardous Materials Responders Voluntary Certification Program" pursuant to C.R.S. 24-33.5-1401-1406 - Repealed. The Hazardous Materials Responders Voluntary Certification Program was repealed effective 7/1/2011. The repeal of these rules will affect the Colorado State Fire Chief's Association, Colorado Fire Training Officers Association, local fire departments and local law enforcement agencies. The anticipated effective date is June 30, 2013.
3. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2013, for "Persons Dealing with Fireworks" pursuant to C.R.S. 12-28-101. The purpose of these rules is to establish minimum requirements and standards for licenses to sell, store, or use fireworks in the interest of the life, health and safety of employees and the public, as well as the protection of property. These rules affect municipal and county governments, local fire departments, local police departments, Rocky Mountain Pyrotechnic Guild, retailers, wholesalers, exporters, display operators, pyrotechnic operators and the general public. The anticipated effective date is June 30, 2013.
4. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2013, for "Fire Code Enforcement and Certification of Fire Inspectors for Public Schools, Charter Schools and Junior Colleges" pursuant to C.R.S. 24-33.5-1203.5. The purpose of these rules is to provide guidelines when developing plan reviews and issuing building permits for construction pertaining to public schools, charter schools and junior colleges in Colorado, to provide inspections and to issue Certificates of occupancy, and to certify qualified individuals to perform inspections of permitted work performed on Colorado Schools. The rules affect Colorado public school districts, charter schools, junior colleges, architects, engineers and other designers, contractors, third party inspectors, local pre-qualified building departments and local fire authorities having jurisdiction. The anticipated effective date is June 30, 2013.
5. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2013, for "Uniform Standards and Minimum Fire and Life Safety Requirements for Waste Tire Facilities" pursuant to C.R.S. 24-33.5-1203.5 and C.R.S. 25-17-206. The purpose of the rules is to ensure that waste tire facilities are constructed, maintained and inspected in compliance with Section 25-17-206, C.R.S. and the adopted codes. The rules affect waste tire facility owners and/or operators and local fire authorities having jurisdiction. The anticipated effective date is June 30, 2013.
6. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2013, for "Reduced Ignition Propensity Cigarette Standards and Certification" pursuant to C.R.S. 24-33.5-1214. The purpose of the rules is to establish the authority and duty of the Division of Fire Prevention and Control to ensure that cigarettes sold or offered for sale in Colorado meet the ignition strength standards specified in Section 24-33.5-1214, C.R.S. The rules affect cigarette manufacturers, retail and wholesale dealers, state agencies and the general public. The anticipated effective date is June 30, 2013.
7. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2013, for "Rule Concerning Code Enforcement for Fire Suppression System Contractors, Plan Reviewers and Inspectors" pursuant to C.R.S. 24-33.5-1204.5. The purpose of

the rules is to ensure that life safety systems which are installed in commercial and residential occupancies are installed and maintained properly according to nationally recognized codes and standards. The rules affect architects, engineers, and other designers, contractors, suppression plan reviewers and inspectors and local fire authorities having jurisdiction. The anticipated effective date is June 30, 2013.

Respectfully submitted, November 1, 2012.

A handwritten signature in black ink, appearing to read "James H. Davis". The signature is written in a cursive style with a horizontal line underneath it.

James Davis, Executive Director