

**MOTOR VEHICLE DEALER BOARD
RULEMAKING HEARING MINUTES**

October 25, 2018

A rulemaking hearing was held at the Department of Revenue offices, Lakewood, Colorado. The following persons were present:

BOARD MEMBERS:

Carrie Baumgart
Ramona Graves Bode
Fletcher Flower
Lucky Heggs
John Linton
Matthew Porter
Michael Widhalm

MEMBERS ABSENT:

Steven Perkins
Jason White

**SENIOR DIRECTOR OF
ENFORCEMENT**

Cory Amend

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT(S):

Leland BeBee
Beth Spellerberg

**DEPT OF REVENUE,
AID, ENFORCEMENT
DIVISION STAFF:**

Chris Rouze
Christine Hartman
John Opeka
Gloria Breeden
Frank Agos
Josh Dexter
Arleen Criddell-Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones

VISITORS:

Matthew Groves, CADA
Todd O'Connell, CIADA
Suzanne Karrer, SDO

1st Vice President, Lucky Heggs, opened the Rulemaking hearing of October 25, 2018 at 9:04 a.m.

Mr. Heggs determined that a quorum of the Board was present and called for a motion to open the Hearing to consider proposed revisions to 1CCR 205-1 regarding motor vehicles (MV) and 1CCR 205-2 regarding powersports vehicles (PS). The Board will consider proposed revisions to the following rules:

1. **MV rule 44-20-102 (20)**
2. **MV rule 44-20-108 (1) (e)**
3. **MV rule 44-20-109 (2)**
4. **MV rule 44-20-110**
5. **MV rule 44-20-120**
6. **PS rule 44-20-409 (2)**
7. **PS rule 44-20-419 (1)**

The Board will specifically consider deletion of the following rules:

1. **MV rule 44-20-102 (28)**
2. **MV rule 44-20-108 (1) (h) (i)**

The Board will specifically consider the following proposed new rules:

1. **PS rule 44-20-402 (8)**
2. **PS rule 44-20-408 (1) (f)**
3. **PS rule 44-20-410**

Mr. Widhalm read into the record the motion to enter the formal rulemaking hearing - passed unanimously.

Mr. Heggs 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, deletions or adoption of new rules. The new and revised rules will have rule numbers associated with Title 44. 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
- 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. Heggs stated that the formal 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, regulations and policy.

Mr. Bebee presented the full rulemaking record and gave a synopsis of its contents.

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 proposed revisions, deletions, adoption of new rules and finds that the modifications do not impact the overall concept of what the Division and stakeholders agreed to in principle.

Board took a 10 min. break and reconvened at 10:45 a.m.

Mr. Todd O'Connell expressed the support of CIADA in regards to adopting new and revised rules as well as the recommendation to delete rules.

Mr. Widhalm made a motion to close the public comment phase of the rulemaking hearing – passed unanimously.

Mr. Heggs called the rulemaking hearing deliberations to order and stated that deliberations will progress segment by segment as follows:

Segment One – **MV rule 44-20-102 (20)** – Mr. Widhalm made a motion to adopt the rule – passed unanimously.

New PS rule 44-20-402 (8) – Mr. Widhalm made a motion to adopt the new rule – passed unanimously.

Segment Two – **MV rule 44-20-102 (28)** – Mr. Flower made a motion to accept the recommendation to delete the current rule – passed unanimously.

Segment Three – **MV rule 44-20-108 (1) (e)** – Mr. Widhalm made a motion to adopt the rule – passed unanimously.

New PS rule 44-20-408 (1) (f) – Mr. Widhalm made a motion to adopt the new rule – passed unanimously.

Segment Four – **MV rule 44-20-108 (1) (h) (i)** – Mr. Porter made a motion to accept the recommendation to delete the current rule – passed unanimously.

Segment Five – **MV rule 44-20-109 (2)** – Mr. Flower made a motion to adopt the rule – passed unanimously.

PS rule 44-20-409 (2) – Mr. Flower made a motion to adopt the rule – passed unanimously.

Segment Six – **MV rule 44-20-110** – Ms. Baumgart made a motion to adopt the rule – passed unanimously.

New PS rule 44-20-410 – Ms. Baumgart made a motion to adopt the new rule – passed unanimously.

Segment Seven – **MV rule 44-20-120** – Mr. Widhalm made a motion to adopt the rule – passed unanimously.

New PS rule 44-20-419 (1) – Mr. Widhalm made a motion to adopt the new rule – passed unanimously.

Ms. Bode made a motion to close the rulemaking hearing – passed unanimously.

Meeting adjourned at 11:05 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.)

Bruce Zulauf
Executive Secretary