

**MOTOR VEHICLE DEALER BOARD
RULEMAKING WORKSHOP MINUTES**

December 17, 2013

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

BOARD MEMBERS:

Joe Gebhardt
John Schenden
Jason Wagner
Deborah Thompson
Stan Martin
Lee Yoder

MEMBERS ABSENT:

Beau Smith
Fred Wegener
Chris Hefty

**SENIOR DIRECTOR OF
ENFORCEMENT:**

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT:

Leland BeBee

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

Chris Rouze
Matt Heap
Gloria Breeden
Eric Hartsough
Arleen Criddell-Tapanen

ATTORNEY GENERAL'S OFFICE:

Y.E. Scott
Brendon Reese

BUDGET OFFICE:

VISITORS:

Todd O'Connell, CIADA
Mary Marvin , CAPSS
Tami McCoy, CADA

Executive Secretary, Bruce Zulauf, opened the workshop of December 17, 2013, at 12:40 p.m. Mr. Zulauf informed everyone that we are in workshop – open discussion.

Mr. Zulauf passed out three drafts:

1. Disclosure Form – current law regulation
2. Basis and Purpose – Rule that the Division and AG’s office worked on based on last workshop discussion
3. Proposed Rules for Hearing Procedures

Ms. McCoy, Ms. Marvin and Mr. O’Connell were invited to offer input into the proposed drafts in general discussion with the Board.

There was general discussion which included, but not limited to the following topics:

- Should leases be included;
- Provisions can be made to the Retail Installment Sales Contract;
- Buyer’s Orders - Dealers have included disclosure form;
- Buyer’s Order vs. Spot Delivery, which is consummation of sale;
- Buyer’s Order – should it be considered a binding contract;
- Consummation of sale verbiage may need rewording;
- Pull Buyer’s Order out of the language in Section 12-6-104;
- Timeframe – 10 calendar days proposed to notify consumer financing has been declined;
- Change language in paragraph (2) or proposed rule to define when disclosure statement will be required to be given to consumer instead of defining “contract”;
- Down payment vs Deposit;
- Bailment issues.
- Should Regulation 12-6-118(3)(v) be extended.
- Timeframe to notify consumer of rejection by lender (5 days);

Mr. Zulauf suggested that Board members and Associations make recommendations of changes via email to him and he will forward to Attorney General’s office and will bring before the Board at future workshop and/or formal rulemaking

Meeting adjourned at 1:50 pm.

(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