

**Colorado Motor Vehicle Dealer Board
Adoption of Amended Emergency Rule:
Emergency Regulation 44-20-402(17)-E**

Statement of Emergency Justification and Adoption

Pursuant to section 24-4-103(6)(a), C.R.S., the Colorado Motor Vehicle Dealer Board (“Board”) hereby adopts and amends Emergency Regulation 44-20-402(17)-E.

Section 24-4-103(6)(a), C.R.S., authorizes the Board to adopt a temporary or emergency rule if the Board finds that the immediate adoption of the rule is imperatively necessary to comply with a state law or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

The Board hereby finds the following:

- The Board is authorized under section 44-20-404(1)(a), C.R.S. to promulgate rules necessary to implement under part 4 of Article 20 of Title 44, C.R.S., including the administration and enforcement of licenses issued to wholesalers, powersports vehicle dealers, powersports vehicle salespersons, and used powersports vehicle dealers.
- Due to the unprecedented and extraordinary impact of the COVID-19 emergency, the Colorado Department of Public Health and Environment issued Public Health Order 20-24 (“PHO 20-24”).
- Following the issuance of PHO 20-24, the Board promulgated Emergency Regulation 44-20-402(17)-E on April 3, 2020 in accordance with section 24-4-103(6), C.R.S.
- On April 26, 2020, Governor Jared Polis issued Executive Order D 2020 044, *Safer at Home*, continuing stay at home requirements for vulnerable individuals and permitting the limited reopening of postsecondary institutions and certain business operations due to the presence of coronavirus disease 2019 in Colorado.
- Executive Order D 2020 044 specifically permits a county or a municipality to adopt more protective standards as necessary than those contained in that Executive Order without the need for further approval by the State of Colorado.
- Pursuant to Governor Polis’ directive in Executive Order D 2020 044, the Colorado Department of Public Health and Environment issued Public Health Order 20-28 (“PHO 20-28”) on April 26, 2020, with an effective date of April 27, 2020, which superseded and replaced PHO 20-24.
- Pursuant to PHO 20-28, automobile rental, automobile sales with no touch delivery services, auto supply and repair were determined to be critical services that could continue to operate as normal, which included retail dealerships that include repair and maintenance, but not in person retail sales.

- Pursuant to PHO 20-28, non-critical retail, which includes in person powersports vehicle retail sales, may open, effective May 1, 2020, at fifty percent (50%) capacity for in-person services if the business can demonstrate compliance with requirements outlined in PHO 20-28.
- In an effort to ensure powersports vehicle dealers and used powersports vehicle dealers continue retail sales transactions to the citizens of Colorado during the pendency of the COVID-19 emergency in accordance with Executive Order D 2020 044 and the requirements of PHO 20-28, the Board finds it imperatively necessary to amend Emergency Regulation 44-20-402(17)-E under 1 Code of Colorado Regulations (C.C.R.) 205-2.
- The Board finds that its amendment of Emergency Regulation 44-20-402(17)-E will enable powersports vehicle dealers and used powersports vehicle dealers to conduct sales transactions in accordance with the requirements and restrictions provided in PHO 20-28.
- Pursuant to section 24-4-103(6)(a), C.R.S., the Board finds that the immediate amendment and adoption of Emergency Regulation 44-20-402(17)-E is imperatively necessary for the preservation of public health, safety, or welfare.
- The Board finds that the immediate amendment and adoption of Emergency Regulation 44-20-402(17)-E is necessary to carry out the purposes under part 1 of Article 20 of Title 44, C.R.S.

Statutory Authority

Statutory authority for this emergency rule is found in Colorado Revised Statutes, sections 44-20-401, 44-20-402, 44-20-403, 44-20-404(1)(a), 44-20-408, and 44-20-419.

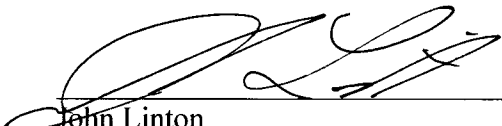
Basis and Purpose

The purpose of Emergency Regulation 44-20-402(17)-E is to provide the ability to conduct powersports vehicle sales during the COVID-19 pandemic while complying with Executive Order D 2020 044 dated April 26, 2020, Colorado Department of Public Health and Environment's Public Health Order 20-28 dated April 26, 2020, and other guidance issued by the Colorado Department of Public Health and Environment and the Centers for Disease Control (CDC).

Adoption

For the reasons set forth above, the Board hereby adopts the attached amendments to Emergency Regulation 44-20-402(17)-E under 1 C.C.R. 205-2. The amendments shall be effective on the date of adoption. This emergency rule shall be in force and effect for a period of one hundred and twenty days from April 3, 2020, unless sooner terminated or replaced by permanent rules adopted in accordance with section 24-4-103, C.R.S.

Adopted this 1st day of May, 2020.



John Linton
President
Colorado Motor Vehicle Dealer Board

5/1/2020
Date