

NOTICE OF RULEMAKING HEARING

Department of Revenue Motor Dealer Vehicle Board

The Motor Vehicle Dealer Board of the Colorado Department of Revenue, (“Board”), will consider the promulgation of amendments to its Rules and Regulations as authorized by the Colorado Motor Vehicle Dealer Board Code, 1 CCR 205-2, section 44-20-404(1)(a), C.R.S. For specific information and language concerning the proposed changes and new rules, please refer to the contents of this Notice and to the proposed rules that are set forth following this notice and are available on the Board’s website, <https://sbg.colorado.gov/motor-vehicle-dealer-board>.

STATUTORY AUTHORITY FOR RULEMAKING

The Board promulgates the amendments to these rules pursuant to the authority granted in subsections Colorado motor vehicle dealer board regulation law, 44-20-404(1)(a), of the Colorado Revised Statutes and section 24-4-103, C.R.S., of the Administrative Procedure Act.

SUBJECT OF RULEMAKING

The proposed rules and relevant information are posted on the Board's website, <https://sbg.colorado.gov/motor-vehicle-dealer-board>. In addition, the proposed rules attached to this Notice are fully incorporated herein.

The Board will consider the promulgation of the following list of existing rules with proposed changes. For specific information and language concerning the proposed changes, please refer to the proposed rules that are set forth with this Notice, posted on the Board’s website, and posted on the Colorado Secretary of State’s website.

RULES TO BE CONSIDERED FOR AMENDMENT OR ADOPTION

The Rule to be considered for amendment or adoption is described as follows:

1 CCR 205-2, Powersports Vehicles

Regulation 44-20-420(3)(i), Advertising, Rule 3

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of the rulemaking hearing to be held on January 18, 2022, will include any written comments or oral testimony submitted or presented.
2. Written Comments. The Board encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by December 21, 2021, so that the Board can review comments prior to the rulemaking hearing. Written comments will also be accepted after that date. The deadline to submit written comments is 5:00 P.M. on December 30, 2021. Written comments may be emailed to: dor_dealerboardrules@state.co.us. In addition, you may submit written comments to:

Colorado Motor Vehicle Dealer Board
Attn: Rulemaking
1707 Cole Boulevard, Suite 300
Golden, Colorado 80401

3. Oral Comments. At the Board's discretion, they may afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing. If allowed, oral presentations will likely be limited to two minutes or less per person. Individuals will not be allowed to cede their time to another person (for instance, one person speaking on behalf of five people will not be given ten minutes to speak). Organized groups of individuals are urged to identify one spokesperson and to be concise. The Board encourages interested parties to avoid duplicating material and testimony previously submitted in connection with the Prior Hearing.

HEARING SCHEDULE

Date: January 18, 2022

Time: 9:00 a.m.

Location: Due to the ongoing nature of the COVID-19 pandemic, this hearing will be held virtually through Webex. Access link for the rulemaking hearing will be posted on the Board's website and the Secretary of State's website.

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The hearing may be continued at such place and time as the Board may announce.

The Board shall deliberate upon the rulemaking record, including oral testimony and written submissions presented, as well as applicable legal provisions and any related matters properly submitted before the hearing record is closed. Pursuant to said hearing, in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Board will adopt such rules as in its judgment are justified by the rulemaking record and applicable legal provisions.

Dated this 15th day of December, 2021.

DEPARTMENT OF REVENUE

Motor Vehicle Dealer Board

DEALING IN POWERSPORTS VEHICLES

1 CCR 205-2

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Statement of Basis: The statutory basis for the regulations is 44-20-404(1)(a), C.R.S.

REGULATION 44-20-420(3)(i)

Rule 3. Advertising a specific powersports vehicle for sale or lease with price or terms quoted, without fully identifying the vehicle as to year, make, model, and dealer stock number.

a. ~~Such Powersports vehicles~~ shall be willfully shown and sold at the advertised price and/or terms while such vehicle remains unsold or unleased, for a period of ~~five~~ **three** days following the last date the ad was published, unless the ad states that the advertised price and terms are good only for a specific time and such time has elapsed. ~~If a specific number of powersports vehicles are advertised, such vehicles must have been invoiced to the dealer.~~

b. ~~If a powersports vehicle is not available for immediate delivery, the advertisement must clearly and conspicuously state the powersports vehicle's availability, such as it is in transit, on order, or otherwise in a specified location, and that it is not in stock.~~

c. ~~Any powersports vehicle may use a complete 17-digit VIN number in lieu of a dealer stock number.~~