

PHIL WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General
ERIC T. MEYER
Chief Operating Officer



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000
Revenue and Utilities Section

January 19, 2023

Colorado Secretary of State
Licensing and Enforcement Division
Administrative Rules Program
1700 Broadway, Suite 550
Denver, Colorado 80290

RE: Correction to Colorado Motor Vehicle Dealer Board Regulation 1 C.C.R. 205-1
(Motor Vehicle Regulations)
SOS Tracking Number 2023-00023

To whom it may concern:

The Colorado Department of Revenue discovered that an internal reference in regulation 44-20-121(7)(c) needs to be corrected. Specifically, subsections (II) and (III) of regulation 44-20-121(7)(c) incorrectly reference “part 4” instead of “part 1.” “Part 1” of article 20, Title 44, refers to motor vehicle dealers and “part 4” of article 20, Title 44, applies to powersport vehicle dealers. An identical regulation related to powersport vehicle dealers correctly references part 4. *See* SOS tracking number 2022-00138.

On or about January 11, 2023, the Colorado Department of Revenue, Auto Industry Division, filed a Correction under SOS tracking number 2023-00023 for two amendments in Regulation 44-20-121(7)(c). *See* Exhibit 1, Correction filed in SOS tracking number 2023-00023. Regulation 44-20-121(7)(c) was corrected to replace “part 1” for “part 4” in two places: the first sentence of subsection (II) and the first sentence of subsection (III). *See also* Exhibit 2, redline version of Correction filed in SOS tracking number 2023-00023.

It is my opinion that these changes are non-substantive and typographical corrections. The corrections in Regulation 44-20-121(7)(c) will not change the substantive content of the rule and meet the conditions specified in section 24-4-103(11)(d), C.R.S.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

FOR THE ATTORNEY GENERAL

Sarah E. Killeen

SARAH E. KILLEEN, Reg. No. 31992
Assistant Attorney General
Revenue & Utilities Section
1300 Broadway, 8th Floor
Denver, CO 80203
Telephone: 720-508-6334
E-Mail: sarah.killeen@coag.gov

- (II) Any license for which an application has been made pursuant to this part 1 may be denied if, at the time of the application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrears. If the Board receives notice of the Applicant's noncompliance pursuant to sections 24-35-116 and 26-13-126, C.R.S., the application may be denied.

- (III) Any license for which an application for renewal has been made pursuant to this part 1 may be denied on a conditional basis if, at the time of the renewal application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrearages pursuant to sections 24-35-116 and 26-13-126, C.R.S.

DEPARTMENT OF REVENUE

Motor Vehicle Dealer Board

DEALING IN MOTOR VEHICLES

1 CCR 205-1

[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 44-20-104(3)(a).

REGULATION 44-20-121(7)(c)

The Board, in determining whether a licensee or applicant has demonstrated unfitness of financial character or record, will consider net worth, liquid assets including cash, lines of credit, marketable securities, credit reports, unpaid judgments and/or tax liens, delinquent debts, bankruptcy status, and child support obligation status. Applications for a motor vehicle dealer license will be closely evaluated based on the factors herein and the applicant's concept of operation for the business to assess the potential for harm to retain customers.

(I) Failure to timely pay any fine imposed by the Board, or the submission of a draft or check for the payment of any fee required by the Board which is dishonored shall be deemed to demonstrate unfitness of financial character or record.

(II) Any license for which an application has been made pursuant to this part 4.1 may be denied if, at the time of the application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrears. If the Board receives notice of the Applicant's noncompliance pursuant to sections 24-35-116 and 26-13-126, C.R.S., the application may be denied.

(III) Any license for which an application for renewal has been made pursuant to this part 4.1 may be denied on a conditional basis if, at the time of the renewal application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrearages pursuant to sections 24-35-116 and 26-13-126, C.R.S.