



# COLORADO

Department of  
Regulatory Agencies

Division of Banking

June 17, 2022

## BEFORE THE COLORADO STATE BANKING BOARD

IN THE MATTER OF )  
 )  
RULE PROMULGATION AND AMENDMENT ) **NOTICE OF PROPOSED RULEMAKING**

### I. Notice of hearing

PLEASE BE ADVISED THAT, as required by Section 24-4-103, C.R.S., of the State Administrative Procedures Act, the Colorado State Banking Board (Banking Board) hereby gives notice of proposed rulemaking. A **virtual** hearing is scheduled for August 18, 2022, commencing at 10:00 a.m. **via Zoom, passcode 832326:**

<https://us06web.zoom.us/j/84181226499?pwd=bGNmdFcwOHo3d3hnekJhbIRDUIk1UT09>

### II. Purpose of the proposed rulemaking

The purpose of the hearing is to hear comments concerning the proposed promulgation of Banking Board Rule 3 CCR 701-7 MO0.5 to centralize terms and definitions, and proposed amendments of the following Banking Board Rules: 3 CCR 701-7 MO1, MO2, MO3, MO4, MO5, MO6, MO7, and MO8 to update statutory citations, make minor grammar and verbiage changes, remove sections that are no longer applicable, clarify and update reporting procedures and requirements, and update record retention requirements. A Statement of Basis, Purpose, and Specific Statutory Authority for the rules follows this notice and is incorporated by reference.

MO0.5	Definitions
MO1	Surety Bond
MO2	Permissible Investments
MO3	Records
MO4	Qualification of License Applicant
MO5	Change of Control
MO6	Compliance with Federal Regulations
MO7	Customer Notice Section
MO8	Employee Money Laundering Affirmation



### III. Statutory authority for proposed rulemaking

The proposed amendment of the rule is being held under the authority given the Banking Board by the Colorado Banking Code in accordance with Section 11-102-104(1), C.R.S., which states “the banking board is the policy-making and rule-making authority for the division of banking and has the power to: (a) make, modify, reverse, and vacate rules for the proper enforcement and administration of this code...”

### IV. Opportunity to testify and submit written comments

Any interested person(s) has the right to submit written comments or data, view, or argument. Written information should be filed with the Division **no later than August 8, 2022**. To submit written comments, please contact Allison Rothermel, Administrator IV, at [allison.rothermel@state.co.us](mailto:allison.rothermel@state.co.us). In addition, any interested person(s) has the right to make a virtual presentation at the Hearing, unless the Banking Board deems any oral presentation unnecessary.

SUBMITTED ON BEHALF OF THE  
COLORADO STATE BANKING BOARD

A handwritten signature in black ink that reads "Ken Boldt". The signature is written in a cursive, slightly slanted style.

Ken Boldt  
State Bank Commissioner



**COLORADO**

**Department of  
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Division of Banking

**June 16, 2022**

**STATE BANKING BOARD  
3 CCR 701-7 MO3  
PERTAINING TO TITLE 11, ARTICLE 110, SECTION 111, 114, AND 201  
COLORADO REVISED STATUTES**

**STATEMENT OF BASIS, PURPOSE AND SPECIFIC STATUTORY AUTHORITY**

Statutory Basis

The statutory basis for Banking Board Rule 3 CCR 701-7 MO3 is found in Section 11-110-111, 114, and 201 of the Colorado Revised Statutes.

Purpose of this Rulemaking

The purpose of this rule is to set requirements for quarterly call reports, record retention, and agent reporting.

The purpose of this rulemaking is to amend the rule to update the statutory citation, update quarterly call report instructions, update record retention requirements, and remove three sections with definitions that will be addressed in a new rule.

The Colorado Division of Banking finds that the proposed amendments to this rule are necessary as follows:

- Update the Rule's statutory citation as the current citation is outdated due to a repeal and recodification of the Money Transmitters Act.
- Update quarterly call report instructions to require the use of the National Multistate Licensing System and Registry (NMLS) portal to complete and transmit the call report, which includes the permissible investment report.
- Add section regarding a late filing fee for late report submissions.
- Update record retention requirements from three (3) years for all records to seven (7) years for financial and accounting records to align with Generally Accepted Accounting Principles, and five (5) years for other records to align with federal record retention requirements.
- Remove definitions for stored value and records as they will now be defined in proposed Rule 3 CCR 701-7 MO0.5.

Rulemaking Authority

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|-------------|--|
| 11-101-102. | Declaration of policy.   |
| 11-102-104. | Powers and duties of the banking board.  |
| 11-110-111. | Examination - fee- financial statements and reports to commissioner - change in control. |
| 11-110-114. | Multiple locations.  |
| 11-110-116. | Rules.   |
| 11-110-201. | Agent information - rules.   |

