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Introduction

The *Colorado Register* is published pursuant to C.R.S. 24-4-103(11) and is the sole official publication for state agency notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The register may also include other public notices including annual departmental regulatory agendas submitted by principal departments to the secretary of state.

"Rule" means the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. "Rule" includes "regulation". C.R.S. 24-4-102(15). Adopted rules are effective twenty days after the publication date of this issue unless otherwise specified.

The *Colorado Register* is published by the office of the Colorado Secretary of State twice monthly on the tenth and the twenty-fifth. Notices of rule-making and adopted rules that are filed from the first through the fifteenth are published on the twenty-fifth of the same month, and those that are filed from the sixteenth through the last day of the month are published on the tenth of the following month. All filings are submitted through the secretary of state's electronic filing system.

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Notice of Proposed Rulemaking

Tracking number

2017-00556

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-4

Rule title

SALES AND USE TAX

Rulemaking Hearing

Date

12/20/2017

Time

09:00 AM

Location

1375 Sherman Rm 127

Subjects and issues involved

The purpose of this rule is to establish the requirements a retailer must meet to be relieved of liability for the collection of sales and use tax. Revisions to this rule include the creation of a standard of due diligence for retailers when exempting a purchaser from sales or retailers use tax and a defined set of records that must be kept by the retailer exempting the sale. The due diligence requirement lists steps a retailer must take to confirm a purchaser's exemption status at the time of sale including:

- 1) confirming a license or exemption certificate is current and valid,
- 2) considering whether the goods sold are consistent with the purchasers claim for exemption, and
- 3) verifying that the payment comes from funds drawn from the entity claiming the exemption. The rule further establishes specific records a retailer must keep when documenting sales that are exempt from sales or use tax

Statutory authority

The statutory basis of this rule is §§ 39-21-112(1) and 113, C.R.S. and §§ 39-26-102(19), 102(22), 105(3), 204(2), 703(1), 704(1), 708, 713(2)(d) and 718, C.R.S.

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DEPARTMENT OF REVENUE

Taxpayer Service Division – Tax Group

SALES AND USE TAX

1 CCR 201-4

Rule 39-26-105(3). Documenting Exempt Sales

Basis and Purpose

The statutory basis of this rule is §§ 39-21-112(1) and 113, C.R.S. and §§ 39-26-102(19), 102(22), 105(3), 107, 204(2), 209, 703(1), 704(1), 708, 713(2)(d) and 718, C.R.S. The purpose of this rule is to establish the requirements a retailer must meet to be relieved of liability for the collection of sales and use tax.

- (1) *General Rule.* A seller must exercise due diligence to verify a purchaser's claim for exemption from sales or retailer's use tax and maintain adequate and complete records to demonstrate the seller's due diligence. If the Department subsequently finds a transaction was not exempt at the time of sale, a seller who has complied with this rule's requirements will be considered to have met its burden of proof.
- (2) *Seller's Due Diligence Requirements at Time of Sale*
 - (a) A seller must verify that the purchaser's sales tax license or exemption certificate is current and valid at the time of the sale.
 - (I) *Verifying a Colorado License or Certificate* - A seller may inspect a physical copy of the license or certificate for completeness and to ensure the license or certificate has not expired. If the seller relies on a physical copy of the license or certificate for verification, the seller must maintain a copy of the document for their records. Alternatively, a seller may elect to verify that the license or certificate is valid using the Department's online verification system. To verify that a license or certificate is current and valid, a seller can go online to <https://www.colorado.gov/revenueonline/> and follow the link to "Verify a License or Certificate."
 - (II) *Out-Of-State Purchasers* - A seller may accept from a purchaser located outside of Colorado a resale license, exemption certificate, or other authorized documentation from the issuing-state. The seller must keep a copy of the document for their records. A seller must also have the out-of-state purchaser complete a Department issued Exemption Certificate (DR 0563) or Affidavit of Exempt Sale (DR 5002). See C.R.S. § 24-60-1301 for more information on out-of-state exemption documents.
 - (III) *Recurring Business Transactions* - A seller who has verified that a purchaser has a current and valid license or certificate is not required to verify again the same license or certificate for subsequent purchases made during the calendar year, unless the seller has reason to believe that the purchaser no longer has a current or valid license or certificate. A seller must keep records identifying the purchaser, license or exemption number, items purchased, and the form of

payment for all subsequent recurring business transactions for that calendar year. A seller must re-verify the purchaser's license or certificate in each subsequent calendar year.

- (b) A seller must consider whether the nature of goods or services sold is consistent with the purchaser's claim that the sale is exempt from sales or retailer's use taxes.
 - (I) For sales to wholesalers, the seller must reasonably conclude that the goods sold are reasonably for resale in the course of purchaser's ordinary business.
 - (II) For sales to exempt organizations, the seller must reasonably conclude that the goods or services are reasonably used exclusively in the conduct of the organization's ordinary exempt functions and activities.
 - (c) Sellers must verify that the purchase is made directly from the funds of the entity claiming the exemption from sales or use tax. This requirement is only satisfied if the seller accepts payment by a credit card or check drawn from an account in the name of the entity claiming the exemption. A seller exercising due diligence is not required to verify the source of the funds if the purchases total less than \$250.
- (3) Burden of Proof and Record Keeping
- (a) There is a strong presumption that any sale of tangible personal property is subject to taxation and exemptions are rare exceptions to this rule.
 - (b) A purchaser has the burden of demonstrating to the seller that the purchaser is exempt from sales or retailer's use tax with respect to the purchase.
 - (I) *Disputed Transactions* - A seller who has not verified the purchaser's eligibility for exemption in accordance with this rule must collect tax at the time of sale. The purchaser may then file a claim for refund with the Department. For information on Disputed Transactions, see §§ 39-26-102(22) and 703, C.R.S.
 - (c) A seller has the burden of demonstrating to the Department that the seller complied with this rule with respect to any purchase for which the purchaser claimed exemption.
 - (III) *Record Keeping Required* - Sellers must keep adequate and complete records of all sales transactions. Additional information that must be retained by the seller when exempting a purchaser from sales or retailer's use tax include; the name and address of the purchaser, purchaser's license or certificate number, a copy of the license or certificate if applicable, the date of sale, the purchase price, a description of the goods or services sold, and the name on the credit card or check used by the purchaser to pay for the transaction.
- (4) *Sellers Requirements Under Audit.* If the Department finds the records of a seller do not demonstrate compliance with the requirements of this rule, the Department shall allow the seller 90 days to collect information sufficient to comply with the requirements of this rule. The Department may extend the 90-day period for good cause shown.

Cross Reference(s):

- 1. How to Document Sales to Retailers, Tax-Exempt Organizations and Direct Pay Permit Holders, FYI Sales No. 1
- 2. For additional information on exempt sales for resale, see §39-26-102(19), C.R.S.

3. For additional information on exemptions for Charitable Organizations, see §39-26-718, C.R.S.
4. For additional information on Governmental Purchases Exemptions, see FYI Sales No. 63, §39-26-704, C.R.S

COLORADO DEPARTMENT OF REVENUE STATEMENT OF BASIS AND PURPOSE

DOCUMENTING EXEMPT SALES

39-26-105(3)

1 CCR 201-4

Basis

The statutory basis of this rule is §§ 39-21-112(1) and 113, C.R.S. and §§ 39-26-102(19), 102(22), 105(3), 204(2), 703(1), 704(1), 708, 713(2)(d) and 718, C.R.S.

Purpose

The purpose of this rule is to establish the requirements a retailer must meet to be relieved of liability for the collection of sales and use tax. Revisions to this rule include the creation of a standard of due diligence for retailers when exempting a purchaser from sales or retailer's use tax and a defined set of records that must be kept by the retailer exempting the sale. The due diligence requirement lists steps a retailer must take to confirm a purchaser's exemption status at the time of sale including:

- 1) confirming a license or exemption certificate is current and valid,
- 2) considering whether the goods sold are consistent with the purchasers claim for exemption, and
- 3) verifying that the payment comes from funds drawn from the entity claiming the exemption. The rule further establishes specific records a retailer must keep when documenting sales that are exempt from sales or use tax.

Notice of Proposed Rulemaking

Tracking number

2017-00552

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-4

Rule title

SALES AND USE TAX

Rulemaking Hearing**Date**

12/20/2017

Time

09:00 AM

Location

1375 Sherman Rm 127

Subjects and issues involved

The purpose of this amendment is to repeal this rule as it is unnecessary to clarify the requirements imposed by §§ 39-26-102(22) and 703(1), C.R.S.

Statutory authority

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-102(22), C.R.S.

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DEPARTMENT OF REVENUE

Taxpayer Service Division – Tax Group

SALES AND USE TAX

1 CCR 201-4

Regulation 26-102.22.

~~It is the duty of the vendor to collect the tax unless he is furnished with satisfactory proof that the sale is exempt by statute.~~

~~Whenever there is a disagreement between a vendor and a buyer as to whether a given sale is tax exempt under this article, it shall be the duty of the vendor to collect and the duty of the buyer to pay the tax. The vendor shall thereupon give to the buyer a receipt (a copy of the sales invoice showing the amount of sales tax collected by the vendor will usually be sufficient) and the buyer may then make application to the department for a refund.~~

COLORADO DEPARTMENT OF REVENUE STATEMENT OF BASIS AND PURPOSE

**39-26-102.22
1 CCR 201-4**

Basis

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-102(22), C.R.S.

Purpose

The purpose of this amendment is to repeal this rule as it is unnecessary to clarify the requirements imposed by §§ 39-26-102(22) and 703(1), C.R.S.

Notice of Proposed Rulemaking

Tracking number

2017-00553

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-4

Rule title

SALES AND USE TAX

Rulemaking Hearing**Date**

12/20/2017

Time

09:00 AM

Location

1375 Sherman Rm 127

Subjects and issues involved

The purpose of this amendment is to repeal this rule, which will be revised and readopted under Rule 39-26-105(3).

Statutory authority

The statutory basis for this rule is §§ 39-21-112(1) and 113, C.R.S. and § 39-26-105, C.R.S.

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DEPARTMENT OF REVENUE

Taxpayer Service Division – Tax Group

SALES AND USE TAX

1 CCR 201-4

Regulation 39-26-105.1(c).

- ~~1) The vendor must establish that a sale is exempt and have records sufficient to demonstrate the validity of the exemption with reference to each sale. Exempt organizations must be able to prove to the satisfaction of the vendor that they are exempt.~~
- ~~2) If the purchase is represented by the customer to be for resale, the vendor has the duty to have on file and available to any qualified representative of the department satisfactory proof that the purchase is for resale and the sales tax account number for any such customer representing to the vendor that the sale is for resale. The vendor may call the department to verify that the customer is properly licensed.~~
- ~~3) Section 24-60-1301, (Article V.2.), C.R.S. of the Multistate Tax Compact states the following in regard to exemption certificates from states other than Colorado: "Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate state or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction."~~

**COLORADO DEPARTMENT OF REVENUE
STATEMENT OF BASIS AND PURPOSE**

**39-26-105.1(c)
1 CCR 201-4**

Basis

The statutory basis for this rule is §§ 39-21-112(1) and 113, C.R.S. and § 39-26-105, C.R.S.

Purpose

The purpose of this amendment is to repeal this rule, which will be revised and readopted under Rule 39-26-105(3).

Notice of Proposed Rulemaking

Tracking number

2017-00554

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-4

Rule title

SALES AND USE TAX

Rulemaking Hearing**Date**

12/20/2017

Time

09:00 AM

Location

1375 Sherman Rm 127

Subjects and issues involved

The purpose of this amendment is to repeal this rule, which contains only a cross reference and is unnecessary.

Statutory authority

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-713(2)(c), C.R.S.

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DEPARTMENT OF REVENUE

Taxpayer Service Division – Tax Group

SALES AND USE TAX

1 CCR 201-4

Regulation 39-26-713.2(c)

~~(See Regulation 39-26-713.2(g) as to nonresidents acquiring residency in Colorado. (See portion below within this regulation).)~~

COLORADO DEPARTMENT OF REVENUE STATEMENT OF BASIS AND PURPOSE

**39-26-713.2(c)
1 CCR 201-4**

Basis

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-713(2)(c), C.R.S.

Purpose

The purpose of this amendment is to repeal this rule, which contains only a cross reference and is unnecessary.

Notice of Proposed Rulemaking

Tracking number

2017-00555

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-4

Rule title

SALES AND USE TAX

Rulemaking Hearing**Date**

12/20/2017

Time

09:00 AM

Location

1375 Sherman Rm 127

Subjects and issues involved

The purpose of this amendment is to increase a threshold in the rule regarding the use of check or credit card for exempt purchases. The rule currently allows the exemption for purchases over one hundred dollars only if paid for with check or credit card issued in the exempt organizations name. Exempt organizations can make purchases in in dollar amounts below this threshold with cash. This amendment will raise this threshold to two-hundred fifty dollars.

Statutory authority

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-718, C.R.S.

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DEPARTMENT OF REVENUE

Taxpayer Service Division – Tax Group

SALES AND USE TAX

1 CCR 201-4

Regulation 39-26-718 CHARITABLE AND OTHER EXEMPT ORGANIZATIONS

(1) General Rule.

- (a) Purchases by charitable organizations are exempt from state sales and use taxes and state-administered local sales and use taxes if the purchases are part of the charitable organization's regular charitable functions and activities.
- (b) Sales by charitable organizations generally are not exempt from sales tax, except for occasional sales, sales where a portion of the purchase price is a donation, and sales by certain school-related entities.
- (c) The following are common situations where the acquisition of property by a charitable organization is not subject to sales tax.
 - (i) The charitable organization does not pay the donor for the donation (sales tax does not apply to transactions when consideration is not paid), or
 - (ii) The purchase was part of its regular charitable function and activity, or
 - (iii) The purchase was made with the intention of reselling the item at a fundraising event, in which case the charitable organization's purchase is exempt as a wholesale purchase for resale.

(2) Types of Charitable Organizations.

- (a) Charitable organizations must serve a public rather than a private interest and be organized and operated exclusively for one or more of the following purposes or functions:
 - (i) Religious; to the extent consistent with *Catholic Health Initiatives Colo. v. City of Pueblo*, 207 P.3d 812, (Colo. 2009).
 - (ii) Charitable;
 - (iii) Scientific;
 - (iv) Literary;
 - (v) Educational;
 - (vi) Testing for public safety;

- (vii) Fostering national or international amateur sports competition, as long as no part of its activities involves providing athletic facilities or equipment;
 - (viii) Preventing cruelty to children or animals;
- (b) *Limited Purpose Charitable Organizations.* A veterans' organization registered under section 501(c)(19) of the Internal Revenue Code of 1986 is a charitable organization only when sponsoring a special event, meeting or other function in the State of Colorado, so long as such event, meeting or function is not part of such organization's regular activities in the state.
- (c) Charitable, as used in (2)(a)(ii) of this rule, is used in its generally accepted legal sense and is, therefore, not to be construed as limited by the separate enumeration of other tax-exempt purposes which may fall within the broad outlines of *charity* as developed by judicial decisions. Charitable includes:
 - (i) Relief of the poor and distressed or of the underprivileged;
 - (ii) Advancement of education or science;
 - (iii) Erection or maintenance of public buildings, monuments, or works;
 - (iv) Lessening of the burdens of government;
 - (v) Care of the sick, infirm, or aged;
 - (vi) Lessen neighborhood tensions;
 - (vii) Eliminate prejudice and discrimination;
 - (viii) Defend human and civil rights secured by law; or
 - (ix) Combat community deterioration and juvenile delinquency.
- (d) Educational, as used in (2)(a)(v) of this rule, relates to:
 - (i) The instruction or training of the individual for the purpose of improving or developing his capabilities; or
 - (ii) The instruction of the public on subjects useful to the individual and beneficial to the community.
- (e) Testing for public safety, as used in (2)(a)(vi) of this rule, includes the testing of consumer products to determine whether they are safe for use by the general public.
- (f) Scientific, as used in (2)(a)(iii) of this rule, includes carrying on of scientific research in the public interest. For research to be scientific, it must be carried on in furtherance of the scientific purpose.
- (g) *IRS 501(c)(3) Certificates.* A charitable organization that holds a 501(c)(3) determination letter from the Internal Revenue Service is provisionally presumed to qualify as a charitable organization that is exempt from Colorado sales and use tax. However, the Department is not bound by an IRS determination of an organization's charitable status, and the Department may independently evaluate whether the entity qualifies as a charitable entity.

- (h) *Religious Organization.* The IRS does not require religious organizations to apply for a 501(c)(3) certificate in order to qualify as a tax-exempt charitable organization. In such cases, the Department will issue a sales tax exemption certificate to a religious charitable entity, even in the absence of an 501(c)(3) certificate, if the organization has a charitable purpose and meets the conditions set forth below. In lieu of the 501(c)(3) certificate, a religious organization shall provide to the Department a copy of its IRS No Record of Exempt Organization letter and Department Form DR 0716, "Statement of Nonprofit Church, Synagogue, or Organization".
- (i) If the applicant is a religious organization that is an affiliate of a national organization that holds a Colorado exemption certificate, applicant may submit, in lieu of such a determination letter, documentation from the national organization demonstrating that applicant is an affiliate of such organization.
- (i) *Nonprofit Organizations.* An organization that is a nonprofit or an organization that performs some charitable services or provides funding to a qualified charitable organization does not automatically qualify as a charitable organization for sales and use tax purposes. In order to qualify, the organization must be established and operated exclusively for one or more of the charitable purposes listed above. Examples of organizations that do not typically qualify as a charitable organization for purposes of this exemption are nonprofit country clubs, private clubs, employees or social clubs or organizations, nonprofit recreational organizations, lodges, patriotic organizations (veteran organizations have a limited exemption, discussed below), fraternities, sororities, professional and trade associations, civic organizations, labor unions, political organizations, and other nonprofit entities.

(3) **Application for Exemption Certificates.**

- (a) Applicants must submit a completed application for a sales tax exemption certificate and include a copy of the organization's federal 501(c)(3) determination.
- (b) Notwithstanding a determination by the IRS of an applicant's charitable status, the Department may conduct, either before or after the issuance of an exemption certificate, an independent review of whether the organization qualifies as a charitable organization.

(4) **Restrictions on Charitable Organization Activities.**

- (a) *Exclusively.* An organization will be regarded as operating exclusively for one or more exempt purpose only if the organization exclusively engages in activities in furtherance of its exempt purpose. A charitable organization will not lose its exempt charitable status if its non-charitable activities are insubstantial.
 - (i) *Examples.*
 - (A) If the religious organization operates a restaurant or coffee shop for the public unrelated to its charitable propose, then the organization does not qualify for the exemption because this activity is not considered part of the organization's charitable function. Note that sales by a charitable organization are not generally exempt from sales tax. For example, sales by a church in a coffee shop operated on church property are subject to sales tax even if the revenues from such sales are insubstantial, unless the sales qualify under the occasional sale exemption or the donation exemption, discussed below.

- (B) Providing meals to the poor or homeless for free or below cost is generally considered a charitable activity.
 - (b) *Other Restrictions.* A charitable organization, excluding veterans' organizations, is subject to the following limitations in order to qualify for the sales and use tax exemption certificate:
 - (i) No part of an organization's net earnings can benefit any private shareholder or individual. Compensation paid by the organization for services rendered, including services performed by employees or officers of the charitable organization, must be reasonable.
 - (A) The fact that an organization charges a fee for its goods or services is not fatal to a claim that it is a charitable organization. However any profit that a charitable organization generates must be used for charitable purposes. Factors that the Department will consider with respect to whether an organization that charges fees is a charitable organization include: (i) whether such fees vary depending on the need of the recipient of the goods or services; and (ii) the extent to which such fees show material reciprocity or *quid pro quo* transactions between the organization and those it serves.
 - (B) Example: A mutual benefit society is an organization whose benefits are available only to its members and/or their beneficiaries and requires payment by its members as a condition to receiving such benefits. A mutual benefit society is not organized for a charitable purpose, and is not a charitable organization exempt from sales and use taxes under this exemption.
 - (ii) No substantial part of an organization's activities can be carrying-on propaganda or otherwise attempting to influence legislation. For example, an organization whose main activity is scientific is not a charitable organization for sales and use tax purposes if a substantial portion of the organization's activities involves dissemination of propaganda that is favorable to its political objectives or consists of lobbying for legislation that supports the organization's activities and mission.
 - (iii) An organization may not participate in, or intervene in, a political campaign on behalf of any candidate for public office (including the publishing or distributing of statements).
- (5) **Purchases by Charitable Organizations.**
- (a) Purchases by charitable organizations are exempt from sales and use taxes if the goods or services are used exclusively in the conduct of the charitable organization's regular charitable functions and activities. Purchases must be made directly from the organization's funds and, for purchases over ~~one hundred~~ two hundred fifty dollars, must be made with a check or credit card issued in the organization's name. Purchases made with funds other than the organization's own funds or purchases made with a charitable organization's funds but reimbursed by someone who is not a qualified charitable organization are not exempt from sales or use tax. Whenever a charitable organization purchases tangible personal property (such as cards, food, cars, etc.) that is to be transferred to anyone else for personal use and all or part of the price of the goods is recouped from the user through direct payment, donation or games of chance (but not including a sale), the organization's exempt status does not apply and sales tax must be paid to the vendor by the exempt organization. If such purchases are made outside

Colorado or in Colorado without payment of Colorado sales tax, the tax must be paid directly to the Department by the organization.

(i) *Examples.*

- (A) A purchase made on behalf of a charitable organization with a credit card issued in the name of an individual is not exempt.
 - (B) An educational charitable organization's purchase of computers is not exempt if the computers are given to members of the organization who use the computers for their own personal use or who reimburse the organization.
 - (C) An educational institution's purchase of athletic equipment or uniforms is not exempt from sales and use tax if the educational institution is reimbursed for the equipment or uniforms from students or their families.
- (b) *Veterans' Organizations.* Purchases by veterans' organizations that are registered under section 501(c)(19) of the Internal Revenue Code are exempt only if the goods are used for a special event, meeting, or other function that is not part of the organization's regular activities in Colorado. The Department does not issue an exemption certificate to veterans' organizations. Instead, veterans' organizations must apply for a special event license for each special event or function. Veterans' organizations make exempt purchases by presenting the special events license to the vendor. Because veterans' organizations are only a charitable organization when sponsoring a special event, meeting, or other function so long as such event, meeting, or function is not part of the organization's regular activities in this state and because the occasional sales exemption requires that the funds be used in the regular course of the organization's charitable activities, sales by veterans' organizations do not qualify for the occasional sales exemption.

(6) Donor's Obligation for Sales and Use Tax.

- (a) A donor who purchases tangible personal property for the purpose of donating it to a charity must pay sales or use tax on the purchase and cannot claim the charitable organization's exemption. The donor cannot claim a sale for resale exemption because the property is donated, not resold, to the charitable organization.
- (b) A retailer who initially makes a wholesale (exempt) purchase of an item for resale (e.g., retailer buys an item for its inventory it plans to resale) and later withdraws that item from inventory and donates it to a charitable organization incurs use tax on the withdrawal from inventory. However, see the cross reference (5) for information on the exemption for donations of manufactured goods by manufacturers.

(7) Sales by Charitable Organization.

- (a) *General Rule.* Sales made by charitable organizations are generally not exempt from sales tax, unless the sale qualifies for the occasional sale exemption, as a donation, or for any other exemption that may apply (see paragraphs (8) and (9) of this rule). For that reason, a charitable organization that makes repeated sales of tangible personal property to the public and otherwise meets the definition of a retailer must have a sales tax license and collect and remit tax in the same manner as any other retailer. For example, a charitable organization that operates a gift or book shop, rummage store, or coffee shop

must collect sales tax on sales. The fact that the merchandise sold may have been acquired by gift or donation, or that the proceeds are to be used for charitable purposes, does not make the sales exempt from tax.

- (b) *Occasional Sale Exemption.* Occasional sales of taxable tangible personal property by a charitable organization that holds a Colorado exemption certificate are exempt from sales and use taxes. See paragraph (10), below, for information of local taxes. An occasional sale must meet the following criteria:

- (i) The charitable organization conducts sales for a total of twelve days or less during a calendar year, and
 - (A) Each day a sale occurs is counted as an entire day, even if the sale occurs for less than a full day or the organization characterizes a multi-day sale as one event.
- (ii) The “net proceeds” from all these events do not exceed twenty-five thousand dollars in that calendar year. “Net proceeds” means the total gross receipt(s) minus expenses directly attributable to the event(s).
 - (A) “Directly attributable” generally means those expenses that would not have arisen but for the occurrence of the event and do not include indirect and overhead costs, such as administrative staff wages, insurance unless purchased for the specific event, rent otherwise due even if no event was held, property taxes, and other expenses that would be incurred even in the absence of the event.
 - (B) Payment by the charitable organization to acquire any goods that are later sold at a fundraising event is an expense that is deducted from the gross proceeds to determine net proceeds.
 - (C) When a charitable organization exceeds either threshold described in paragraph (7)(b)(i) or (ii), then all sales that occur in that calendar year are subject to tax, including sales in that calendar year that were previously exempt prior to the date when the threshold was exceeded. Sales tax applies to the gross proceeds, not the net proceeds. The charitable organization must have a sales tax license if and when either of these limits is exceeded.
 - (I) *Example 1.* Charitable organization conducts one auction sale which generates \$30,000 in gross proceeds and \$20,000 in net proceeds. Because neither threshold was exceeded, the charitable organization does not collect, report, or remit sales tax.
 - (II) *Example 2.* Same facts as Example No. 1, but net proceeds are \$26,000. Charitable organization has exceeded the \$25,000 threshold, and, therefore, must collect, report, and remit sales tax on the gross proceeds of \$30,000.
- (iii) The funds retained by the charitable organization are used in the course of the organization’s charitable service.
- (iv) *Living accommodations and other taxable services.* The exemption for occasional sales applies only to the sale of tangible personal property. Therefore,

sales of taxable services by a charitable organization are subject to tax. For example, a charitable organization conducts a silent auction at which it auctions a weekend rental of a timeshare or hotel room. The sale of living accommodations is a sale of a service. The sale is subject to state and local sales taxes applicable to where the accommodation is located even if the charitable organization has not exceeded the twelve day or twenty-five thousand dollar thresholds. The sale of the living accommodation is not included in the calculation of the twenty-five thousand dollar threshold.

- (A) If the auction is not conducted in the same state-administered local jurisdiction in which the living accommodation is located, then the charitable organization must register with the Department for the local jurisdiction where the accommodation is located and collect the local sales taxes, including any lodging or local marketing district taxes, applicable to the rental of living accommodations.
- (v) *Goods sold on consignment.* Goods given by a retailer to a charitable organization for sale at a fundraising event with the understanding that the goods will be offered for sale at a minimum price and the minimum price is paid to the retailer, and with the further understanding that the goods would be returned to the retailer if not sold at the event are subject to sales tax on the minimum price even if the twenty-five thousand dollar threshold is not met. For example, a bike shop offers a bike to a charitable organization to be sold at a fundraising auction, but the bike shop requires the charitable organization to pay the bike shop a portion of the purchase price in the event the bike is sold. The charitable organization must collect sales tax from the successful bidder for the payment made to the bike shop, even if the net proceeds from the event do not exceed the twenty-five thousand dollar threshold.
- (c) *Donations.* A portion of the purchase price for a sale made by a charitable organization may be a donation if the amount paid exceeds the fair market value of the good purchased.
 - (i) The exclusion of donations from the tax base applies even if the charitable organization exceeds the twelve day / twenty-five thousand dollar threshold of the occasional sale exemption. This rule also applies to state-administered local sales taxes even if the local tax jurisdiction elected to tax occasional sales of charitable organizations.
 - (ii) The donation amount is not included in the calculation of the twenty-five thousand dollar net proceeds threshold for the occasional sale exemption.
 - (iii) *Examples.*
 - (A) An electronic retailer donates a laptop computer that it sells for \$700 at retail. The charitable organization offers the laptop computer at a silent auction and discloses that the fair market value of the laptop computer is \$700. The winning bid is \$1,000. \$300 is a donation not subject to tax.
 - (B) Charitable organization sells 300 tickets for \$100 for a dinner and silent auction event. This is the charitable organization's only event that calendar year. Organization discloses to ticket purchasers that \$75 of the \$100 ticket price is a donation. Each dinner costs the charitable organization \$10. Charitable organization generates \$33,000 in silent auction gross sale proceeds (\$30,000 derived from the auction of taxable tangible personal property, \$1,000 from the auction of non-taxable

services and gift certificates, and \$2,000 from the auction of taxable vacation rentals), \$20,000 in net proceeds from the silent auction, and \$4,500 from the sale of dinner $((\$25-\$10) \times 300)$, for a total in net proceeds of \$24,500. Because the \$75 is a donation and not proceeds from a sale of what would otherwise be taxable goods, the \$22,500 $(\$75 \times 300)$ in donations from ticket sales is not added to the \$24,500 in net proceeds to determine whether the \$25,000 in net proceeds threshold is exceeded. Sales tax is not due on the net proceeds because the charity has not exceeded the \$25,000 threshold. The \$1,000 in non-taxable services and gift certificates and the \$2,000 in taxable living accommodations are excluded from the net proceeds calculations because the services and gift certificates are not taxable and the living accommodations do not qualify under the occasional sales exemption, which applies only to taxable tangible personal property and not taxable services. (Tax must be collected on the living accommodations.)

- (I) *Local Sales Taxes.* If the state-administered local tax jurisdiction in which the sale occurred elected not to exempt occasional sales by charitable organizations, then the local tax applies to the gross proceeds from the sale of dinner and auction items, even if the organization did not exceed the \$25,000 net proceeds threshold, but local tax does not apply to the \$75 per ticket because a donation is not subject to state or local sales taxes.
- (C) Same facts as Example No. 2, except the net proceeds from the auction sale are \$23,000. Because the net proceeds threshold is exceeded $(\$23,000 + \$4,500)$, sale tax applies to the gross price, not just the net proceeds, for all dinners $(\$25 \times 300)$ and to the gross price all of the sales at auction $(\$30,000 + \$2,000)$. Sales tax is not collected on the \$1,000 in the sales of non-taxable services and gift cards and not on the \$22,500 in donations.
- (iv) In order to claim a sales tax exemption for a donation included in the buyer's purchase price, the buyer and charitable organization must establish the following:
 - (A) the fair market value of the taxable item or service, and
 - (B) that the buyer knowingly paid in excess of the fair market value with the intent to donate that excess portion of the price to the charitable organization.
- (v) The Department will presume that the price paid for an item sold at auction is the item's fair market value and that the buyer did not knowingly pay in excess of the fair market value. These presumptions can be rebutted by reasonable evidence, such as the price for comparable goods sold by a retailer in its regular course of business and that buyer knew the fair market value of the goods at the time of the purchase. For example, the fair market value of a signed professional sports jersey sold at auction will be presumed to be the price paid by the successful bidder, but the presumption can be rebutted by documentation of the sales price of a comparable signed jersey sold to the public at the professional team's or other retail store.
 - (A) *Examples.*

- (I) A charitable organization holds a fundraising dinner for which patrons purchase a ticket for \$100 per person. The organization compiles information that establishes that the fair market value of the dinner is \$25 and the cost per meal is \$10. The organization establishes that purchasers knowingly paid in excess of the fair market value of the item by disclosing to patrons, at the time tickets are sold, that the fair market value of the dinner is \$25 (or that \$75 of the \$100 purchase price is a donation). State sales tax is due on the \$25 if the organization exceeded the \$25,000 net proceeds threshold.
 - (II) The fair market value of an item sold at auction is not based on the cost to the organization to acquire the item. For example, a donor may donate a set of golf clubs or a night stay at a condominium to the organization to be auctioned at a fundraising event. The fair market value of the golf clubs or room is not zero even though the organization acquired the golf clubs or room for free. The fair market value is the price at which the item would sell on the open market.
 - (III) A charitable organization holds a fundraising auction. The organization previously conducted concession sales and other fundraising sales for twelve days in the same year. The organization compiles information of the fair market value of each of the items sold at auction. The organization establishes that the purchaser knowingly paid in excess of the fair market value of the item by disclosing the fair market value of the auctioned items to potential bidders prior to bidding. The organization does not collect sales tax on that portion of the purchase price that exceeds the fair market value.
- (vi) The Department will presume that any donation that qualifies as a donation for federal income tax purposes also qualifies as a donation for sales tax purposes.
- (8) **Parent-Teacher Associations.** Sales by associations or organizations of parents and teachers of public school students are exempt from sales tax if:
 - (a) The association or organization is a charitable organization, and;
 - (b) The sale proceeds are used for the benefit of a public school, an organized public school activity, or to pay reasonable expenses of the association or organization.
 - (c) The exemption does not apply to sales by private schools. However, sales by private schools that qualify as charitable organizations are exempt as occasional sales or are not taxable to the extent the purchase price is a donation, or are exempt pursuant to paragraph 9, below. §39-26-718(1)(c), C.R.S. See paragraph (10), below, for information on local taxes.
 - (d) *Occasional Sales Restrictions Do Not Apply.* This exemption applies even if the sale has exceeded the occasional sale exemption threshold (twelve days / twenty-five thousand dollar as discussed in (7)(b) "Occasional Sale Exemption").
 - (i) *Example.* A public school parent-teacher association can raise funds by selling candy exempt from sales tax in order to purchase school sports uniforms. However, if the parent-teacher association is supporting a private school, its

sales are taxable, unless the association is a charitable organization for educational purposes. In addition, if students reimburse the school for the uniforms, then tax must be collected on the amount paid by students.

- (9) **Sales by Public, Private Schools and Supporting Organizations.** Sales by public and private schools and supporting organizations are exempt from sales tax if the conditions described in paragraphs (a) to (d) are met. See paragraph (10), below, for information on local taxes.

- (a) The school is for students in kindergarten through twelfth grade.
- (b) Preschools, trade schools and post-secondary schools do not qualify.
- (c) The sale is made by any of the following:
 - (i) the school;
 - (ii) an association or organization of parents and school teachers;
 - (iii) booster club or other club, group or organization whose primary purpose is to support a school activity; or
 - (iv) a school class, student club, group or organization.

These organizations qualify for this exemption even if they are not charitable organizations. Examples include: concession sales by booster club or a silent auction sales conducted by a parent-teacher association or school are exempt if all the proceeds are donated to the school or school-approved student organization

- (d) All the proceeds from the sale, except the actual cost incurred by a person or entity to acquire the good or service sold, must be donated to the school or school-approved student organization. Actual costs incurred to acquire the goods or services include, payment facility charges (rent for space, furniture or equipment), labor (wages for security, independent contractors, employees), transportation, meals, insurance, and other costs.
 - (e) Sales by a parent-teacher association that are not exempt under this paragraph (9) may, nevertheless, be as exempt if the sale meets the requirements for an exempt sale as a charitable organization or as a public school parent-teacher association or organization.
 - (f) *Occasional Sales Restrictions do not apply.* This exemption applies even if the sale has exceeded the thresholds for the occasional sale exemption (twelve days / twenty-five thousand dollar as discussed in (7)(b) "Occasional Sale Exemption,").
 - (g) Purchases by public schools are exempt from sales tax. §39-26-704(4), C.R.S. Purchases by private schools are not exempt unless the private school is a charitable organization.
- (10) **State-Administered Local Tax Jurisdictions.** State-administered cities and counties have the option to adopt the following exemptions from sales tax (1) occasional sales by charitable organizations, (2) sales that benefit a Colorado school, and (3) sales by an association or organization of parents and teachers of public school students that is a charitable organization. See, §29-2-105(1)(d)(I)(E), (K), and (L) C.R.S., respectively. However, state-administered special districts, such as the Regional Transportation District, must always exempt such sales from sales tax in conformity with state sales tax exemptions. Unless exempt, charitable organizations are responsible for collecting state-administered city and county sales taxes for the local jurisdiction

in which the sale occurs. If the state-administered city or county taxes occasional sales, then the charitable organization must obtain a Colorado sales tax license prior to such sales so that the organization can report and remit the local sales tax to the Department, even though these sales are exempt from Colorado state sales tax. Home rule cities are not governed by these rules and procedures and should be contacted directly for more information on their procedures

- (11) **Other Tax Exempt Organizations.** Other tax-exempt organizations (including governmental entities) that sell tangible personal property (for example, through a secondhand goods retail store, a fundraiser sales event or routine sales of organization-related items) must obtain a sales tax license and collect all applicable state and local sales taxes.

Cross Reference(s):

1. For a list of state-administered local tax jurisdictions that levy sales tax on occasional sales, see Department publication “Colorado Sales/Use Tax Rates” (DR 1002), available at www.colorado.gov/pacific/tax > Instructions and Forms > Sales Tax > DR 1002.
2. For a list of home rule cities, see also Department publication “Colorado Sales/Use Tax Rates” (DR 1002).
3. For information on the exemption for donations of manufactured goods by manufacturers, see §39-26-705(2), C.R.S.
4. For additional information on sales related to schools, see §39-26-725, C.R.S.
5. Catholic Health Initiatives Colo. v. City of Pueblo, 207 P.3d 812, (Colo. 2009).

COLORADO DEPARTMENT OF REVENUE STATEMENT OF BASIS AND PURPOSE

CHARITABLE AND OTHER EXEMPT ORGANIZATIONS

39-26-718

1 CCR 201-4

Basis

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-718, C.R.S.

Purpose

The purpose of this amendment is to increase a threshold in the rule regarding the use of check or credit card for exempt purchases. The rule currently allows the exemption for purchases over one hundred dollars only if paid for with check or credit card issued in the exempt organization's name. Exempt organizations can make purchases in in dollar amounts below this threshold with cash. This amendment will raise this threshold to two-hundred fifty dollars.

Notice of Proposed Rulemaking

Tracking number

2017-00551

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-4

Rule title

SALES AND USE TAX

Rulemaking Hearing**Date**

12/20/2017

Time

09:00 AM

Location

1375 Sherman Rm 127

Subjects and issues involved

The purpose of this amendment is to repeal the rule which defines the terms treasurer and state treasurer as used in 1 CCR 201-4 to mean the Executive Director of the Department of Revenue. The terms treasurer and state treasurer are no longer used in 1 CCR 201-

Statutory authority

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-102(14), C.R.S.

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DEPARTMENT OF REVENUE

Taxpayer Service Division – Tax Group

SALES AND USE TAX

1 CCR 201-4

Regulation 26-102.14.

~~The administration and enforcement of the Act has been transferred to and vested in the executive director as the administrative head of the department of revenue by Title 24, Article 35, C.R.S. 1973. Therefore, the terms “treasurer” and/or “state treasurer” as used herein mean the executive director of the department of revenue.~~

COLORADO DEPARTMENT OF REVENUE STATEMENT OF BASIS AND PURPOSE

**39-26-102.14
1 CCR 201-4**

Basis

The statutory basis for this rule is §§ 39-21-112(1) and 39-26-102(14), C.R.S.

Purpose

The purpose of this amendment is to repeal the rule which defines the terms “treasurer” and “state treasurer” as used in 1 CCR 201-4 to mean the Executive Director of the Department of Revenue. The terms “treasurer” and “state treasurer” are no longer used in 1 CCR 201-4.

Notice of Proposed Rulemaking

Tracking number

2017-00557

Department

200 - Department of Revenue

Agency

203 - Division of Liquor Enforcement

CCR number

1 CCR 203-2

Rule title

LIQUOR CODE

Rulemaking Hearing**Date**

12/19/2017

Time

11:00 AM

Location

17301 W. Colfax Ave, Suite 135, Golden, CO 80401

Subjects and issues involved

Rules pursuant to annual rule review as listed in the regulatory agenda. General rule review and clarity revisions along with compliance for legislative bills.

Statutory authority

Pursuant to authority granted in section 12-47-202 C.R.S. of the Colorado Liquor Code and section 24-3-103 C.R.S. of the Administrative Procedure Act.

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DEPARTMENT OF REVENUE

Division of Liquor Enforcement

1 CCR 203-2

Liquor Code

Regulation 47-100. Definitions.

- J. "Sandwiches" as used in articles 47 and 48 of Title 12, C.R.S. are defined as single serving items such as hamburgers, hot dogs, frozen pizzas, burritos, chicken wings, ~~etc.~~ OR ITEMS OF A SIMILAR NATURE. "Light snacks" as used in articles 47 and 48 of Title 12, C.R.S. are defined as popcorn, pretzels, nuts, chips, ~~etc.~~ OR ITEMS OF A SIMILAR NATURE.

Regulation 47-300. Change in Class of License.

- B. ~~A liquor licensed drugstore licensee that was licensed on or before July 1, 2000, may convert its license to a retail liquor store license upon the filing of a new application and payment of all applicable state and local application and license fees, but the local authority shall not consider the distance restrictions described in section 12-47-313(1)(d)(i), C.R.S. Further, the local authority may, but shall not be required to, consider the reasonable requirements of the neighborhood when considering the new application.~~ REPEALED.

Regulation 47-303. License Renewal.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b) and 12-47-202(2)(a)(I)(D), C.R.S. The purpose of this regulation is to clarify and establish procedures and deadlines for a licensee that is applying to renew their ITS license in accordance with section 12-47-302, C.R.S.

Regulation 47-310. Application - General Provisions.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), 12-47-202(2)(a)(I)(A), and 12-47-304(1), AND 12-47-307, C.R.S. The purpose of this regulation is to establish requirements for a license application, and provide factors the licensing authority must consider when evaluating an application for approval or rejection.

- E. When a licensing authority is required to make a determination as to the character, record and reputation of existing licensees or applicants for new licenses, including transfers of ownership of existing licenses, the authority may consider the following factors, which may include but not be limited to the following:
4. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes RELATED TO A BUSINESS, ~~and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;~~

Regulation 47-312. Change of Location.

- F. For retail licenses no change of location shall be allowed except to another location within the same city, town, county, or city and county in which the license was originally issued ~~was to be~~

exercised.

Except, a retail liquor store licensed on or before January 1, 2016, may apply to move its permanent location to another place within or outside the municipality or county in which the license was originally granted. It is unlawful for the retail liquor store licensee to sell any alcohol beverages at the new location until such application is approved by the state and local licensing authorities. Once approved, the retail liquor store licensee shall change the location of its premises within three (3) years after such approval. A change of location of a retail liquor store within the same jurisdiction is not subject to the distance requirement pursuant to section 12-47-301(12)(a), C.R.S.

Regulation 47-322. Unfair Trade Practices and Competition.

B. On-site sales promotions

1. Suppliers may conduct an on-site product sales promotion at a retailer's licensed premises subject to the following conditions:
 - a. Free goods of any value may be provided to the public, provided that a supplier's representative or authorized agent, who is not the retailer or a retail employee/agent, is physically present to award free goods to the public.
SUPPLIERS SHALL NOT REQUIRE A CUSTOMER PURCHASE IN ORDER FOR THE CUSTOMER TO RECEIVE THE FREE GOODS.

F. Consignment Sales and Lawful Product Returns

3. Wholesalers are permitted to accept a return of alcohol beverages previously sold to retailers for ordinary and usual commercial reasons and to provide account credit or product exchange. Such commercial reasons for return shall be limited to the following:
 - j. WITHIN THIRTY DAYS OF EVIDENCE OF AN EXPIRATION OR a lawful surrender and cancellation of a retail liquor license by the state licensing authority.

Regulation 47-323. Lawful Extension of Credit.

A. Definitions: For purposes of this regulation, the following definitions are applicable:

2. "Retailer" means those persons licensed pursuant to sections 12-47-401(1)(h) – (t) and (v) – (w) and 12-46-104(1)(c), C.R.S. to sell alcohol beverages to the end consumer. Except the term "retailer" as used in this regulation shall not include a liquor-licensed drugstore that receives a license after January 1, 2017, which shall not purchase alcohol beverage on credit or accept an offer or extension of credit from a licensee and shall effect payment upon delivery of the alcohol beverage pursuant to section 12-47-408(12)(b), C.R.S.

B. Transaction Requirements and Restrictions:

4. Where there is lawful ownership of multiple, separately-licensed retail locations, each location must be considered separate and distinct with respect to alcohol beverage purchases. Therefore, a supplying licensee shall consider each location as separate and distinct for the purpose of extending credit. For retailers holding a resort complex OR A CAMPUS LIQUOR COMPLEX class of hotel and restaurant license, all areas RELATED FACILITIES within the resort complex OR THE CAMPUS LIQUOR COMPLEX must be considered as a single location for the purpose of extending credit.

Regulation 47-326. Distance Restriction – Applicability and Measurement.

B. The restriction stated herein shall not be applicable to the following:

6. A CAMPUS LIQUOR COMPLEX.

Regulation 47-416. Items Approved for Sale in Retail Liquor Stores.

A. Retail liquor stores may sell any non-alcohol products (unless prohibited by law or rule), but only if the annual gross revenues from the sale of non-alcohol products ~~does~~ do not exceed twenty (20) percent of the retail liquor store's total annual gross revenues.

B. FOR PURPOSES OF CALCULATING THE ANNUAL GROSS REVENUES FROM THE SALE OF NON-ALCOHOL PRODUCTS, SALES REVENUES FROM THOSE NON-ALCOHOL PRODUCTS THAT ARE EXCLUDED BY STATUTE SHALL NOT BE CONSIDERED.

Regulation 47-426. Delivery of Alcohol Beverages.

A. Delivery Prohibited.

No retail liquor licensee, licensed to sell malt, vinous, and spirituous liquor for off-premises consumption or fermented malt beverages for on and off premises consumption, shall conduct a delivery only business, or permit the delivery of such alcohol beverages beyond the customary parking area for the customers of the retail outlet except as permitted in PARAGRAPH B (1) of this regulation.

B. Delivery Permitted.

4. Have a licensed premises with the following conditions:

C. Have signage viewable from a public road.

Regulation 47-502. Excise Tax Reports.

A. Resident manufacturers and wholesalers.

2. Reporting and payment of excise taxes - first sold.

Each Colorado licensed wholesaler or manufacturer shall, in addition to filing form ~~DR-0441~~ and DR 0445, also complete and file each month with the Department of Revenue form DR 0442. Form DR 0442 shall be filed on or before the 20th of the month succeeding the month reported. Payment of excise taxes due shall accompany the filing of form DR 0442.

Regulation 47-600. Complaints against Licensees - Suspension and Revocation of Licenses.

G. During any period of active license suspension, when such suspension has not otherwise been stayed by a licensing authority through the payment of a fine pursuant to section 12-47-601(3) through (7 7.5), C.R.S., the licensee shall not permit the selling, serving, giving away, or consumption of alcohol beverages on the licensed premises.

H. FOR PURPOSES OF CALCULATING A FINE TO BE PAID IN LIEU OF AN ACTIVE SUSPENSION, "BETWEEN", AS USED IN SUBSECTION 12-47-601(3)(B), C.R.S., SHALL INCLUDE THE MINIMUM AND MAXIMUM FINE AMOUNTS PERMITTED BY STATUTE.

Regulation 47-700. Inspection of the Licensed Premises.

Basis and Purpose. The statutory authority for this regulation is ~~located at~~ INCLUDES, BUT IS NOT LIMITED TO, subsections 12-47-102, 12-47-201, 12-47-202(1)(b), 12-47-202(2)(A)(I)(C), 12-47-202(2)(a)(I)(E), and 12-47-202(2)(a)(I)(O), AND 12-47-202(2)(A)(I)(R), C.R.S. The purpose of this regulation is to clarify the ~~premises;~~ THAT THE ADMINISTRATION OF ARTICLES 46, 47, OR 48 OF TITLE 12 PERMITS INSPECTIONS OF LICENSED PREMISES AND THE SEIZURE OF ANY AND ALL ALCOHOL BEVERAGES OR OTHER ITEMS THAT ARE IN VIOLATION OF, OR ARE EVIDENCE OF A VIOLATION OF, ARTICLES 46, 47, OR 48 OF TITLE 12 AND ANY REGULATIONS PROMULGATED THEREUNDER. THIS REGULATION ALSO PROVIDES CLARITY TO LICENSEES AND THEIR AGENTS, SERVANTS, AND EMPLOYEES, REGARDING THE TIME, PLACE, SCOPE, AND ITEMS SUBJECT TO INSPECTION. THIS REGULATION ALSO SERVES THE PURPOSE OF IDENTIFYING THE ~~books;~~ and records ~~subject to investigation by the licensing authority as well as records~~ REQUIRED to be maintained by the licensee and the period of time such records ~~shall~~ MUST be maintained AND PROVIDED UPON REQUEST.

- A. The licensed premises, including any places of storage where alcohol beverages are stored or dispensed, shall be subject to ~~inspection~~ INSPECTIONS by the State or Local Licensing Authorities and their DULY AUTHORIZED REPRESENTATIVES (WHICH INCLUDE investigators_i or peace officers)_i during all business hours and all other times of apparent activity, for the purpose of DETERMINING COMPLIANCE WITH THE PROVISIONS OF ARTICLES 46, 47, OR 48 OF TITLE 12, C.R.S., AND REGULATIONS PROMULGATED THEREUNDER ~~inspection or investigation~~. For examination of any inventory or books and records required to be kept by licensees, access shall only be required during business hours. Where any part of the licensed premises consists of a locked area (FOR EXAMPLE, CLOSETS, FILING CABINETS, DESKS, SAFES), upon demand to the licensee, such area shall be made available for inspection without UNREASONABLE delay; and upon request by authorized representatives of the licensing authority or peace officers, such licensee shall open said area for inspection.
1. THE STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES SHALL HAVE THE AUTHORITY TO INVENTORY ANY OR ALL ALCOHOL BEVERAGES AND ITEMS RELATED TO THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOL BEVERAGES ON THE LICENSED PREMISES OR ANY PLACE WHERE ALCOHOL BEVERAGES ARE STORED OR DISPENSED.
 2. IN CONNECTION WITH ANY SUCH INSPECTIONS, THE STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES MAY EXAMINE, SECURE, OR SEIZE ALCOHOL BEVERAGES OR OTHER ITEMS FOUND SO LONG AS THERE IS A REASONABLE BELIEF THAT SUCH ALCOHOL BEVERAGES OR OTHER ITEMS ARE IN VIOLATION OF, OR MAY BE USED AS EVIDENCE OF A VIOLATION OF, ARTICLES 46, 47, OR 48 OF TITLE 12, OR ANY REGULATIONS PROMULGATED THEREUNDER. BY WAY OF ILLUSTRATION, SUCH OTHER ITEMS MAY INCLUDE, BUT ARE NOT LIMITED TO, INVENTORY, SURVEILLANCE MEDIA, BOOKS AND RECORDS REQUIRED TO BE KEPT BY THE LICENSEE, AND OTHER RECORDS MAINTAINED BY THE LICENSEE.
 3. THE STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES SHALL PROMPTLY PROVIDE THE LICENSEE WITH WRITTEN NOTICE DESCRIBING ANY AND ALL ITEMS SECURED OR SEIZED AND THE REASONS FOR SECURING OR SEIZING SUCH ITEMS.
- B. Each licensee shall retain all books and records necessary to show fully the business transactions of such licensee for a period of the current tax year and the three prior tax years. "Books" and "records" ~~includes information and documents provided in a readable electronic/digital format, facsimile or paper~~ INCLUDE DOCUMENTS OR INFORMATION IN PRINTED OR PAPER FORM AS WELL AS DOCUMENTS OR INFORMATION MAINTAINED IN A READABLE ELECTRONIC OR DIGITAL FORMAT. LICENSEES SHALL PROVIDE COPIES OF BOOKS AND RECORDS REQUESTED BY THE STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES WITHOUT UNREASONABLE DELAY.

Regulation 47-902. Sanitary Requirements.

- A. Each ~~retail~~ licensee selling alcohol beverages for consumption on the premises, shall maintain its establishment in clean and sanitary condition.

- B. ~~and if~~ If the licensed establishment LICENSEE is a ~~restaurant~~ ALSO REQUIRED TO BE licensed by the Colorado Department of Public Health and Environment OR THE DENVER DEPARTMENT OF EXCISE AND LICENSES, it shall maintain ~~such~~ THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE DENVER DEPARTMENT OF EXCISE AND LICENSES license in full force and effect at all times while selling such ALCOHOL beverages for consumption therein.

Regulation 47-904. Product Labeling, Substitution, Sampling and Analysis.

~~Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material.~~ Copies of the material incorporated by reference may be obtained by contacting the Director of the Colorado Liquor Enforcement Division of the Department of Revenue, 1881 Pierce Street, Suite 108A, Lakewood, Colorado Tel: 303-205-2300, and copies of the material may be examined at any state publication depository library.

Regulation 47-905. Colorado Wineries – Labeling and Records.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), ~~and~~ 12-47-202(2)(a)(I)(N), ~~and~~ 12-47-202(2)(a)(I)(O), AND 12-47-403(2.3), C.R.S. The purpose of this regulation is to establish labeling and record keeping standards for Colorado wineries.

- C. Honey wine, mead or any vinous liquor the alcoholic content of which is primarily obtained from fermented honey shall not be subject to paragraph ~~±~~ A of this regulation, 47-905, except that the use of the phrase “Colorado grown” shall require that all honey and any other agricultural products used to manufacture or flavor the wine must be grown, gathered or harvested within Colorado.

Regulation 47-908. Automatic and Electronic Dispensing Systems.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), ~~and~~ 12-47-202(2)(a)(I)(A), 12-47-202(2)(A)(I)(B), 12-47-202(2)(A)(I)(E), 12-47-202(2)(A)(I)(L), 12-47-202(2)(A)(I)(M), AND 12-47-202(2)(A)(I)(N), C.R.S. The purpose of this regulation is to establish requirements for an on-premises consumption licensee’s self-dispensing system and its operation if a licensee has a self-dispensing system on the licensed premises.

- C. Such equipment shall not be coin operated nor be able to accept other payment methods and shall be operated personally and directly only by the licensee or employees thereof. Provided, however, this subsection (C) does not apply to a dispensing system that is located at a licensed premises where the regular consumption of malt liquors, fermented malt beverages, vinous liquor or spirituous liquor by persons over the age of twenty-one is authorized under the following conditions:
5. No alcohol shall be dispensed ~~past~~ OUTSIDE the time in accordance to TIMES ALLOWED PURSUANT TO sections 12-47-901(5) or 12-47-301(10)(f)(c)(V), C.R.S. and any un-dispensed alcohol after such time will be forfeited and not be able to be dispensed at a later time. ~~this~~ THIS paragraph (5) does not prohibit a refund of unused credit to a consumer.

Regulation 47-913. Age of Employees.

- A. ~~RETAIL LIQUOR~~ LIQUOR stores (pursuant to section 12-47-407, C.R.S.), liquor-licensed drug stores (pursuant to section 12-47-408, C.R.S.), and taverns (pursuant to section 12-47-412, C.R.S.) THAT DO NOT REGULARLY SERVE MEALS, AND LODGING AND ENTERTAINMENT FACILITIES THAT DO NOT REGULARLY SERVE MEALS:
- C. EXCEPT AS PROVIDED IN PARAGRAPH A OF THIS REGULATION, ~~Retailers~~ RETAILERS licensed for on-

premises consumption pursuant to article 47 of title 12, C.R.S., ~~except for taverns licensed under section 12-47-412, C.R.S.~~ and special event permit holders:

2. Employees or agents of the licensee who are at least eighteen (18) years of age may handle and otherwise act with respect to alcohol beverages in the same manner as such person would with other items sold at retail AND MAY SELL SUCH ALCOHOL BEVERAGES OR CHECK IDENTIFICATION OF THE CUSTOMERS OF THE RETAIL OUTLET, as long as they are under the direct supervision of a person who is at least 21 years of age.

Regulation 47-916. Advertising.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), ~~and 12-47-202(2)(a)(I)(H), AND 12-47-202(2)(A)(I)(N),~~ C.R.S. The purpose of this regulation is to provide guidance regarding certain prohibited advertising practices of malt, vinous, or spirituous liquor licensees regarding the alcohol content of beverages sold, distributed, or dispensed on the licensed premises.

Regulation 47-918. Removal of Alcohol Beverages from Premises.

- A. Other than those licensees described in ~~Section~~ SECTION 12-47-421(2)(AA), C.R.S. who may permit a patron to reseal a partially consumed bottle of vinous liquor (not to exceed 750 ml) which was originally sold for on-premises consumption; no licensee, manager or agent of any establishment licensed for on-premises consumption shall knowingly or recklessly permit the removal from the licensed premises of any alcohol beverages in sealed or unsealed containers.
- B. Licensees described in paragraph A of this regulation who permit a patron to remove a partially consumed bottle of vinous liquor shall reseal the bottle with a cork or other commercially manufactured stopper.

Regulation 47-920. Solicitation of Drinks.

- A. No licensee, manager or agent shall employ or permit upon any premises licensed for on-premises consumption, any employee, waiter, waitress, entertainer, host or hostess to mingle with patrons and personally beg, procure, or solicit the purchase or sale of drinks or ALCOHOL beverages for the use of the one begging, procuring or soliciting or for the use of any other employee.
- B. No licensee, manager or agent SELLING ALCOHOL BEVERAGES FOR CONSUMPTION ON THE PREMISES shall permit ~~upon any licensed on-sale premises~~ anyone to loiter in or about said premises who solicits or begs any patron or customer of, or visitor in, such premises to purchase any drinks or ALCOHOL beverages for the one soliciting or begging.

Regulation 47-926. Interference with Officers.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), ~~and 12-47-202(2)(a)(I)(A), 12-47-202(2)(A)(I)(E), AND 12-47-202(2)(A)(I)(R),~~ C.R.S. The purpose of this regulation is to prohibit the use or threat of force against a licensing authority employee or peace officer exercising their duties under the article.

Regulation 47-940. Powdered Alcohol – Packaging and Labeling.

Basis and Purpose. The statutory authority for this regulation is found at subsections 12-47-202(1)(b), 12-47-202(2)(a)(I)(A), 12-47-202(2)(A)(I)(N), and 12-47-401(2), C.R.S. The purpose of this regulation is to establish packaging and labeling standards for powdered alcohol products.

Any manufactured package of powdered alcohol as defined in section 12-47-103(23.7), C.R.S. OR SECTION

12-47-103(36), C.R.S. shall have the following words:

THIS PRODUCT CONTAINS ALCOHOL

in a bold-face font at least ¼ inch in height, which is a part of the permanent manufactured packaging of the powdered alcohol product.

Regulation 47-942. Powdered Alcohol Regulation.

Basis and Purpose. The statutory authority for this regulation is found at subsections 12-47-202(1)(b), 12-47-202(2)(a)(I)(A), and 12-47-401(2), C.R.S. On March 15 10, 2015, the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) allowed the use of powdered alcohol as a distilled spirit. The purpose of this regulation is to establish rules and guidance regarding the manufacture, purchase, sale, possession, and use of powdered alcohol and clarifying that because powdered alcohol is defined as a spirituous liquor all regulations that apply to spirituous liquor apply to powdered alcohol.

- A. Pursuant to section 12-47-103(36), C.R.S., ~~Powdered~~ POWDERED alcohol is defined as a spirituous liquor; therefore all regulations pertaining to spirituous liquor apply to powdered alcohol.

Regulation 47-1000. Qualifications for Special Event Permit.

Organizations qualifying for special events permit are described as follows:

- D. A regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes and being ~~non-profit~~ NONPROFIT in nature.
- G. Any political candidate who has filed the necessary reports and statements with the secretary of state pursuant to article 45 of title 1, C.R.S. ~~political~~ POLITICAL as used in article 48 of title 12, shall mean any political organization OR POLITICAL PARTY as defined in section 1-1-104, C.R.S. However, no permit shall be required for those individuals or candidates campaigning or running for public office and who sponsor fund raising activities when such activities are held in a private residence and there is no cash bar in operation.
- H. AN ENTITY THAT IS EITHER A STATE AGENCY, THE COLORADO WINE INDUSTRY DEVELOPMENT BOARD CREATED IN SECTION 35-29.5-103, C.R.S., OR AN INSTRUMENTALITY OF A MUNICIPALITY OR COUNTY, PROVIDED THAT THE ENTITY PROMOTES:
1. ALCOHOL BEVERAGES MANUFACTURED IN THE STATE; OR
 2. TOURISM IN AN AREA OF THE STATE WHERE ALCOHOL BEVERAGES ARE MANUFACTURED.
- I. ANY MUNICIPALITY OWNING ARTS FACILITIES AT WHICH PRODUCTIONS OR PERFORMANCES OF AN ARTISTIC OR CULTURAL NATURE ARE PRESENTED FOR USE AT SUCH FACILITIES.

Regulation 47-1002. Application for Special Event Permit.

- B. A local authority may elect not to notify the state licensing authority for the purpose of obtaining the state licensing authority's approval or disapproval of an application for special event permit. a Any local authority electing not to notify the state licensing authority shall promptly act upon each application for special event permit.
- H. The holder of any type of special event permit issued by either licensing authority, shall post such permit upon the premises covered by such permit and any authorized non-contiguous storage areas, and it shall produce evidence of the permit to any law enforcement officer.

Regulation 47-1006. Special Event Permit - Application on School Property.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b),~~1~~ and 12-47-202(2)(a)(I)(A), AND 12-47-202(2)(A)(I)(R),~~1~~ C.R.S. The purpose of this regulation is to make clear that the issuance of a special event permit within a distance restricted (500 ft) area pertaining to school property during hours in which no school classes are scheduled is permitted and otherwise prohibiting the same.

- A. No application for the issuance of a special event permit for the sale of malt, vinous or spirituous liquors shall be received or acted upon where the premises upon which the alcohol beverage is to be sold is located within five hundred feet of any public or parochial school or the principal campus of any college, university or seminary, which distance is to be measured as set forth in the liquor code or related regulations,~~provided such~~.
- B. THIS restriction shall not be imposed during those hours in which no school classes are scheduled,~~1~~ OR SHALL NOT APPLY TO THOSE APPLICABLE EXCEPTIONS SET FORTH IN SUBSECTION 12-47-313(1)(D)(I), C.R.S. OR RELATED REGULATIONS.

Regulation 47-1012. Special Event Permit – Permitted Age of Servers.

- B. EXCEPT AS PROVIDED BY REGULATION 47-913(B), 1 C.C.R. 203-2, A A person who is between eighteen (18) and twenty (20) years of age may sell and dispense alcohol beverages when said person is under the direct supervision of a person who is at least twenty-one (21) years of age.

NOTICE OF RULEMAKING HEARING

The State Licensing Authority of the Colorado Department of Revenue, Liquor Enforcement Division, will consider the promulgation of amendments to its Rules and Regulations as authorized by the Colorado Liquor Code, sections 12-47-101 *et seq.*, C.R.S. For specific information and language concerning the proposed changes, please refer to the contents of this Notice and to the proposed rules that are set forth following this notice and are also at the Colorado Department of Revenue, Liquor Enforcement Division's website at: www.colorado.gov/enforcement/liquor.

STATUTORY AUTHORITY FOR RULEMAKING

The State Licensing Authority promulgates these rules pursuant to the authority granted in section 12-47-202, C.R.S., of the Colorado Liquor Code 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 Colorado Department of Revenue, Liquor Enforcement Division's website at www.colorado.gov/enforcement/liquor. In addition, the proposed rules attached to this Notice are fully incorporated herein.

The State Licensing Authority will consider the promulgation of the following list of new rules and/or existing rules with changes proposed on the subjects addressed therein. For specific information and language concerning the proposed changes, please refer to the proposed rules that are set forth with this notice, at the Colorado Department of Revenue, Liquor Enforcement Division's website, and on the Colorado Secretary of State website.

RULES TO BE CONSIDERED FOR AMENDMENT OR ADOPTION

The Rules to be considered for amendment or adoption are described as follows:

- Regulation 47-100. Definitions.
- Regulation 47-300. Change in Class of License.
- Regulation 47-303. License Renewal.
- Regulation 47-310. Application – General Provisions.
- Regulation 47-312. Change of Location.
- Regulation 47-322. Unfair Trade Practices and Competition
- Regulation 47-323. Lawful Extension of Credit
- Regulation 47-326. Distance Restriction – Applicability and Measurement.
- Regulation 47-416. Items Approved for Sale in Retail Liquor Stores.
- Regulation 47-426. Delivery of Alcohol Beverages.
- Regulation 47-502. Excise Tax Reports.
- Regulation 47-600. Complaints against Licensees – Suspension and Revocation of Licenses.
- Regulation 47-700. Inspection of the Licensed Premises.
- Regulation 47-902. Sanitary Requirements.

Regulation 47-904. Product Labeling, Substitution, Sampling and Analysis.
Regulation 47-905. Colorado Wineries – Labeling and Records
Regulation 47-908. Automatic and Electronic Dispensing Systems.
Regulation 47-913. Age of Employees.
Regulation 47-916. Advertising.
Regulation 47-918. Removal of Alcohol Beverages from Premises.
Regulation 47-920. Solicitation of Drinks.
Regulation 47-926. Interference with Officers.
Regulation 47-940. Powdered Alcohol – Packaging and Labeling.
Regulation 47-942. Powdered Alcohol Regulation.
Regulation 47-1000. Qualifications for Special Event Permit.
Regulation 47-1002. Application for Special Event Permit.
Regulation 47-1006. Special Event Permit – Application on School Property.
Regulation 47-1012. Special Event Permit – Permitted Age of Servers.

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of the rulemaking hearing to be held on December 19, 2017, will include any written comments or oral testimony submitted or presented.
2. Written Comments. The State Licensing Authority encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by December 14, 2017 so that the State Licensing Authority can review comments prior to the rulemaking hearing. Written comments will also be accepted after the rulemaking hearing. The deadline to submit written comments is 5:00 P.M. on December 22, 2017.

The State Licensing Authority will accept all written comments but strongly encourages written comments to be submitted on the Liquor Enforcement Division Suggested Revision to Rules Form (Rule Form). The form may be found at: <https://www.colorado.gov/pacific/sites/default/files/DR%202477.pdf>.

Please print, complete, and save the Rule Form as a separate document and then submit the Rule Form via e-mail. Written comments and completed Rule Forms may be emailed to: dor_led@state.co.us. In addition, you may submit completed Rule Forms to:

Liquor Enforcement Division – Room 108
Ref: Rules
P.O. Box 173350
Denver, CO 80217-3350

Written comments will be accepted at the rulemaking hearing.

3. Oral Comments. At its discretion, the State Licensing Authority may afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing.

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 State Licensing

Authority encourages interested parties to avoid duplicating previously-submitted material and testimony.

HEARING SCHEDULE

Date: December 19, 2017

Time: 11 a.m.

Location: 17301 W. Colfax, #135, Golden, CO 80401

Location of the rulemaking hearing will also be posted on the Liquor Enforcement Division's website and the Secretary of State's website.

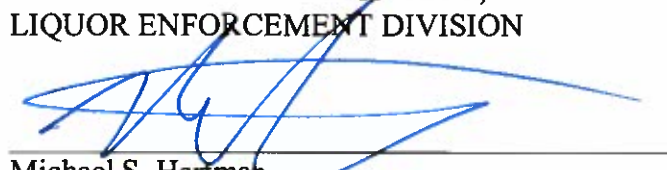
The hearing may be continued at such place and time as the State Licensing Authority may announce.

The State Licensing Authority shall deliberate upon testimony and written submissions presented at this rulemaking hearing, as well as applicable law 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 State Licensing Authority will adopt such rules as in its judgment are justified by the rulemaking record and applicable legal provisions.

If you are an individual with a disability who needs a reasonable accommodation in order to participate in this rulemaking hearing, please contact Sandra Lowman at Sandra.Lowman@state.co.us no later than December 15, 2017.

Dated this 15th day of November, 2017.

THE COLORADO DEPARTMENT OF REVENUE,
STATE LICENSING AUTHORITY,
LIQUOR ENFORCEMENT DIVISION



Michael S. Hartman
State Licensing Authority
Colorado Department of Revenue

Notice of Proposed Rulemaking

Tracking number

2017-00547

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-10

Rule title

TITLE AND REGISTRATION SECTION

Rulemaking Hearing**Date**

01/30/2018

Time

10:00 AM

Location

1881 Pierce Street Lakewood CO 80214 RM 110

Subjects and issues involved

Discuss changes made to Rule 20, License Plate Retirement. This rule is promulgated to establish criteria for the Retirement of Group Special and Alumni License Plates.

Statutory authority

42-1-204, 42-3-207, 42-3-212(7), 42-3-214(7), 42-3-221(6), 42-3-222(6), 42-3-223(6), 42-3-224(2)(a), 42-3-225(2)(b), 42-3-226(2)(a), 42-3-227(6), 42-3-228(6), 42-3-229(2)(a), 42-3-230(6), 42-3-231(6)(a), 42-3-232(6)(a), 42-3-233(6), 42-3-234(6)(a), 42-3-237(6), 42-3-238(2)(a), 42-3-239(2)(a), 42-3-240(2)(a), 42-3-241(2)(a), 42-3-242(2)(a), 42-3-243(2)(a), 42-3-244(2)(a), 42-3-245(2)(a), 42-3-246(2)(a), 42-3-247(2)(a), 42-3-248(2)(a), 42-3-249(2)(a), 42-3-250(2)(a), and 42-3-251(2)(a), C.R.S.

Contact information**Name**

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DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Section

1 CCR 204-10

RULE 20. LICENSE PLATE RETIREMENT

Basis: The statutory bases for this rule are sections 42-1-204, 42-3-207, 42-3-212(7), 42-3-214(7), 42-3-221(6), 42-3-222(6), 42-3-223(6), 42-3-224(2)(a), 42-3-225(2)(b), 42-3-226(2)(a), 42-3-227(6), 42-3-228(6), 42-3-229(2)(a), 42-3-230(6), 42-3-231(6)(a), 42-3-232(6)(a), 42-3-233(6), 42-3-234(6)(a), 42-3-237(6), 42-3-238(2)(a), 42-3-239(2)(a), 42-3-240(2)(a), 42-3-241(2)(a), 42-3-242(2)(a), 42-3-243(2)(a), 42-3-244(2)(a), 42-3-245(2)(a), 42-3-246(2)(a), 42-3-247(2)(a), 42-3-248(2)(a), 42-3-249(2)(a), 42-3-250(2)(a), and 42-3-251(2)(a), C.R.S.

Purpose: This rule is promulgated to establish criteria for the Retirement of Group Special and Alumni License Plates.

1.0 Definitions

- 1.1 “Alumni License Plate” means a special license plate established pursuant to section 42-3-214, C.R.S., at the request of an alumni association of a private or public college or university that is located within Colorado
- 1.2 “Group Special License Plate” means and includes “Group Special License Plate Created through Rule” and “Group Special License Plate Created through Statute” as those terms are defined in Code of Colorado Regulations 1-CCR-204-10, Rule 16.
- 1.3 “Nonprofit” means an entity that is a 501(c)(3) corporation under the Internal Revenue Code or an entity holding charitable nonprofit status with the Colorado Secretary of State.
- 1.4 “Pre-Certification Qualifier” means a condition(s) the Sponsoring Organization must meet in order to qualify for issuance of an Alumni License Plate or Group Special License Plate.
- 1.5 “Registered” for the purpose of this rule means a vehicle with an unexpired registration as provided in sections 42-3-102 and 42-3-114, C.R.S., that is currently issued an Alumni License Plate or Group Special License Plate, unless the context requires otherwise.
- 1.6 “Retire” or “Retirement” means the discontinuation of the production of the Alumni License Plate or Group Special License Plate.
- 1.7 “Sponsoring Organization” means an alumni association that has an Alumni License Plate or the Nonprofit that has a a Group Special License Plate.

2.0 Requirements

- 2.1 An Alumni License Plate or Group Special License Plate is subject to Retirement when:
 - a. The Group Special License Plate’s respective authorizing statute requires that a minimum number of plates be issued by a specified date and the Sponsoring Organization has not met that requirement; or

- b. The Alumni License Plate or Group Special License Plate is subject to Retirement under any other applicable rule or statute.

- 2.2 The Department may continue to issue a Retired Alumni License Plate or Group Special License Plate until the inventory of the plate is exhausted.

3.0 Retirement Process

- 3.1 Upon the occurrence of any event that would initiate Retirement of an Alumni License Plate or Group Special License Plate, the Department will provide notice and a hearing pursuant to sections 24-4-104 and 24-4-105, C.R.S. to the Sponsoring Organization.

The hearing will be held at the Department of Revenue, Hearings Section. The presiding hearing officer will be an authorized representative designated by the Executive Director. The Department's representative need not be present at the hearing unless the presiding hearing officer requires his or her presence or the Sponsoring Organization requests his or her presence in writing. If the Department's representative is not present at the hearing, the hearing officer has the discretion to consider any written documents and affidavits submitted by the Department.

- 3.2 If the proceedings result in Retirement of the Alumni License Plate or Group Special License Plate, the Department will issue a final agency order retiring the plate. The final agency order will act as official notice that the Sponsoring Organization is no longer associated with the plate and, upon receipt of the order, the Sponsoring Organization must:
 - a. Immediately cease issuing Pre-Certification certificates;
 - b. Immediately cease to associate itself with the Retired Alumni License Plate or Group Special License Plate;
 - c. Within 72 hours, remove any reference to the Alumni License Plate or Group Special License Plate from the Sponsoring Organization's website, newsprint, or other publicly accessible media; and
 - d. If a Nonprofit, immediately cease collecting donations authorized in its respective authorizing statute; or
 - e. If an alumni association, immediately cease any representation in any form, whether active or passive, that suggests that meeting a Pre-Certification Qualifier could qualify a person for the issuance of an Alumni License Plate.
- 3.3 The Department will immediately cease production of the Retired Alumni License Plate or Group Special License Plate. The Department may continue to issue the Alumni License Plate or Group Special License Plate until existing inventory is exhausted.
- 3.4 The Department will inform all Registered owners of the Retirement. A person whose vehicle is Registered with a Retired Alumni License Plate or Group Special License Plate may continue registration with the license plate so long as the license plate is not damaged, lost, or stolen. The Department will not replace a Retired license plate if the inventory is destroyed, exhausted, or the Department has determined not to issue additional plates.

BASIS: ~~The statutory bases for this regulation are sections 42-1-204, 42-3-207(1) (b) (II), 42-3-212(7), 42-3-214(7), 42-3-221(6), 42-3-222(6), 42-3-223(6), 42-3-224(2)(a), 42-3-225(2)(b), 42-3-226(2)(a), 42-3-227(6), 42-3-228(6), 42-3-229(2)(a), 42-3-230(6), 42-3-231(6)(a), 42-3-232(6)(a), 42-3-233(6), 42-3-234(6)(a), 42-3-237(6), 42-3-238(2)(a), 42-3-239(2)(a), 42-3-240(2)(a), 42-3-241(2)(a), 42-3-242(2)(a), 42-3-243(2)(a), 42-3-244(2)(a), 42-3-245(2)(a), 42-3-246(2)(a) and 42-3-247(2)(a), 42-3-248(2)(a), 42-3-249(2)(a), 42-3-250(2)(a), and 42-3-251(2)(a), C.R.S.—~~

PURPOSE: ~~The purpose of this regulation is to establish a process to retire Group Special License Plates, Optional License Plates, and Alumni License Plates.—~~

1.0 Definitions. ~~The following definitions of terms, in addition to those set forth in sections 42-1-102(41.5); 42-3-212; and 42-3-214, C.R.S., shall apply to the rules promulgated herein, unless the context requires otherwise:~~

1.1 “Issued”—~~means a defined license plate has been assigned to a vehicle that is registered or the registration is within the one-month grace period provided in 42-3-114, C.R.S.—~~

1.2 “Retirement”—~~for the purpose of this regulation means the discontinuation of the production and issuance of the Group Special, Optional, or Alumni license plate.—~~

1.3 “Sponsoring Organization”—~~means the group applying for creation of the Group Special License Plate, or the alumni association applying for creation of the Alumni License Plate.—~~

2.0 Requirements

2.1 ~~A Group Special License Plate, Optional License Plate, or Alumni License Plate is subject to retirement if the minimum number of license plates, based on the date established in the respective statute for the special plate, have not been issued.—~~

2.2 ~~A Group Special License Plate may be retired based on adverse audit findings as a result of an audit performed pursuant to 1 CCR 204-140 Rule 16. Group Special License Plate paragraph 3.10.—~~

3.0 Process

3.1 ~~Annually, the Department will perform a statewide query for license plates scheduled to be evaluated for retirement to determine the total number of license plates issued under each respective statute.—~~

3.2 ~~If the query result indicates that the license plate has been issued to the minimum number of vehicles specified by statute, no further action is required.—~~

3.3 ~~If the query result indicates that the license plate has not been issued to the minimum number of vehicles required by statute, the plate is subject to retirement and the process below will be followed.—~~

A. ~~A complete list of vehicles registered with the license plate identified for retirement will be generated to identify the license plate number, county of residence, name and address of all registered owners.—~~

B. ~~At the time the above list is generated, registration and plating systems will be programmed to prohibit new manufacturing, shipping, issuing, or replacement of the plate.—~~

- ~~1.— A letter will be mailed to each registered owner detailing the retirement of the license plate and any information the Department may deem necessary.~~
 - ~~2.— Vehicles registered with a license plate that has been identified to be retired may retain the license plates until the registrant replaces the plate with a non-retired license plate or upon replacement of lost, stolen and/or damaged plates. The Department will not grant requests for or manufacture replacement plates for the retired plates.~~
- ~~C.— The Department will not refund membership fees and/or donations collected by the sponsoring organization, nor apply them as a credit toward the registration fees charged for new or replacement license plates.—~~
- ~~3.4— Sponsoring organizations may verify the number of Group Special, Optional, or Alumni license plates issued by accessing the monthly report posted to the Departments' website.—~~
- ~~3.5— Sponsoring organizations may appeal the Department's decision to retire a license plate by requesting a hearing, in writing, within thirty days of mailing of the notice of retirement.— Written hearing requests shall be submitted to the Department of Revenue, Hearings Division, 1881 Pierce Street, Room #106, Lakewood, CO 80214.—~~

Notice of Proposed Rulemaking

Tracking number

2017-00548

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-10

Rule title

TITLE AND REGISTRATION SECTION

Rulemaking Hearing**Date**

01/30/2018

Time

10:00 AM

Location

1881 Pierce Street Lakewood CO 80214 RM 110

Subjects and issues involved

Discuss changes made to Rule 45, Alumni License Plates. This rule is promulgated to establish and clarify application processes and responsibilities for the issuance and maintenance of Alumni License Plates.

Statutory authority

42-1-204, and 42-3-214 C.R.S.

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DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Sections

1 CCR 204-10

RULE 45. ALUMNI LICENSE PLATES

Basis: The statutory bases for this rule are 42-1-204, and 42-3-214 C.R.S.

Purpose: This rule is promulgated to establish and clarify application processes and responsibilities for the issuance and maintenance of Alumni License Plates.

1.0 Definitions

- 1.1 “Alumni License Plate” means a special license plate issued to recognize an alumni association of a private or public college or university that is located within Colorado pursuant to section 42-3-214, C.R.S.
- 1.2 “Notice of Approval” means written notice issued by the Department approving establishment of a new Alumni License Plate.
- 1.3 “Certificate” for the purpose of this rule means the Department approved letter, voucher, or other document issued by an alumni association as evidence that a person is qualified to receive an Alumni License Plate. The document must be substantively identical to the form prepared by the Department for this purpose. A Certificate may be issued in electronic or digital format instead of paper, if approved by the Department.
- 1.4 “Pre-Certification Qualifier” means a condition(s) that must be met in order to qualify for issuance of an Alumni License Plate.
- 1.5 “Registered” for the purpose of this rule means a vehicle with an unexpired registration as provided in sections 42-3-102 and 42-3-114, C.R.S., that is currently issued the Alumni License Plate, unless the context otherwise requires.
- 1.6 “Retire” or “Retirement” means the discontinuation of the production of the Alumni License Plate.
- 1.7 “Secure and Verifiable Identification” means a form of identification listed on form DR 2841 Secure and Verifiable ID.

2.0 Application for Creation of Alumni License Plates

- 2.1 An alumni association that meets the requirements of section 42-3-214, C.R.S., and this rule may apply for the creation of an Alumni License Plate.
- 2.2 A college or university may have only one Alumni License Plate. If an alumni association is able to demonstrate that a college or university is independent from its parent college or university, either by statute, separate accreditation by a nationally recognized accrediting agency or association, or other bases, then the alumni association may apply for an Alumni License Plate pursuant to section 42-3-214, C.R.S., and this rule.

- 2.3 An alumni association may apply for the creation of an Alumni License Plate by submitting an application supplied by the Department to the Title and Registration Section, Division of Motor Vehicles. Applications may be submitted in paper or electronic form. Incomplete applications will not be accepted or retained.
- a. Applications must be signed by the alumni association's designated representative, who shall affirm that the alumni association has complied with the requirements of section 42-3-214, C.R.S. and this rule. In addition to the signed application, the alumni association must submit:
1. Commitments from at least five hundred persons to purchase an Alumni License Plate, including the name, address, signature, and county of residence for each person.
 - A. Purchase commitments may be submitted in either paper, electronic, or digital format, as required by the Department.
 - B. Purchase commitments are not transferable between applications for different Alumni License Plates.
 - C. Purchase commitments are valid for two years from the date they are submitted with the application to the Department.
 - D. With prior approval of the Department, the alumni association may use electronic or digital methods to collect purchase commitments. Electronic or digital methods may include, but are not limited to, web petitions or electronic mail.
 2. Proof that the college or university is: (1) an institution of higher education that offers at least a bachelor's degree; (2) accredited by a nationally recognized accrediting agency or association; and (3) located in Colorado.
 3. A sample Certificate (paper, electronic, or digital) with a written description of security features (serialization, watermarks, holograms, etc.) incorporated into the Certificate. Sample Certificates must be provided to the Department prior to issuing Certificates to qualified individuals. An individual's name on a Certificate must be identical to that listed on the individual's Secure and Verifiable Identification. Certificates are not transferable and are valid for issuance and registration of one set (single if a motorcycle) of Alumni License Plates. The Department will destroy the Certificate upon issuing the Alumni License Plate. The Certificate must contain an area in which the alumni association will place a Department system generated serial number/PIN.
 4. Proof that the alumni association has the legal right to use all logos, designs, colors and other intellectual property in the proposed design of the Alumni License Plate.
 5. A description of the qualifications the alumni association has established for eligibility to obtain a Certificate. The qualifications may be either membership in the alumni association or specified levels of monetary contributions to the college or university. If the alumni association has no qualifications, the alumni association must provide a written statement of this fact.

- a. If the qualifications include monetary contributions to the college or university, the application must specify what monetary level of contributions are required.
 - 6. If the alumni association has established qualifications to use alumni license plates, a description of how the one-time fee required for qualification for the Alumni License Plate will be used. The use may be either scholarships for students attending the college or university or support of academic programs at the college or university.
- 2.4 Upon receipt of the Notice of Approval, the alumni association must submit payment for the costs of the plate design in the form of a check or money order directly to Colorado Correctional Industries.
- 2.5 The alumni association must meet all requirements under section 42-3-214, C.R.S. and this rule prior to the production and issuance of the Alumni License Plate.
- 3.0 Approved Alumni License Plates: Responsibilities and Processes**
- 3.1 Alumni License Plates must be designed within the parameters established by the Department. The Department may deny any design violating such parameters.
- a. Design changes requested after the design has been approved must be submitted in writing to the Department by the alumni association, and signed by its designated representative. Supporting documentation for the design change is required and may include, but is not limited to, issuance trends, current inventory levels, and costs associated with changes. If the change request is approved, the alumni association must prepay all design costs directly to Colorado Correctional Industries prior to production of the new design. Design changes are effective upon approval by the Department. If approval is granted while existing inventory is available, and the alumni association requests that the new plates be implemented prior to the sale of such inventory, the alumni association must pay all costs associated with the recall, collection, and destruction of existing inventory. Registered vehicle owners may continue to use their current alumni license plate regardless of any subsequent design change; provided that such plate will not be replaced if the inventory is destroyed, exhausted, or the Department has determined not to issue additional plates of the prior design or designs.
- 3.2 Upon completion of the proposed Alumni License Plate design, the alumni association will receive one sample of the approved plate design. Sample plates used in the design approval process are the property of the Department. The alumni association may request up to five samples for marketing and display purposes upon payment of material fees for each sample plate, as established in section 42-3-301, C.R.S. Sample plates will be produced using the standard passenger size license plate with the standard sample plate numbers assigned by the Department. Non-standard plate number requests will not be accepted.
- a. The Department must be given at least seventy-two hours prior notice of all news releases, interviews, or mass communications referencing the Alumni License Plate.
- 3.3 Alumni License Plates typically are produced through a print on demand process, which does not require pre-stocking of inventory. However, the Department may use methods other than print of demand if the Department deems it appropriate.

- 3.4 The Department will not distribute thank you notes, requests for contributions, or other materials on behalf of the alumni association.
- 3.5 The college or university for which an alumni association applies to establish an Alumni License Plate must continuously be located in Colorado, offer at least a bachelor degree in an educational program, and be accredited by a nationally recognized accrediting agency or association pursuant to sections 42-3-214(2)(a) and 42-3-214(2)(c), C.R.S.
- a. If a college or university no longer meets this requirement, the Department may Retire the Alumni License Plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement, and, if Retired, the alumni association must eliminate the Pre-Certification Qualifier, if any. At that time the alumni association must cease to associate itself in any way with the Alumni License Plate.
- 3.6 If an alumni association has Pre-Certification Qualifiers, it must enter information for each individual who the alumni association has approved to be issued the Alumni License Plate into Department maintained systems and record the system generated serial number/PIN on the Certificate. The Department will use the serial number/PIN to authenticate the Certificate.
- 3.7 The alumni association must notify the Department in writing if its right to use the Alumni License Plate is transferred to a successor alumni association. The successor alumni association must meet all statutory and regulatory requirements.
- 3.8 An alumni association may request changes to its Certificate. Requests must be submitted in writing, and any change must be approved by the Department prior to issuing the new Certificate. Any changes must meet the requirements of this rule. Upon approval, the Department will work with the alumni association to establish an effective date upon which the alumni association may begin to issue the new Certificate. Only new Certificates will be accepted by the Department after the effective date of the new Certificate; provided, however, that the Department will accept an old Certificate if it was issued by the alumni association before the effective date of the new Certificate.
- 3.9 Alumni License Plates will be issued beginning on the issuance date specified in the Notice of Approval.
- 3.10 The Department may audit an alumni association. The audit may include, but is not limited to, a review of accounting, financial, tax, and Pre-Certification Qualifiers.
- a. If the Department determines that the college or university or the alumni association has violated or no longer meets the requirements of section 42-3-214, C.R.S., or this rule, the Department may require additional information or, at the Department's discretion, may Retire the Alumni License Plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
- b. If the Department requires additional information, and the information is not provided or does not change the Department's determination that the college or university or the alumni association has violated or no longer meets the requirements of section 42-3-214, C.R.S, the Department may Retire the Alumni License Plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
- 3.11 Alumni associations with Alumni License Plates established prior to this rule must meet the requirements of this rule except as otherwise provided herein and/or pursuant to a contract between the alumni association and the Department that establishes requirements that differ from this rule.

4.0 Denial and Retirement Appeals

- 4.1 If an alumni association's application for an Alumni License Plate has been denied, it may request a hearing, in writing, within 60 days after a notice of denial is issued. Written hearing requests shall be submitted to the Department of Revenue, Hearings Section.
- 4.2 The hearing shall be held at the Department of Revenue, Hearings Section. The presiding hearing officer shall be an authorized representative designated by the Executive Director. The Department's representative need not be present at the hearing unless the presiding hearing officer requires his or her presence or the alumni association requests his or her presence in writing. If the Department's representative is not present at the hearing, the hearing officer has the discretion to consider any written documents and affidavits submitted by the Department.
- 4.3 An Alumni License Plate will be Retired pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.

Basis: ~~The statutory bases for this regulation are 42-1-201, 42-1-204, and 42-3-214 and 42-3-301 C.R.S.~~

Purpose: ~~The following rules and regulations are promulgated to establish criteria for the application, responsibilities, and processes for Alumni License Plates.~~

1.0 Definitions

- 1.1 ~~"Alumni License Plate" means a special license plate that is not a distinctive plate and is issued to recognize an Alumni Association of a private or public college or university that is located within Colorado.~~
- 1.2 ~~"Approval Notification" means the Department certification that the Alumni Association has met statutory and regulatory requirement for the creation of an Alumni License Plate.~~
- 1.3 ~~"Certificate" for the purpose of this regulation means letters, vouchers, or certificates issued by the Alumni Association as evidence that a person has met the pre-certification qualifier for their associated Alumni License Plate.~~
- 1.4 ~~"College or University" means an institution of higher education that offers at least a bachelor degree in an educational program and that is accredited by a nationally recognized accrediting agency or association.~~
- 1.5 ~~"Department" for the purpose of this regulation means the Department of Revenue, Division of Motor Vehicles, Title and Registration Sections.~~
- 1.6 ~~"Pre-Certification Qualifier" means a condition(s) that must be met prior to the issuance of an Alumni License Plate. Pre-certification qualifiers may be, but are not limited to, monetary donation, membership with the Alumni Association, or meeting of the Alumni Association specific criteria.~~
- 1.7 ~~"Registered" for the purpose of this regulation means a vehicle with an unexpired registration that is currently issued the Alumni License Plate pursuant to 42-3-102 and 42-3-114, C.R.S.~~
- 1.8 ~~"Retire" means the discontinuation of the issuance of the Alumni License Plate.~~

~~1.9 — “Secure and Verifiable Identification” means an identification document reflected listed on the Department’s Form DR 2841 Secure and Verifiable ID.~~

~~2.0 — Application for Creation of Alumni License Plates~~

~~2.1 — An Alumni Association that meets the requirements of 42-3-214 C.R.S. and this regulation is eligible to apply for the creation of Alumni License Plates.~~

~~2.2 — An Alumni Association that operates under the umbrella of a parent college or university shall not be permitted to create an Alumni License Plate and shall be considered to have a plate already created under that parent college or university for which they are associated with. If the proposing Alumni Association is able to demonstrate their independence as a separate college or university from their parent college or university then creation of the Alumni License Plate shall be pursuant to these regulations and upon approval of Department.~~

~~2.3 — Upon completion of all statutory and regulatory requirements by the Alumni Association for the proposal to create an Alumni License Plate an application, on the forms supplied by the Department, shall be submitted to the Registration and License Plate Program Manager, Division of Motor Vehicles. Incomplete applications will not be accepted or retained.~~

~~A. — Applications shall be signed by the Alumni Association affirming agreement to this regulation. In addition to the signed application, the Alumni Association shall submit:~~

~~1. — Commitments for Alumni License Plate purchases from at least five hundred (500) Colorado registered vehicle owners and shall include the name, address, and county of residence for each person committing to the purchase of an Alumni License Plate. These are required to be provided in both paper and electronic format, as required by the Department. Commitments are not transferable between applications for different Alumni License Plates, and are valid for a period of two years from the date submitted to the Department.~~

~~a. — With prior approval by the Department, the Alumni Association may be permitted to use electronic methods for collection of Commitments. Electronic methods may include, but are not limited to, web petitions or electronic mail.~~

~~2. — College or university accreditation information that demonstrates that the college or university is an institution of higher education that offers at least a bachelor degree in an education program and that is accredited by a nationally recognized accrediting agency or association.~~

~~3. — Certificate sample with a written description of security features (serialization, watermarks, holograms etc.) incorporated into the certificate. Certificate design requires Department approval prior to issuance. Sample certificates shall be provided to the Department for distribution to Motor Vehicle offices prior to issuance of certificates to qualified individuals. Certificates shall not be issued by the Alumni Association prior to the effective date indicated on the approval notification. Certificates shall be issued in the name of the person as listed on that persons’ secure and verifiable identification meeting the pre-certification qualifier requirement. Certificates are not transferable and shall be valid for the issuance and registration of one set of Alumni License Plates. Certificate shall be destroyed upon issuance of the Alumni License Plate.~~

~~4. Logo permission letter that must include written permission for use of all logos, designs, and colors used in designing, production, and manufacture of the Alumni License Plate. The logos, design, and colors provided by the Alumni Association must be owned and/or registered to the college or university.~~

~~5. Design payment in the form of a check or money order submitted directly to Colorado Correctional Industries prior to manufacture of the Alumni License Plate.~~

~~6. A pre-certification process description document that details the process that a Colorado resident must meet to be qualified to receive a certificate from the Alumni Association. In the event that there is no pre-certification, the Alumni Association shall provide a written statement of this fact.~~

~~a. If a monetary exchange is required, the document shall detail the use of those funds meeting statutory and regulatory requirements.~~

~~2.4 All deadlines and instructions shall be followed by the Alumni Association upon receipt of the approval notification.~~

~~3.0 Approved Alumni License Plates Responsibilities and Processes~~

~~3.1 Alumni License Plates must be designed within the formats established by the Department. The Department has final approval authority and may deny any design proposal it considers offensive or misleading.~~

~~A. Design changes requested after the design has been approved must be submitted in writing to the Department by the Alumni Association. Supporting documentation required may include, but is not limited to, issuance trends, current inventory levels, and costs associated with changes. If the change request is approved, the Alumni Association shall prepay all design costs prior to manufacture of the new design. Design changes are effective as established by the Department inventory management methodologies. Registered vehicles, as defined in this rule, shall be allowed to maintain their current plate design. If approval is granted while existing inventory is in circulation and the Alumni Association requests that new plates be implemented immediately, the Alumni Association shall pay all fees associated with the recall, collection, and destruction of existing inventory.~~

~~3.2 Upon completion of the proposed Alumni License Plate design, the Alumni Association will receive on sample of the approved plate design. Sample plates used in the design approval process are the property of the Department. The Alumni Association may request up to five samples for marketing and display purposes upon payment of material fees as established in 42-3-301, C.R.S., for each plate. Sample plates shall be produced using the standard passenger size license plate with the standard sample plate numbers assigned by the Department. Non-standard plate number requests will not be accepted. Permission from the Department is required prior to use of the plate design, electronic plate images, or graphic plate images outside of usual marketing (website, newsprint etc.). The Department shall be given at least 72 hours prior notice of all news releases, interviews, or mass communications referencing the Alumni License Plate.~~

~~3.3 The Department shall determine the method used and initial supply and restocking of inventory.~~

~~3.4 Requests for the Department to distribute thank you notes, requests for contributions, or other propaganda with the issuance of the Alumni License Plate will not be accepted.~~

- ~~3.5 — The Alumni Association shall not request resident information or vehicle owner information from the Department concerning the number or expiration months of Alumni License Plates issued.~~
- ~~3.6 — The Alumni Association must affirm in writing to the Department when the authority of the Alumni License Plate is transferred to a successor Alumni Association. Upon acceptance of the transfer of authority by the Department, the successor Alumni Association shall meet all statutory and regulatory requirements and shall be required to affirm in writing agreement to the established regulations in regards to the Alumni License Plate.~~
- ~~3.7 — Request for changes to certificates must be submitted in writing, ensuring sufficient time to disseminate the change to all Motor Vehicle offices. Upon approval of the certificate change, the Department will establish an effective date. Amended certificate shall meet the requirement of Code of Colorado Regulations 1 CCR 204-10 Rule 45. Previously issued certificates that have not been presented to the Motor Vehicle office for issuance of the associated Alumni License Plate will be accepted for issuance of the Alumni License Plate.~~
- ~~3.8 — Pursuant to the date established on the approval notification, and every year thereafter on such date, there shall be the amount specified in statute that number of motor vehicles registered with the associated Alumni License Plate. If the Alumni License Plate is registered to less than the amount specified in statute, the Department shall retire the Alumni License Plate pursuant to the Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.~~
- ~~3.9 — The Department may require an audit of the Alumni Association alumni association monies collected and efforts made in the name of the Alumni License Plate. This may include, but is not limited to, accounting, financial, procedures, tax, and pre-certification qualifier audits.~~
- ~~A. — In the event that an audit results in adverse findings, the Department may require additional information to support the Alumni Association's claims and or may retire the Alumni License Plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.~~
- ~~3.10 — If the Department retires an Alumni License Plate the retirement of the Alumni License Plate requires:~~
- ~~A. — The discontinuation of the issuance of the Alumni License Plate.~~
- ~~B. — Written notice, sent via regular certified postal mail, to the Alumni Association associated with the Alumni License Plate. This retirement notice shall also act as the official notice that the Alumni Association is no longer associated with the Alumni License Plate. Upon receipt of the retirement notice, the Alumni Association shall:~~
- ~~1. — Discontinue collection of donations and issuance of certificates.~~
- ~~2. — Within 72 hours remove, any reference to the Alumni Association License Plate from the Alumni Association website, newsprint, or other public assessed media.~~
- ~~C. — A person, whose vehicle is registered with a retired Alumni License Plate shall be permitted to continue registration with the Alumni License Plate, provided the registration remains current and the license plate is not damaged, lost, or stolen.~~

- ~~D. The Alumni Association is required to provide refunds to persons who were issued certificates from the Alumni Association within the last 13 months and who have not been issued the Alumni License Plate prior to the retirement date~~
- ~~1 A person who has received a certificate from the Alumni Association that has been approved for a personalized plate and has not been issued the personalized plate prior to the retirement date shall be permitted to register their vehicle with the Alumni License Plate provided that issuance and registration is completed within 13 months of the personalized plate approval date.~~
- ~~3.11 Applications for the proposal of a new to reinstate an Alumni License Plate will be accepted 5 years from the date of the last retirement of an Alumni License Plate by the same Alumni Association who will be required to meet the statutory and regulatory requirements at that time.~~
- ~~3.12 Alumni Associations with Alumni License Plates created prior to this regulation t shall meet the requirements of this regulation rule unless such Alumni Association has a separate agreement with the Department that establishes separate requirements that differ from this regulation. In any event, that such other agreement is in place and it does not specifically address items in this regulation, this regulation shall apply and be in full effect.~~

Notice of Proposed Rulemaking

Tracking number

2017-00546

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-10

Rule title

TITLE AND REGISTRATION SECTION

Rulemaking Hearing**Date**

01/30/2018

Time

10:00 AM

Location

1881 Pierce Street Lakewood CO 80214 RM 110

Subjects and issues involved

Discuss changes made in Rule 16, Group Special License Plates. This rule is promulgated to establish criteria for the application, responsibilities, and processes for group special license plates.

Statutory authority

42-1-102(41.5), 42-1-204, 42-3-207, 42-3-208 and 42-3-301, C.R.S.

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DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Sections

1 CCR 204-10

Rule 16. GROUP SPECIAL LICENSE PLATES

Basis: The statutory bases for this ~~regulation rule~~ are 42-1-102(41.5), ~~42-1-201~~, 42-1-204, 42-3-207, 42-3-208 and 42-3-301, C.R.S.

Purpose: ~~The following rules and regulations are~~ This rule is promulgated to establish criteria for the application, responsibilities, and processes for ~~Group Special License Plates~~ group special license plates.

1.0 Definitions

- 1.1 “Approval Notification” means written notification by the Executive Director of the Department of Revenue to a Nonprofit confirming that the Nonprofit has complied with the statutory and regulatory requirements necessary to seek legislative action to authorize a new group special license plate.
- 1.2 “Certificate” for the purpose of this rule means a Department approved letter, voucher, or other document issued by a Nonprofit to a person as evidence that the person is qualified to receive a group special license plate. A Certificate may be in electronic or digital format instead of paper, if approved by the Department.
- 1.3 “Group Special License Plate Created through Rule” means the Air Force Commemorative, Columbine, Firefighters, Greyhound Lovers, Pioneer, and Raptor Education Foundation license plates.
- 1.4 “Group Special License Plate Created through Statute” means a group special license plate created on or after January 1, 2001 through its authorizing legislation.
- 1.5 “Nonprofit” means an entity that is a 501(c)(3) corporation under the Internal Revenue Code or an entity holding charitable nonprofit status with the Colorado Secretary of State.
- 1.6 “Pre-Certification Qualifier” means a condition(s) that must be met in order to qualify for issuance of a group special license plate by the Department.
- 1.7 “Registered” for the purpose of this rule means a vehicle with an unexpired registration as provided in sections 42-3-102 and 42-3-114, C.R.S., that is currently issued the group special license plate, unless the context otherwise requires.
- 1.8 “Retire” or “Retirement” means the discontinuation of the production of the group special license plate.
- 1.9 “Secure and Verifiable Identification” means an identification document listed on form DR 2841 Secure and Verifiable ID.

2.0 Application for Approval to Seek Creation of Group Special License Plates

- 2.1 Any Nonprofit may apply for an Approval Notification authorizing the Nonprofit to seek legislation to create a group special license plate.

- 2.2 A Nonprofit that has satisfied all statutory and regulatory requirements for proposing the creation of a group special license plate may submit an application supplied by the Department to the Title and Registration Section, Division of Motor Vehicles. Incomplete applications will not be accepted or retained.
- a. Applications must be signed by the Nonprofit's designated representative. In addition to the signed application, the Nonprofit must submit:
1. Petition sheets with the names, addresses, counties of residence, and signatures of at least three thousand (3,000) Colorado registered vehicle owners who have committed to purchase the proposed group special license plate. Petition sheets must be submitted in either paper, electronic, or digital format, as required by the Department. Petitions are not transferable between applications for different group special license plates. Petitions are valid for two years from the date submitted with the application to the Department.
 - A. With prior approval of the Department, a Nonprofit may use electronic or digital methods to obtain commitments to purchase the group special license plate.
 - B. Electronic or digital methods may include, but are not limited to, web petitions, or electronic mail.
 2. Proof of Nonprofit status by submitting a current letter from the Internal Revenue Service confirming 501(c)(3) status, a document from the Colorado Secretary of State confirming the entity's nonprofit status under State law, or other documentation that demonstrates that the entity does not conduct business for profit.
 3. A sample Certificate (paper, electronic, or digital) with a written description of security features (serialization, watermarks, holograms, etc.) incorporated into the Certificate. The Nonprofit must provide a sample Certificate to the Department for approval before the Nonprofit can issue Certificates to qualified individuals. A Nonprofit may not issue a Certificate prior to the effective date of the enabling legislation. An individual's name on a Certificate must be identical to that listed on the individual's Secure and Verifiable Identification. Certificates are not transferable and are valid for issuance and registration of one set (single if a motorcycle) of group special license plates. The Department will destroy the Certificate upon issuing the group special license plate. The Certificate must contain an area in which the Nonprofit will place a Department system generated serial number/PIN.
 4. Proof that the Nonprofit has the legal right to use all logos, designs, colors and other intellectual property in the proposed design of the group special license plate.
 5. Proof that payment for the design was submitted by check or money order directly to Colorado Correctional Industries.
 6. A list of Pre-Certification Qualifiers required by the Nonprofit. If there are no Pre-Certification Qualifiers, the Nonprofit must provide a written statement that the Nonprofit will not require Pre-Certification Qualifiers for persons to be issued the group special license plate.

- A. If a monetary donation is required, the Nonprofit must provide a document that demonstrates that the use of those funds meets statutory and regulatory requirements.
- 2.3 Upon receipt of the Approval Notification, the Nonprofit is solely responsible for obtaining a bill sponsor to propose legislation. The Department will retain the application for two years from the date of the Approval Notification.
 - a. If the Nonprofit fails to obtain a bill sponsor within two years of issuance of the Approval Notification, and it desires to continue to seek creation of the group special license plate, the Nonprofit must re-apply, submit a new application and documents, and meet all statutory and regulatory requirements in effect at that time. Applications, documents, and other materials previously submitted to satisfy the application requirements are not transferable to the new application.

3.0 Enacted Group Special License Plates Responsibilities and Processes

- 3.1 A group special license plate must be designed within the parameters established by the Department. The Department may deny any design violating such parameters.
 - a. A group special license plate design shall not include a logo or other image copyrighted, trademarked, registered, or otherwise commonly associated with a for-profit entity, whether or not the Nonprofit is a division of or otherwise associated with the for-profit entity. Use of symbols not subject to trademark, copyright, or other legal protection may be approved if such use does not violate the parameters established by the Department. The Department shall have final approval authority on all logo designs and placement on the group special license plate.
 - b. Design change requests after the design has been approved must be submitted in writing to the Department by the Nonprofit. The Department may require supporting documentation, including, but not limited to, issuance trends, current inventory levels, and costs associated with changes. If the change request is approved, the Nonprofit shall prepay all design costs directly to Colorado Correctional Industries prior to production of the new design. Design changes are effective upon approval by the Department. If approval is granted while existing inventory is available and the Nonprofit requests that the new plates be issued prior to the sale of such inventory, the Nonprofit shall pay all costs associated with the recall, collection, and destruction of existing inventory. Registered vehicle owners may continue to use their current group special license plate regardless of any subsequent design change, provided such plate will not be replaced if the inventory is destroyed, exhausted, or the Department has determined not to issue additional plates.
- 3.2. Upon completion of the proposed group special license plate design, the Nonprofit will receive one sample of the approved plate design. Sample plates used in the design approval process are the property of the Department. The Nonprofit may request up to five samples for marketing and display purposes upon payment of material fees for each sample plate, as established in section 42-3-301, C.R.S. Sample plates will be produced using the standard passenger size license plate with the standard sample plate numbers assigned by the Department. Requests for non-standard sample plate number will not be accepted. The Department shall be given at least 72 hours prior notice of all news releases, interviews, or mass communications referencing the group special license plate.
- 3.3 Group special license plates typically are produced through a print on demand process, which does not require pre-stocking of inventory. However, the Department may utilize methods other than print on demand if the Department deems it appropriate.

- 3.4 The Department will not distribute thank you notes, requests for contributions, or other materials on behalf of the Nonprofit.
- 3.5 The Nonprofit must continuously maintain its Nonprofit status. A letter from the Internal Revenue Service confirming 501(c)(3) status or a document from the Colorado Secretary of State's Office confirming that the Nonprofit is currently registered as a Nonprofit must be submitted to the Department annually on or before June 1st.
- a. If at any time it is determined that an entity no longer has Nonprofit status, the group special license plate will be Retired pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement. Upon Retirement, the entity must cease seeking any donation authorized pursuant to its respective authorizing statute, and must cease to associate itself in any way with the group special license plate.
- 3.6 If a Nonprofit has Pre-Certification Qualifiers, it must enter into systems maintained by the Department information for each individual who has been approved for the receipt of a group special license plate and, for each, record the system generated serial number/PIN on the Certificate. The Department will use the serial number/PIN to authenticate the Certificate.
- 3.7 The Nonprofit must notify the Department in writing if its authority regarding the group special license plate is transferred to a successor Nonprofit, as provided in the group special license plates respective authorizing statute. The successor Nonprofit must meet all statutory and regulatory requirements.
- 3.8 A Nonprofit may request changes to its Certificate. Requests must be submitted in writing, and any change must be approved by the Department before the Nonprofit can issue the new Certificate. Any changes must meet the requirements of this rule. Upon approval, the Department will work with the Nonprofit to establish an effective date upon which the Non-Profit may begin to issue the new Certificate. After the effective date of the new Certificate, only a new Certificate will be accepted by the Department; provided, however, that the Department will accept an old Certificate if it was issued by the Nonprofit prior to the effective date of the new Certificate.
- 3.9 If a group special license plate's respective authorizing statute provides that the Department "may" stop issuing the group special license plate if the group special license plate has not met the minimum issuance requirement, the Department may Retire the group special license plate or may continue to issue the plate until the existing inventory is exhausted. If the Department elects to Retire the group special license plate, the plate will be Retired pursuant to subsection 3.12 of this rule and Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
- 3.10 If a group special license plate's respective authorizing statute provides that the Department "shall" retire the plate if the plate has not met its minimum issuance requirement as provided in that statute, then the group special license plate will be Retired pursuant to the group special license plate's respective authorizing statute and Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
- 3.11 The Department may audit the Nonprofit associated with a group special license plate. The audit may include, but is not limited to, accounting, financial, tax, and Pre-Certification Qualifiers.
- a. If the Department determines that the Nonprofit has violated its respective authorizing statute, or no longer qualifies as a Nonprofit under this rule, the Department may require additional information or at the Department's discretion may Retire the group

special license plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.

- b. If the Department requires additional information, and such information is not provided or does not change the Department's determination that the Nonprofit has violated its respective authorizing statute, or that the Nonprofit no longer qualifies as a Nonprofit under this rule, the Department may Retire the group special license plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.
- c. Upon Retirement, the Nonprofit must cease seeking any donation authorized pursuant to the group special license plates respective authorizing statute, and must cease to associate itself in any way with the group special license plate.

3.12 If the Department Retires a group special license plate:

- a. The Department will immediately cease producing the group special license plate, and may stop issuing the plate prior to exhausting the plate's inventory.
- b. The Department will provide written notice of Retirement, via certified mail, to the Nonprofit associated with the group special license plate. This notice will be mailed to the last address provided by the Nonprofit in writing to the Department. This notice shall also act as official notice that the Nonprofit can no longer associate itself with the group special license plate. Upon receipt of the Retirement notice, the Nonprofit must:
 - 1. Immediately cease collecting donations and issuing Certificates.
 - 2. Within 72 hours, remove any reference to the group special license plate from the Nonprofit's website, newsprint, or other publicly accessible media.
- c. A person whose vehicle is Registered with a Retired group special license plate may continue to register with the group special license plate so long as the license plate is not damaged, lost, or stolen. The Department will not replace a Retired group special license plate if the inventory is destroyed, exhausted, or the Department has determined not to issue additional plates.

3.13 Nonprofits associated with Group Special License Plates Created through Rule must meet the requirements of this rule except as otherwise provided herein and/or pursuant to a contract between the Nonprofit and the Department that establishes requirements that differ from this rule.

3.14 A Nonprofit associated with a Group Special License Plate Created through Statute must meet the requirements of its respective authorizing statute and this rule.

3.15 An Approval Notification issued by the Department does not constitute an agreement to create the proposed group special license plate nor support legislation that would create the proposed group special license plate.

4.0 Denial and Retirement Appeals

4.1 If a Nonprofit's application for a group special license plate has been denied, it may request a hearing, in writing, within 60 days after the date of the notice of denial. Written hearing requests shall be submitted to the Department of Revenue Hearings Section.

- 4.2 The hearing shall be held at the Department of Revenue, Hearing Section. The presiding hearing officer shall be an authorized representative designated by the Executive Director. The Department's representative need not be present at the hearing unless the presiding hearing officer requires his or her presence or the Sponsoring Organization requests his or her presence in writing. If the Department's representative is not present at the hearing, the hearing officer has the discretion to consider any written documents and affidavits submitted by the Department.
- 4.3 A group special license plate will be Retired pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.

1.0 Definitions

- 1.1 ~~"Approval Notification" means the Department certification that the non-profit has met statutory and regulatory requirements for proposal of the creation of a Group Special License Plate.~~
- 1.2 ~~"Certificate" for the purpose of this regulation means letters, vouchers, or certificates issued by the non-profit to a person as evidence that the person has met the pre-certification qualifier for their associated Group Special License Plate.~~
- 1.3 ~~"Department" for the purpose of this regulation means the Department of Revenue, Division of Motor Vehicles, Title and Registration Sections.~~
- 1.4 ~~"Group Special License Plate" means a special license plate that is not a distinctive plate and is issued to a group of people because such people have a common interest or affinity.~~
- 1.5 ~~"Group Special License Plates Created Through Rule" means those Group Special License Plates created and approved for registration to motor vehicles prior to January 1, 2001. These plates include 10th Mountain Division, Air Force Commemorative, Benevolent and Protective Order of the Elks, Columbine, Denver Firefighter, Firefighters, Greyhound Lovers, Knights of Columbus, Masonic Family, Naval Reserve, Pioneer, and Raptor Education Foundation license plates.~~
- 1.6 ~~"Group Special License Plates Created Through Statute" means those Group Special License Plates created on or after January 1, 2001 through enacting legislation.~~
- 1.7 ~~"Non-Profit" means a tax-exempt entity described in Internal Revenue Code (IRC) Section 501(c)(3). An organization must be organized and operated exclusively for one or more of the purposes set forth in IRC Section 501(c)(3) and none of the earnings of the organization may inure to any private shareholder or individual. In addition, it may not attempt to influence legislation as a substantial part of its activities and it may not participate at all in campaign activity for or against political candidates.~~
- 1.8 ~~"Pre-Certification Qualifier" means condition(s) that must be met prior to the issuance of a Group Special License Plate. Pre-certification qualifiers may be, but are not limited to, monetary donation, membership with the non-profit, or meeting of non-profit specific criteria.~~
- 1.9 ~~"Registered" for the purpose of this regulation means a vehicle with an unexpired registration that is currently issued the Group Special License Plate pursuant to 42-3-102 and 42-3-114, C.R.S.~~

~~1.10 — “Retire” means the discontinuation of the production and issuance of the Group Special License Plate.~~

~~1.11 — “Secure and Verifiable Identification” means an identification document reflected on the Department’s Form DR 2841 Secure and Verifiable ID.~~

~~2.0 — Application for Creation of Group Special License Plates~~

~~2.1 — Non-profits operating in the State of Colorado shall be eligible to apply for the creation of a Group Special License Plate.~~

~~2.2 — Upon completion of all statutory and regulatory requirements for the proposal to create a Group Special License Plate by the non-profit an application, on the forms supplied by the Department, shall be submitted to the Public Relations Manager, Title and Registration Sections, Division of Motor Vehicles. Incomplete applications will not be accepted or retained.~~

~~A. Applications shall be signed by the non-profit affirming agreement to this regulation. In addition to the signed application, the non-profit shall submit:~~

~~1. Petition sheets with the names, addresses and county of residence for at least three thousand (3,000) Colorado registered vehicle owners requesting the Group Special License Plate. Petition sheets are required to be provided in both paper and electronic format as required by the Department. Petitions are not transferable between applications for different Group Special License Plates. Petitions are valid for a period of two years from the date submitted with the application to the Department.~~

~~a. With prior approval by the Department the non-profit may be permitted to use electronic methods for collection of petitions. Electronic methods may include, but are not limited to, web petitions or electronic mail.~~

~~2. Proof of non-profit status verification shall be submitted through a copy of the 501(c)(3) letter from the Internal Revenue Service, or a letter from the State Of Colorado, Secretary of State Office confirming the non-profit status under State law.~~

~~3. A sample certificate with a written description of security features (serialization, watermarks, holograms etc.) incorporated into the certificate. Certificate design requires Department approval prior to issuance. Sample certificates shall be provided to the Department for distribution to Motor Vehicle offices prior to issuance of certificates to qualified individuals. Certificates shall not be issued by the non-profit prior to the effective date of the enabling legislation. Certificates shall be issued in the name of the person as listed on that persons’ secure and verifiable identification. Certificates are not transferable and shall be valid for the issuance and registration of one set of Group Special License Plates. Certificate shall be destroyed upon issuance of the Group Special License Plate.~~

~~4. Logo permission letter must include written permission for use of all logos, designs, and colors used in designing, production, and manufacture of the Group Special License Plate. The logos, design, and colors provided by the non-profit organization must be owned and/or registered to the non-profit.~~

~~5. Design payment in the form of a check or money order submitted directly to Colorado Correctional Industries prior to manufacture of the Group Special License Plate.~~

~~6.—A pre-certification process description document that details the process that a Colorado resident must meet to be qualified to receive a certificate from the non-profit. In the event that there is no pre-certification, the non-profit shall provide a written statement of this fact.~~

~~a.—If a monetary exchange is required, the document shall detail the use of those funds meeting statutory and regulatory requirements.~~

~~2.3 —Upon receipt of the Approval Notification the non-profit has the sole responsibility to obtain a bill sponsor to propose legislation. The Department shall retain the application for two years after issuance of the Approval Notification.~~

~~A.—If the non-profit fails to obtain a bill sponsor within two years of issuance of the Approval Notification and desires to continue with the creation of the Group Special License Plate the non-profit shall be required to re-apply and meet all statutory and regulatory requirements in effect at that time. Requirements met with a previous application are not transferable to a new application.~~

~~3.0 —Enacted Group Special License Plates Responsibilities and Processes~~

~~3.1 —Group Special License Plates must be designed within the formats established by the Department who has final approval authority. The Department may deny any design proposal it considers offensive or misleading.~~

~~A.—Use of corporate (for profit) logos shall not be approved for use in the design of the Group Special License Plate. If the non-profit is associated under, or is a division of a “for profit” organization the use of that “for profit” logo shall not be approved in the design. The Department shall have final approval authority on all logo designs and placement on the Group Special License Plates. Use of national symbols shall be approved at the discretion of the Department.~~

~~B.—Design change requests after the design has been approved must be submitted in writing to the Department by the non-profit. Supporting documentation required may include, but is not limited to, issuance trends, current inventory levels, and costs associated with changes. If the change request is approved, the non-profit shall prepay all design costs prior to manufacture of the new design. Design changes are effective as established by the Department inventory management methodologies. Registered vehicles, as defined in this rule shall be allowed to maintain their current plate design. If approval is granted while existing inventory is in circulation and the non-profit requests new plates to be implemented immediately, the non-profit shall pay all fees associated with the recall, collection, and destruction of existing inventory.~~

~~3.2. —Upon completion of the proposed Group Special License Plate design, the non-profit will receive one sample of the approved plate design. Sample plates used in the design approval process are the property of the Department. The non-profit may request up to five samples for marketing and display purposes upon payment of material fees as established in 42-3-301, C.R.S., for each plate. Sample plates shall be produced using the standard passenger size license plate with the standard sample plate numbers assigned by the Department. Non-standard plate number requests will not be accepted. Permission from the Department is required prior to use of the plate design, electronic plate images, or graphic plate images outside of usual marketing (website, newsprint etc.). The Department shall be given at least 72 hours prior notice of all news releases, interviews, or mass communications referencing the Group Special License Plate.~~

- ~~3.3 — The Department shall determine the method used and initial supply and re-stocking of inventory.~~
- ~~3.4 — Requests to distribute thank you notes, requests for contributions, or other propaganda with the issuance of the Group Special License Plate will not be accepted.~~
- ~~3.5 — The non-profit shall continuously maintain non-profit status. Proof of non-profit status shall be submitted to the Department annually prior to June 1st.~~
- ~~A. — If at any time, it is determined that the non-profit has lost status as a non-profit, at the Department's discretion, the plate shall either be retired or the pre-certification qualifier eliminated. At that time the non-profit will cease to be associated with the Group Special License Plate.~~
- ~~3.6 — The non-profit shall not request resident information or vehicle owner information from the Department concerning the number or expiration months of Group Special License Plates issued.~~
- ~~3.7 — The non-profit must affirm in writing to the Department if the authority of the Group Special License Plate is transferred to a successor non-profit. Upon acceptance of the transfer of authority by the Department, the successor non-profit shall meet all statutory and regulatory requirements and shall be required to affirm in writing agreement to the established regulations in regards to Group Special License Plates.~~
- ~~3.8 — Request for changes to certificates must be submitted in writing ensuring sufficient time to disseminate the change to all Motor Vehicle offices. Upon approval of the certificate change the Department will establish an effective date for the change. Amended certificate shall meet the requirements of Code of Colorado Regulations 1 CCR 204-10 Rule 16. Previously issued certificates that have not been presented to the Motor Vehicle office for issuance of the associated Group Special License Plate will be accepted for issuance of a Group Special License Plate.~~
- ~~3.9 — Pursuant to the date establish within each Group Special License Plate statute, and every year thereafter on such date, there shall be the amount specified in statute for the number of motor vehicles registered with the associated Group Special License Plate. If the Group Special License Plate is registered to less than the amount specified in statute, the Department shall retire the Group Special License Plate pursuant to the Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.~~
- ~~3.10 — The Department may require an audit of the non-profit monies collected and efforts made in the name of the Group Special License Plate. This may include, but is not limited to, accounting, financial, procedures, tax, and pre-certification qualifier audits.~~
- ~~A. — In the event that an audit results in adverse findings, the Department may require additional information to support the non-profit's claims and may retire the Group Special License Plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 20. License Plate Retirement.~~
- ~~3.11 — If the Department retires a Group Special License Plate the retirement of the Group Special License Plate requires:~~
- ~~A. — The discontinuation of the production and issuance of the Group Special License Plate.~~
- ~~B. — Written notice, sent via regular certified postal mail, to the non-profit associated with the Group Special License Plate. This retirement notice shall also act as the official~~

~~notice that the non-profit is no longer associated with the Group Special License Plate. Upon receipt of the retirement notice the non-profit shall:~~

~~1. Discontinue collection of donations and issuance of certificates.~~

~~2. Within 72 hours remove any references to the Group Special License Plate from the non-profits website, newsprint, or other public accessed media.~~

~~C. A person, whose vehicle is registered with a retired Group Special License Plate, shall be permitted to continue registration with the Group Special License plate provided the registration remains current and the license plate is not damaged, lost, or stolen.~~

~~D. The non-profit is required to provide refunds to persons who were issued certificates from the non-profit within the last 13 months and who have not been issued the Group Special License Plate prior to the retirement date.~~

~~1. A person who has received a certificate from the non-profit that has been approved for a personalized plate and has not been issued the personalized plate prior to the retirement date shall be permitted to register their vehicle with the Group Special License Plate provided the issuance and registration is completed within 13 months of the personalized plate approval date.~~

~~3.12 Applications for the proposal of a new Group Special License Plate will be accepted 5 years from the date of the last retirement of a Group Special License Plate by the same non-profit who will be required to meet the statutory and regulatory requirements at that time.~~

~~3.13 Non-profits associated with Group Special License Plates created through rule shall meet the requirements of this regulation unless such rule and/or other agreement that non-profit has with the Department establishes separate requirements that differ from this regulation. In any event, that such rule and/or other agreement are in place and it does not specifically address items in this regulation, this regulation shall apply and be in full effect.~~

Notice of Proposed Rulemaking

Tracking number

2017-00550

Department

200 - Department of Revenue

Agency

207 - Division of Gaming - Rules promulgated by Gaming Commission

CCR number

1 CCR 207-1

Rule title

GAMING REGULATIONS

Rulemaking Hearing

Date

12/21/2017

Time

09:15 AM

Location

17301 W. Colfax Ave., Suite 135, Golden, CO 80401

Subjects and issues involved

Amendments to Rule 8 Rules for Blackjack to promulgate rules for a new game of blackjack, "Blackjack Burnout", and to Rule 22 Rules for Roulette to promulgate rules for a new game of roulette, "Roulette with Straights and 8's".

Statutory authority

Sections 12- 47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., 12-47.1-816, C.R.S., and 12-47.1-818, C.R.S.

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BASIS AND PURPOSE FOR RULE 8

The purpose of Rule 8 is to establish playing rules for blackjack and procedures for conducting blackjack games in compliance with section 12-47.1-302 (2). The statutory basis for Rule 8 is found in sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., 12-47.1-816, C.R.S., and 12-47.1-818, C.R.S.

RULE 8 RULES FOR BLACKJACK

47.1-899.25 THE PLAY – BLACKJACK BURNOUT.

BLACKJACK BURNOUT IS A TRADEMARKED AND PATENT-PENDING BLACKJACK VARIATION GAME, THE RIGHTS TO WHICH ARE OWNED BY ANGEL ESPINO OF WESTMINSTER, CO AND WHICH MAY BE TRANSFERRED OR ASSIGNED. BLACKJACK BURNOUT SHALL BE DEALT AND PLAYED FOLLOWING THE STANDARD RULES OF BLACKJACK, EXCEPT AS FOLLOWS:

- (1) BLACKJACK BURNOUT MUST BE PLAYED ONLY ON TABLES UTILIZING A BLACKJACK BURNOUT STYLE TABLE LAYOUT. THE GAME SHALL BE PLAYED USING SIX STANDARD 52 CARD DECKS AND IS DEALT FROM A DEALING SHOE.
- (2) BLACKJACK BURNOUT FEATURES AN OPTION THAT ALLOWS THE PLAYER THE ABILITY TO BURN ONE "HIT" CARD ONCE HE/SHE HAS THE OPPORTUNITY TO TAKE ACTION ON HIS/HER HAND. AT THE SAME TIME A PLAYER MAKES HIS/HER STANDARD BLACKJACK WAGER, THE PLAYER WOULD PLACE THIS FEE.
- (3) THE BLACKJACK BURNOUT FEE IS 20% OF THE PLAYER'S STANDARD BLACKJACK WAGER.
- (4) THE DEALER WILL THEN FOLLOW STANDARD HOUSE PROCEDURES FOR DEALING BLACKJACK.
 - (A) BLACKJACK PAYS 3 TO 2.
 - (B) PLAYERS CAN SPLIT ANY PAIR OTHER THAN ACES UP TO FOUR TIMES. ACES CAN ONLY BE SPLIT ONCE.
 - (C) PLAYERS CAN DOUBLE DOWN ON ANY FIRST TWO CARDS.
- (5) ONCE IT IS TIME FOR THE PLAYER TO ACT ON HIS/HER HAND, SHOULD THE PLAYER CHOSE TO HIT AND NOT LIKE THE CARD RECEIVED, AND THE PLAYER PAID THE OPTIONAL BLACKJACK BURNOUT FEE, THE PLAYER MAY ELECT TO HAVE THE DEALER BURN THE CARD AND RECEIVE THE NEXT CARD TO BE DEALT. THE PLAYER MUST PLAY HIS/HER HAND WITH THE REPLACEMENT CARD HE/SHE RECEIVES.
 - (A) THE BLACKJACK BURNOUT OPTION MAY BE EXERCISED AT ANY POINT A HIT CARD MAY BE REQUESTED (I.E. DOUBLING DOWN) AND AT ANY TIME DURING THE DEVELOPMENT OF THE HAND. FOR EXAMPLE, A PLAYER MAY HIT, THEN HIT AGAIN, USE THE BURNOUT OPTION TO REPLACE THE SECOND HIT CARD, AND THEN HIT A THIRD TIME.
 - (I) THE BURNOUT OPTION IS FORFEITED ONCE THE PLAYER CHOSSES TO SPLIT ANY PAIR.
 - (B) THE BLACKJACK BURNOUT FEE WILL BE COLLECTED BY THE DEALER ONCE THE BURNOUT OPTION IS EXERCISED DURING PLAY. IF A PLAYER HAD PLACED A BLACKJACK BURNOUT FEE AND DOES NOT ELECT TO BURN A CARD WHEN ACTING ON HIS/HER HAND, THE DEALER WILL COLLECT THE BLACKJACK BURNOUT FEE AFTER THE PLAYER ACTS ON HIS/HER HAND, THEN MOVE ON TO THE NEXT PLAYER.
- (6) AT THE DISCRETION OF THE RETAIL LICENSEE, PLAYERS MAY BE PERMITTED TO PLACE TIP BETS FOR THE DEALER ON THEIR BLACKJACK WAGERS. IF SUCH TIP WAGERS ARE ACCEPTED, WINNING WAGERS MUST BE PAID AT THE SAME ODDS AS THE PLAYERS' WINNING WAGERS. THE RETAIL LICENSEE MAY REQUIRE TIP WAGERS TO BE IN AN EVEN DOLLAR AMOUNT, AND MAY LIMIT THE MAXIMUM AMOUNT OF SUCH TIP WAGERS. NOTICE OF

ANY SUCH RESTRICTIONS SHALL BE PROVIDED ON TABLE SIGNAGE. No BLACKJACK BURNOUT FEE WILL BE COLLECTED FOR ANY DEALER TIP BET.

BONUS WAGER:

- (1) AT IT'S DISCRETION, THE RETAIL LICENSEE MAY ALSO PROVIDE A VERSION OF BLACKJACK BURNOUT THAT ALLOWS ADDITIONAL, OPTIONAL WAGERS KNOWN AS THE BLACKJACK BURNOUT BONUS WAGERS. IF THESE WAGERS ARE ALLOWED, THE GAME MAY ONLY BE PLAYED ON TABLES UTILIZING A LAYOUT WITH THE BONUS WAGER SPOTS AT EACH PLAYER POSITION AND EQUIPPED WITH ONE APPROVED BONUS BUTTON FOR EACH PLAYER POSITION. IF ALLOWED, AT THE SAME TIME THE PLAYER MAKES HIS/HER STANDARD BLACKJACK WAGER, THE PLAYER WILL HAVE THE OPPORTUNITY TO MAKE ONE OR MORE OF THREE ADDITIONAL OPTIONAL WAGERS, AND WAGERS DO NOT HAVE TO BE MADE IN SEQUENCE. THE PLAYER IS WAGERING THAT HE/SHE WILL HAVE CONSECUTIVE WINNING OUTCOMES ON THE NEXT TWO, THREE, OR FOUR HANDS.
- (2) ALL BONUS WAGERS MUST BE PLACED AT THE SAME TIME. No ADDITIONAL BONUS WAGERS MAY BE PLACED UNTIL ALL PENDING BONUS WAGERS PLACED BY THAT PLAYER HAVE BEEN SETTLED AS WINNING OR LOSING WAGERS. THESE WAGERS WILL BE IN AN EVEN-DOLLAR AMOUNT AND THE MINIMUM AND MAXIMUM AMOUNTS OF THESE WAGERS SHALL BE POSTED ON TABLE SIGNAGE. WINNING BONUS WAGERS WILL BE PAID ACCORDING TO THE POSTED PAY TABLE. PUSHES ARE NOT COUNTED AS A WIN OR LOSS. IF THE PLAYER SPLITS PAIRS, HE/SHE MUST WIN THE MAJORITY OF HIS/HER SPLIT HANDS TO ADVANCE. AN EQUAL NUMBER OF SPLIT HANDS RESULTS IN A PUSH.
- (3) THE BONUS WAGER IS PAID AS YOU GO. ONCE THE PLAYER WINS THE 2ND HAND IN A ROW, THE DEALER PAYS THE MAIN WAGER AND THEN THE BONUS WAGER. THIS PROCEDURE WOULD BE REPEATED FOR A 3RD AND 4TH HANDS IN A ROW. THE DEALER WILL MARK THE WINNING HANDS WITH A DESIGNATED BONUS BUTTON TO KEEP TRACK OF THE CONSECUTIVE WINS. IF THE PLAYER AND THE DEALER "PUSH" THEIR HANDS, THE PLAYER'S BONUS WAGER SHALL REMAIN THE SAME, MEANING IT WON'T ADVANCE OR LOSE. WHEN THE PLAYER LOSES A HAND, ALL REMAINING BONUS WAGERS ARE LOST.
- (4) AT THE DISCRETION OF THE RETAIL LICENSEE, PLAYERS MAY BE PERMITTED TO PLACE TIP BETS FOR THE DEALER ON THEIR BONUS WAGERS. IF SUCH TIP WAGERS ARE ACCEPTED, WINNING WAGERS MUST BE PAID AT THE SAME ODDS AS THE PLAYERS' WINNING WAGERS. THE RETAIL LICENSEE MAY REQUIRE TIP WAGERS TO BE IN AN EVEN DOLLAR AMOUNT, AND MAY LIMIT THE MAXIMUM AMOUNT OF SUCH TIP WAGERS. NOTICE OF ANY SUCH RESTRICTIONS SHALL BE PROVIDED ON TABLE SIGNAGE. No BLACKJACK BURNOUT FEE WILL BE COLLECTED FOR ANY DEALER TIP BET.
- (5) EVEN MONEY MAY BE OFFERED TO THE PLAYER IF THE PLAYER RECEIVES A BLACKJACK AND THE DEALER IS SHOWING AN ACE. IF THE PLAYER CHOOSES EVEN MONEY AND THE DEALER DOESN'T HAVE A BLACKJACK, THEN THE BONUS WAGER ADVANCES. IF THE PLAYER AND THE DEALER BOTH HAVE A BLACKJACK, THE HAND RESULTS IN A PUSH AND THE BONUS WAGER STAYS IN PLAY FOR THE NEXT HAND.
- (6) STANDARD HOUSE INSURANCE RULES APPLY IF THE PLAYER CHOOSES TO EXERCISE.
- (7) WINNING BONUS WAGERS SHALL BE PAID ACCORDING TO THE FOLLOWING PAY TABLE. THE PAY TABLE IN USE SHALL APPEAR ON THE TABLE LAYOUT OR ON SIGNAGE AT THE TABLE.

PLAYER WINS	PAY OUT
2 CONSECUTIVE WINS	2 TO 1
3 CONSECUTIVE WINS	4 TO 1
4 CONSECUTIVE WINS	8 TO 1

BASIS AND PURPOSE FOR RULE 22

The purpose of Rule 22 is to establish playing rules for authorized types of roulette and management procedures for conducting roulette games in compliance with section 12-47.1-302 (2), C.R.S. The statutory basis for Rule 22 is found in sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., and 12-47.1-818, C.R.S.

RULE 22 RULES FOR ROULETTE

47.1-2299.02 THE PLAY – ROULETTE WITH STRAIGHTS AND 8's.

STRAIGHTS AND 8's IS A PATENT-PENDING ROULETTE VARIATION GAME, THE RIGHTS TO WHICH ARE OWNED BY ACES UP GAMING OF WHEAT RIDGE, CO AND WHICH MAY BE TRANSFERRED OR ASSIGNED. STRAIGHTS AND 8's SHALL BE PLAYED ACCORDING TO THE FOLLOWING RULES:

- (1) PLAYERS MUST PLACE THEIR STRAIGHTS AND 8's WAGER IN THE DESIGNATED WAGERING POSITION BEFORE THE DEALER SIGNALS FOR NO MORE BETS.
- (2) THE DEALER WILL SPIN THE BALL AND WAVE FOR NO MORE BETS PER STANDARD HOUSE PROCEDURES.
- (3) THE DEALER WILL COLLECT EACH STRAIGHTS AND 8's WAGER THAT HAS BEEN PLACED AND WILL MOVE THEM TO THE CORRESPONDING NUMBERED POSITION THAT REPRESENTS THE PLAYER'S POSITION ON THE ROULETTE TABLE. PLAYERS ARE NOT ALLOWED TO MAKE ADDITIONAL STRAIGHTS AND 8's WAGERS UNTIL THE CURRENT STRAIGHTS AND 8's GAME SEQUENCE HAS ENDED.
- (4) THE DEALER WILL MARK THE ROULETTE NUMBER AND IMMEDIATELY MARK THE NUMBER ON THE STRAIGHTS AND 8's NUMBER TRACK. THAT NUMBER WILL STAY MARKED UNTIL THE GAME SEQUENCE HAS ENDED. THE DEALER WILL FOLLOW STANDARD HOUSE PROCEDURES FOR SERVICING ALL REGULAR ROULETTE WAGERS.
- (5) AFTER THE FIRST STRAIGHTS AND 8's NUMBER HAS BEEN ESTABLISHED, THE DEALER WILL SPIN THE BALL FOR THE NEXT GAME. THE DEALER WILL MARK THE ROULETTE NUMBER AND IMMEDIATELY MARK THE NUMBER ON THE STRAIGHTS AND 8's NUMBER TRACK, THEN FOLLOW NORMAL HOUSE PROCEDURES FOR ROULETTE ONCE THE SECOND NUMBER IS ESTABLISHED. IF THE SECOND NUMBER IS WITHIN TWO NUMBERS OF THE FIRST NUMBER MARKED (I.E. IF THE NUMBER WAS A 5 AND THE SECOND NUMBER IS A 3, 4, 6 OR 7) OR IF THE FIRST NUMBER WAS AN 8, 18 OR 28 AND THE SECOND NUMBER IS ALSO AN 8, 18 OR 28, THE DEALER WILL LEAVE THE MARKERS ON THE STRAIGHTS AND 8's NUMBER TRACK. IF THE SECOND NUMBER IS OUT OF RANGE FOR A WINNING PAY OUT, THE BET LOSES AND IS COLLECTED BY THE DEALER.
- (6) IF THE SECOND NUMBER MARKED IS WITHIN THE RANGE FOR A WINNING PAY OUT, THE DEALER WILL SPIN THE BALL FOR A THIRD GAME. THE DEALER WILL MARK THE ROULETTE NUMBER AND IMMEDIATELY MARK THE NUMBER ON THE STRAIGHTS AND 8's NUMBER TRACK, THEN FOLLOW NORMAL HOUSE PROCEDURES FOR ROULETTE ONCE THE THIRD NUMBER IS ESTABLISHED. IF THE THIRD NUMBER FALLS OUTSIDE THE RANGE FOR A WINNING 3 NUMBER PAY OUT, THE GAME SEQUENCE HAS ENDED AND THE DEALER WILL PAY THE WAGER ACCORDING TO THE POSTED PAY SCHEDULE. THE THIRD SPIN IS SPECIFICALLY TO SEE IF A WINNING 2 NUMBER PAY OUT CAN BE INCREASED TO A 3 NUMBER PAY OUT; IT WILL NOT CREATE A COMBINATION OF TWO PAY OUTS.
- (7) IF 0 OR 00 IS MARKED FOR THE FIRST OR SECOND NUMBER, THE STRAIGHTS AND 8's WAGER LOSES AND THE DEALER WILL COLLECT THE BET. IF 0 OR 00 IS MARKED FOR THE THIRD NUMBER, THE STRAIGHTS AND 8's GAME SEQUENCE HAS ENDED AND THE DEALER WILL PAY THE WAGER ACCORDING TO THE POSTED PAY SCHEDULE.
- (8) PAY OUT EXAMPLES:
 - (A) FIRST NUMBER IS A 5 AND THE SECOND NUMBER IS A 3. THIS IS A 2 NUMBERS WITH 1 NUMBER GAP WIN THAT PAYS 4 TO 1. IF THE THIRD NUMBER IS A 4, THIS PAY OUT BECOMES A 3 SEQUENTIAL NUMBERS IN A ROW WIN THAT PAYS 50 TO 1.

- (b) FIRST NUMBER IS A 12 AND THE SECOND NUMBER IS A 13. THIS IS A 2 SEQUENTIAL NUMBERS IN A ROW WIN. IF THE THIRD NUMBER IS A 10, THE PAY OUT WILL REMAIN A 2 SEQUENTIAL NUMBERS IN A ROW WIN THAT PAYS 7 TO 1.
- (c) FIRST NUMBER IS 5 AND THE SECOND NUMBER IS A 3. THIS IS A 2 NUMBERS WITH 1 NUMBER GAP PAY OUT. IF THE THIRD NUMBER IS A 2 OR A 6, THE PAY OUT WILL REMAIN A 2 NUMBERS WITH 1 NUMBER GAP WIN THAT PAYS 4 TO 1.
- (d) FIRST NUMBER IS AN 18 AND THE SECOND NUMBER IS A 28. THIS IS A 2 NUMBERS WITH 8'S IN A ROW PAY OUT. IF THE THIRD NUMBER IS A 29, THE PAY OUT WILL REMAIN A 2 NUMBERS WITH 8'S IN A ROW WIN THAT PAYS 4 TO 1.
- (e) FIRST NUMBER IS A 5 AND THE SECOND NUMBER IS A 7. THIS IS A 2 NUMBERS WITH A 1 NUMBER GAP WIN THAT PAYS 4 TO 1. IF THE THIRD NUMBER IS AN 8, THE PAY OUT WILL REMAIN A 2 NUMBERS WITH A 1 NUMBER GAP WIN THAT PAYS 4 TO 1. THIS DOES NOT CREATE A 2 SEQUENTIAL NUMBERS IN A ROW WIN SINCE THE 7 WAS THE SECOND NUMBER AND THE 8 WAS THE THIRD NUMBER.

(8) PAY TABLE:

CONSECUTIVE SPINS PAY TABLE	PAYS
2 NUMBERS WITH A 1 NUMBER GAP (FIRST TWO NUMBERS MARKED)	4 TO 1
2 NUMBERS WITH 8'S IN A ROW (FIRST TWO NUMBERS MARKED)	4 TO 1
2 SEQUENTIAL NUMBERS IN A ROW (FIRST TWO NUMBERS MARKED)	7 TO 1
3 SEQUENTIAL NUMBERS WITH 8'S (8, 18 OR 28) IN A ROW	50 TO 1
3 SEQUENTIAL NUMBERS IN A ROW	50 TO 1
8-18-28 IN THE FIRST THREE SPINS, ANY ORDER	299 TO 1

Notice of Proposed Rulemaking

Tracking number

2017-00549

Department

300 - Department of Education

Agency

301 - Colorado State Board of Education

CCR number

1 CCR 301-81

Rule title

RULES GOVERNING STANDARDS FOR INDIVIDUAL CAREER AND ACADEMIC PLANS

Rulemaking Hearing

Date

01/10/2018

Time

01:00 PM

Location

201 E. Colfax Ave., Room 101 - State Board Room

Subjects and issues involved

Pursuant to 22-2-136(1), C.R.S., the State Board of Education is required to promulgate rules to establish standards for Individual Career and Academic Plans ("ICAP") for all students enrolled in public schools in the state. The intent of this provision in the legislation is to ultimately decrease dropout rates and increase graduation rates by assisting students in developing and maintaining a personalized postsecondary career and educational plan that ensures readiness for postsecondary and workforce success and aligns to requirements set forth in 22-7-1001 et seq. C.R.S. and 22-11-101, et seq. C.R.S. Pursuant to 22-2-136(1) C.R.S., an ICAP shall be designed to assist a student and his or her parent or legal guardian in exploring the postsecondary career and educational opportunities available to the student, aligning course work and curriculum, applying to postsecondary education institutions, securing financial aid, and ultimately entering the workforce.

This rulemaking is a direct result of HB 17-1041 Inform Students and Parents of Education Leading to Jobs, which encourages schools and school districts to provide career and military entry information to students and parents.

Statutory authority

22-2-136(1), C.R.S., 22-7-1001 et seq. C.R.S., and 22-11-101, et seq. C.R.S.

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DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES GOVERNING STANDARDS FOR INDIVIDUAL CAREER AND ACADEMIC PLANS

1 CCR 301-81

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

Authority: Article IX, Section 1, Colorado Constitution. ~~22-2-106(1)(a) and (e); 22-2-107(1)(c); 22-2-136(1) of the Colorado Revised Statutes.~~ The statutory basis for these rules is found in 22-2-106(1)(a), ~~and (e)~~, State Board Duties; 22-2-107(1)(c), State Board Powers; ~~and 22-2-136(1), Additional duty – state board – individual career and academic plans; Institute Charter Schools – Individual career and academic plans; 22-30.5-117, Charter Schools – basic skills placement; 22-30.5-525(1) and (2), Institute Charter Schools – Individual career and academic plans; Board of Education – specific duties; 22-32-109 and 22-32-109(1)(oo)(l) and 22-32-109.5, Charter Schools – basic skills placement; 22-30.5-117, C.R.S.~~

1.00 Statement of Basis and Purpose.

Pursuant to ~~SB 09-256~~[22-2-136\(1\), C.R.S.](#), the State Board of Education is required to promulgate rules to establish standards for Individual Career and Academic Plans ("ICAP") for all students enrolled in public schools in the state. The intent of this provision in the legislation is to ultimately decrease dropout rates and increase graduation rates by assisting students in developing and maintaining a personalized postsecondary career and educational plan that ensures readiness for postsecondary and workforce success and aligns to requirements set forth in 22-7-1001 et seq. C.R.S. and 22-11-101, et seq. C.R.S. Pursuant to 22-2-136(1) C.R.S., an ICAP shall be designed to assist a student and his or her parent or legal guardian in exploring the postsecondary career and educational opportunities available to the student, aligning course work and curriculum, applying to postsecondary education institutions, securing financial aid, and ultimately entering the workforce. ~~The passing of HB10-1273 necessitated modifications to the rules to include a definition of progress of visual and performing arts courses, and also to reflect the student's progress in visual and performing arts courses, as defined in 22-1-104.5 (1) (a through e) C.R.S. Additionally, the passing of HB12-1345 necessitated modifications to the rules to include definition of charter school and expansion of the individual career and academic plan to include institute charter school and basic skills placement or assessment records.~~

2.00 Definitions.

2.00(1) Department: The Department of Education created pursuant to section 24-1-115(1), C.R.S.

2.00(2) Individual Career and Academic Plan (ICAP): An individualized plan, developed by the student and the student's parent or legal guardian, in collaboration with their school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers that is used to help establish personalized academic and career goals, explore postsecondary career and educational opportunities, align course work and curriculum, apply to postsecondary institutions, secure financial aid and ultimately enter the workforce school.

2.00(3) State Board: The State Board of Education created pursuant to Section 1, Article IX of the State Constitution.

2.00(4) Contextual and Service Learning: Activities performed by the student that establish connections between school-based instruction and the world of work, careers, and learning that occurs

beyond the school itself (i.e., Career and Technical Education, expeditionary learning, experiential education, internship or externships, and apprenticeships).

- 2.00(5) Implementation Plan: A plan developed and maintained by a local ~~education~~ school district that ensures every student and ~~his/her/their~~ parents or legal guardians ~~have~~ access to and assistance with the development of ~~an~~ ICAP, ~~which has a whose~~ scope and sequence ~~that~~ includes: district and school objectives, intentional district and school responsibilities, grade level appropriate timelines and key dates.
- 2.00(6) Approved Postsecondary Service Providers: Representatives of pre-collegiate service-providing programs who support middle and high school students' postsecondary objectives and planning and who have a formal service agreement with the schools they serve.
- 2.00(7) Progress in Visual Arts and Performing Arts Courses: Evidence of having participated in and grades earned in Visual Arts and Performing Arts Courses as defined in 22-1-104.5 (1)-(a) ~~through-~~ (c), C.R.S.
- 2.00(8) Institute Charter School: A charter school authorized pursuant to 22-30.5-501, C.R.S.
- 2.00(9) Local Board of Education or Local Board: A school district board of education as authorized in 22-32-103, C.R.S.
- 2.00(10) Postsecondary and Workforce Readiness (PWR): The combination of knowledge, skills, learning and behaviors essential to high school graduates to be prepared to enter postsecondary institutions or training and the workforce and compete in the global economy including content knowledge, learning and behavior skills, as set forth in the State Board of Education and the Commission on Higher Education's joint adoption on June 30, 2009 of the description of Postsecondary and Workforce Readiness.

2.01 Standards for Individual Career and Academic Plans.

- 2.01(1) Each ICAP shall include a career planning, guidance and tracking component and portfolio that reflects, at a minimum, standards as required, but not limited to 22-2-136, C.R.S.
 - 2.01(1)(a) Documentation of the student's efforts in exploring careers, including: a written postsecondary and workforce goal for the student; yearly benchmarks for reaching that goal; interest surveys that the student completes; and anticipated postsecondary studies;
 - 2.01(1)(b) The student's academic progress including the courses taken, any remediation or credit recovery and any concurrent enrollment credits earned;
 - 2.01(1)(c) ~~T~~the student's progress in visual arts and performing arts courses;
 - 2.01(1)(d) An intentional sequence of courses reflecting progress toward accomplishment of the student's postsecondary and workforce objectives;
 - 2.01(1)(e) Relevant assessment scores; including basic skills placement or assessment tests. For schools districts and charter schools that choose to administer the basic skills placement or assessment tests, the student's scores on the basic skills placement or assessment tests administered pursuant to section 22-30.5-117, 22-30.5-526 or 22-32-109.5(4), C.R.S., any intervention plan created for the student and the student's progress in meeting the intervention plan;
 - 2.01(1)(f) The student's plans for and experiences in Contextual and Service Learning, if applicable;

- 2.01(1)(g) A record of the student's college applications and resume, or alternative applications as they are prepared and submitted;
- 2.01(1)(h) The student's postsecondary studies as the student progresses through high school;
- 2.01(1)(i) The student's progress toward securing scholarships, work-study, student loans and grants;
- 2.01(1)(j) Other data reflecting student progress toward postsecondary and workforce readiness, including the student's understanding of the financial impact of postsecondary education;
- 2.01(1)(k) The student's scores on basic skills or assessment tests and based on an analysis of the scores (if a district chooses to administer), the student's level of ~~postsecondary and workforce readiness (PWR)~~ at the time of the test. If a student's scores indicate that he or she is at risk of being unable to demonstrate PWR prior to or upon high school graduation, school personnel shall work with the student and the student's parent or legal guardian to create an intervention plan that identifies the necessary courses and education support services that the student requires to achieve PWR prior to or upon high school graduation to be prepared to continue into a postsecondary education option.
- 2.01(2)(a) Each ICAP ~~shall be~~ accessible to educators, students, parents, legal guardians, and Approved Postsecondary Service Providers; and may be shared in compliance ~~with~~ the "Federal Family Education Rights and Privacy Act of 1974"; and
- 2.01(2)(ab) Each ICAP portfolio shall be transferable in print and/or electronic form for internal and external district use so that when a student transfers from one school or district to another, his ~~/ or her career and academic plans~~ ICAP follows him/her;
- 2.01(3) Each public school, in assisting students and parents in creating and maintaining ICAPs shall comply with the requirements of the Federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. 1232g.

2.02 District ~~and Institute Charter School~~ Responsibility ~~and Institute Charter School~~

- 2.02(1) District Responsibility. In implementing ICAPs, each district ~~s shall develop an Implementation Plan by September 30, 2010. The~~ Implementation Plan shall meet the following requirements include:
 - 2.02(1)(a) Policies and procedures in place that meet or exceed the requirements of 22-32-109(1)(~~oon~~), including an explanation of the requirements for and benefits of concurrent enrollment, various career pathways, and opportunities available through military enlistment. These policies and procedures shall also and also meet or exceed the standards set forth in 22-2-136(1), C.R.S. and include including a clear designation of the roles and responsibilities of the student, parents or legal guardians and district staff -(including administration, counselors and teachers);
 - 2.02(1)(b) Evidence of a plan for ICAP implementation process based on recommendations from school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers;
 - 2.02(1)(c) Where possible, the district's demonstration that professional development is in place for school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers for implementation of ICAP process;

2.02(1)(d) ~~Effective September 30, 2011,~~ each school counselor and/or school administrator shall ensure that every student in grades nine through twelve and their parents or legal guardians have access to and assistance in the development of an ICAP;

2.02(1)(e) Beginning no later than a student's ninth grade year, the ICAP shall include goals for the student based on academic and career interests and shall identify required academic courses, career courses, electives, and Contextual and Service Learning opportunities aligned to the district's programs of instruction related to ~~postsecondary and workforce readiness (PWR)~~;

2.02(1)(f) ICAP access and assistance shall be provided at a minimum, annually in grades nine through twelve and should include participation by the student, parents or legal guardian, school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers as applicable; the board of education may require the schools of the school districts to assist the students and his or her legal guardian to develop and maintain the student's ICAP in any grade prior to ninth grade;

2.02(1)(g) Each year's ICAP review shall indicate any differences from the previous year's ICAP including but not limited to: goal revision; new postsecondary career and educational plans; financial aid opportunities and changes in academic courses;

2.02(1)(h) School counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers at middle schools, and high schools shall collaborate to ensure that each student and their parents or legal guardians receive information and advising regarding the relationship between ICAP and postsecondary goals and expectations;

2.02(1)(i) ICAP and ICAP related data shall be available upon request to the student, parents or legal guardian, educators, and/or Approved Postsecondary Service Providers and in electronic and/or printable form;

2.02(1)(j) The Implementation Plan shall include provisions to include a means to insert ICAP related data into an electronic database for an individual student to the extent practicable;

2.02(1)(k) Where possible, the district shall ensure and verify that ICAP processes align with the American School Counselor Association's adopted standards;

2.02(1)(l) Schools will assist each student who is enrolled in the school and has an ICAP to use the plan effectively to direct the student's course selections and performance expectations in at least grades nine through twelve; to assist the student in meeting his or her academic and career goals as described in ICAP; and to enable the student to demonstrate PWR prior to or upon high school graduation at a level that allows the student to progress toward his or her postsecondary education goals, without requiring remedial education services or courses.

2.02(2) **Institute Charter Schools Responsibility**. In implementing ICAPs, each ~~I~~institute ~~C~~harter ~~S~~chool shall develop an Implementation Plan. The Implementation Plan shall ~~include~~ meet the following requirements:

2.02(2)(a) Beginning no later than a student's ninth grade year, the ICAP shall include goals for the student based on academic and career interests and shall identify required academic

courses, career courses, electives and Contextual and Service Learning opportunities aligned to the district's programs of instruction related to ~~postsecondary and workforce readiness~~PWR;

2.02(2)(b) Policies and procedures in place that meet or exceed the requirements of 22-30.5-525 and 22-30.5-505, including an explanation of the requirements for and benefits of concurrent enrollment, various career pathways, and opportunities available through military enlistment. These policies and procedures shall also 22-32-109(1)(nn) and also meet or exceed the standards set forth in 22-2-136(1), C.R.S. ~~and include~~ including a clear designation of the roles and responsibilities of the student, parents or legal guardians and ~~district staff (including administration, counselors, and teachers)~~;

2.02(2)(c) Schools will assist each student who is enrolled in the school and has an ICAP to use the plan effectively to direct the student's course selections and performance expectations in at least grades nine through twelve; to assist the student in meeting his or her academic and career goals as described in the ICAP; and to enable the student to demonstrate PWR prior to or upon high school graduation at a level that allows the student to progress toward his or her postsecondary education goals, without requiring remedial education services or courses.

2.03 Evaluation of Program

2.03(1) In accordance with section 2.02 of these rules, above, The districts and Institute Charter Schools shall establish specific policies for school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers to ensure every student has access to and assistance in the development of an ICAP.;

2.03(2) The policies shall include a method to evaluate the implementation and effectiveness of the standards set forth in section 22-2-136(1), C.R.S.

Editor's Notes

History

Entire rule eff. 03/10/2010.

Entire rule eff. 06/30/2011.

Entire rule eff. 04/15/2013.

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES GOVERNING STANDARDS FOR INDIVIDUAL CAREER AND ACADEMIC PLANS

1 CCR 301-81

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

Authority: Article IX, Section 1, Colorado Constitution. The statutory basis for these rules is found in 22-2-106(1)(a), State Board Duties; 22-2-107(1)(c), State Board Powers; 22-2-136, Additional duty – state board – individual career and academic plans; 22-30.5-117, Charter Schools – basic skills placement; 22-30.5-525, Institute Charter Schools – Individual career and academic plans; and 22-32-109(1)(oo)(l) and 22-32-109.5. Board of Education – specific duties; and

1.00 Statement of Basis and Purpose.

Pursuant to 22-2-136(1), C.R.S., the State Board of Education is required to promulgate rules to establish standards for Individual Career and Academic Plans ("ICAP") for all students enrolled in public schools in the state. The intent of this provision in the legislation is to ultimately decrease dropout rates and increase graduation rates by assisting students in developing and maintaining a personalized postsecondary career and educational plan that ensures readiness for postsecondary and workforce success and aligns to requirements set forth in 22-7-1001 et seq. C.R.S. and 22-11-101, et seq. C.R.S. Pursuant to 22-2-136(1) C.R.S., an ICAP shall be designed to assist a student and his or her parent or legal guardian in exploring the postsecondary career and educational opportunities available to the student, aligning course work and curriculum, applying to postsecondary education institutions, securing financial aid, and ultimately entering the workforce.

2.00 Definitions.

2.00(1) Department: The Department of Education created pursuant to section 24-1-115(1), C.R.S.

2.00(2) Individual Career and Academic Plan (ICAP): An individualized plan, developed by the student and the student's parent or legal guardian, in collaboration with their school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers that is used to help establish personalized academic and career goals, explore postsecondary career and educational opportunities, align course work and curriculum, apply to postsecondary institutions, secure financial aid and ultimately enter the workforce school.

2.00(3) State Board: The State Board of Education created pursuant to Section 1, Article IX of the State Constitution.

2.00(4) Contextual and Service Learning: Activities performed by the student that establish connections between school-based instruction and the world of work, careers, and learning that occurs beyond the school itself (i.e., Career and Technical Education, expeditionary learning, experiential education, internship or externships, and apprenticeships).

2.00(5) Implementation Plan: A plan developed and maintained by a local school district that ensures every student and his/her parents or legal guardians have access to and assistance with the development of an ICAP, which has a scope and sequence that includes: district and school objectives, intentional district and school responsibilities, grade level appropriate timelines and key dates.

- 2.00(6) Approved Postsecondary Service Providers: Representatives of pre-collegiate service-providing programs who support middle and high school students' postsecondary objectives and planning and who have a formal service agreement with the schools they serve.
- 2.00(7) Progress in Visual Arts and Performing Arts Courses: Evidence of having participated in and grades earned in Visual Arts and Performing Arts Courses as defined in 22-1-104.5 (1)(a) - (c), C.R.S.
- 2.00(8) Institute Charter School: A charter school authorized pursuant to 22-30.5-501, C.R.S.
- 2.00(9) Local Board of Education or Local Board: A school district board of education as authorized in 22-32-103, C.R.S.
- 2.00(10) Postsecondary and Workforce Readiness (PWR): The combination of knowledge, skills, learning and behaviors essential to high school graduates to be prepared to enter postsecondary institutions or training and the workforce and compete in the global economy including content knowledge, learning and behavior skills, as set forth in the State Board of Education and the Commission on Higher Education's joint adoption on June 30, 2009 of the description of Postsecondary and Workforce Readiness.

2.01 Standards for Individual Career and Academic Plans.

- 2.01(1) Each ICAP shall include a career planning, guidance and tracking component and portfolio that reflects, at a minimum, standards as required, but not limited to 22-2-136, C.R.S.
 - 2.01(1)(a) Documentation of the student's efforts in exploring careers, including: a written postsecondary and workforce goal for the student; yearly benchmarks for reaching that goal; interest surveys that the student completes; and anticipated postsecondary studies;
 - 2.01(1)(b) The student's academic progress including the courses taken, any remediation or credit recovery and any concurrent enrollment credits earned;
 - 2.01(1)(c) The student's progress in visual arts and performing arts courses;
 - 2.01(1)(d) An intentional sequence of courses reflecting progress toward accomplishment of the student's postsecondary and workforce objectives;
 - 2.01(1)(e) Relevant assessment scores; including basic skills placement or assessment tests. For schools districts and charter schools that choose to administer the basic skills placement or assessment tests, the student's scores on the basic skills placement or assessment tests administered pursuant to section 22-30.5-117, 22-30.5-526 or 22-32-109.5(4), C.R.S., any intervention plan created for the student and the student's progress in meeting the intervention plan;
 - 2.01(1)(f) The student's plans for and experiences in Contextual and Service Learning, if applicable;
 - 2.01(1)(g) A record of the student's college applications and resume, or alternative applications as they are prepared and submitted;
 - 2.01(1)(h) The student's postsecondary studies as the student progresses through high school;
 - 2.01(1)(i) The student's progress toward securing scholarships, work-study, student loans and grants;

- 2.01(1)(j) Other data reflecting student progress toward postsecondary and workforce readiness, including the student's understanding of the financial impact of postsecondary education;
- 2.01(1)(k) The student's scores on basic skills or assessment tests and based on an analysis of the scores (if a district chooses to administer), the student's level of PWR at the time of the test. If a student's scores indicate that he or she is at risk of being unable to demonstrate PWR prior to or upon high school graduation, school personnel shall work with the student and the student's parent or legal guardian to create an intervention plan that identifies the necessary courses and education support services that the student requires to achieve PWR prior to or upon high school graduation to be prepared to continue into a postsecondary education option.
- 2.01(2) Each ICAP shall be accessible to educators, students, parents, legal guardians, and Approved Postsecondary Service Providers; and may be shared in compliance with the "Federal Family Education Rights and Privacy Act of 1974"; and
 - 2.01(2)(a) Each ICAP portfolio shall be transferable in print and/or electronic form for internal and external district use so that when a student transfers from one school or district to another, his or her ICAP follows him/her.
- 2.01(3) Each public school, in assisting students and parents in creating and maintaining ICAPs shall comply with the requirements of the Federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. 1232g.

2.02 District and Institute Charter School Responsibility

- 2.02(1) **District Responsibility.** In implementing ICAPs, each district's Implementation Plan shall meet the following requirements:
 - 2.02(1)(a) Policies and procedures in place that meet or exceed the requirements of 22-32-109(1)(oo), including an explanation of the requirements for and benefits of concurrent enrollment, various career pathways, and opportunities available through military enlistment. These policies and procedures shall also meet or exceed the standards set forth in 22-2-136, C.R.S. and include a clear designation of the roles and responsibilities of the student, parents or legal guardians and district staff (including administration, counselors and teachers);
 - 2.02(1)(b) Evidence of a plan for ICAP implementation process based on recommendations from school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers;
 - 2.02(1)(c) Where possible, the district's demonstration that professional development is in place for school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers for implementation of ICAP process;
 - 2.02(1)(d) Each school counselor and/or school administrator shall ensure that every student in grades nine through twelve and their parents or legal guardians have access to and assistance in the development of an ICAP; 2.02(1)(e) Beginning no later than a student's ninth grade year, the ICAP shall include goals for the student based on academic and career interests and shall identify required academic courses, career courses, electives, and Contextual and Service Learning opportunities aligned to the district's programs of instruction related to PWR;
 - 2.02(1)(f) ICAP access and assistance shall be provided at a minimum, annually in grades nine through twelve and should include participation by the student, parent or legal guardian,

school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers as applicable; the board of education may require the schools of the school districts to assist the students and his or her legal guardian to develop and maintain the student's ICAP in any grade prior to ninth grade;

2.02(1)(g) Each year's ICAP review shall indicate any differences from the previous year's ICAP including but not limited to: goal revision; new postsecondary career and educational plans; financial aid opportunities and changes in academic courses;

2.02(1)(h) School counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers at middle schools, and high schools shall collaborate to ensure that each student and their parents or legal guardians receive information and advising regarding the relationship between ICAP and postsecondary goals and expectations;

2.02(1)(i) ICAP and ICAP related data shall be available upon request to the student, parents or legal guardians, educators, and/or Approved Postsecondary Service Providers and in electronic and/or printable form;

2.02(1)(j) The Implementation Plan shall include provisions to include a means to insert ICAP related data into an electronic database for an individual student to the extent practicable;

2.02(1)(k) Where possible, the district shall ensure and verify that ICAP processes align with the American School Counselor Association's adopted standards;

2.02(1)(l) Schools will assist each student who is enrolled in the school and has an ICAP to use the plan effectively to direct the student's course selections and performance expectations in at least grades nine through twelve; to assist the student in meeting his or her academic and career goals as described in ICAP; and to enable the student to demonstrate PWR prior to or upon high school graduation at a level that allows the student to progress toward his or her postsecondary education goals, without requiring remedial education services or courses.

2.02(2) **Institute Charter Schools Responsibility.** In implementing ICAPs, each Institute Charter School shall develop an Implementation Plan. The Implementation Plan shall meet the following requirements:

2.02(2)(a) Beginning no later than a student's ninth grade year, the ICAP shall include goals for the student based on academic and career interests and shall identify required academic courses, career courses, electives and Contextual and Service Learning opportunities aligned to the district's programs of instruction related to PWR;

2.02(2)(b) Policies and procedures in place that meet or exceed the requirements of 22-30.5-525 and 22-30.5-505, including an explanation of the requirements for and benefits of concurrent enrollment, various career pathways, and opportunities available through military enlistment. These policies and procedures shall also meet or exceed the standards set forth in 22-2-136, C.R.S. and include a clear designation of the roles and responsibilities of the student, parents or legal guardians and staff (including administration, counselors, and teachers);

2.02(2)(c) Schools will assist each student who is enrolled in the school and has an ICAP to use the plan effectively to direct the student's course selections and performance expectations in at least grades nine through twelve; to assist the student in meeting his or her academic and career goals as described in the ICAP; and to enable the student to demonstrate PWR prior to or upon high school graduation at a level that allows the

student to progress toward his or her postsecondary education goals, without requiring remedial education services or courses.

2.03 Evaluation of Program

2.03(1) In accordance with section 2.02 of these rules, above, districts and Institute Charter Schools shall establish specific policies for school counselors, school administrators, school personnel and/or Approved Postsecondary Service Providers to ensure every student has access to and assistance in the development of an ICAP.

2.03(2) The policies shall include a method to evaluate the implementation and effectiveness of the standards set forth in section 22-2-136, C.R.S.

Editor's Notes

History

Entire rule eff. 03/10/2010.

Entire rule eff. 06/30/2011.

Entire rule eff. 04/15/2013.

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-1

Rule title

1 CCR 201-1 PROCEDURE AND ADMINISTRATION 1 - eff 01/01/2018

Effective date

01/01/2018

DEPARTMENT OF REVENUE

Taxpayer Service Division - Tax Group

PROCEDURE AND ADMINISTRATION

1 CCR 201-1

RULE 39-21-112(3.5) NOTICE AND REPORTING REQUIREMENTS FOR NON-COLLECTING RETAILERS

Basis and Purpose

The basis for this rule is § 39-21-112(1) and § 39-21-112(3.5), C.R.S. The purpose of this rule is to clarify how a retailer that does not collect Colorado sales tax shall comply with notice and reporting requirements of § 39-21-112(3.5), C.R.S.

(1) **General Rule.** Every Non-Collecting Retailer shall:

- (a) Provide a Transactional Notice to all Colorado Purchasers as described in paragraph (4) of this rule;
- (b) Provide an Annual Purchase Summary to all Colorado Purchasers by January 31 of each year as described in paragraph (5) of this rule; and
- (c) Provide an Annual Customer Information Report to the Department by March 1 of each year as described in paragraph (6) of this rule.

(2) **Definitions.**

- (a) *“Annual Customer Information Report”* means the annual report required to be sent by a Non-Collecting Retailer notifying the Department of the information required pursuant to paragraph (6) of this rule.
- (b) *“Annual Purchase Summary”* means the notification required to be sent by a Non-Collecting Retailer notifying Colorado Purchasers of the information required pursuant to paragraph (5) of this rule.
- (c) *“Colorado Purchaser”* means a purchaser who makes a Colorado Reportable Purchase. If tangible personal property is purchased by one party, who may be inside or outside of Colorado, and is shipped to another party in Colorado, the Colorado Purchaser is the purchaser of the tangible personal property, not the recipient of the tangible personal property.
- (d) *“Colorado Reportable Purchase”* means:
 - (i) With respect to sales of tangible personal property that are shipped, a purchase that is shipped to an address in Colorado, or

- (ii) With respect to sales of tangible personal property that are downloaded or otherwise delivered electronically, a purchase that the Non-Collecting Retailer, using a commercially reasonable method, determines is to be downloaded or otherwise used by a person located in Colorado. A commercially reasonable method may be based on the Non-Collecting Retailer's existing billing, customer-tracking, or other systems. The commercially reasonable method used by a Non-Collecting Retailer must be the same for each purchaser. Unless good cause exists to use a different method, the Non-Collecting Retailer must also use the same commercially reasonable method every year the Non-Collecting Retailer makes sales and must use such method for all states into which the Non-Collecting Retailer ships tangible personal property.
- (iii) A Colorado Reportable Purchase does not include a purchase on which sales tax was collected at the time of the sale. This is true whether the sale was made by the Non-Collecting Retailer or a third-party and whether the collection was made voluntarily or was required.
- (iv) A Colorado Reportable Purchase does not include a purchase of tangible personal property that is exempt from Colorado sales and use tax, the sale of a service that is separable and separately stated from the sale of tangible personal property, or shipping charges or other fees that are separable and separately stated from the sale of the tangible personal property.
- (v) To the extent that disclosure of the purchaser's purchase or rental of video tapes, DVDs, Blu-Ray disks, or other video materials would violate 18 U.S.C. 2710A, the Colorado Reportable Purchase shall not include such purchases or rentals.
- (e) "Department" means the Colorado Department of Revenue.
- (f) "Non-Collecting Retailer" means a retailer that sells tangible personal property to Colorado Purchasers and does not collect Colorado sales or use tax. All corporations included in a controlled group of corporations pursuant to 26 U.S.C. 1563 shall be considered to be a single Non-Collecting Retailer for purposes of this rule. A retailer that collects Colorado sales or use tax is not a Non-Collecting Retailer, regardless of whether the retailer is obligated to collect the tax or voluntarily collects the tax.
- (g) "Total Gross Sales" means the total sales of Colorado Reportable Purchases made by a Non-Collecting Retailer. If the Non-Collecting Retailer makes exempt sales of tangible personal property, such sales may be excluded from the Total Gross Sales calculation; however the Non-Collecting Retailer is not obligated to exclude such sales.
- (h) "Transactional Notice" means the notice required to be provided by a Non-Collecting Retailer to a Colorado Purchaser at the time a Colorado Reportable Purchase is made notifying the Colorado Purchaser of the information required pursuant to paragraph (4) of this rule.
- (3) **De Minimis Non-Collecting Retailers.** For purposes of this rule, a retailer that makes less than \$100,000 in Total Gross Sales in Colorado in the prior calendar year and reasonably expects Total Gross Sales in Colorado in the current calendar year will be less than \$100,000 is a retailer whose sales in Colorado are *de minimis*. In the calculation of such Total Gross Sales, a retailer must include all Total Gross Sales made by all corporations in a controlled group of corporations pursuant to 26 U.S.C. 1563 of which group such retailer is a member.
- (4) **Transactional Notices.** A Non-Collecting Retailer shall provide a Transactional Notice with every Colorado Reportable Purchase not exempt from Colorado sales and use tax.

- (a) *Online Purchases.* For all purchases made online, a Transactional Notice shall be prominently located in close proximity to the "Tax" or "Sales Tax" line at checkout, or if no "Tax" line is available, in close proximity to the "Total Price" line shown at checkout.
 - (i) If it is impracticable for the Non-Collecting Retailer to display the Transactional Notice as described above, the Non-Collecting Retailer shall prominently display a hyperlink as prescribed in this paragraph (4)(a)(i). The hyperlink shall read "See here for information about the state tax you may owe" or use similar language. The hyperlink shall direct to the principal Transactional Notice. The hyperlink shall appear in close proximity to the "Tax" or "Total Price" line shown:
 - (A) at checkout
 - (B) on the invoice or order confirmation; or
 - (C) on the webpage for the product purchased.
 - (ii) The use of online marketplaces to make sales does not relieve a Non-Collecting Retailer from the obligation to provide a Transactional Notice with each Colorado Reportable Purchase. However, a marketplace may provide the Transactional Notice to Colorado Purchasers on behalf of the Non-Collecting Retailer.
- (b) *All Other Purchases Not Made Online.* For all other purchases not made online, a Transactional Notice must be prominently located on any order form or advertisement in close proximity to the "Total Price" line or explained orally to the Colorado Purchaser over the phone.
 - (i) If it is impracticable for the Non-Collecting Retailer to display the Transactional Notice as described above, the Non-Collecting Retailer shall state on the invoice or confirmatory communication near the "Tax" or "Total Price" line shown "See below/attached for information about the state tax you may owe" or similar language and provide the principal Transactional Notice either elsewhere on the invoice or confirmatory communication or in a supplemental document transmitted to the purchaser with the invoice or confirmatory communication.
- (c) The Transactional Notice shall inform the purchaser that:
 - (i) The retailer does not collect Colorado sales or use tax;
 - (ii) The purchase is not exempt from Colorado sales or use tax merely because it is made over the Internet or by other remote means;
 - (iii) The State of Colorado requires purchasers to (A) report all purchases that are taxable in Colorado and for which no tax was collected by the retailer and (B) pay tax on those purchases.
- (d) The Transactional Notice may inform the purchaser that:
 - (i) The retailer will provide to the purchaser an annual purchase summary of all purchases made by the purchaser during the previous calendar year in order to assist the purchaser in filing his or her tax return;
 - (ii) Details of how and when to file this return may be found at the Colorado Department of Revenue's website, www.colorado.gov/tax/usetax or successor URL;

- (iii) The retailer is required by law to provide the Colorado Department of Revenue with an annual report indicating the name of the purchaser, the total dollar amount of all the purchaser's Colorado purchases made throughout the calendar year, and the purchaser's billing, notice, and shipping addresses. The retailer will not provide any other details of the transaction to the Department.
 - (e) With respect to any subscription or membership whereby the retailer ships products to a customer at regular intervals, without any additional action by the customer (commonly referred to as subscription boxes or "_____ of the month" clubs), a Transactional Notice is required only with respect to any transaction whereby the customer subscribes, enrolls or renews her or his subscription or membership. Separate Transactional Notices are not required for the subsequent, repeated shipment of products to the customer made automatically and without additional action by the customer.
 - (f) If the Non-Collecting Retailer is required to provide a similar transactional type notice for another state, in addition to Colorado, and the Non-Collecting Retailer provides a single transactional type notice to all purchasers, a notice will be sufficient if it contains substantially the same information as required in paragraph (4)(c) of this rule but is provided in a form that is generalized to any state.
 - (g) **Penalties.**
 - (i) The Non-Collecting Retailer shall pay a penalty of \$5 for each sale to a Colorado Purchaser that does not provide the Transactional Notice.
 - (ii) If the Non-Collecting Retailer meets the criteria below, the penalty assessed against the Non-Collecting Retailer in a single year, pursuant to this section, shall not exceed the specified amounts:
 - (A) For a Non-Collecting Retailer that reasonably had no knowledge of the requirement to provide Transactional Notices and began to provide the required Transactional Notices within 60 days of demand by the Department, \$25,000;
 - (B) For a Non-Collecting Retailer that sells only tangible personal property that is not taxable in Colorado or sells tangible personal property only to Colorado Purchasers that are not subject to sales or use tax, no penalty shall be collected.
 - (C) No penalty shall be collected with respect to sales that are *de minimis* under paragraph (3) of this rule.
 - (iii) The Executive Director of the Department may waive all or any portion of a penalty for reasonable cause shown.
- (5) **Annual Purchase Summary.**
- (a) A Non-Collecting Retailer must send an Annual Purchase Summary to all Colorado Purchasers by January 31 of each year summarizing the Colorado Purchaser's Colorado Reportable Purchases for the prior calendar year. The notice shall meet the following requirements:
 - (i) Except as otherwise provided, the Annual Purchase Summary shall be sent by first class mail to the last known address of the Colorado Purchaser. The

envelope containing the Annual Purchase Summary shall be prominently marked with the words "Important Tax Document Enclosed".

- (A) The last known address shall be determined in the following order of preference:
 - (I) An address ("notice address") expressly provided by the Colorado Purchaser to the Non-Collecting Retailer for the purpose of receiving the Annual Purchase Summary, or, if not applicable,
 - (II) The Colorado Purchaser's billing address, or, if not known,
 - (III) The Colorado Purchaser's shipping address, or, if not known or applicable,
 - (IV) Any other physical address for the Colorado Purchaser that can be ascertained by the Non-Collecting Retailer using any commercially reasonable method based on the Non-Collecting Retailer's existing billing, customer-tracking, or other systems.
 - (V) If no physical address may be reasonably ascertained using any of the above methods, the Non-Collecting Retailer shall send the Annual Purchase Summary to the most recent email address the Non-Collecting Retailer has for the Colorado Purchaser.
- (ii) The Annual Purchase Summary shall inform the purchaser that:
 - (A) the total amount paid by the Colorado Purchaser, including any taxable shipping charges or other taxable fees charged to the customer, during the prior calendar year. However, if a Non-Collecting Retailer is reasonably certain the charges and fees are not subject to tax in Colorado, such charges and fees may be excluded;
 - (B) a statement indicating that the State of Colorado requires the purchaser to file a sales or use tax return and pay tax on all taxable purchases for which no tax was collected by the retailer;
 - (C) a statement indicating that the retailer is required by law to provide the Colorado Department of Revenue with the purchaser's name, the total dollar amount of purchases made by the purchaser during the prior calendar year, and all of the purchaser's billing, notice, and shipping addresses, but no other information about the purchase(s) will be provided to the Department;
 - (D) if available, the dates of each Colorado Reportable Purchase;
 - (E) if available, the amounts of each Colorado Reportable Purchase, including any taxable shipping charges or other taxable fees charged to the customer. However, if a Non-Collecting Retailer is reasonably certain the charges and fees are not subject to tax in Colorado, such charges and fees may be excluded;
 - (F) if available, a description of the type of item(s) purchased (e.g., books, food, consumer electronics, household appliances); and

- (G) if known by the retailer, whether the purchase is subject to or exempt from Colorado sales and use tax.
 - (iii) The Annual Purchase Summary may state that details of these requirements, including how to file, may be found at the Colorado Department of Revenue's website, www.colorado.gov/tax/usetax or [successor URL](#).
 - (iv) If the net value of a Colorado Purchaser's return(s) and purchase(s) in a year are equal or result in a credit, then the Non-Collecting Retailer need not send an Annual Purchase Summary to the Colorado Purchaser.
- (b) *De Minimis Colorado Purchaser.*
- (i) For the purpose of this rule, a Colorado Purchaser whose total Colorado Reportable Purchases for the prior calendar year are less than \$500 is a Colorado Purchaser whose purchases are *de minimis*.
 - (ii) If the tangible personal property or other charges assessed against the Colorado Purchaser are not subject to Colorado tax, a Non-Collecting Retailer may choose to exclude such purchases from the calculation of the Colorado Purchaser's total purchases for the prior calendar year; however, the Non-Collecting Retailer is not obligated to do so.
 - (iii) Any Non-Collecting Retailer shall make commercially reasonable business efforts, based on the business's existing billing, customer-tracking, or other systems, to identify multiple Colorado Reportable Purchases made by a single Colorado Purchaser from the Non-Collecting Retailer.
- (c) *Penalties.*
- (i) The Non-Collecting Retailer shall pay a penalty of \$10 for each required Annual Purchase Summary that is not sent to a Colorado Purchaser.
 - (ii) If the Non-Collecting Retailer meets the criteria below, the penalty assessed against the Non-Collecting Retailer, pursuant to this section, shall not exceed the specified amounts:
 - (A) For a Non-Collecting Retailer that sent the Annual Purchase Summaries to all Colorado Purchasers within 30 days after the due date, \$1,000;
 - (B) For a Non-Collecting Retailer that reasonably had no knowledge of the requirement and sent the Annual Purchase Summaries to all Colorado Purchasers within 60 days after demand by the Department to issue such Annual Purchase Summaries, \$50,000;
 - (C) For a Non-Collecting Retailer that sells only tangible personal property that is not taxable in Colorado or sells tangible personal property only to Colorado Purchasers that are not subject to sales or use tax, no penalty shall be collected.
 - (D) No penalty shall be collected with respect to sales that are *de minimis* under paragraph (3) of this rule.

- (E) No penalty shall be collected for any Non-Collecting Retailer's failure to send an Annual Purchase Summary for purchases that are *de minimis* under paragraph (5)(b) of this rule.
 - (iii) The Executive Director of the Department may waive all or any portion of the penalty for reasonable cause shown.
- (6) **Annual Customer Information Report.**
 - (a) Any Non-Collecting Retailer who is required to provide at least one Annual Purchase Summary to a Colorado Purchaser must file an Annual Customer Information Report with the Department containing the following information:
 - (i) The name of each Colorado Purchaser;
 - (ii) The billing address, notice address, and shipping address of each Colorado Purchaser, if the information is known by the Non-Collecting Retailer;
 - (iii) The total dollar amount of Colorado Reportable Purchases, including taxable shipping charges or other taxable fees charged to the customer, made by the Non-Collecting Retailer to each Colorado Purchaser during the prior calendar year. However, if a Non-Collecting Retailer is certain the charges and fees are not subject to tax in Colorado, such charges and fees may be excluded. No other information about the purchase shall be provided.
 - (b) If the Colorado Purchaser provided more than one Colorado billing address, notice address, or shipping address, the Non-Collecting Retailer shall provide all such addresses to the Department.
 - (c) If the Non-Collecting Retailer made more than \$100,000 worth of Total Gross Sales in Colorado during the prior calendar year, the Non-Collecting Retailer shall electronically send to the Department the Annual Customer Information Report. The Department shall publish on its website, by November 1st of each year, the required format and data elements of the Annual Customer Information Report and shall publish details on how the Annual Customer Information Report shall be transmitted to the Department.
 - (d) If a Non-Collecting Retailer is required to provide one or more Colorado Purchaser(s) with an Annual Purchase Summary, then the Non-Collecting Retailer must include all the Colorado Reportable Purchases made by all Colorado Purchasers in its Annual Customer Information Report, including any Colorado Reportable Purchases made by *de minimis* Colorado Purchasers.
 - (e) If the Non-Collecting Retailer is part of a controlled group of corporations pursuant to 26 U.S.C. 1563 and the group of corporations wishes to file the Annual Customer Information Report for all Non-Collecting Retailers within the group, any entity within such group of corporations may prepare and file the Annual Customer Information Report so long as such Annual Customer Information Report includes all Colorado Purchasers and all Colorado Reportable Purchases made from Non-Collecting Retailers within the group during the prior calendar year. However, a controlled group of corporations may choose for each individual Non-Collecting Retailer to file the Annual Customer Information Report separately.
 - (f) *Penalties.*

- (i) If a Non-Collecting Retailer fails to file the Annual Customer Information Report or files an incomplete Annual Customer Information Report, the Non-Collecting Retailer shall pay a penalty equal to \$10 for each Colorado Purchaser that should have been included in the Annual Customer Information Report, but was not included.
- (ii) If the Non-Collecting Retailer meets the criteria below, the penalty assessed against the Non-Collecting Retailer, pursuant to this section, shall not exceed the specified amounts:
 - (A) For a Non-Collecting Retailer that filed a complete Annual Customer Information Report within 30 days of the due date, \$1,000;
 - (B) For a Non-Collecting Retailer that reasonably had no knowledge of the requirement and filed a complete Annual Customer Information Report within 60 days of demand by the Department, \$50,000;
 - (C) For a Non-Collecting Retailer that sells only tangible personal property that is not taxable in Colorado or sells tangible personal property only to Colorado Purchasers that are not subject to sales or use tax, no penalty shall be collected.
 - (D) No penalty shall be collected with respect to sales that are *de minimis* under paragraph (3) of this rule.
 - (E) If all of a Non-Collecting Retailer's sales to Colorado Purchasers are *de minimis* under paragraph (5)(b) of this rule, no penalty shall be collected.
- (iii) The Executive Director of the Department may waive all or any portion of the penalty for other reasonable cause shown.

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Office of the Attorney General

Tracking number: 2017-00279

Opinion of the Attorney General rendered in connection with the rules adopted by the

Taxpayer Service Division - Tax Group

on 10/23/2017

1 CCR 201-1

PROCEDURE AND ADMINISTRATION

The above-referenced rules were submitted to this office on 10/26/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

November 13, 2017 08:30:47

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Division of Motor Vehicles

CCR number

1 CCR 204-10

Rule title

1 CCR 204-10 TITLE AND REGISTRATION SECTION 1 - eff 12/15/2017

Effective date

12/15/2017

DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Section

1 CCR 204-10

RULE 28. TITLE AND REGISTRATION OF A VEHICLE OWNED BY, OR DONATED, LOANED, OR LEASED TO, A GOVERNMENT AGENCY

Basis: This rule is promulgated under the authority 39-26-113, 39-26-704(1), 42-1-102(58), 42-1-102(66), 42-1-102(93.5), 42-1-102(112), 42-1-204, 42-3-104(1) through (4), 42-3-105, 42-3-201, 42-3-202, 42-3-301, 42-3-304(1)(a) and (b) and (3)(b) and (c), 42-6-104, 42-6-106, and 42-6-137, C.R.S.

Purpose: The purpose of this rule is to establish procedures for titling and registering vehicles owned by, or donated, loaned, or leased to, a government agency.

1.0 Definitions

- 1.1 “Special License Plate” means a special license plate (for example, group special, alumni, or military) issued pursuant to part 2, article 3, Title 42, which is currently offered for issuance to a vehicle to evidence registration of that vehicle.
- 1.2 “Donated” means given voluntarily without payment in return.
- 1.3 “Government License Plate” means the permanent license plate that has stacked “GVT” lettering on the Colorado green and white graphic license plate.
- 1.4 “Leased Vehicle” means a vehicle that is subject to the terms of a lease agreement with a government agency, with corresponding payments.
- 1.5 “Loaned Vehicle” means a vehicle provided to a government agency for which the government agency has lawful use or control of the vehicle for a period of thirty days or more and that will be returned to the owner upon the government agency no longer having lawful use or control of the vehicle.
- 1.6 “Material Fees” means the fees required under section 42-3-301, C.R.S., for the direct cost of license plates, decals, or tabs.
- 1.7 “Registration Fees” or “Fees” means the fees required by Title 42, C.R.S. for the registration of a vehicle.
- 1.8 “Standardized License Plate” means any Colorado license plate that is not a Special License Plate.

- 1.9 “State of Colorado” for purposes of this rule includes any board, bureau, commission, department, institution, division, section, university, or officer of the state, including those in the legislative branch and in the judicial branch.
- 1.10 “Taxes” means sales tax, use tax, and specific ownership tax assessed and collected from the vehicle owner and distributed to the appropriate funds as required in Title 42, C.R.S.
- 1.11 “United States Government” or “U.S. Government” when referenced in this rule includes an agency or instrumentality thereof as provided in section 42-3-104(1), C.R.S.

2.0 U.S. Government or Foreign Government Owned Vehicles

- 2.1 A vehicle owned by the United States Government is not required to be registered pursuant to section 42-3-104(3)(a), C.R.S. If the United States Government elects to obtain a State of Colorado title and registration it must meet all titling and registration requirements in Title 42, C.R.S. Title and registrations transactions shall be performed by the Department.
- 2.2 A vehicle owned by a foreign government, or a consul, or other official representative of a foreign government duly recognized by the Department of State of the United States government (e.g., Honorary Consulate, Ambassador) shall be titled pursuant to Article 6 of Title 42, C.R.S., and registered pursuant to section 42-3-304(3)(b), C.R.S., by the Department.

3.0 Government Agency Determination

- 3.1 An entity may seek a determination by the Department of Revenue that it qualifies as a government agency under section 42-3-104, C.R.S., by submitting to the Department of Revenue:
 - a. A citation to its enacting statute in the Colorado Revised Statutes;
 - b. Proof of tax exemption as a government agency;
 - c. Proof evidencing its existence as a government agency (e.g., a town’s articles of incorporation); or
 - d. A request for a Department of Revenue determination.

4.0 Titling of Government Owned Vehicles

- 4.1 Every vehicle owned by a government agency must be titled. Applications for titling provided for in title 42, article 6, must be made as follows:

- a. The department, university, division, agency, commission, Regional Transportation District (when owned by a government agency), or other entity within the State of Colorado that owns the vehicle must complete the title application and submit it to the Department.
- b. The county, town, city, or city and county that owns the vehicle must complete the application and submit it to an authorized agent in the county in which the applicant is located.
- c. The local, municipal and special district that owns the vehicle must complete the application and submit it to an authorized agent in the county in which the applicant is located.

4.2 The name and address on the Colorado certificate of title for a vehicle owned by a government agency shall be as listed below.

- a. A vehicle owned by the State of Colorado:
 - i. “State of Colorado, Department of (name of department or university, and division, agency, commission, or other entity name)”, with the address of the specific department, division, agency, commission, or other entity. If the vehicle is being principally operated and maintained, or permanently maintained, at an address other than the address for the department, division, agency, commission, or other entity, then the address at which the vehicle is being principally operated and maintained, or permanently maintained, shall be used.
 - ii. A vehicle owned by the Regional Transportation District shall be titled with the name “Regional Transportation District”, with the address of the Regional Transportation District. If the vehicle is being principally operated and maintained, or permanently maintained, at an address other than the address for the Regional Transportation District, then the address at which the vehicle is being principally operated and maintained, or permanently maintained, shall be used.
- b. A vehicle owned by a county, town, city, or city and county:
 - i. “County or Town, City, or City and County Name” (e.g., Adams County, Grand County, City and County of Denver) and the address of that county, town, city, or city and county. If the vehicle is being principally operated and maintained, or permanently maintained, at an address other than the address for the county or town, city, or city and county, then the address at which the vehicle is being principally operated and maintained, or permanently maintained, shall be used.

- c. A vehicle owned by local, municipal, or special districts
 - i. “Local, Municipal, or Special District Government Name” (e.g., City of Thornton, Town of Lyons, Denver Water District) and the address of that local, municipal, or special district. If the vehicle is being principally operated and maintained, or permanently maintained, at an address other than the address for the local, municipal, or special district government, then the address at which the vehicle is being principally operated and maintained, or permanently maintained, shall be used.

5.0 Registration

- 5.1 Unless exempted from registration under section 42-3-104(3), C.R.S., every vehicle owned by a government agency shall be registered. Applications for registration provided for in title 42, article 3, C.R.S., must be made as follows:
 - a. The department, university, division, agency, commission, Regional Transportation District, or other entity within the State of Colorado that owns the vehicle must complete the application and submit it to the Department. The address on the application shall be the address of the department, university, division, agency, commission, Regional Transportation District, or other entity, unless the vehicle is being principally operated and maintained, or permanently maintained at an address other than the address for that specific department, university, division, agency, commission, Regional Transportation District, or other entity, in which case the address on the application shall be the address at which the vehicle is being principally operated and maintained or permanently maintained.
 - b. The county, town, city, or city and county, local, municipal and special district that owns the vehicle must complete the application and submit it to an authorized agent in the county in which the applicant is located. The address on the application shall be the address of the county, town, city, or city and county, local, municipal and special district, unless the vehicle is being principally operated and maintained, or permanently maintained at an address other than the address of the specific county, town, city, or city and county, local, municipal and special district, in which case the address on the application shall be the address at which the vehicle is being principally operated and maintained or permanently maintained.
- 5.2 Unless exempt, a government agency shall pay all Fees in Title 42, C.R.S., for a vehicle owned by them.

- 5.3 A government agency is not exempt from and must pay all Material Fees required in section 42-3-301, C.R.S., at the time of registration of a vehicle.
- 5.4 A government agency that enters into agreements with a non-government agency (e.g., road maintenance contractors, toll operator) cannot grant or transfer their Registration Fee and Taxes exemptions to the non-government agency or to any vehicles the non-government agency owns.

6.0 Emissions Compliance and License Plates

- 6.1 Proof of emissions compliance shall be required pursuant to part 3 and part 4, article 4 of title 42, C.R.S., for a vehicle registered at an address in an emissions program area.
 - a. The address at which the vehicle is principally operated and maintained, or permanently maintained, shall determine whether the vehicle is registered in an emissions program area.
- 6.2 A government agency owned vehicle that is registered shall be issued, and be required to display:
 - a. A Government License Plate. A Government License Plate will not display a year and month validation tab. Dependent on the vehicle type, a single or set of Government License Plates will be issued and must be displayed on the vehicle (e.g., trailer will be issued a single plate and passenger vehicles will be issued a set of plates);
 - b. A Standardized License Plate on a motor vehicle as defined in section 42-1-102(58), C.R.S., a vehicle as defined in section 42-1-102(112), C.R.S., and special mobile machinery defined in section 42-1-102(93.5), C.R.S., that is operated on roads and highways. A Standardized License Plate issued to a government agency shall display a year and month validation tab. Dependent on the vehicle type, a single or a set of Standardized License Plates will be issued (e.g., trailer will be issued a single plate and passenger vehicles will be issued a set of plates);
 - c. A Special License Plate if the government agency and the vehicle meet all requirements for that license plate. The government agency must meet all pre-certification requirements (e.g., donation, membership) for the Special License Plate before it can be issued the Special License Plate;
 - d. A special mobile machinery ownership decal for special mobile machinery, defined in section 42-1-102(93.5)(a)(I), C.R.S., that is not operated on highways and, therefore, is not required to be titled, or is not required to be titled (e.g. sign boards, lighting towers); or

- e. A Colorado State Patrol vehicle may be issued and display the Colorado State Patrol license plate pursuant to Code of Colorado Regulations 1 CCR 204-10 Rule 6. Colorado State Patrol License Plates.
- 6.3 Unless exempt from registration, a government agency must renew its vehicle registration(s) annually and, if issued a Special License Plate that requires an annual pre-certification requirement and the government agency wishes to retain the Special License Plate, the government agency must meet the annual pre-certification requirement before it can renew the registration.

7.0 Donated, Loaned, or Leased Vehicles

- 7.1 Donated Vehicle. A vehicle Donated to a government agency must be titled and registered as follows:
- a. If the vehicle is not titled in the donor's name, the donor must apply for a new Colorado certificate of title through the County Motor Vehicle office in the donor's name as provided in section 42-6-134, C.R.S.
 - i. The donor must pay title fees for the new Colorado certificate of title, and any sales tax due. A copy of forms DR 0100A Retail Sales Tax Return for Occasional Sales and DR 0025 Statement of Sales Taxes Paid on Loaner Motor Vehicle will be accepted as proof of sales tax paid.
 - b. The donor must assign the new Colorado certificate of title over to the government agency to which the vehicle is Donated. The purchase price on the assigned title must state "Donated" and will be entered into motor vehicle systems as "0".
 - c. The government agency must apply for a Colorado certificate of title and registration (unless exempt from registration) as provided for in sections 3 and 4 of this rule.
 - d. The government agency must pay the Material Fees required in section 42-3-301, C.R.S.
 - e. The government agency must provide proof of emissions compliance pursuant to Part 3 and Part 4, Article 4 of Title 42, C.R.S., for a vehicle Donated to the government agency that is being registered in an emissions program area.
- 7.2 Loaned Vehicle. Unless exempted from registration pursuant to section 42-3-104(3), C.R.S., a Loaned Vehicle shall be titled and registered as listed below:

- a. If the vehicle is not titled in the loaner's name, the loaner must apply for a new Colorado Certificate of title in the loaner's name through the County Motor Vehicle office as provided in section 42-6-134, C.R.S.
 - i. The loaner must pay title fees for the new Colorado certificate of title, and any sales tax due. A copy of forms DR 0100A Retail Sales Tax Return for Occasional Sales and DR 0025 Statement of Sales Taxes Paid on Loaner Motor Vehicle will be accepted as proof of sales tax paid.
- b. The government agency must be listed as the "In Care Of" in motor vehicle systems.
- c. The government agency must apply for registration of the vehicle pursuant to section 5 above.
- d. Unless statutorily exempt, the government agency shall pay the Registration Fees and Taxes for the Loaned Vehicle. The government agency shall pay the Material Fees required in section 42-3-301, C.R.S.
- e. The government agency shall provide proof of emissions compliance pursuant to Part 3 and Part 4, Article 4 of Title 42, C.R.S., for a Loaned Vehicle that is being registered in an emissions program area.

7.3 Leased Vehicle. A Leased Vehicle shall be titled and registered as follows:

- a. If the government agency requests to be exempt from payment of the annual specific ownership tax and annual Registration Fees, the lease agreement must be submitted to the Department for approval prior to the vehicle being titled and registered pursuant to sections 42-3-104(2) and 42-3-304(3)(c), C.R.S.
- b. If the title is not already in the lessor's name, the lessor must apply for a Colorado certificate of title in the lessor's name through the County Motor Vehicle office and the government agency must be listed as the lessee as provided in section 42-6-134, C.R.S.
- c. The government agency must apply for registration of the vehicle pursuant to section 5 above.
- d. The government agency shall provide proof of emissions compliance pursuant to Part 3 and Part 4, Article 4 of Title 42, C.R.S., for each Leased Vehicle that is being registered in an emissions program area.

8.0 Appeals

- 8.1 An entity that the Department has determined does not qualify as a government agency pursuant to section 3.0 of this rule may, within 60 days of the date of the Department's determination, request a hearing on the determination by submitting a written request for hearing to the Department of Revenue, Hearings Division.
- 8.2 The hearing will be held at the Department of Revenue, Hearings Division. The hearing officer will be an authorized representative designated by the Executive Director. The Department employee who completed the review and determined that the entity is not a government agency need not be present at the hearing unless required by the hearing officer, or unless requested in writing by the entity at the time the written request for hearing is submitted. The hearing officer may consider any documents and affidavits submitted by the Department.

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Office of the Attorney General

Tracking number: 2017-00297

Opinion of the Attorney General rendered in connection with the rules adopted by the

Division of Motor Vehicles

on 10/27/2017

1 CCR 204-10

TITLE AND REGISTRATION SECTION

The above-referenced rules were submitted to this office on 10/30/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

November 13, 2017 08:35:37

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Public Utilities Commission

CCR number

4 CCR 723-3

Rule title

4 CCR 723-3 RULES REGULATING ELECTRIC UTILITIES 1 - eff 12/15/2017

Effective date

12/15/2017

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3 RULES REGULATING ELECTRIC UTILITIES

* * *

[indicates omission of unaffected rules]

TRANSMISSION PLANNING

3625. Applicability.

This rule shall apply to all electric utilities in the state of Colorado except municipally owned utilities and cooperative electric associations that have voted to exempt themselves from regulation pursuant to § 40 9.5-103, C.R.S.

3626. Overview and Purpose.

The purpose of these rules is to establish a process to coordinate the planning for additional electric transmission in Colorado. The Commission endorses the concept that planning should be done on a comprehensive, transparent, state-wide basis and should take into account the needs of all stakeholders.

3627. Transmission Planning.

- (a) No later than February 1 of each even year, each electric utility shall file a ten-year transmission plan and supporting documentation pursuant to this rule.
 - (I) Each ten-year transmission plan shall meet the following goals:
 - (A) the proposed projects do not negatively impact the system of any other transmission provider or the overall transmission system in the near-term and long-term planning horizons;
 - (B) the proposed projects avoid duplication of facilities;
 - (C) the proposed projects reflect the development of joint projects where a proposed project services the mutual needs of more than one transmission provider and/or stakeholder; and
 - (D) the proposed projects are coordinated with all transmission providers in Colorado.
 - (II) The plan shall identify all proposed facilities 100kV or greater.

- (III) If any of the information required to be filed pursuant to this rule is available on a utility or utility maintained website, then it is sufficient for purposes of this rule to include in the filing a web address that provides direct access to that specific piece of information. This address must remain active until the next biennial filing.
- (b) Each ten-year transmission plan shall demonstrate compliance with the following requirements:
 - (I) The efficient utilization of the transmission system on a best-cost basis, considering both the short-term and long-term needs of the system. The best-cost is defined as balancing cost, risk and uncertainty and includes proper consideration of societal and environmental concerns, operational and maintenance requirements, consistency with short-term and long-term planning opportunities, and initial construction cost.
 - (II) All applicable reliability criteria for selected demand levels over a range of forecast system demands, including summer peak load, winter peak load and reduced load when renewable generation is maximized.
 - (III) All legal and regulatory requirements, including renewable energy portfolio standards and resource adequacy requirements.
 - (IV) Consistency with applicable transmission planning requirements in the FERC Order 890.
- (c) Each ten-year transmission plan shall contain the following information.
 - (I) The methodology, criteria and assumptions used to develop the transmission plan. This includes the transmission facility rating methodology and established facility ratings; transmission base case data for all applicable power flows, short circuit and transient stability analyses; and utility specific reliability criteria.
 - (II) The load forecasts, load forecast reductions arising from net metered distributed generation and utility sponsored energy efficiency programs, and controllable demand -side management data including the interruptible demands and direct load control management used to develop the transmission plan.
 - (III) The generation assumptions and data used to develop the transmission plan.
 - (IV) The methodology used to determine system operating limits, transfer capabilities, capacity benefit margin, and transmission reliability margin, with supporting data and corresponding established values.
 - (V) The status of upgrades identified in the transmission plan, as well as changes, additions or deletions in the current plan when compared with the prior plan.
 - (VI) The related studies and reports for each new transmission facility identified in the transmission plan including alternatives considered and the rationale for choosing the preferred alternative. The depth of the studies, reports, and consideration of alternatives shall be commensurate with the nature and timing of the new transmission facility.
 - (VII) The expected in-service date for the facilities identified in the transmission plan and the entities responsible for constructing and financing each facility.
 - (VIII) A summary of stakeholder participation and input and how this input was incorporated in the transmission plan.

- (IX) Each electric utility subject to rate regulation shall also include energy resource zone plans, designations, and applications for certificates of public convenience and necessity pursuant to § 40-2-126(2), C.R.S.
- (d) No later than February 1 of each even year, each utility shall file all economic studies performed pursuant to FERC Order 890 since the last biennial filing. Such studies generally evaluate whether transmission upgrades or other investments can reduce the overall costs of serving native load. These studies are conducted for the purpose of planning for the alleviation of transmission bottlenecks or expanding the transmission system in a manner that can benefit large numbers of customers, such as the evaluation of transmission upgrades or additions necessary to build or acquire new generation resources. The report shall identify who requested the economic study and shall identify all economic studies requested but not performed.
- (e) No later than February 1 of each even year, each utility shall file conceptual long-range scenarios that look 20 years into the future. These conceptual long-range scenarios shall analyze projected system needs for various credible alternatives, including, at a minimum, the following:
- (I) reasonably foreseeable future public policy initiatives;
 - (II) possible retirement of existing generation due to age, environmental regulations or economic considerations;
 - (III) emerging generation, transmission and demand limiting technologies;
 - (IV) various load growth projections; and
 - (V) studies of any scenarios requested by the Commission in the previous biennial review process.
- (f) Amended filings made pursuant to this rule are permitted at any time for good cause shown.
- (g) Government agencies and other stakeholders shall have an opportunity for meaningful participation in the planning process.
- (I) Government agencies include affected federal, state, municipal and county agencies. Other stakeholders include organizations and individuals representing various interests that have indicated a desire to participate in the planning process.
 - (II) During the development of the ten-year transmission plan when objectives and needs are being identified, each utility shall actively solicit input from the appropriate government agencies and stakeholders to identify alternative solutions.
 - (III) Once a utility has evaluated the alternative solutions and has prepared recommendations for inclusion in its ten-year transmission plan, the utility shall notify the government agencies and stakeholders of these recommendations.
 - (IV) The outreach anticipated in subparagraphs (g)(II) and (g)(III) shall occur in a timely manner prior to the filing of the ten-year plans.
 - (V) Each utility shall concurrently provide the filings made pursuant to this rule to all government agencies and other stakeholders that participate in the planning process.

- (h) After the ten-year transmission plans have been filed by utilities, the Commission will consolidate the plans in one proceeding. In this proceeding, the Commission will solicit written comments and will hold a workshop(s) and/or a hearing(s) on the plans for the purpose of reviewing and rendering a decision regarding the adequacy of the utilities' filed transmission plans and process used in formulating the plans. The Commission, on its own motion or at the request of others, may request additional supporting information from the utilities or the commenters. The Commission will review the plans and supporting information, the written comments, and the information obtained at the workshop(s) or hearing(s), and will issue a written decision regarding compliance with these rules and the adequacy of the existing and planned transmission facilities in this state to meet the present and future energy needs in a reliable manner. In this decision, the Commission may also provide further guidance to be used in the preparation of the next biennial filing.
- (i) Utilities shall make reference to the most recently filed ten-year transmission plan in any subsequent CPCN application for individual projects contained in that plan. Given sufficient documentation in the biennial ten-year transmission plan for the project under review and if circumstances for the project have not changed, the applicant may rely substantively on the information contained in the plan and the Commission's decision on the review of the plan to support its application. The Commission will take administrative notice of its decision on the plan. Any party challenging the need for the requested transmission project has the burden of proving that, due to a change in circumstances, the Commission's decision is no longer applicable or valid.

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Office of the Attorney General

Tracking number: 2017-00333

Opinion of the Attorney General rendered in connection with the rules adopted by the

Public Utilities Commission

on 10/23/2017

4 CCR 723-3

RULES REGULATING ELECTRIC UTILITIES

The above-referenced rules were submitted to this office on 10/24/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

November 06, 2017 14:34:14

A handwritten signature in blue ink that reads 'Frederick R. Yarger'.

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of State

Agency

Secretary of State

CCR number

8 CCR 1505-6

Rule title

8 CCR 1505-6 RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE 1 - eff
12/15/2017

Effective date

12/15/2017

COLORADO SECRETARY OF STATE

8 CCR 1505-6

Rules Concerning Campaign and Political Finance

Rules as Adopted – Clean

October 25, 2017

(Italic blue font text indicate publication notes and annotations)

[Current 8 CCR 1505-6 is amended as follows:]

Amendments to Rule 1 concerning definitions:

[No amendments to current Rules 1.1 through 1.5]

[Current Rule 1.6 is repealed, current Rule 1.7 is renumbered as Rule 1.6]

1.6 “Frequent filing schedule” means:

- 1.6.1 For state candidates and committees, the filing schedule outlined in sections 1-45-108 (2)(a)(I)(B), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.;
- 1.6.2 For a county, municipal, and special district candidate or committee, the filing schedule outlined in section 1-45-108 (2)(a)(II), C.R.S.; and
- 1.6.3 For political committees, small donor committees, independent expenditure committees, and political organizations participating in a regular biennial school election, the filing schedule outlined in sections 1-45-108(2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.

[New Rule 1.7]

1.7 “Independent expenditure committee” has the same meaning as set forth in section 1-45-103(11.5), C.R.S. An Independent expenditure committee differs from a political committee in that an independent expenditure committee may not directly contribute to a candidate committee or political party and may not coordinate its campaign-related expenditures with a candidate, candidate committee, or political party. Nothing in these rules limits joint fundraising efforts or the transfer of funds raised through joint fundraising efforts by an independent expenditure committee or other committee as long as each committee pays its allocated share of joint fundraising expenses and no committee participating in the joint fundraising activity receives more than its allocated share of funds raised in accordance with applicable contribution limits.

[No amendments to current Rules 1.8 through 1.12]

1.13 “Person”, for the purpose of Colo. Const. Article XXVIII, Section 7, means any natural person.

[No amendments to current Rules 1.14 through 1.18]

1.19 “Registered agent” is a natural person or candidate designated to receive mailings, to address

concerns and questions regarding a committee, and is responsible for timely filing campaign finance reports. [Sections 1-45-108(3)(b) and 1-45-109(4)(b), C.R.S.]

[No amendments to current Rule 1.20. New Rule 1.21:]

- 1.21 “Support or oppose”, for the purpose of Colo. const. Article XXVIII, Section 2(12)(a), means that the entity that contributed or made an expenditure did so in coordination with the candidate or candidate committee. If no such coordination exists, the entity is not a political committee.

New Rule 2.2.4(c)(3) concerning candidates and candidate committees, managing unexpended campaign contributions:

(c) Candidates seeking election to a different office

- (1) A candidate committee may transfer funds to a candidate committee established by the same candidate for a different public office, subject to the political party contribution limit, only if the new office sought has contribution limits that are equal to or greater than the current office, or the new office sought has no contribution limits. [Colo. Const. Article XXVIII, Section 3]
- (2) A candidate committee transferring funds to a candidate committee for a different office must terminate within ten days of registering the new candidate committee.
- (3) A candidate seeking election to a state, county, or local office may not transfer funds from a federal candidate committee to a Colorado candidate committee that is subject to the provisions of the Fair Campaign Practices Act.

New Rule 2.4.5 concerning personal financial disclosures:

2.4.5 A person who sits on a board or committee need not disclose the board or committee membership on a personal finance disclosure if the person does not:

- (a) Receive compensation; or
- (b) Individually control board funds.

New Rule 2.5 concerning the special district election cycle:

- 2.5 For special district candidates and committees, election cycle means the period of time beginning thirty-one days following the special district election for the particular office and ending thirty days following the next special district election for that office.

New Rules 3.3 and 3.4 concerning political committees and independent expenditure committees:

- 3.3 Only the following qualify as a contribution or expenditure made to “support or oppose” a candidate, as those terms are used in the definition of “political committee” in subsection (12) (a) of section 2 of article XXVIII of the Colorado Constitution:

- 3.3.1 Contribution to the candidate committee: must be a payment, loan, pledge, gift, or

advance of money, guarantee of a loan, or the gift or loan of property, made by the political committee and given directly to the candidate committee for the purpose of promoting the candidate's nomination, retention, recall, or election; or

3.3.2 Expenditure from the political committee: must be coordinated with a candidate committee or political party and be intended to:

- (a) Support that candidate's nomination, retention, recall, or election; or
- (b) Oppose a competing candidate's nomination, retention, recall, or election.

3.4 Where there is no coordination as described in Rule 3.3, and the aggregate amount of the expenditures is in excess of one thousand dollars, the entity is an independent expenditure committee rather than a political committee. If the person or group meets the registration requirements of an independent expenditure committee, it must register as an independent expenditure committee.

Amendments to Rule 4.4.3 concerning issue committees:

4.4.3 The disclosure report required by section 1-45-108(1.5)(c)(I), C.R.S., must be filed with the appropriate officer within five calendar days after notification to the appropriate officer that the small-scale issue committee qualifies as an issue committee under section 1-45-108(1.5)(c)(III), C.R.S.

New Rules 4.5 and 4.6 concerning issue committees and small-scale issue committees:

4.5 A matter becomes a ballot measure requiring a committee to register as an issue committee or small-scale issue committee under section 1-45-108(7)(a)(I), C.R.S., after a title has been designated and fixed and any motion for rehearing has been heard.

4.6 For issue committees and small-scale issue committees, the election cycle is a calendar year, beginning January 1 and ending December 31. This rule does not apply to issue committees formed to support or oppose a recall.

[Current Rule 9.3 is relocated and recodified as New Rule 12.5]

New Rule 10.1.3 concerning unexpended campaign contributions:

10.1.3 Unexpended contributions may not be used for personal purposes.

Amendments to Rule 10.2.3(b) regarding disclosure of occupation and employer:

10.2.3 Disclosure of occupation and employer

- (a) The requirement to disclose the occupation and employer of a contributor in Colo. Const. Article XXVIII, Section 7 and section 1-45-108, C.R.S., applies to any one-time contribution of \$100 or more, and not to aggregate contributions totaling \$100 or more.
- (b) Except for a committee exercising its right to cure under section 1-45-109(4)(c), if a committee does not report occupation and employer information for a contribution of \$100 or more, and the committee is unable to gather the

information within 30 days after receipt of the contribution, the committee must return the contribution to the contributor no later than the 31st day after receipt. [Colo. Const. Article XXVIII, Section 7]

New Rule 10.4.6 concerning managing contributions:

- 10.4.6 If a committee accepts a contribution or donation from a joint account and the contributor or donor is not specified, the committee may apportion the entire amount to the joint account who signed the check or determine how to apportion the contribution or donation between joint account holders. If the committee apportions a contribution or donation between joint account holders, the committee must notify each joint account holder of the apportionment.

Technical amendment to Rule 10.11.3:

- 10.11.3 An immediate reimbursement for committee expenses is not a contribution.

[Section 1-45-108(1)(e), C.R.S.]

Amendments to Rule 12.4 concerning changing or closing a committee:

- 12.4 Administrative committee terminations. The appropriate officer may terminate a standalone candidate or committee if the standalone candidate or committee fails to file any required reports for six consecutive reporting periods or 18 months, whichever is shorter, or files “zero” reports or reports with no activity for the same time period in accordance with the procedures set out in the State Administrative Procedure Act. [Colo. Const. Article XXVIII, Section 2(3), and section 24-4-105, C.R.S.]

Current Rule 9.3 is recodified as New Rule 12.5 with the following amendments:

- 12.5 If the Secretary of State receives verifiable information in writing that the candidate is deceased, the Secretary of State may immediately terminate the candidate’s candidate committee in TRACER.

Formatting amendments to Rule 15.4:

- 15.4 The aggregate contribution limits specified for a general election in Colo. Const. Article XXVIII, Section 3, as adjusted by these Rules, apply to the recall election with respect to each successor candidate.

Amendments to Rule 18.2 regarding campaign finance complaints:

- 18.2 Written complaints.

18.2.1 A written complaint filed under Colo. Const. Article XXVIII, Section 9(2)(a) must include the Secretary of State’s complaint cover sheet, and must include the following information:

- (a) The name, address, email, and signature of the complainant (if the complainant is represented by counsel, include the counsel’s name, address, and signature);
- (b) The name and address, and email if available, of each person alleged to have

committed a violation; and

- (c) The provision of Colo. Const. Article XXVIII, the Fair Campaign Practices Act, or these Rules violated and the particulars of the violation.

18.2.2 The Secretary of State will transmit the complaint to the Office of Administrative Courts in the Department of Personnel and Administration for consideration by an Administrative Law Judge within three business days of receipt of the original, signed complaint with the required cover sheet and any applicable exhibits, and will notify the respondents by email of the filing of the complaint. The Secretary of State will not transmit any complaint that is not complete. [Colo. Const. Article XXVIII, Section 9(2) (a)]

18.2.3 In determining whether an entity substantially complied under section 1-45-109(4), C.R.S., the appropriate officer must consider:

- (a) The extent of the respondent's noncompliance;
- (b) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance;
- (c) Whether the respondent received and followed guidance from the Secretary of State's Office regarding the noncompliance; and
- (d) Whether the noncompliance can be viewed as the product of an intent to mislead the electorate.

18.2.4 In determining whether an entity registered or disclosed in "Good faith" as that term is used in section 1-45-109(4), C.R.S., the appropriate officer must determine whether ten percent or less of the entity's disclosures or reported dollar amounts on the report or reports at issue in the complaint are in compliance. If so, the entity is deemed to have attempted to comply in good faith.

New Rule 18.4 concerning collection of debt:

18.4 If the Secretary of State sends an invoice to the state Controller for the collection of a debt in accordance with Colo. Const. Article XXVIII, Section 10 (2) (d), the state Controller may not attempt to collect or collect the debt from a non-candidate registered agent or designated filing agent of a committee.

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Office of the Attorney General

Tracking number: 2017-00398

Opinion of the Attorney General rendered in connection with the rules adopted by the

Secretary of State

on 10/25/2017

8 CCR 1505-6

RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

The above-referenced rules were submitted to this office on 10/25/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

November 13, 2017 15:50:44

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Emergency Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-1

Rule title

1 CCR 201-1 PROCEDURE AND ADMINISTRATION 1 - eff 10/23/2017

Effective date

10/23/2017

DEPARTMENT OF REVENUE

Taxpayer Service Division - Tax Group

PROCEDURE AND ADMINISTRATION

1 CCR 201-1

RULE 39-21-112(3.5) NOTICE AND REPORTING REQUIREMENTS FOR NON-COLLECTING RETAILERS

The basis for this rule is § 39-21-112(1) and § 39-21-112(3.5), C.R.S. The purpose of this rule is to clarify how a retailer that does not collect Colorado sales tax shall comply with notice and reporting requirements of § 39-21-112(3.5), C.R.S.

- (1) **General Rule.** Every Non-Collecting Retailer whose Total Gross Sales into Colorado are \$100,000 or more in a calendar year shall:
 - (a) Provide a Transactional Notice to all Colorado Purchasers as described in paragraph (4) of this rule;
 - (b) Provide an Annual Purchase Summary to all Colorado Purchasers by January 31 of each year as described in paragraph (5) of this rule; and
 - (c) Provide an Annual Customer Information Report to the Department by March 1 of each year as described in paragraph (6) of this rule.
- (2) **Definitions.**
 - (a) *“Annual Customer Information Report”* means the annual report required to be sent by a Non-Collecting Retailer notifying the Department of the information required pursuant to paragraph (6) of this rule.
 - (b) *“Annual Purchase Summary”* means the notification required to be sent by a Non-Collecting Retailer notifying Colorado Purchasers of the information required pursuant to paragraph (5) of this rule.
 - (c) *“Colorado Purchaser”* means a purchaser who makes a Colorado Reportable Purchase. If a good is purchased by one party, who may be inside or outside of Colorado, and is shipped to another party in Colorado, the Colorado Purchaser is the purchaser of the tangible personal property, not the recipient of the tangible personal property.
 - (d) *“Colorado Reportable Purchase”* means:
 - (i) With respect to sales of tangible personal property that are shipped, a purchase that is shipped to an address in Colorado, or
 - (ii) With respect to sales of tangible personal property that are downloaded or otherwise delivered electronically, a purchase that the Non-Collecting Retailer, using a commercially reasonable method, determines is to be downloaded or

otherwise used by a person located in Colorado. A commercially reasonable method may be based on the Non-Collecting Retailer's existing billing, customer-tracking, or other systems. The commercially reasonable method used by a Non-Collecting Retailer must be the same for each purchaser. Unless good cause exists to use a different method, the Non-Collecting Retailer must also use the same commercially reasonable method every year the Non-Collecting Retailer makes sales and must use such method for all states into which the Non-Collecting Retailer ships tangible personal property.

- (iii) A Colorado Reportable Purchase does not include a purchase on which sales tax was collected at the time of the sale. This is true whether the sale was made by the Non-Collecting Retailer or a third-party and whether the collection was made voluntarily or was required.
 - (iv) A Colorado Reportable Purchase does not include a purchase of tangible personal property that is exempt from Colorado sales and use tax, the sale of a service that is separable and separately stated from the sale of tangible personal property, or shipping charges or other fees that are separable and separately stated from the sale of the tangible personal property.
 - (v) To the extent that disclosure of the purchaser's purchase or rental of video tapes, DVDs, Blu-Ray disks, or other video materials would violate 18 U.S.C. 2710A, the Colorado Reportable Purchase shall not include such purchases or rentals.
 - (e) "Department" means the Colorado Department of Revenue.
 - (f) "Non-Collecting Retailer" means a retailer that sells tangible personal property to Colorado Purchasers and does not collect Colorado sales or use tax. All corporations included in a controlled group of corporations pursuant to 26 U.S. Code § 1563 shall be considered to be a single Non-Collecting Retailer for purposes of this rule. A retailer that collects Colorado sales or use tax is not a Non-Collecting Retailer, regardless of whether the retailer is obligated to collect the tax or voluntarily collects the tax.
 - (g) "Total Gross Sales" means the total sales of Colorado Reportable Purchases made by a Non-Collecting Retailer. If the Non-Collecting Retailer makes exempt sales of tangible personal property, such sales may be excluded from the Total Gross Sales calculation; however the Non-Collecting Retailer is not obligated to exclude such sales.
 - (h) "Transactional Notice" means the notice required to be provided by a Non-Collecting Retailer to a Colorado Purchaser at the time a Colorado Reportable Purchase is made notifying the Colorado Purchaser of the information required pursuant to paragraph (4) of this rule.
- (3) **De Minimis Non-Collecting Retailers.** For purposes of this rule, a retailer that makes less than \$100,000 in Total Gross Sales in Colorado in the prior calendar year and reasonably expects Total Gross Sales in Colorado in the current calendar year will be less than \$100,000 is a retailer whose sales in Colorado are *de minimis*. A retailer must include all Total Gross Sales made by all corporations in a controlled group of corporations pursuant to 26 U.S. Code § 1563. If a Non-Collecting Retailer's sales are *de minimis*, such Non-Collecting Retailer is not subject to the notice and reporting requirements of section 39-21-112(3.5), C.R.S. and this rule.
 - (4) **Transactional Notices.** A Non-Collecting Retailer shall provide a Transactional Notice with every Colorado Reportable Purchase not exempt from Colorado sales and use tax.

- (a) *Online Purchases.* For all purchases made online, a Transactional Notice shall be prominently located in close proximity to the "Tax" or "Sales Tax" line at checkout, or if no "Tax" line is available, in close proximity to the "Total Price" line shown at checkout.
 - (i) If it is impractical for the Non-Collecting Retailer to display the Transactional Notice as described above, the Non-Collecting Retailer shall provide a prominent hyperlink in close proximity to the "Tax" or "Sales Tax" line or the "Total Price" line shown at checkout that reads as follows: "See here for information on the tax you may owe to Colorado" so long as such hyperlink directs the Colorado Purchaser to the principal Transactional Notice.
 - (ii) The use of online marketplaces to make sales does not relieve a Non-Collecting Retailer from the obligation to provide a Transactional Notice with each Colorado Reportable Purchase. However, a marketplace may provide the Transactional Notice to Colorado Purchasers on behalf of the Non-Collecting Retailer.
- (b) *All Other Purchases Not Made Online.* For all other purchases not made online, a Transactional Notice must be prominently located on any order form in close proximity to the "Total Price" line.
 - (i) If it is impractical for the Non-Collecting Retailer to display the Transactional Notice as described above, the Non-Collecting Retailer shall state on the invoice or confirmatory communication near the "Tax" or "Total Price" line shown "See attachment for information on the tax you may owe" and provide a supplemental document containing the principal Transactional Notice with the invoice or confirmatory communication.
- (c) The Transactional Notice shall contain the following information:
 - (i) The retailer does not collect Colorado sales or use tax;
 - (ii) The purchase is not exempt from Colorado sales or use tax merely because it is made over the Internet or by other remote means;
 - (iii) The State of Colorado requires purchasers to (A) file a sales or use tax return reporting all purchases that are taxable in Colorado and for which no tax was collected by the retailer and (B) pay tax on those purchases.
- (d) The Transactional Notice may contain the following additional information:
 - (i) The retailer will provide to the purchaser an annual purchase summary of all purchases made by the purchaser during the previous calendar year in order to assist the purchaser in filing his or her tax return;
 - (ii) Details of how and when to file this return may be found at the Colorado Department of Revenue's website, www.colorado.gov/tax or [successor URL](#). The notice may substitute a more specific URL when such URL is published by the Department;
 - (iii) The retailer is required by law to provide the Colorado Department of Revenue with an annual report indicating the total dollar amount of all the purchaser's Colorado purchases made throughout the calendar year. The retailer will not provide any other details of the transaction to the Department other than the amount of the purchase(s).

- (e) If the Non-Collecting Retailer is required to provide a similar transactional type notice for another state, in addition to Colorado, and the Non-Collecting Retailer provides a single transactional type notice to all purchasers, a notice will be sufficient if it contains substantially the same information as required in paragraph (4)(c) of this rule but is provided in a form that is generalized to any state.
- (f) *Penalties.*
 - (i) The Non-Collecting Retailer shall pay a penalty of \$5 for each sale to a Colorado Purchaser that does not provide the Transactional Notice.
 - (ii) If the Non-Collecting Retailer meets the criteria below, the penalty assessed against the Non-Collecting Retailer in a single year, pursuant to this section, shall not exceed the specified amounts:
 - (A) For a Non-Collecting Retailer that reasonably had no knowledge of the requirement to provide Transactional Notices and began to provide the required Transactional Notices within 60 days of demand by the Department, \$25,000;
 - (B) For a Non-Collecting Retailer that sells only tangible personal property that is not taxable in Colorado or sells tangible personal property only to Colorado Purchasers that are not subject to sales or use tax, no penalty shall be collected.
 - (iii) The Executive Director of the Department may waive all or any portion of a penalty for other reasonable cause shown.
- (5) **Annual Purchase Summary.**
 - (a) A Non-Collecting Retailer must send an Annual Purchase Summary to all Colorado Purchasers by January 31 of each year summarizing the Colorado Purchaser's Colorado Reportable Purchases for the prior calendar year. The notice shall meet the following requirements:
 - (i) Except as otherwise provided, the Annual Purchase Summary shall be sent by first class mail to the last known address of the Colorado Purchaser. The envelope containing the Annual Purchase Summary shall be prominently marked with the words "Important Tax Document Enclosed".
 - (A) The last known address shall be determined in the following order of preference:
 - (I) An address ("notice address") expressly provided by the Colorado Purchaser to the Non-Collecting Retailer for the purpose of receiving the Annual Purchase Summary, or, if not applicable,
 - (II) The Colorado Purchaser's billing address, or, if not known,
 - (III) The Colorado Purchaser's shipping address, or, if not known or applicable,
 - (IV) Any other physical address for the Colorado Purchaser that can be ascertained by the Non-Collecting Retailer using any

commercially reasonable method based on the Non-Collecting Retailer's existing billing, customer-tracking, or other systems.

- (V) If no physical address may be reasonably ascertained using any of the above methods, the Non-Collecting Retailer shall send the Annual Purchase Summary to the most recent email address the Non-Collecting Retailer has for the Colorado Purchaser.
- (ii) *Electronic Opt-In.* A Non-Collecting Retailer may, but is not obligated to, provide the option to Colorado Purchasers to receive the Annual Purchase Summary by electronic means, so long as the Colorado Purchaser agrees to receive tax notifications by electronic means. The electronic communication containing the Annual Purchase Summary must be prominently marked with the words "Important Tax Document Enclosed".
 - (A) In order to send the Annual Purchase Summary by electronic means, a Non-Collecting Retailer must send an annual opt-in notification to Colorado Purchasers on or after December 15 of each year allowing the Colorado Purchaser the option to receive the Annual Purchase Summary by electronic means. The opt-in notification must make clear that the electronic communication is a tax document that may require action on the part of the Colorado Purchaser.
- (iii) The Annual Purchase Summary shall include the following information:
 - (A) The total amount paid by the Colorado Purchaser, including any taxable shipping charges or other fees charged to the customer, during the prior calendar year. However, if a Non-Collecting Retailer is certain the charges and fees are not subject to tax in Colorado, such charges and fees may be excluded;
 - (B) The State of Colorado requires the purchaser to file a sales or use tax return and pay tax on all taxable purchases for which no tax was collected by the retailer;
 - (C) The retailer is required by law to provide the Colorado Department of Revenue with the total dollar amount of purchases made by the purchaser during the prior calendar year, but no information about the purchase other than the dollar amount of the purchase(s) will be provided to the Department;
 - (D) If available, the dates of each Colorado Reportable Purchase;
 - (E) If available, the amounts of each Colorado Reportable Purchase, including any taxable shipping charges or other fees charged to the customer. However, if a Non-Collecting Retailer is certain the charges and fees are not subject to tax in Colorado, such charges and fees may be excluded;
 - (F) If available, a description of the type of item(s) purchased (e.g., books, food, consumer electronics, household appliances); and
 - (G) If known by the retailer, whether the purchase is subject to or exempt from Colorado sales and use tax.

- (iv) The Annual Purchase Summary may state that details of these requirements, including how to file, may be found at the Colorado Department of Revenue's website, www.colorado.gov/tax or [successor URL](#). The notice may substitute a more specific URL when such URL is published by the Department.
 - (v) If the net value of a Colorado Purchaser's return(s) and purchase(s) in a year are equal or result in a credit, then the Non-Collecting Retailer need not send an Annual Purchase Summary to the Colorado Purchaser.
 - (b) *De Minimis Colorado Purchaser.*
 - (i) Any Non-Collecting Retailer that is required to send the Annual Purchase Summary to Colorado Purchasers and that has complied with paragraph (5)(b)(iii) of this rule is not required to send the Annual Purchase Summary to any Colorado Purchaser whose total Colorado Reportable Purchases for the prior calendar year are less than \$500.
 - (ii) If the tangible personal property or other charges assessed against the Colorado Purchaser are not subject to Colorado tax, a Non-Collecting Retailer may choose to exclude such purchases from the calculation of the Colorado Purchaser's total purchases for the prior calendar year; however, the Non-Collecting Retailer is not obligated to do so.
 - (iii) Any Non-Collecting Retailer that chooses not to send an Annual Purchase Summary to *de minimis* Colorado Purchasers shall make commercially reasonable business efforts, based on the business's existing billing, customer-tracking, or other systems, to identify multiple Colorado Reportable Purchases made by a single Colorado Purchaser from the Non-Collecting Retailer.
 - (c) *Penalties.*
 - (i) The Non-Collecting Retailer shall pay a penalty of \$10 for each required Annual Purchase Summary that is not sent to a Colorado Purchaser.
 - (ii) If the Non-Collecting Retailer meets the criteria below, the penalty assessed against the Non-Collecting Retailer, pursuant to this section, shall not exceed the specified amounts:
 - (A) For a Non-Collecting Retailer that sent the Annual Purchase Summaries to all Colorado Purchasers within 30 days after the due date, \$1,000;
 - (B) For a Non-Collecting Retailer that reasonably had no knowledge of the requirement and sent the Annual Purchase Summaries to all Colorado Purchasers within 60 days after demand by the Department to issue such Annual Purchase Summaries, \$50,000;
 - (C) For a Non-Collecting Retailer that sells only tangible personal property that is not taxable in Colorado or sells tangible personal property only to Colorado Purchasers that are not subject to sales or use tax, no penalty shall be collected.
 - (iii) The Executive Director of the Department may waive all or any portion of the penalty for other reasonable cause shown.
- (6) **Annual Customer Information Report.**

- (a) Any Non-Collecting Retailer who is required to provide at least one Annual Purchase Summary to a Colorado Purchaser must file an Annual Customer Information Report with the Department containing the following information:
 - (i) The name of each Colorado Purchaser;
 - (ii) The billing address, notice address, and shipping address of each Colorado Purchaser, if the information is known by the Non-Collecting Retailer;
 - (iii) The total dollar amount of Colorado Reportable Purchases, including shipping charges or other fees charged to the customer, made by the Non-Collecting Retailer to each Colorado Purchaser during the prior calendar year. However, if a Non-Collecting Retailer is certain the charges and fees are not subject to tax in Colorado, such charges and fees may be excluded. No other information about the purchase shall be provided.
- (b) If the Colorado Purchaser provided more than one Colorado billing address, notice address, or shipping address, the Non-Collecting Retailer shall provide all such addresses to the Department.
- (c) If the Non-Collecting Retailer made more than \$100,000 worth of Total Gross Sales in Colorado during the prior calendar year, the Non-Collecting Retailer shall electronically send to the Department the Annual Customer Information Report. The Department shall publish on its website, by November 1st of each year, the required format and data elements of the Annual Customer Information Report and shall publish details on how the Annual Customer Information Report file shall be transmitted to the Department.
- (d) If all of the Colorado Purchasers to whom a Non-Collecting Retailer makes sales are below the *de minimis* threshold in paragraph (5)(c) of this rule, the Non-Collecting Retailer does not need to provide the Annual Customer Information Report to the Department.
- (e) If a Non-Collecting Retailer is required to provide one or more Colorado Purchaser(s) with an Annual Purchase Summary, then the Non-Collecting Retailer must include all the Colorado Reportable Purchases made by all Colorado Purchasers in its Annual Customer Information Report, including any Colorado Reportable Purchases made by *de minimis* Colorado Purchasers.
- (f) If the Non-Collecting Retailer is part of an affiliated group of corporations under IRC §1504 and the affiliated group of corporations wishes to file the Annual Customer Information Report for all Non-Collecting Retailers within the group, any entity within such affiliated group of corporations may prepare and file the Annual Customer Information Report so long as such Annual Customer Information Report includes all Colorado Purchasers and all Colorado Reportable Purchases made from Non-Collecting Retailers within the group during the prior calendar year. However, an affiliated group of corporations may choose for each individual Non-Collecting Retailer to file the Annual Customer Information Report separately.
- (g) *Penalties.*
 - (i) If a Non-Collecting Retailer fails to file the Annual Customer Information Report or files an incomplete Annual Customer Information Report, the Non-Collecting Retailer shall pay a penalty equal to \$10 for each Colorado Purchaser that should have been included in the Annual Customer Information Report.

- (ii) If the Non-Collecting Retailer meets the criteria below, the penalty assessed against the Non-Collecting Retailer, pursuant to this section, shall not exceed the specified amounts:
 - (A) For a Non-Collecting Retailer that filed a complete Annual Customer Information Report within 30 days of the due date, \$1,000;
 - (B) For a Non-Collecting Retailer that reasonably had no knowledge of the requirement and filed a complete Annual Customer Information Report within 60 days of demand by the Department, \$50,000;
 - (C) For a Non-Collecting Retailer that sells only tangible personal property that is not taxable in Colorado or sells tangible personal property only to Colorado Purchasers that are not subject to sales or use tax, no penalty shall be collected.
- (iii) The Executive Director of the Department may waive all or any portion of the penalty for other reasonable cause shown.

Cross References

1. For additional information about the ability for a Non-Collecting Retailer to allow customers to opt-in to receive Annual Purchase Summary by electronic means, see the Uniform Electronic Transaction Act in article 71.3 of title 24 in the Colorado Revised Statutes.



COLORADO
Department of Revenue

Taxation Division

Physical Address:
1375 Sherman Street
Denver, CO 80203

Mailing Address:
P.O. Box 17087
Denver, CO 80217-0087

Colorado Department of Revenue
Statement of Emergency Justification and Adoption
Emergency Rule 39-21-112(3.5)

Pursuant to sections 24-4-103(6), 39-21-112(1) and (3.5), and 24-71.3-101, et seq. C.R.S., I, Michael S. Hartman, Executive Director of the Department of Revenue, hereby adopt emergency Rule 39-21-112(3.5).

Section 24-4-103(6), C.R.S., authorizes the Executive Director to adopt a temporary or emergency rule if the Executive Director 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 that compliance with the requirements of section 24-4-103, C.R.S. regarding promulgation of a permanent regulation would be contrary to the public interest.

I find that the immediate adoption of this rule is necessary to provide guidance to retailers that do not collect Colorado sales or use tax and are subject to the notice and reporting requirements of section 39-21-112(3.5), C.R.S. The Department adopted Emergency Rule 39-21-112(3.5) on June 30, 2017 to clarify these requirements and began enforcement thereof on July 1, 2017. Permanent rulemaking proceedings are underway, but have not yet been completed and the existing emergency rule is set to expire October 28, 2017. Thus, an emergency rule is necessary to continue the guidance and clarification the existing rule provides pending promulgation of a permanent rule. I, therefore, find that the emergency adoption of this amended rule is necessary to comply with state law. Finally, I find that compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest under the circumstances.

Statutory Authority

The statutory authority for this amendment to the existing rule for section 39-21-112(3.5), C.R.S., is cited above.

Purpose

To prescribe how retailers that do not collect Colorado sales or use tax should comply with the notice and reporting requirements of section 39-21-112(3.5).

Adoption

For the reasons set forth above, I hereby adopt emergency rule 39-21-112(3.5), which is attached to this Statement and shall be effective on the date of its adoption and shall apply prospectively. This emergency rule shall be in force and effect for a period of one hundred and twenty days from the date of this notice, unless sooner terminated or replaced by permanent rules adopted in accordance with section 24-4-103, C.R.S.

Adopted this 23rd day of October, 2017.



Michael S. Hartman
Executive Director
Colorado Department of Revenue

CYNTHIA H. COFFMAN
Attorney General
MELANIE J. SNYDER
Chief Deputy Attorney General
LEORA JOSEPH
Chief of Staff
FREDERICK R. YARGER
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

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

Office of the Attorney General

Tracking number: 2017-00511

Opinion of the Attorney General rendered in connection with the rules adopted by the

Taxpayer Service Division - Tax Group

on 10/23/2017

1 CCR 201-1

PROCEDURE AND ADMINISTRATION

The above-referenced rules were submitted to this office on 10/25/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

November 13, 2017 08:34:38

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Emergency Rules Adopted

Department

Department of State

Agency

Secretary of State

CCR number

8 CCR 1505-1

Rule title

8 CCR 1505-1 ELECTIONS 1 - eff 10/20/2017

Effective date

10/20/2017

COLORADO SECRETARY OF STATE

[8 CCR 1505-1]

ELECTION RULES

Rules as Adopted - Clean

October 20, 2017

(Publication instructions/notes):

New Rule 2.16.3:

2.16.3 If a federal agency notifies a county of a data breach of or a targeted attack on its county network or SCORE, or provides any other notice concerning an attack or potential attack on critical infrastructure, the county must notify the Secretary of State immediately using the contact information provided by the Secretary of State for this purpose.



Statement of Justification and Reasons for Adoption of Temporary Rules

**Office of the Secretary of State
Election Rules
8 CCR 1505-1**

October 20, 2017

New Rule 2.16.3

In accordance with Colorado election law,¹ the Secretary of State finds that certain amendments to the existing election rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado election laws.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given the close proximity of the 2017 Coordinated Election. The Secretary of State must adopt rules to provide clear guidance to county clerks regarding election systems security requirements.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that adoption and immediate effect of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.²

¹ Sections 1-1-107(1)(c), 1-1-107(2)(a), 1-7.4-104, C.R.S. (2017).

² Section 24-4-103(3)(6), C.R.S. (2017).

CYNTHIA H. COFFMAN
Attorney General
MELANIE J. SNYDER
Chief Deputy Attorney General
LEORA JOSEPH
Chief of Staff
FREDERICK R. YARGER
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

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

Office of the Attorney General

Tracking number: 2017-00504

Opinion of the Attorney General rendered in connection with the rules adopted by the

Secretary of State

on 10/20/2017

8 CCR 1505-1

ELECTIONS

The above-referenced rules were submitted to this office on 10/20/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

November 06, 2017 14:33:28

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 11/09/2017

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)



COLORADO

Water Quality Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC ADMINISTRATIVE ACTION HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

At the date, time and location listed below, the Water Quality Control Commission will hold a public Administrative Action Hearing to consider extending the expiration date of the Interim Guidance for Implementation of Discharger Specific Variances Provisions, Commission Policy 13-1.

SCHEDULE OF IMPORTANT DATES:

Written comments due	12/27/2017 5:00 pm	Additional submittal information below
Public Administrative Action Hearing	01/08/2018 10:30 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

PROCEDURAL MATTERS:

The commission encourages input from interested persons, either in writing prior to the hearing or orally at the hearing. Interested persons should provide their opinions or recommendations regarding the proposed extension.

The commission will receive all written submittals electronically. Submittals must be provided as PDF documents and may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site, on a CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the due date. Written comments will be available to the public on the commission's [web site](#).

AUTHORITY FOR PUBLIC HEARING:

The provisions of 25-8-202(1)(g),(h), (i), (o) and (2) C.R.S. and Section 21.5 B of the "Procedural Rules", Regulation #21 (5 CCR 1002-21) provide the authority for this hearing.

PARTY STATUS:

This is not a rulemaking hearing; therefore, party status provisions of 25-8-101 et. seq., and 24-4-101 et. seq., C.R.S. do not apply. Party status requests shall not be considered by the commission.

Dated this 9th day of November 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Nancy Horan
DN: cn=Nancy Horan, o=Colorado Department
of Public Health and Environment, ou=Water
Quality Control Commission,
email=nancy.horan@state.co.us, c=US
Date: 2017.11.09 05:54:40 -07'00'

Nancy Horan, Operations Manager for the Commission

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 11/14/2017

Department

Department of Revenue

Agency

Division of Motor Vehicles



COLORADO
Department of Revenue

Department of Motor Vehicle
1881 Pierce Street
Lakewood, CO 80214

Stakeholder Workshop Notification of Future Rule Promulgation

Concerning Rule 1 CCR 204-30 Rule 8 Driver Testing and Education Program Rules and Regulations

There will be a public workshop held for discussion of the above rule on:

Date: Monday, November 27, 2017

Time: 2:30-3:30p.m.

**Location: 1881 Pierce Street
Boards/Commissions Conference Room 110
Lakewood, CO 80214**

Please enter through Entrance B. The Conference Room is to the left.

The following is the call-in information if you are unable to attend this workshop in person:

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/383155405>

You can also dial in using your phone.

United States: +1 (872) 240-3412

Access Code: 383-155-405

We look forward to seeing you at this workshop.



Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 11/20/2017

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)



COLORADO

**Department of Health Care
Policy & Financing**

Department of Health Care Policy & Financing
1570 Grant Street
Denver, CO 80203

PUBLIC NOTICE

November 25, 2017

Colorado Medicaid Inpatient Hospital Rate Updates Immediate Post-Partum Contraceptive Devices Payment Amendment

The Colorado Department of Health Care Policy and Financing intends to submit a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS) to amend the reimbursement method for immediate post-partum long-acting reversible contraceptive (IPP-LARC) devices which includes implantable and intrauterine (IUD) devices. This reimbursement shall be unbundled and separate from the global obstetrics APR-DRG inpatient hospital payment when these devices are inserted immediately after delivery (IUDs) or implanted prior to inpatient hospital discharge following a delivery. Reimbursement for IPP-LARCs shall be at the lower of: the Department's practitioner fee schedule or the amount submitted by the hospital, when the device is acquired through the 340B program the acquisition cost of the device shall be the submitted amount. This SPA will impact Health First Colorado enrolled inpatient hospitals who provide IPP-LARCs, support obstetric providers offering this service, and support clients seeking and consenting to IPP-LARC provision following delivery. The Department will update the inpatient hospital rates to reflect this change for providers participating in Medicaid.

The proposed State Plan Amendment does not increase annual aggregate expenditures (including state funds and federal funds).

The requested effective date for this SPA will be subject to CMS and Medical Services Board approval.

General Information

A link to this notice will be posted on the [Department's website](#) starting November 25, 2017. Written comments may be addressed to:

Director, Health Programs Office
Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.
www.colorado.gov/hcpf



Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 11/20/2017

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

PUBLIC NOTICE

November 25, 2017

Vision Services

The Department of Health Care Policy and Financing (Department) intends to submit a State Plan Amendment to the Centers for Medicare and Medicaid Services (CMS) to align the vision services in the State Plan with the new rule at 10 CCR 2505-10, Section 8.203, effective December 1, 2017. The update aligns the vision services provided in the State Plan, including eyeglasses, contact lenses, and ocular prosthetics, with the services provided in rule and removes balance billing language. This update affects clients receiving vision services by defining the scope of vision services provided and removing the balance billing language.

The annual aggregate increase in vision services expenditures (including state funds and federal funds) is \$66,171 in FFY 2017-18 and \$89,032 in FFY 2018-19.

General Information

A link to this notice will be posted on the [Department's website](#) starting on November 25, 2017. Written comments may be addressed to:

Director, Health Programs Office
Colorado Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203

Calendar of Hearings

Hearing Date/Time	Agency	Location
12/20/2017 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman Rm 127
12/20/2017 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman Rm 127
12/20/2017 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman Rm 127
12/20/2017 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman Rm 127
12/20/2017 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman Rm 127
12/20/2017 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman Rm 127
12/19/2017 11:00 AM	Division of Liquor Enforcement	17301 W. Colfax Ave, Suite 135, Golden, CO 80401
01/30/2018 10:00 AM	Division of Motor Vehicles	1881 Pierce Street Lakewood CO 80214 RM 110
01/30/2018 10:00 AM	Division of Motor Vehicles	1881 Pierce Street Lakewood CO 80214 RM 110
01/30/2018 10:00 AM	Division of Motor Vehicles	1881 Pierce Street Lakewood CO 80214 RM 110
12/21/2017 09:15 AM	Division of Gaming - Rules promulgated by Gaming Commission	17301 W. Colfax Ave., Suite 135, Golden, CO 80401
01/10/2018 01:00 PM	Colorado State Board of Education	201 E. Colfax Ave., Room 101 - State Board Room