



Rule Author/Division Director: Amanda Schoniger /
Carin Rosa

Email(s): Amanda.Schoniger@state.co.us,
Carin.Rosa@state.co.us

Program/Division: DELLA

CDEC Tracking No.: 2024-10-010

CCR Number(s): 8 CCR 1402-1

SOS Tracking No.: TBD

RULEMAKING PACKET

Reason for the proposed rule or amendment(s):

Compliance with Federal and/or State laws, mandates, or guidel...
If there are "Multiple/Other" reasons, please explain:

Emergency Rule Justification (if applicable)

Immediate adoption of revisions to the Child Care Centers, Family Child Care Homes (FCCH), Children’s Resident Camps, School-Aged Child Care Programs (SACC), and Neighborhood Youth Organizations’ (NYO) transportation rules are imperatively necessary to comply with state law (HB24-1055), and for the preservation of public health, safety, or welfare. Compliance with the standard (permanent) rulemaking procedures outlined in section 24-4-103, C.R.S., would be contrary to public interest.

Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:

Colorado House Bill 24-1055 (HB24-1055) updates the age and weight requirements for children required to use a child restraint system during transportation (effective Jan 1, 2025), impacting the Child Care Licensing rules for Child Care Centers, Family Child Care Homes, Children’s Resident Camps, School-Aged Child Care Programs, and Neighborhood Youth Organizations. In compliance with HB24-1055, DELLA is required to update the transportation rules and regulations for these licensed programs, which reference the Colorado child passenger safety laws in sections 42-4-236 and 42-4-237, C.R.S.

Statutory Authority: (Include Federal Authority, if applicable)

Sections 24-4-103(6)(a), 26.5-1-105(1)(a), and 26.5-5-314(1) and (2), C.R.S.

Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?

Yes No
If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:

<p>Does the proposed rule or amendment(s) have impacts or create mandates on counties or other governmental entities? (e.g., budgetary requirements or administrative burdens)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide description:</p>
<p>Effective Date(s) of proposed rule or amendment(s): (E)mergency/(P)ermanent</p>	<p><input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Discretionary</p> <p>(E) Effective Date: 1/1/2025 (P) Effective Date: 2/14/2025</p> <p>(E) Termination Date: 3/21/2025</p>
<p>Is the proposed rule or amendment(s) included on the Regulatory Agenda?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If no, please explain:</p> <p>These revised rules are considered for promulgation to implement Colorado House Bill 24-1055, which was passed and signed by the Governor on June 4, 2024, well after the 2024 Regulatory Agenda was submitted on November 1, 2023.</p>
<p>Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please explain:</p>
<p>Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, explain why:</p>
<p>Does the proposed rule or amendment(s) include material that is</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide source:</p>

published papers, and documents used to develop the proposed rule or amendment(s).	https://drive.google.com/drive/u/0/folders/1dRhXBVJ9gOvamHdSxZQ0xgR6imtAEr9Y
Assistant Attorney General Review:	10/30/2024 - 11/6/2024
RAC County Subcommittee Review Date (if required):	N/A
Rules Advisory Council (RAC) Review Date:	11/14/2024 (Emergency) 12/12/2024 (Permanent)
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	11/21/2024 (Emergency Adoption) 12/19/2024 (Permanent Adoption)

Regulatory and Cost Benefit Analysis

1. **Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

The proposed changes impact Family Child Care Homes, Child Care Centers, School-Age Child Care Centers, and Neighborhood Youth Organizations. The rules are necessary to be in compliance with Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S.

2. **Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

The short- and long-term consequences of inaction on behalf of the Department would be noncompliance with state law and requirements. Additionally, licensed child care programs would be out of compliance with the law.

3. **Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the

economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

This rule package may be an economic disadvantage for providers as it may require buying more carseats, depending on the ages of children in care. However, the changes are legally required to align regulations with Colorado's child passenger safety laws.

4. **Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	None. There are no costs to the Department for implementing these rules.
Local Governments/ Counties	None. The revised rules do not increase or create additional costs for counties or local governments.
Providers	Licensed programs are governed by these rules, and will potentially incur additional costs to implement the changes required by HB 24-1055. This rule has a potential direct cost for providers that may need to purchase more child restraint systems, and additional types of specific child restraint systems to accommodate the new age and weight requirements for the children in their programs.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	None. The revised rules do not increase or create additional costs for community partners.
Other State Agencies	None. The revised rules do not increase or create additional costs for State Agencies.
Tribal Communities	None. The revised rules do not increase or create additional costs for Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

The Department will annually monitor programs for compliance with these regulations. Compliance with children’s health and safety must always be maintained.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.

There are no alternative solutions to these proposed rules because the revisions comply with HB24-1055, and Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

There are no other options to achieve the objectives of these revisions.