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January 19, 2023

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

RE: Correction to Colorado Motor Vehicle Dealer Board Regulation 1 C.C.R. 205-2
(Powersports Vehicle Regulations)
SOS Tracking Number 2023-00003

To whom it may concern:

On or about January 6, 2023, the Colorado Department of Revenue, Auto Industry Division, filed a Correction under SOS tracking number 2023-00003 for a rule promulgated by the Colorado Motor Vehicle Dealer Board under 1 C.C.R. 205-2. The Correction contains one amendment in Regulation 44-20-420(6)(c). *See* Exhibit 1, Correction filed in SOS tracking number 2023-00003; *see also* Exhibit 2, Adopted Rule filed in SOS tracking number 2022-0360.

Regulation 44-20-420(6)(c) was corrected to substitute the word “retail” for “retain” in the last sentence of the first paragraph as a result of a proofreading error. The proofreading error was the result of an oversight in the drafting process. The correction in Regulation 44-20-420(6)(c) is non-substantive in nature and meets the conditions specified in section 24-4-103(11)(d), C.R.S.

Sincerely,

FOR THE ATTORNEY GENERAL

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- (c) The Board, in determining whether a licensee or applicant has demonstrated unfitness of financial character or record, will consider net worth, liquid assets including cash, lines of credit, marketable securities, credit reports, unpaid judgments and/or tax liens, delinquent debts, and bankruptcy status. Applications for a powersports vehicle dealer or used powersports vehicle license will be closely evaluated based on the factors herein and the applicant's concept of operation for the business to assess the potential for harm to retail customers.
- (I) Failure to timely pay any fine imposed by the Board, or the submission of a draft or check for the payment of any fee required by the Board which is dishonored shall be deemed to demonstrate unfitness of financial character or record.
- (II) Any license for which an application has been made pursuant to this part 4 may be denied if, at the time of the application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrears. If the Board receives notice of the Applicant's noncompliance pursuant to sections 24-35-116 and 26-13-126, C.R.S., the application may be denied.

DEPARTMENT OF REVENUE

Motor Vehicle Dealer Board

DEALING IN POWERSPORTS

VEHICLES

1 CCR 205-2

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

Statement of Basis: The statutory basis for the regulation is 44-20-404(1)(a).

REGULATION 44-20-420(6)(c)

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

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

(II) Any license for which an application has been made pursuant to this part 4 may be denied if, at the time of the application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrears. If the Board receives notice of the Applicant's noncompliance pursuant to sections 24-35-116 and 26-13-126, C.R.S., the application may be denied.

(III) Any license for which an application for renewal has been made pursuant to this part 4 may be denied on a conditional basis if, at the time of the renewal application, the Board received notice that the Applicant failed to comply with a court or administrative order for current child support, retroactive child support or child support arrearages pursuant to sections 24-35-116 and 26-13-126, C.R.S.