



Notice of Permanent Adoption

Colorado Department of State Rules Governing General Policies and Administration 8 CCR 1505-3

February 7, 2025

I. Adopted Rule Amendments

As authorized by the State Administrative Procedure Act¹, the Colorado Department of State gives notice that the following amendments to rules governing general policies and administration² are adopted on a permanent basis.

The rule was considered at the January 14, 2025, rulemaking hearing in accordance with the State Administrative Procedure Act³.

Amendments to 8 CCR 1505-3 are as follows:

Amendments to Rule 3.6.1 are as follows:

3.6.1 Answers

- (a) A respondent who is served an administrative complaint is required to file a written answer, a motion under C.R.C.P. 12(b), a motion for enlargement of time, or a motion to stay proceedings due to settlement within ~~30~~²¹ days after the service or mailing of notice of

¹ Section 24-4-103, C.R.S.

² 8 CCR 1505-3.

³ Section 24-4-103(3)(a), C.R.S.

the proceeding. If a respondent receiving such notice fails to file an answer, a hearing officer may enter a default against that respondent.

(1) ~~Exception for if a respondent is a licensee. The respondent is required to file a written answer, motion under C.R.C.P. 12(b), a motion for enlargement of time, or a motion to stay proceedings due to settlement within 30 days after the service or mailing of notice of the proceedings.~~

~~(2)~~—Exception for expedited hearings. Answers, if required or requested, will be addressed in the hearing officer’s scheduling order.

(b) A respondent may, but is not required to, file a written answer during a stay of proceedings or if the administrative complaint is dismissed. If a stay of proceedings is lifted and complaint proceedings resume, respondent must file a written answer or responsive pleading within ~~30~~²⁴ days or as provided by the hearing officer.

~~(1)~~—~~Exception for if a respondent is a licensee. The respondent is required to file, if a stay of proceedings is lifted and complaint proceedings resume, a written answer or responsive pleading within 30 days.~~

II. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Effective Date of Adopted Rules

The amended rule will become permanently effective twenty days after publication in the Colorado Register⁴.

⁴ Section 24-4-103(5), C.R.S.

Dated this 7th of February 2025,



CHRISTOPHER P. BEALL
Deputy Secretary of State

For
Jena Griswold
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

Colorado Department of State Rules Governing General Policies and Administration 8 CCR 1505-3

February 7, 2025

I. Basis and Purpose

This statement explains adopted amendments to the Colorado Department of State General Policies and Administration Rules.¹ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws.² Additionally, these amendments to Rule 3.6.1 are at the request of the Office of Legislative Legal Services.

Specific adopted changes include:

- Amendments to Rule 3.6.1. Subsections (a) and (b) of Rule 3.6.1 are amended to update the number of days to file a written answer from 21 days to 30 days, in compliance with section 24-4-105(2)(b), C.R.S.

¹ 8 CCR 1505-3.

² Section 24-4-105, C.R.S.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

Written comments received during the formal rulemaking are available on the [1/14 general policies & administration rulemaking webpage](#). All comments are incorporated into the official rulemaking record.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-4-104, C.R.S., states that an agency “shall set and conduct the proceedings in accordance with this article unless otherwise required by law,” the agency shall not revoke, suspend, annul, limit, or modify a previously issued license until after holding a hearing, and if an application for a new license is denied without a hearing, the applicant may request a hearing before the agency as provided in section 24-4-106, C.R.S.
- Section 24-4-105(1), C.R.S., states the purpose and applicability of this section is to ensure that all parties to an agency adjudicatory proceeding are accorded due process of law.
- Section 24-4-105(2), C.R.S., states that, upon receipt of a notice of hearing, a person “shall file a written answer thirty days after the service or mailing of such notice.”
- Section 24-4-105(3), C.R.S., permits hearing officers to preside over any agency adjudicatory proceeding if otherwise authorized by law.