

Five Alive

By CAR lobbyist Jeremy Cottrell

While there are hundreds of various bills in play at the Colorado Capitol, the following include those five most pertinent pieces of legislation CAR is focusing toward.

1. HB-1303, Junk-Mail Opt-Out List Registry – killed in House committee

Effectively served as a parallel to the existing No-Call Registry telephone list. HB-1303 required a mass mailer to purchase an updated list of those registered on No-Mail registry list. While it exempted churches, charities and public entities, it would adversely affect business owners of all sizes.

Besides compromising freedom of speech issues the bill's drafting left open a myriad of possible interpretations for the precise definition of "junk mail." Additionally, because such a large amount of mail is comprised of junk mail (flyers, advertisements, catalogues, coupons, etc...) the removal of it would theoretically raise the postal rates for everything else. Several auto dealers called the association office with concerns about the junk mail bill, HB-1303.

2. SB 112- Supervised Lenders Motor Vehicle Dealers - passed Senate, passed House Transportation Committee, awaiting House passage

Allows credit unions, banks, and lenders to sell repossessed vehicles without conforming to the 12 per year threshold or the licensing requirement. A technical reading of the bill it would allow "captive lenders," such as GMAC, American Honda Finance Corporation, and others to fall under the definition of "lender" and also become exempt from these requirements. As unlicensed dealers, lenders would not be regulated by the Auto Industry Division or the Motor Vehicle Dealer Board. CAR is working with the bill sponsor and its proponents to mitigate the negative impact of the bill through amendments.

3. HB 1081- Powersports Motor Vehicle Dealers – passed House Transportation Committee, laid over in Appropriations Committee awaiting a strike-below amendment that we can support.

Would require those who sell extremely small ATVs, mini-bikes, and personal watercraft to become licensed and regulated by the MVDB. Currently, these products are sold on Sundays and classified separately from motor vehicles.

We have requested the entire bill to be redrafted to tighten up the precise language in order to save potential problems in the future- namely Sunday sales issues. The bill has been laid over in House Appropriations Committee, while the redrafting occurs.

4. HB 1176- Injured Worker Change Select Physician – passed House Business Affairs and Labor Committee, held over for Second Reading in the House

Allows an injured worker under the “Worker’s Compensation Act of Colorado” to change their primary care physician by adhering to several procedural steps. These steps include giving notice to the treating physician of the change, selecting a physician from a list provided by the employer (plan), confirmation by the new physician that the patient will be treated by them.

5. SB-221, MVDB Sunset Review – assigned to Senate Business Labor and Technology Committee- awaiting committee hearing.

While 75 percent of the issues we have with the conceptual legislation are essentially mutually-agreed upon outcomes the remaining points of contention are:

1. Administrative Law Judges (ALJ's) - DORA recommends the mandatory use of ALJ's in giving a finding of fact, finding of law, and recommended sanction or punishment to the MVDB for their review and ultimate decision. The MVDB will not be bound to follow the ALJ's recommendations, but must allow them to provide these findings in all cases the MVDB decides to hear.
2. Make-up of the MVDB- DORA recommends the current make-up of the board of 3 new dealers, 3 used dealers, and 3 public members be altered to 3 new, 2 used, 1 county clerk, and 3 public members.
3. Bond requirements- DORA recommends eliminating the salesperson bond requirement of \$5,000 while increasing the dealer bond to \$50,000.

4. Testing requirements- DORA recommends eliminating the salesperson testing altogether or vastly changing it in its current format.

We have coordinated our efforts in conjunction with the Colorado Independent Auto Dealers Association (CIADA), Power-sports Dealers Association of Colorado (PDAC), and Colorado Auto Brokers Association (CABA) to present a unified front to the legislature, the Department of Regulatory Agencies (DORA), the Auto Industry Division (AID), Motor Vehicle Dealer Board (MVDB) and the Colorado Department of Revenue (DOR).

Recently we met with representatives of all the above mentioned entities in presenting our views and rationale in attempts of reaching agreement on some issues and negotiating on others.

Further, we have secured a Senator to sponsor three amendments including:

- a. Restoring the board make-up to the original form of 3 new dealers, 3 used dealers, and 3 public members.
- b. Allowing the disclosure of the existence, purpose, and recourse permitted by the Motor Vehicle Dealer Board (MVDB) by means of implementation into already existing paperwork versus a separately distributed brochure.
- c. Increasing the salesperson bond from \$5,000 to \$15,000 and the dealer bond from \$30,000 to \$50,000.

As always, feel free to contact me at 303-903-5302 or through the main switch board at 303-831-1722 or Tim Jackson at 303-282-1448 to discuss any of these issues in greater detail.

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