

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



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

**STATE OF COLORADO
DEPARTMENT OF LAW**

Office of the Attorney General

**DEPARTMENT OF LAW REGULATORY AGENDA FOR
CALENDAR YEAR 2020**

This document contains the Colorado Department of Law's regulatory agenda for calendar year 2020 submitted pursuant to C.R.S. §2-7-203(4)

List of New Rules or Revisions to Existing Rules Expected to Be Proposed in CY 2020

1. Peace Officers Standards and Training (P.O.S.T.)

Proposed Rules

Rule 1:

- a. Amending Rule 1-Definitions, changing the effective date of Rule 1 to January 30, 2020.
- b. Amending Rule 1(e), (f), (q), (s) and (v) to add "refresher" to the types of training academies.
- c. Amending Rule 1(g) to remove "identified in", replacing with "per §".
- d. Amending Rule 1(i) to add "per".
- e. Amending Rule 1(j) to remove "under", replacing with "per".
- f. Amending Rule 1(k) to remove "as described in", replacing with "per §".
- g. Amending Rule 1(o)(a) to add ", per §24-31-305(1.5)(a), C.R.S."
- h. Amending Rule 1(o)(b) to add ", per §24-31-305(1.5)(b), C.R.S."
- i. Amending Rule 1(o) to add new subsection (c) "A finding of untruthfulness pursuant to §24-31-305(2.5), C.R.S." and renumbering following subsections.
- j. Amending Rule 1(r) to delete the existing verbiage, replacing with, "Fingerprint-based criminal history record check: a computerized search of a person's fingerprints that have been taken on a POST Applicant Fingerprint Card, or a Colorado Bureau of Investigation (CBI) authorized vendor and processed by the CBI and Federal Bureau of Investigation (FBI) for the purpose of determining a person's eligibility for certification as a peace officer in the State of Colorado.
- k. Delete Rule 1(u) to remove definition of a "lateral training academy".
- l. Amending Rule 1(w) to add ", pursuant to POST Rule 21".
- m. Amending Rule 1(y) to add "scenario/".
- n. Amending Rule 1(z) to add "as".
- o. Amending Rule 1(cc) to delete "number" and "file", replacing with "record".
- p. Amending Rule 1(dd) to add "/reality".
- q. Amending Rule 1(ee) to delete "that", replacing with "the".
- r. Amending Rule 1(gg) to add "arrest control/", ", or it's designee," and "for use in an approved law enforcement training academy" to clarify the definition for recognized arrest control training disciplines.

- s. Amending Rule 1(ii) to delete “that”.
- t. Amending Rule 1(kk) to delete “pursuant to”, replacing with “per”.
- u. Amending Rule 1(ll) to add “, per”.
- v. Amending Rule 1(pp) to add “chair of the” to reflect the statutory appointing authority for subject matter experts.
- w. Amending Rule 1(qq) to delete “POST approved academy or program” and add “, in a POST-approved academy or program” in a different location for better clarity.
- x. Amending Rule 1(rr) to delete “a” and pluralize Subject Matter Experts.

Rule 2:

- a. Amending Rule 2-Meetings, changing the effective date of Rule 2 to January 30, 2020.
- b. Amending Rule 2(b) to delete “such” and “as”, replacing with “the” and “who”, respectively.

Rule 3:

- a. Amending Rule 3-Director’s Authority, changing the effective date of Rule 3 to January 30, 2020.
- b. Amending Rule 3(a) to add a new (III) “Issuing remedial action and compliance orders for non-compliance with POST rule;”

Rule 4:

- a. Amending Rule 4-Subject Matter Expert Committees, changing the effective date of Rule 4 to January 30, 2020.
- b. Amending Rule 4(a) to add “Chair of the”, “their” and, “other areas as needed” in order to reflect the statutory appointing authority and allowing for the creation of additional committees.
- c. Amending Rule 4(b) to delete “Board”, replacing with “POST Director” and adding “the committees shall”.
- d. Amending Rule 4(d) to add “Only one person per agency may serve on a single committee at any one time.”
- e. Amending Rule 4(e) to delete “Director”, replacing with “Chair of the Board or their designee”.

Rule 5:

- a. Amending Rule 5-Hearings, changing the effective date of Rule 5 to January 30, 2020.
- b. Amending Rule 5 to add a new header of “(a) Non-Revocation Hearings”.
- c. Amending Rule 5(a)(I) to remove “other than revocation of certification”.
- d. Amending Rule 5(a)(I)(C) to remove “his or her”, replacing with “their”.
- e. Amending Rule 5(a)(II) changing “section” to “subsection”, removing “(a)”, replacing with “(I)”.
- f. Amending Rule 5(a)(II) adding (D) requiring ten days’ notice to POST if the respondent intends to appear at the scheduled hearing.
- g. Amending Rule 5(a)(III)(A) to remove “basic or reserve”, replacing with “Colorado POST” in order to account for different types of certification in the future.
- h. Amending Rule 5(a)(IV)(C), removing “his or her”, replacing with “their”.
- i. Amending Rule 5 by adding section (b) detailing the revocation process for certain criminal convictions and entry into deferred judgement and sentence, deferred prosecution, or pretrial diversion agreements for decertifying criminal offenses.

- j. Amending Rule 5 by adding section (c) detailing appeals to decisions made by the POST director.
- k. Amending Rule 5 by adding section (d) detailing the process for revocation hearings for findings of untruthfulness.

Rule 7:

- a. Amending Rule 7 - Variances, changing the effective date of Rule 7 to January 30, 2020.
- b. Amending Rule 7(c), removing “his”, replacing with “their”.
- c. Amending Rule 7(e) removing description of the process to appeal decisions made by the POST director.
- d. Amending Rule 7(f) removing “In accordance with”, replacing with “Pursuant to”.

Rule 8:

- a. Amending Rule 8-Process for Seeking Exemption from Statutory Certification Restrictions, changing the effective date of Rule 8 to January 30, 2020.
- b. Amending Rule 8(d) adding “or may hold a meeting”.

Rule 9:

- a. Amending Rule 9 – Revocation of Certification, changing the effective date of Rule 9 to January 30, 2020.
- b. Amending Rule 9 by adding a new subsection (a)(V), referencing the addition of decertification for a finding of untruthfulness, pursuant to §24-31-305(2.5), C.R.S.
- c. Amending Rule 9 to add new section (b) referencing prima facie evidence for revocation of certification for conviction of certain criminal offenses, or entry into certain agreements for said offenses.
- d. Amending Rule 9 deleting sections (d) and (e) referencing appeals of decisions by the POST director. These processes are now covered under POST Rule 5.

Rule 10:

- a. Amending Rule 10 – Basic Peace Officer Certification, changing the effective date of Rule 10 to January 30, 2020.
- b. Amending Rule 10 to create a new subsection (a)(IV) “Is in good standing with Colorado POST as determined by the POST Director; and”

Rule 11:

- a. Amending Rule 11 – Provisional Certification, changing the effective date of Rule 11 to January 30, 2020.
- b. Amending Rule 11(a)(II), (III), (VI), (VII) by adding “and” as a connector between subsections.
- c. Amending Rule 11 to add in a new subsection (IV) “Is in good standing with Colorado POST as determined by the POST Director; and”

Rule 12:

- a. Amending Rule 12 – Reserve Certification, changing the effective date of Rule 12 to January 30, 2020.

- b. Amending Rule 12 to add a new subsection (a)(IV) “Is in good standing with Colorado POST as determined by the POST Director; and”

Rule 13:

- a. Amending Rule 13 – Renewal of Basic Certification, changing the effective date of Rule 13 to January 30, 2020.
- b. Amending Rule 13 to add a new subsection (d) “Is in good standing with Colorado POST as determined by the POST Director, and”

Rule 14:

- a. Amending Rule 14 – Fingerprint-Based Criminal History Record Check, changing the effective date of Rule 14 to January 30, 2020.
- b. Amending Rule 14 deleting section (a) Definitions.
- c. Amending Rule 14(a) deleting “Eligibility for certification”, adding “disqualifying offense”, and deleting a detailed explanation of those offenses as this information is contained in Rule 1.
- d. Amending Rule 14(b) clarifies the procedure for submitting fingerprints for the criminal history records check.
- e. Amending Rule 14 by adding a new section (d) clarifying the fingerprint based criminal history records check is required for provisional and renewal certification applicants.

Rule 15:

- a. Amending Rule 15 – Certification Examination Basic, Provisional, Renewal, changing the effective date of Rule 15 to January 30, 2020.
- b. Amending Rule 15(a)(III) to allow the use of college transcripts or degrees to satisfy the requirement of high school completion, or its equivalent.
- c. Amending Rule 15(a)(VI) to remove reference to the DD214, recognizing that certain military branches do not use this form.
- d. Amending Rule 15(b) adding “Additional exam dates will be offered periodically at POST for individuals.”
- e. Amending Rule 15 deleting section (d), removing reference to skills examinations as this information is contained in Rule 16.
- f. Amending Rule 15(e) to clarify the amount of time a person has to successfully complete the certification examination and remedial efforts if unsuccessful.
- g. Amending Rule 15(f) to clarify appeals of decisions made by the POST Director.

Rule 16:

- a. Amending Rule 16 – Skills Examinations for Provisional and Renewal Applicants, changing the effective date of Rule 16 to January 30, 2020.
- b. Amending Rule 15(c), clarifying the number of attempts allowed to pass a skills examination and the associated process.
- c. Amending Rule 15(d) clarifying timelines associated with remediation of a failed skills examination.
- d. Amending Rule 15 by deleting section (e) as this information is effectively covered in Rule 15(d).

- e. Amending Rule 15(e) by deleting “his”, replacing with “their” and referring to the appeals process as outlined in Rule 5.

Rule 17:

- a. Amending Rule 17 – Certification Records, changing the effective date of Rule 17 to January 30, 2020.
- b. Amending Rule 17(b), removing references to Rules 10, 11 and 12.
- c. Amending Rule 17(d) removing references to email, replacing with the Rule 17 Form.

Rule 18:

- a. Amending Rule 18 – Certification, Suspension, and Revocation Basic, Provisional, Renewal, and Reserves, changing the effective date of Rule 18 to January 30, 2020.
- b. Amending Rule 18(a) to add “or otherwise failed to meet the certification requirements established by the Board.”
- c. Amending Rule 18(c) to clarify the circumstances under which a revocation may occur.

Rule 19:

- a. Amending Rule 19 – Vehicle Identification Number Inspectors, changing the effective date of Rule 19 to January 30, 2020.
- b. Amending Rule 19 by adding section (a) for numbering purposes.
- c. Amending Rule 19 by adding subsection (a)(IV) creating a three year renewal requirement, in compliance with §42-5-206(4), C.R.S.
- d. Amending Rule 19 by adding section (b) outlining the certification renewal process.

Rule 20:

- a. Amending Rule 20 – Vehicle Identification Number Inspector Programs, changing the effective date of Rule 20 to January 30, 2020.
- b. Amending Rule 20(a) clarifying that VIN Inspector programs must adhere to POST curriculum requirements.
- c. Amending Rule 7(e) removing description of the process to appeal decisions made by the POST director.
- d. Amending Rule 7(f) removing “In accordance with”, replacing with “Pursuant to”.

List of New Rules or Revisions to Existing Rules Expected to Be Proposed in CY 2020

II. Consumer Credit Unit

A. Colorado Fair Debt Collection Practices Act (CFDCPA)

1. Proposed Rules

- a. New rules implementing changes to CFDCPA as a result of the sunset review.
- b. Housekeeping amendments to various rules.
- c. New rules and amendments to rules clarifying application of CFDCPA to debt buyers.
- d. Other clarifications and amendments.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §5-16-114.

3. Purpose

The purpose of the any proposed rule is to provide clarification to persons subject to the CFDCPA of terms used therein so they may conform their conduct to the law. Clarification in definitions and processes results in better compliance, consumer protection, and efficient enforcement.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by December 31, 2020.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including collection agencies and consumers that are collected upon by such companies, will be affected by this anticipated rulemaking.

B. Colorado Student Loan Servicer Act

1. Final Rules Adopted

a. Rules 1 and 2 set the annual licensing and investigation fees that will fund the program.

b. Rule 3 sets the procedure for federal student loan servicing contractors to obtain an exemption from the license application procedures.

2. Adopted October 7, 2019.

3. Listing of Persons and Parties Affected

Persons subject to the Act, including student loan servicers and student loan borrowers, will be affected by this rulemaking.