

CYNTHIA H. COFFMAN
Attorney General
MELANIE J. SNYDER
Chief Deputy Attorney General
LEORA JOSEPH
Chief of Staff



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 2019**

This document contains the Colorado Department of Law's regulatory agenda for calendar year 2019 submitted pursuant to C.R.S. §2-7-203(2)(a)(IV).

List of New Rules or Revisions to Existing Rules Expected to Be Proposed in CY 2019

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, 2019.
- b. Amending Rule 1(f) and (s) to specify "approved" training academies.
- c. Amending Rule 1(l) to clarify definition of Convictions to include deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement, whether pending or successfully completed.
- d. Deleting Rule 1(o) to eliminate Dimlight definition.
- e. Amending Rule 1(t) to add definition of Incident.
- f. Amending Rule 1(z) to specify Part 1 of § 16-2.5 C.R.S.
- g. Amending Rule 1(rr) to clarify assessment requirements

Rule 8:

- a. Amending Rule 8-Process for Seeking Exemption from Statutory Certification Restrictions, changing effective date to January 30, 2019.
- b. Deleting reference to POST fingerprint card in Rule 8(b), as prints may be submitted electronically effective September 24, 2018.

Rule 9:

- a. Amending Rule 9-Revocation Hearings for Criminal Conduct, changing effective date to January 30, 2019.
- b. Amending Rule 9(b) to include other decertifying actions with convictions.

Rule 10:

- a. Amending Rule 10, Basic Peace Officer Certification, changing effective date to January 30, 2019.
- b. Amending Rule 10(a)(I) to include college transcripts or degrees as evidence of successful completion of high school.
- c. Amending Rule 10(1)(V) to remove specific form name of military discharge documents as there are multiple acceptable documents.
- d. Amending Rule 10(1)(VI) to specify requirement to complete an additional Basic academy if certification is not issued within two years of academy completion.

Rule 11:

- a. Amending Rule 11-Provisional Certification, changing the effective date to January 30, 2019.
- b. Amending Rule 11(a)(I), to include college transcripts or degrees as evidence of successful completion of high school.
- c. Amending Rule 11(a)(V) to require submission of military discharge documents when applicable.
- d. Adding Rule 11(a)(VII) to specify deadline by which Provisional certification must be issued.
- e. Amending Rule 11(d)(III) to clarify testing to include skills and written exams with SME committee members or POST-approved designees.
- f. Amending Rule 11(e) to specify deadline by which applicant must complete mandated training pursuant to § 24-31-315 CRS.
- g. Amending Rule 11(g) changing “petition” to submit a variance request to coordinate terminology in all rules.

Rule 12:

- a. Amending Rule 12-Reserve Certification, changing the effective date to January 30, 2019.
- b. Amending Rule 11(a)(I), to include college transcripts or degrees as evidence of successful completion of high school.
- c. Amending Rule 10(1)(V) to remove specific form name of military discharge documents as there are multiple acceptable documents.
- d. Amending Rule 10(1)(VI) to specify requirement to complete an additional Reserve academy if certification is not issued within two years of academy completion.

Rule 13:

- a. Amending Rule 13-Renewal of Basic Certification, changing effective date to January 30, 2019.
- b. Amending Rule 13(f)(III) to clarify testing to include skills and written exams with SME committee members or POST-approved designees.
- c. Deleting Rule 13 (f)(IV) referencing remedial training for skills exams.

Rule 14:

- a. Amending Rule 14- Fingerprint-Based Criminal History Record Check, changing effective date to January 30, 2019.
- b. Amending Rule 14 (a)(I), (d)(II), (d)(III), (d)(IV), (d)(V), (e)(I), (f)(II) to include language regarding use of CBI-authorized vendors for fingerprinting.

Rule 19:

- a. Amending Rule 19-Vehicle Identification Number Inspectors, changing effective date to January 30, 2019.
- b. Eliminate Rule 19(c) requiring a fee of \$25.00 for VIN inspector certification.

Rule 24:

- a. Amending Rule 24-Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies, changing effective date to January 30, 2019.
- b. Amending Rule 24(d)(V) to include timing for dimlight live-fire shooting.

Rule 27:

- a. Remove text of Rule 27, leaving only title and repeal date.

Rule 28:

- a. Amending Rule 28-In-Service Training Program, changing effective date to January 30, 2018.
- b. Amending Rule 28(d)(III) to specify that firearms qualification does not meet mandated training requirement.
- c. Amending Rule 28(e) to specify entry of in-service training for all officers employed by an agency at any time, and encouraging entry of training throughout calendar year.
- d. Amending Rule 28(e)(I)(B) clarifying pro-rated training requirements.
- e. Amending Rule 28(e)(I)(E) adding waiver requirement for officers on administrative leave.
- f. Amending Rule 28(e)(II)(C) specifying conditions under which POST may declare an agency noncompliant after final report.

List of New Rules or Revisions to Existing Rules Proposed and Submitted in CY 2018

A regulatory agenda was not submitted for CY 2018. Below are rule changes that were approved and submitted for CY 2018.

Rule 1:

- a. Amending Rule 1-Definitions, changing the effective date of Rule 1 to April 30, 2018.
- b. Amending Rule 1(l) to more clearly define “Conviction” as it pertains to denial or revocation of POST Certification.

Rule 8:

- a. Amending Rule 8- Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction, changing the effective date of Rule 8 to April 30, 2018.
- b. Changing Rule 8 title to Process for Seeking Exemption from Statutory Certification Restrictions.
- c. Amending Rule 8(a), (b), (c) and (c)(III), to comply with state law regarding denial of certification to individuals who entered into deferred judgment and sentencing, deferred prosecution, or pretrial diversion agreements on the crimes described in § 305(1.5)(a) if the POST Board determines that

certification is not in the public interest; and to set forth procedures for applicants to seek exemption from or appeal denials of certification based upon convictions of the agreements described above.

- d. Amending Rule 8(f), clarifying the appeals process.

Rule 9:

- a. Amending Rule 9- Revocation Hearings for Criminal Conduct, changing the effective date of Rule 9 to April 30, 2018.
- b. Changing Rule 9 title to Revocation Hearings.
- c. Amending Rule 9(a)(III) and (IV), and (b) to clarify the conditions under which POST certification may be revoked, and to synchronize the process for hearings with that of Rule

Rule 11:

- a. Amending Rule 11-Provisional Certification, changing the effective date of Rule 11 to July 1, 2018.
- b. Amending Rule 11(b) to specify the need for a Ryle 7 Variance should time-in-service requirements expire while completing the Provisional process.

Rule 15:

- a. Amending Rule 15- Certification Examination Basic, Provisional, Renewal, changing the effective date of Rule 15 to July 1, 2018.
- b. Amending Rule 15(a)(III) to remove erroneous wording regarding academy certificate, and to expand the documentation for proof of high school completion.

Rule 16:

- a. Amending Rule 16- Skills Examinations for Provisional and Renewal Applicants, changing the effective date of Rule 16 to July 1, 2018.
- b. Amending Rule 16(c)(I) to specify the time limit by which training must be completed subsequent to failure of three attempted skills exams.

Rule 21:

- a. Amending Rule 21- Basic and Reserve Training Academies, changing the effective date of Rule 21 changing the effective date to July 1, 2018.
- b. Amending Rule 21 multiple sections to clarify submission and format of various records, lesson plans, and site safety plans.
- c. Amending Rule 21(d)(IV)(D) to exclude use of operable firearms for any training not related to live-fire firearms training.

Rule 24:

- a. Amending Rule 24- Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies, changing effective date of Rule 24 to July 1, 2018.
- b. Amending Rule 24(a)(VI)(B) and (d)(X) to clarify completion requirements for firearms program.
- c. Amending Rule 24(b)(VIII) and (c)(VII) to exclude the use of operable firearms during any arrest control or law enforcement driving training.
- d. Amending Rule 24(c)(VI) to specify night driving conditions.

Rule 28:

- a. Amending Rule 28- **In-Service Training Program**, changing effective date of Rule 28 to July 1, 2018.
- b. Amending Rule 28(e)(I) to change the deadline by which waivers must be received.

List of New Rules or Revisions to Existing Rules Expected to Be Proposed in CY 2019

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. Amend rule 1.04 under the CFDCPA regarding the process for Letters of Admonition.
- c. Repeal rule 1.08 on Abbreviated Applications.
- d. Amend rule 2.03(1) to clarify what “expressly authorized” means.
- e. Amend rule 3.01 to clarify trust account requirements and liquid asset requirements of C.R.S. §5-16-123.
- f. Amend rule 3.04 to clarify sufficiency of financial responsibility.
- g. New rule regarding what is and is not allowed as far as a payment convenience fee.
- h. New rule regarding the requirements before a collection agency may utilize ACH or other electronic payment methods in the collection of a debt.
- i. New rule clarifying the administration of C.R.S. §5-16-108(1)(j).
- j. New rules implementing changes to CFDCPA as a result of the sunset review.
- k. New rule clarifying application of CFDCPA to debt buyers.

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, 2018.

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.