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**DEPARTMENT OF LAW REGULATORY AGENDA FOR
CALENDAR YEAR 2017**

This document contains the Colorado Department of Law's regulatory agenda for calendar year 2017 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 2017

I. Consumer Credit Unit

A. Colorado Debt- Management Services (DMSA)

1. Proposed Rules

- a. New rules under the DMSA defining terms used therein.
- b. New rules under the DMSA concerning records required to be retained by persons subject to the Act.
- c. Repeal of outdated existing rules under the DMSA, specifically Rule 2, Adjustment of Dollar Amounts – Consumer Price Index, and Rule 3, Insurance Cancellation Notice, 4 CCR 902-2 (7-08).
- d. New rule regarding the amount of the surety bond so that the bond amount could be based on the amount of debt under the providers' enrollment agreements.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §12-14.5-232(c).

3. Purpose

The purpose of the any proposed rule is to provide clarification to persons subject to the DMSA of terms used therein so they may conform their conduct to the law. Established record retention requirements result in better compliance, consumer protection, and efficient enforcement. In addition, amendments to the DMSA in 2011 repealed several statutory sections. Rules that implemented those sections are no longer needed and should be repealed for simplicity and to avoid confusion.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by December 31, 2017.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including debt-management service companies and consumers that contract with such companies, will be affected by this anticipated rulemaking.

B. Uniform Consumer Credit Code (UCCC)

1. Proposed Rules

- a. Amending rule 10(7) under the UCCC to clarify what records are required concerning payment and account histories.
- b. Amend rule 9 to clarify sufficiency of financial responsibility. requirements and specify ownership change requirements.
- c. Amend rule 13 to clarify requirements.
- d. New rule regarding fees for electronic payment.
- e. New rules under the UCCC further defining terms used therein.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §5-6-104(1)(e).

3. Purpose

The purpose of the proposed rules is to provide clarification to persons subject to the UCCC. Clarified record retention requirements result in better compliance, consumer protection, and efficient enforcement.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by December 31, 2017.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including supervised lenders and consumers that contract with such companies, will be affected by this anticipated rulemaking.

C. Colorado Fair Debt Collection Practices Act (CFDCPA)

1. Proposed Rules

- a. Amend rule 1.04 under the CFDCPA regarding the process for Letters of Admonition.
- b. Repeal rule 1.08 on Abbreviated Applications.
- c. Amend rule 2.03(1) to clarify what “expressly authorized” means.
- d. Amend rule 3.01 to clarify trust account requirements and liquid asset requirements of section 12-14-123.
- e. Amend rule 3.04 to clarify sufficiency of financial responsibility.
- f. New rule regarding what is and is not allowed as far as a payment convenience fee.
- g. New rule regarding the requirements before a collection agency may utilize ACH or other electronic payment methods in the collection of a debt.
- h. New rule clarifying the administration of 12-14-108(1)(j).

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §12-14-114.

3. Purpose

The purpose of the any proposed rule is to provide clarification to persns 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, 2017.

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.

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

Proposed Rules

Rule 7:

- a. Amending Rule 7, Variances-changing the effective date of Rule 7 to May 15, 2017.
- b. Adding Rule 7(d)(I), A variance is valid for six (6) months from the date of issue.
One variance may be granted at the discretion of the Director per incident.

Rule 10:

- a. Amending Rule 10, Basic Peace Officer Certification- changing the effective date of Rule 10 to May 15, 2017.
- b. Adding Rule 10(a)(VI)(A), skills testing is valid for two years from the date of completion, after this time has elapsed if full certification was not issued, the applicant must retest on skills (driving, arrest control and firearms).
- c. Adding Rule 10(c)(I), If a basic or reserve certificate holder is called away for military service, the certification automatically expires at the end of a three-year period from the date of last employment with a Colorado law enforcement agency. The basic certificate holder is eligible to follow the renewal process.

Rule 11:

- a. Amending Rule 11, Provisional Certification- changing the effective date of Rule 11 to May 15, 2017.
- b. Amending Rule 11(a), The Board is authorized to issue a provisional certification letter to any applicant who is authorized to serve as a certified peace officer by any other state or federal jurisdiction, excluding the armed forces, which has established minimum law enforcement training standards that are equivalent to the standards established by Colorado as determined by the POST Director. The provisional applicant must be fully certified within the preceding three years and must have served as a certified law enforcement officer in a full or part-time in such other state or federal jurisdiction for more than one year. The applicant must be in good standing with the certifying body of the state or federal jurisdiction. The applicant must additionally meet all of the following requirements:
- c. Amending Rule 11(a)(III), Truthfully complete and submit the POST Form 3 – *Application for Provisional Certification and a notarized copy of the Release of Information Form;*

- d. Amending Rule 11(b), A provisional certification letter authorizes the holder to serve as a certified Colorado peace officer for not more than six (6) months. A provisional certification letter may only be issued one time per year, per person.

Rule 13:

- a. Amending Rule 13, Renewal of Basic Certification- changing the effective date of Rule 13 to May 15, 2017.
- b. Adding Rule 13(c)(I), If an applicant has worked in another state as a certified peace officer after being certified in Colorado, he/she must truthfully complete and submit the POST Form 3 – *Application for Provisional Certification and a notarized copy of the Release of Information Form*;
- c. Amending Rule 13(V) – remove completely.

Rule 14:

- a. Amending Rule 14, Fingerprint – Based Criminal history Record Check – changing effective date of Rule 14 to May 15, 2017.
- b. Amending Rule 14(IV), The academy director shall ensure that an accurate enrollment and complete roster for each academy class is received at POST electronically ~~no later than 5:00 p.m. on the first business day following the first day of the academy~~ by the tenth (10) day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director. ~~Each roster shall contain at minimum the following information:~~
- c. Deleting Rule 14(IV)(A)(B)(C) and letting (D) to (A)
- d. Amending Rule 14(IV)(D) to (A), ~~The enrollment roster will be submitted to POST for entry into the POST database. After entry, the roster will be returned to the academy director with assigned PID numbers. Within 30 days~~ The roster must be fully completed with all personal information, education, military service, etc. ~~(if not previously provided)~~ and returned to POST staff. After entry, the roster will be returned to the academy director electronically with assigned PID numbers.

Rule 15:

- a. Amending Rule 15, Certification Examination, Basic, Provisional, Renewal- changing the effective date of Rule 15 to May 15, 2017.
- b. Adding Rule 15 (d)(I), Any renewal or provisional applicant failing perishable skill(s) at a refresher academy and/or skills examination has two (2) years from the date they last failed the skill(s) to successfully complete the failed skill(s) at a POST approved basic academy.

Rule 16:

- a. Amending Rule 16, Skills Examinations for Provisional and Renewal Applicants- changing the effective date of Rule 16 to May 15, 2017.
- b. Amending Rule 16(c), Any applicant failing a skill(s) examination may retake the examination, with the payment of an additional examination fee. If the retake of the skill(s) examination will be on an individual basis with an SME the skill(s) examination must be approved by POST prior to the individual test being administered (money received, and instructor confirmation). If the retake with an SME occurs prior to POST receiving payment for the skill(s) examination certification will not be issued until POST has received payment. Any person failing any skill(s) examination three (3) times must successfully complete the skill(s) training for that particular skill in a Colorado POST-approved Basic or Reserve academy before he or she may be certified.
- c. Amending Rule 16(d), renumbering to (e).
- d. Adding Rule 16(d), Skills examination scores are valid for two (2) years from the date of the last registered score with POST. If an applicant does not complete the renewal or provisional certification process within two (2) years of taking the skill(s) examination, he/she must attend and successfully pass another skill(s) examination.

Rule 17:

- a. Amending Rule 17, Certification Records- by changing the effective date of Rule 17 to May 15, 2017.
- b. Amending Rule 17(d), By the 31st of January of each year, each agency shall verify the accuracy of the certified peace officers associated with the law enforcement agency listed on the POST portal by submitting an email to POST. By submitting this email each agency is certifying that the agency has confirmed all certified peace officers associated with their law enforcement agency has no convictions that would prevent the individual from being a certified officer in Colorado, and that each certified peace officer has a valid Colorado Driver License or ID.

Rule 18:

- a. Amending Rule 18, Certification Suspension, Revocation and Reinstatement – Basic, Provisional, Renewal, and Reserve-by changing the effective date of Rule 18 to May 15, 2017.
- b. Adding Rule 18(d), Upon Board approval of reinstatement of a Colorado basic peace officer certification the reinstatement will be effective immediately

Rule 28:

- a. Amending Rule 28, In-Service Training Program- by changing the effective date of Rule 28 to January 1, 2018.
- b. Amending Rule 28(d), Perishable skills training shall consist of a minimum of 12 hours. The required 12 hours must include a minimum of one hour of training in all three of the perishable skills (Arrest Control, Driving, and Firearms) each calendar year.