

2023 Regulatory Agenda Report



COLORADO

Department of Public Safety

Executive Director's Office

Overview

Pursuant to Colorado Revised Statute §2-7-203(4), the Department of Public Safety (CDPS) submits the following 2023 Regulatory Agenda Report. Pursuant to statutory requirements concerning the Department's Regulatory Agenda, this Regulatory Agenda Report details the results of the past year's rules review activity, including the results of mandatory rule reviews conducted under C.R.S. §24-4-103.3(4) as part of the Department's regulatory efficiencies reviews.

Please note that because this report is due by November 1, it includes the status of activities completed through October 30, 2023. Regulatory activities planned for the remainder of calendar year 2023 will be reflected in the Department's 2024 regulatory agenda and will be reported on in the department's 2023 regulatory agenda report.

This report includes three sections:

1. Results of rulemaking activity included in the 2023 CDPS Regulatory Agenda
2. A more detailed look at outcomes of mandatory rules efficiency reviews
3. Results of unplanned rulemaking

Note: Several rules appear in both the 2024 CDPS Regulatory Agenda and the Unplanned Rulemaking section of this 2023 CDPS Regulatory Agenda Report; these rules are included in both reports in the event that the rules are unable to be adopted as a result of the rulemaking hearing, if the response for the issuance of the Attorney General Rule Opinion is not filed within 20 days after rule adoption, or if the Attorney General Rule Opinion requires amendment to the proposed rules and the Department must re-engage the rulemaking process.

Results of Rulemaking Activity Included in the 2023 CDPS Regulatory Agenda

Rule Number	Rule Title (or Brief Description)	New rule, revision, review or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date, if applicable	Comments
8 CCR 1507-22	Claims for Reimbursement for the Costs of Response and Mitigation of Hazardous Substance Incidents (HM Reimbursement Rules)	Revision	29-22-104, CRS	Typical revisions necessary to comply with updated versions of the CFR and CVSA OOS Criteria. Updated website information for federal and state; updated formatting, including new section and subparagraph titling throughout consistent with recommendations and guidance provided by the SOS, updated existing definitions applicable to the rules, updated information referencing the process to request copies of these rules and introduced a severability clause into the rules.	Members of the CMV industry, law enforcement, other govt. entities, CDOT, USDOT, members of the insurance industry	Adopted	1/19/2023	Rulemaking hearing 01/17/2023 virtually
8 CCR 1507-28	Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance (POE Size and Weight Rules)	Revision	42-8-104, C.R.S.	Typical revisions necessary to comply with updated versions of the CFR, changes to CRS, updating website information, to reorganize and update formatting, and to update verbiage and grammar throughout to improve clarity and flow. Update references to supporting documentation from the FMCSA regarding High-Risk Motor Carriers.	Members of the CMV industry, law enforcement, other govt. entities, CDOT, USDOT	Adopted	1/19/2023	Rulemaking hearing 01/17/2023 virtually

Rule Number	Rule Title (or Brief Description)	New rule, revision, review or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date, if applicable	Comments
8 CCR 1507-25	Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado (HM Routing Rules)	Revision	42-20-108, 42-20-403, 42-20-504, 42-20-508, 42-20-108.5, C.R.S.	Typical revisions necessary to comply with updated versions of the CFR and CVSA OOS Criteria. Clarify information required to be included as part of HAZMAT Routing Petition Applications. Update information describing existing HAZMAT Routes within Colorado. Clarify the designation of temporary or alternate HAZMAT routing by CSP. Clarify existing practice, policy, and rule interpretation regarding notice to be provided by Licensees prior to shipping highway route-controlled quantities of nuclear materials within Colorado. Update verbiage, correct minor grammatical and formatting errors and issues, and update paragraph numbering as appropriate.	Members of the CMV industry, law enforcement, other Gov't entities, CDOT, USDOT	Adopted	1/19/2023	Rulemaking hearing 01/17/2023 virtually
8 CCR 1507-30	Code Enforcement and Certification of Inspectors for Public Schools, Charter Schools & Junior Colleges	Revision	22-32-124, 23-71-122, C.R.S.	Raise fees and change some verbiage related to special inspectors to better align with the changes being made in 8 CCR 1507-101	Fire Inspectors, building code Officials, Fire Code Officials	Deferred	n/a	On hold till administrative rule review 2024.
8 CCR 1507-58	Third Party VIN Verification Program	Revision	42-1-232, C.R.S.	Review and update, as may be determined necessary, to be consistent with current statutory requirements and to refine the program. This rule review has yet to occur and any further specific changes to these rules is unknown at this time.	Commercial Motor Vehicle Industry	Deferred	n/a	On hold till administrative rule review in 2024.

Results of Mandatory Rules Efficiency Review

Schedule (month reviewed)	Rule Number	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of the entire CCR volume?	Adoption date, if applicable	Comments (optional)
Jan. 2023	8 CCR 1507-53	Uniform Standards and Minimum Fire and Life Safety Requirements for Waste Tire Facilities	30-20-1401, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.
Jan. 2023	8 CCR 1507-57	Building and Fire Code Enforcement and Certification of Inspectors for Limited Gaming Facilities Licensed by the State of Colorado	44-30-515, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.
Feb. 2023	8 CCR 1507-3	Firefighter Voluntary Certification Program	24-33.5-1204, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.
Feb. 2023	8 CCR 1507-34	Local Firefighter Safety and Disease Prevention Fund	24-33.5-1203.5, 24-33.5-1231, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.
May 2023	8 CCR 1507-41	Building Security and Occupant Protection	24-33.5-1608, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.
June 2023	8 CCR 1507-40	Continuity of State Government Operations	24-33.5-1609, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.

June 2023	8 CCR 1507-12	Persons Dealing with Fireworks	24-33.5-2004(7), 12-28-101 et seq., C.R.S.	Yes	No	No	Anticipated 11/20/2023	Rule was reviewed by two divisional sections. Both sections agreed that rulemaking was necessary to revise and update the certification procedures for firework display and pyrotechnic operators. Additional minor revisions for updating definitions, clarifying procedures, and grammatical and formatting issues. Rulemaking hearing on 11/16/2023.
Sept. 2023	8 CCR 1507-23	Amber Alert Program	24-33.52-415.7, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.
Sept. 2023	8 CCR 1507-26	Missing Senior Citizen and Person with Developmental Disabilities Alert Program	24-33.5-415.8, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.
Sept. 2023	8 CCR 1507-27	Blue Alert Program	24.33.5-416.5, C.R.S.	Yes	No	No	Anticipated Jan. 2024	Rule was reviewed and changes were deemed necessary to clarify and update the notifications section, to reorganize the policy sections for flow and clarity, to update the definitions, to update formatting, and to correct formatting and minor grammatical errors.
Sept. 2023	8 CCR 1507-33	Medina Alert Program	24-33.5-416.7, C.R.S.	No	No	No	N/A	Rule was reviewed and no changes were deemed necessary.

Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review

Rule Number	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date, if applicable	Comments
8 CCR 1507-1	Minimum Safety Standards for Commercial Vehicles	Revision	42-4-235, C.R.S.	Typical revisions necessary to comply with updated versions of the Code of Federal Regulations (CFR) and Commercial Vehicle Safety Alliance (CVSA) Out of Service (OOS) Criteria. Also updated references to websites, other applicable sections of the CSP and clarified requirements related to appeals of Civil Penalties. Corrected minor grammatical and formatting errors.	Members of the CMV industry, law enforcement, other govt. entities, CDOT, USDOT	Adopted	1/19/2023	Rulemaking hearing 01/17/2023
8 CCR 1507-48	Preventing Identity- Based Violence Grant Program	Revision	24-33.5-1620, C.R.S.	Revise the time frames for grant applications and distributing grant funds from specific dates to general calendar markers due to grant funding continuation.	Local govts and state agencies, American Indian tribes, law enforcement agencies, educational entities, community-based nonprofit organizations.	Adopted	01/24/2023	Rulemaking hearing 01/20/2023
8 CCR 1507-60	Rules for Fire Suppression Ponds	New	24-33.5-1203.5, C.R.S.	Establish the criteria for Boards of County Commissioners, in consultation with Fire Protection Districts or Fire Authorities, to identify and evaluate potential fire suppression ponds.	Local govts and state agencies, boards of county commissioners, fire protection districts and fire authorities.	Adopted	03/08/2023	Rulemaking hearing 2/14/2023

Rule Number	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date, if applicable	Comments
8 CCR 1507-47	Non-profit Security Grant Program	Revision	24-33.5-1622 (2)(d), C.R.S.	Revise the time frames for grant applications and distributing grant funds from specific dates to general calendar markers due to grant funding continuation.	Colorado nonprofit organizations.	Adopted	08/11/2023	Rulemaking hearing 8/7/2023
8 CCR 1507-49	Urgent Incident Response Fund	New	24-33.5-1623, C.R.S.	Emergency Rulemaking to establish new rules as soon as practical after fund appropriation to establish criteria for applying for fund reimbursement, eligibility for determining reimbursement amount, and distribution of the approved reimbursement.	Local governments and state agencies.	Adopted	8/24/2023	Emergency Rulemaking
8 CCR 1507-49	Urgent Incident Response Fund	New	24-33.5-1623, C.R.S.	Adopt permanent rules that have been adopted as emergency rules to establish criteria for applying for fund reimbursement, eligibility for determining reimbursement amount, and distribution of the approved reimbursement.	Local governments and state agencies.	Adopted	Anticipated 11/2/2023	Rulemaking hearing 10/30/2023
8 CCR 1507-52	Reduced Ignition Propensity Cigarette Standards and Certification	Revision	24-33.5-1214, C.R.S.	Following OLLS Review of the revised rules adopted in December 2022, this revision repeals the supplemental application procedures under section 3.5 and updates the provisions under section 3.4 to better align with the statutory requirements.	Cigarette manufacturers, Colorado Fire Chiefs and Fire Marshals	Adopted	09/05/2023	Rulemaking hearing 8/31/2023

Rule Number	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date, if applicable	Comments
8 CCR 1507-70	School Access for Emergency Resources (SAFER) Grant Program	New & Revision	24-33.5-2104, 24-33.5-2702, C.R.S.	Transfer and adopt as new rules under the administration of the newly created Office of School Safety in the Executive Director's Office from the Division of Homeland Security and Emergency Management. The rules were revised to update the application, award, and distribution time frames due to the appropriation of funds for this grant program.	Schools	Adopted	10/06/2023	Rulemaking hearing 10/4/2023
8 CCR 1507-71	School Security Disbursement (SSD) Program	New & Revision	24-33.5-1810 (7), 24-33.5-2702, C.R.S.	Transfer and adopt as new rules under the administration of the newly created Office of School Safety in the Executive Director's Office from the Division of Homeland Security and Emergency Management. The rules were revised to update program eligibility and time frames for application, award, and distribution of funds for this grant program.	Schools	Adopted	10/06/2023	Rulemaking hearing 10/4/2023
8 CCR 1507-44	School Access for Emergency Resources (SAFER) Grant Program	Repeal	24-33.5-2104 (4), 24.33.5-2702, C.R.S.	Repeal rules transferred from Division of Homeland Security and Emergency Management to the Executive Director's Office, Office of School Safety. These rules have been revised and adopted as 8 CCR 1507-70 on 10/06/2023.	Schools	Repealed	10/30/2023	Rulemaking hearing 10/30/2023

Rule Number	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date, if applicable	Comments
8 CCR 1507-45	School Security Disbursement (SSD) Program	Repeal	24-33.5-1810 (7), 24-33.5-2702, C.R.S.	Repeal rules transferred from Division of Homeland Security and Emergency Management to the Executive Director's Office, Office of School Safety. These rules have been revised and adopted as 8 CCR 1507-71 on 10/06/2023.	Schools	Repealed	10/30/2023	Rulemaking hearing 10/30/2023
8 CCR 1507-80	Public Safety Communications Trust Fund	New & Revision	24-33.5-2501, 24-33.5-2502, 24-33.5-2505, C.R.S.	Transfer rules 8 CCR 1501-8 Rules in Support of the Governor's Office of Information Technology Public Safety Trust Fund from the State OIT to the Department of Public Safety and continued to be administered by the Office of Public Safety Communications, which was statutorily transferred to the Division of Homeland Security and Emergency Management. The transferred rules are adopted as new rules with revisions to update fund distribution and repayment and reporting procedures.	Local governments, state agencies, and law enforcement agencies.	Pending Hearing	Anticipated 11/17/2023	Rulemaking scheduled for 11/15/2023

Rule Number	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date, if applicable	Comments
8 CCR 1507-81	Office of Public Safety Communications Administration	New	24-33.5-2501, 24-33.5-2503	Adopt rules for the administration of the powers, duties, and functions of the Office of Public Safety Communication to ensure the continuity of existence through the transfer of functions of the OPSC from the State Office of Information Technology to the Division of Homeland Security and Emergency Management in the Department of Public Safety.	Local governments, state agencies, and law enforcement agencies.	Pending Hearing	Anticipated 11/17/2023	Rulemaking scheduled for 11/15/2023
8 CCR 1507-12	Persons Dealing with Fireworks	Revision			Local governments, state agencies, Fire Chiefs, Fire Marshalls, Fire District officials, and the general public.	Pending Hearing	Anticipated 11/17/2023	Rulemaking scheduled for 11/16/2023
8 CCR 1507-43	Reserve Peace Officer Academy Grant Program	Repeal	24-33.5-1616, C.R.S.	Rule authority was repealed when statute was repealed 7/1/2019. Rulemaking is needed to formally repeal rules.	Political subdivisions of the state that are comprised of multiple jurisdictions and formed for the purpose of funding a reserve peace officer academy; Law enforcement agencies	Pending Hearing	Anticipated 11/30/2023	Rulemaking scheduled for 11/30/2023