

2024 Regulatory Report

# Overview

Pursuant to Section 2-7-203(4) of the Colorado Revised Statutes (C.R.S.), the Department of Public Safety (CDPS) submits the following 2024 Regulatory Report in accordance with Section 2-7-203(4) of the Colorado Revised Statutes. This Regulatory Report details the results of the past year’s planned rulemaking as noted in the 2024 CDPS Regulatory Agenda, unplanned rulemaking, routine informal rule reviews (if any), and planned mandatory rule reviews conducted pursuant to the Administrative Procedure Act (§24-4-101 et seq., C.R.S.) and Section 24-4-103.3(4), C.R.S. in compliance with the Department’s regulatory efficiencies reviews.

Because this report is due by November 1, it includes the status of activities completed through Oct. 25, 2024. Regulatory activities completed or scheduled between October 26, 2024 and December 31, 2024 will be reported, if planned, in the Department’s 2025 Regulatory agenda and in the year-end Department’s 2025 Regulatory Report.

This report includes three sections:

1. Results of rulemaking activity included in the 2024 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 planned agenda and mandatory rules efficiency reviews table; these rules were specifically added to the 2024 agenda with the knowledge that they were required to undergo a mandatory rules efficiency rule in 2024.

# Results of Planned Rulemaking Activity Included in the 2024 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 & Effective Date (if applicable) | Comments |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 8 CCR 1507-80 | Public Safety Communications Trust Fund | New rule/revision | 24-33.5-2501,24-33.5-2502,24-33.5-2505, 24-33.5-2510, 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. Establishes rules for the administration of the Public Safety Communications Trust Fund by the Office of Public Safety Communications, which was statutorily transferred to the Division of Homeland Security and Emergency Management, in HB 22-1353. 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 | Adopted | 11/15/20231/14/2024 | Rulemaking hearing held 11/15/2023 |
| 8 CCR 1507-81 | Office of Public Safety Communications Administration | New rule | 24-33.5-2501, 24-33.5-2503, C.R.S. | Adopt rules for the administration of the powers, duties, and functions of the Office of Public Safety Communications (OPSC) to ensure continuity of existence through the statutory transfer of the OPSC to the Department of Public Safety Division of Homeland Security and Emergency Management in HB 22-1353. | Local governments, state agencies, and law enforcement agencies | Adopted | 11/15/20231/14/2024 | Rulemaking hearing held 11/15/2023 |
| 8 CCR 1507-12 | Persons Dealing with Fireworks | Revision | 24-33.5-2004(7), 12-28-101 et seq., C.R.S. | Update the certification procedures for firework display and pyrotechnic operators. Additional minor revisions for updating definitions, clarifying procedures, and grammatical and formatting issues. | Local governments, state agencies, Fire Chiefs, Fire Marshalls, Fire District officials, and the general public. | Adopted | 1/11/20243/30/2024 | Rulemaking hearing held 12/19/2023 |
| 8 CCR 1507-43 | Reserve Peace Officer Academy Grant Program | Repeal | 24-33.5-1616, C.R.S. | Formally repeal rules, which were statutorily repealed as of 7/1/2019; the process to formally repeal rules through rulemaking process upon the repeal of the statutory authority for the rules was an inadvertent oversight by the department/division. | Political subdivisions of the state that are comprised of multiple jurisdictions and formed for the purpose of funding a reserve peace officer academy, and law enforcement agencies | Repealed | 12/15/20232/14/2024 | Rule repeal hearing held 11/30/2023 |
| 8 CCR 1507-27 | Blue Alert Program | Revision | 24-33.5-416.5 | Update notification procedures. | Local law enforcement, media, general public | Deferred  | N/A | Deferred to 2025 pending further review to align all division’s alert rules notification procedures |
| 8 CCR 1507-37 | Wildfire Resilient Homes Grant Program | New rule | 24-33.5-1239, C.R.S. | Adopt rules for the implementation and administration of the Wildfire Resilient Homes Grant Program implemented in HB 23-1096. | Private sector contractors, local governments, state agencies, and the general public | Adopted | 1/4/20243/1/2024 | Rulemaking hearing held 1/4/2024 |
| 8 CCR 1507-20  | National Instant Criminal Background Check System with the Colorado Bureau of Investigation Serving as the Point of Contact | Review | 24-33.5-424(7), C.R.S. | After mandatory rule review, it was determined that rulemaking was needed to update program time frames and division points of contact. | Local law enforcement agencies, Federal Firearms Licensees (FFLs)/gun dealers, and the general public | Adopted | 4/19/20246/14/2024 | Rulemaking hearing held 4/15/2024 |
| 8 CCR 1507-1 | Minimum Standards for the Operation of CMVs (aka the Motor Carrier Rules) | Revision | 42-4-235(4)(a)(l), C.R.S. | Update for consistency and to align with statutes and Codes of Federal Regulations (CFRs). | Members of the CMV industry, law enforcement, other government entities, CDOT, USDOT, and members of the insurance industry | Adopted | 1/31/20244/1/2024 | Rulemaking hearing held 1/30/2024 |
| 8 CCR 1507-28 | Port of Entry Rules for Commercial Motor Carrier Size, Weight & Clearance | Revision | 42-8-104(1), C.R.S. | Update for consistency and to align with statutes and Codes of Federal Regulations (CFRs). | Local governments, state agencies, members of the CMV industry, CMCA, and other requesting parties | Adopted | 1/31/2024 | Rulemaking hearing held 1/30/2024 |
| 8 CCR 1507-50 | Colorado Automobile Prevention Authority (CATPA) | Review | 42-4-112(3)(f), C.R.S. | After mandatory rule review, it was determined that rulemaking was needed to update program criteria and guidelines; additional revision was needed to respond to statutory changes from SB 23-257 expanding the scope of the program and promoting enforcement and prevention technologies. | Law enforcement agencies, local governments and state agencies, and other requesting parties | Adopted | 5/9/20247/1/2024 | Rulemaking hearing held 5/2/2024 |
| 8 CCR 1507-58 | Third Party VIN Verification Program | Review | 42-1-232(7), C.R.S. | After mandatory rule review, it was determined that rulemaking was needed to update appeal timelines for summary suspension, revocation, and denials, to clarify permit review requirements, and to update references and verbiage. | Local governments, state agencies, members of the CMV industry, third-party civilian VIN verifiers | Adopted | 1/31/20244/1/2024 | Rulemaking hearing held 1/30/2024  |
| 8 CCR 1507-42 | Filing Tier II Reports Electronically | Review | 24-33.5-1503.5, C.R.S. | After mandatory rule review, it was determined that no rulemaking was needed. | Local government and state agency emergency planning officials and the general public | Reviewed | N/A | No further action taken |
| 8 CCR 1507-46 | Law Enforcement Public Safety and Criminal Justice Information Sharing Program | Repeal | 24-33.5-1617, C.R.S. | Formally repeal rule through rulemaking process due to statutory repeal of grant program effective July 2, 2023. | Law enforcement agencies, local governments, and state agencies. | Repealed | 12/15/20232/14/2024 | Rule repeal hearing held 12/15/2023 |
| 8 CCR 1507-40 | Continuity of State Government Operations (COOP) | Revision | 24-33.5-1609, C.R.S. | After further review, the Division decided to pend rulemaking until 2025 due to possible changes in FEMA; no statutory conflicts are created with this decision. | Local governments, state agencies, emergency planning officials, and the general public | Deferred  | N/A | TBD 2025 |
| TBD | Fire Investigation Fund [tentative title] | New | 24-33.5-1238, C.R.S. | After review, the division determined there is no need to develop rules to administer this fund. The division already has a local jurisdictional reimbursement process in place that is applicable to this fund as well, and creating separate rules is not necessary. | Local governments, state agencies, Fire Chiefs, Fire Marshalls, Fire District officials, and the general public | Cancelled | N/A | No further action taken |

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# Results of 2024 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 entire CCR volume? | Adoption & Effective date (if applicable)  | Comments (optional)  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Jan. 2024 | 8 CCR 1507-20 | National Instant Criminal Background Check System | 24-33.5-424(7), C.R.S. | Yes | No | No | 4/19/20246/14/2024 | After review, the division identified the need to do rulemaking to update rule. |
| Jan. 2024 | 8 CCR 1507-42 | Filing Tier II Reports Electronically | 24-33.5-1503.5, C.R.S. | No | No | No | N/A | Rule was reviewed and no changes were deemed necessary. |
| Jan. 2024 | 8 CCR 1507-50 | Colorado Automobile Theft Prevention Authority (CATPA) | 42-5-112(3)(f), C.R.S. | No | No | No | N/A | Rule was reviewed and no changes were deemed necessary. |
| Jan. 2024 | 8 CCR 1507-58  | Third Party Vin Verification Program | 42-1-232(7), C.R.S. | Yes | No | No | 1/30/20244/1/224 | After rule and program review, the division identified the need to do rulemaking to update rule. |
| Jan. 2024 | 8 CCR 1507-56 | Motorcycle Operator Safety Training (MOST) Program | 43-5-502.5(2), 43-5-502(1)(III)(d), C.R.S. | No | No | No | N/A | Rule was reviewed and no changes were deemed necessary. [note: This program is anticipated to be reorganized in 2025, and the need to do rulemaking is to be determined.] |
| Jan. 2024 | 8 CCR 1507-30 | Fire Code Enforcement and Certification of Fire Inspectors for Public Schools, Charter Schools and Junior Colleges | 24-33.5-1203.5, C.R.S. | Yes | No | No | Hearing scheduled 11/6/2024Target effective date 1/1/2025 | After review, the division identified the need to do rulemaking to update the rule. |
| June 2024 | 8 CCR 1507-11 | Fire Suppression Program | 24-33.5-1204.5, C.R.S. | No | No | No | N/A | Rule was reviewed and no changes were deemed necessary. |

# 2024 Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review

| Rule Number | Rule Title (or Brief Description)  | New rule, revision, repeal, or review? | Statutory or other basis for adoption of rule | Purpose | Stakeholders | Status | Adoption & Effective Date (if applicable) | Comments (including if result of rule review or legislation) |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 8 CCR 1507-71 | School Security Disbursement (SSD) Program | Revision | 24-33.5-1810(7), 24-33.5-2702 C.R.S. | Revision to correct eligibility criteria for applications within the rule to better align with statute following OLLS review/request for action. | Schools | Adopted | 1/11/2024 | Emergency rulemaking |
| 8 CCR 1507-71 | School Security Disbursement (SSD) Program | Revision | 24-33.5-1810(7), 24-33.5-2702, C.R.S. | Permanent rulemaking of emergency rules. | Schools | Adopted | 3/22/20245/30/2024 | Permanent rulemaking hearing held 3/22/2024 |
| 8 CCR 1507-47 | Colorado Nonprofit Security Grant Program | Revision | 24-33.5-1622(2)(d), C.R.S. | Revision to update rule timelines due to additional funding allocation within FY.  | Colorado nonprofit organizations | Adopted | 1/23/2024 | Emergency rulemaking  |
| 8 CCR 1507-47 | Colorado Nonprofit Security Grant Program | Revision | 24-33.5-1622(2)(d), C.R.S. | Permanent rulemaking of emergency rules. | Colorado nonprofit organizations | Adopted | 3/22/20245/30/2024 | Permanent rulemaking hearing held 3/22/2024 |
| 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, C.R.S. | Revision to update rules to better align with statute, add hazardous substance incidents, update definitions and formatting, update references and resource information, and clarify rules and update formatting. | Members of the CMV industry, law enforcement, other government entities, CDOT, USDOT, and members of the insurance industry | Adopted | 2/6/20244/1/2024 | Rulemaking hearing held 1/30/2024 |
| 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, CRS | Revision to update rules to comply with updated statutes regarding the curfew and routing provisions of § 42-20-301, C.R.S., and allowing CSP to apply approved Transportation Commission restrictions affecting transport of hazardous and agricultural products through the Eisenhower Johnson Memorial Tunnel (EJMT), update references for consistency with CVSA OOS Criteria and FMCSRs, update verbiage for clarity, update references, and correct minor formatting and grammatical errors. | Members of the CMV industry, law enforcement, other government entities, CDOT, and USDOT | Adopted | 1/31/20244/1/2024 | Rulemaking hearing held 1/30/2024 |
| 8 CCR 1507-38 | Regional and Statewide Mutual Aid System and Colorado Coordinated Regional Mutual Aid System | New | 24-33.5-1235, C.R.S. | Adopt rules to establish a mutual aid system advisory committee, processes for opting in and out of the system, and operating guidelines for the regional and Colorado coordinated mutual aid systems. | Local governments, state agencies, regional and state mutual aid partner agencies, Fire Chiefs, Fire Marshalls, and Fire District officials | Adopted | 8/30/202410/30/2024 | Rulemaking hearing held 8/30/2024 |
| 8 CCR 1507-80 | Public Safety Communications Trust Fund | Revision | 24-33.5-2505, 24-33.5-2510, C.R.S. | Revision to correct statutory citation error following OLLS review/request for action. | Local governments, state agencies, and law enforcement agencies | Adopted | 8/6/20249/30/2024 | Rulemaking hearing held 7/31/2024 |
| 8 CCR 1507-3 | Firefighter Voluntary Certification Programs | Revision | 24-33.5-1205 | Revision to update minimum time frame to submit certification applications and fees prior to scheduled examinations, increase period for awarded certifications from 3 to 5 years, update references and definitions, update fees related to the costs of administering the programs, and update formatting to comply with accessibility standards. | Local governments, state agencies, Fire Chiefs, Fire Marshalls, Fire District officials, interested parties, and the general public | TBD | TBDTarget effective date 1/1/2025 | Rulemaking hearing scheduled 11/8/2024 |
| 8 CCR 1507-30 | Fire Code Enforcement and Certification of Fire Inspectors for Public Schools, Charter Schools and Junior College | Revision | 24-33.5-1203.5, C.R.S. | Revision to update the title and duties of delegated building inspectors, update the list of allowable projects under annual permits, raise fees related to inspections and plan reviews by 2.5% to defray program costs, update definitions and division procedures, correct grammatic errors, and update formatting to comply with accessibility standards. | Fire inspectors, building code officials, fire code officials, and school boards/districts | TBD | TBDTarget effective date 1/1/2025 | Rulemaking hearing scheduled 11/6/2024 |

# 2024 Additional Rule Actions Apart from Planned/Unplanned Rulemaking or Rule Review

| Rule Number | Rule Title (or Brief Description)  | Action | Statutory authority & SOS Tracking Number, if applicable | Comments |
| --- | --- | --- | --- | --- |
| 8 CCR 1507-37 | Wildfire Resilient Homes Grant Program | Issue to be brought before the Committee on Legal Services (COLS) | 24-33.5-1239, C.R.S.2023-00766 | On July 3, 2024, the Office of Legislative Legal Services (OLLS) identified a conflict in the adopted rules promulgated by the Division of Fire Prevention and Control (effective 3/1/2024) between the definition of “homeowner” as defined in statute and as defined in the adopted rules. The OLLS found that the Division added a provision of “primary residence” to this definition that is not provided in statute, thereby adding limitation to the definition that in turn, affects the eligibility for grant requestors. The Division requested that the OLLS put forward to the COLS review hearing a request to not extend the rule with the Division taking a no contest position on the OLLS request. The Division intends to do rulemaking on this rule in 2025 through which a correction will be made to this definition to align with statute. The OLLS advised the Division that this request will be forwarded to the COLS for consideration in their 2024 rule review bill meeting in November or December 2024. The Division will take the directed action advised by the COLS as soon as practicable. |