



## Colorado Automobile Dealers Association

March 26, 2020

Colorado Dealers,

Since the issuance of the Executive Order and Public Health Order that effectively closed retail sales in Colorado, much has changed, beginning with conversations this morning and leading up to the issuance of a revised Public Health Order. Make no mistake, in-person retail sales are still prohibited. However, I am writing to share with you new guidance on how internet sales and remote sales can be conducted in compliance with the Governor's order.

We begin with a message from the Colorado Department of Transportation:

"This is a very challenging and unusual time and we are all taking extraordinary measures to protect public health and our communities.

The Governor's "stay at home" EO and CDPHE's subsequent public health order recognizes the tremendous importance of autos for mobility purposes, and defines, as critical services, "Automobile rental, auto supply and repair (including retail dealerships that include repair and maintenance, but not retail sales)."

With respect to retail sales, the EO does not allow for these to take place in person right now (the EO will be in place until at least April 11) given the public health crisis we are dealing with and the need for strict social distancing. **However, the EO does allow for online orders and delivery during this time.**

Please note that the EO requires strict social distancing and cleaning protocols for all functions, including critical ones, and encourages any functions that can be done from home (e.g. business office, finance officers, etc.) to be done from home.

We are doing the same within our Department and are happy to share any best practices as we learn them both in terms of shifting those kinds of functions from home and in terms of enhancing social distances for those that can't."

CDOT also has provided us the Governor's COVID website with the most up-to-date guidance from the state. [Click here to review](#). In this rapidly evolving environment, this will be the best site to check for current guidance.

The language of the Public Health Order – Critical Services, was then amended this afternoon to read "Automobile rental, auto supply and repair (including retail dealerships that include repair and maintenance, but not retail sales)" It was always the state's intent to allow internet sales. However, the addition of in-person language makes clear to us that the restriction is narrowed to in-person sales, which need to cease during this outbreak.

The question then becomes, “[i]f we sell cars remotely, how will we deliver them?” Here, we have more guidance from CDOT. “Delivery is okay as long as it follows the vehicle cleaning guidelines.”

CADA’s recommendations here would be one of two options:

- 1) Once a contract is signed, vehicles could be delivered to the consumer’s home, or
- 2) The dealer could move the sold vehicle into the Service bay (already operating as a critical business) while leaving the keys for pick up in the Parts department. It is critical for social distancing that an employee and not the consumer be the one to retrieve the keys in order to deliver the vehicle.

Additionally, if you have business with either government agencies, like police or fire departments, or local non-profits who are themselves critical under the order, you will fall into Section 11 of the Public Health Order – Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residence or Other Critical Businesses.

County DMVs are approaching a resolution to process title work behind closed doors. This should include ideas on how packages can be received sufficient to meet dealers’ lien perfection needs. We will keep you updated as this guidance is released.

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