

## **Rule 7 – Variances**

*Effective November 15, 2021*

- (a) The Board may, upon sufficient cause shown, authorize variances to persons who are otherwise required to meet the requirements of these rules.
- (b) To request a variance, an applicant must submit a written petition to the Director, fully explaining all relevant facts. Any person seeking a temporary or permanent variance has the burden of establishing that:
  - (I) The variance is consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S.; and
  - (II) Strict application of the statutes and rules pertaining to the certification process would present a practical difficulty or unnecessary hardship. Mere inconvenience or expense does not suffice.
- (c) The Director, in the Director's discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information, or may hold a meeting.
- (d) Any variance granted under this rule shall be subject to such limitations or conditions as the Director or Board deems necessary in order to conform to the basic purposes and policies of applicable law.
  - (I) A temporary 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.
- (e) If any determination made by the Director pursuant to this rule is not appealed by the applicant within thirty (30) days pursuant to Rule 5(c), such determination shall become final.
- (f) Pursuant to § 24-31-303(5)(a) and § 24-31-305(1)(a)(III), C.R.S., no person may, through a variance or otherwise, serve as a certified peace officer, as defined in § 16-2.5-102, C.R.S., without having first passed the required certification examination and become certified.
- (g) Pursuant to § 24-31-303(1)(s), C.R.S., the process outlined in subsection (b) of this Rule 7 applies to a peace officer seeking review of a peace officer's status in the database created per §24-31-303(1)(r), C.R.S.