

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0079.01 Pierce Lively x2059

HOUSE BILL 20-1318

HOUSE SPONSORSHIP

Bird and Will, Arndt, Becker, Garnett, Gray, Liston, McCluskie, Rich, Snyder, Soper, Woodrow

SENATE SPONSORSHIP

Winter, Ginal, Hisey, Moreno, Priola, Rankin, Tate, Woodward

House Committees

Transportation & Local Government

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE ELECTRONIC RECORDING OF PLATS OF LAND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows county clerk and recorders to receive and preserve original plats for recording in an electronic format.

The bill also specifies the conditions for properly submitting plats to county clerk and recorders in both electronic and original formats.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
June 3, 2020

SENATE
2nd Reading Unamended
June 2, 2020

HOUSE
3rd Reading Unamended
May 27, 2020

HOUSE
Amended 2nd Reading
May 26, 2020

1 **SECTION 1.** In Colorado Revised Statutes, **amend** 31-23-108 as
2 follows:

3 **31-23-108. Record and preservation - definition.** The county
4 clerk and recorder shall record all such plats of lands within his or her
5 county together with the description, acknowledgment, or other writing
6 thereon in a book to be kept for that purpose and, when necessary, may
7 reduce the scale of any such plat. Upon each record in the book he or she
8 shall endorse his or her certificate that the same is truly recorded from the
9 original plat filed in his or her office. THE COUNTY CLERK AND RECORDER
10 MAY RECEIVE AN ORIGINAL PLAT FOR RECORDING IN AN ELECTRONIC
11 FORMAT. The county clerk and recorder shall preserve the original plat in
12 the original format, an electronic format, or both. If the ~~original~~ plat is
13 ~~preserved~~ RECEIVED FOR RECORDING IN THE ORIGINAL FORMAT, THE
14 COUNTY CLERK AND RECORDER MAY PRESERVE IT in an electronic format
15 ~~then the county clerk and recorder shall scan~~ BY DIGITIZING OR SCANNING
16 the plat at a minimum resolution of three hundred dots per inch. The
17 county clerk and recorder shall keep an index to such book of plats, which
18 index shall contain the names of the parties acknowledging such plats and
19 the name of the city or town, as the case may be. The county clerk and
20 recorder shall likewise make entries of all the plats in the index in his or
21 her office in which deeds are required to be entered. As used in this
22 section, "electronic" means relating to technology having electrical,
23 digital, magnetic, wireless, optical, electromagnetic, or similar
24 capabilities.

25 **SECTION 2.** In Colorado Revised Statutes, 38-50-101, **amend**
26 (3); and **add** (2.5) and (8) as follows:

27 **38-50-101. Survey plat - records file and index system -**

1 **informational purpose.** (2.5) EACH PLAT SUBMITTED TO A COUNTY
2 CLERK AND RECORDER MUST BE SUBMITTED IN EITHER AN ORIGINAL OR
3 ELECTRONIC FORMAT AND:

4 (a) MUST:

5 (I) BE SUBMITTED FOR RECORDING;

6 (II) HAVE ORIGINAL SIGNATURES;

7 (III) HAVE ALL OF THE ORIGINAL SEALS;

8 (IV) HAVE AT LEAST TEN-POINT TYPE; AND

9 (V) NOT HAVE ANY ILLEGIBLE IMAGES; AND

10 (b) IF SUBMITTED IN AN ORIGINAL FORMAT, MUST BE PRINTED ON
11 PAPER OR A DIMENSIONALLY STABLE POLYESTER SHEET SUCH AS CRONAR
12 OR MYLAR OR ANY OTHER PRODUCT OF EQUAL QUALITY THAT:

13 (I) IS WHITE AND WITHOUT WATER MARKS;

14 (II) IS HEAVY BONDED PAPER;

15 (III) HAS NO STAPLES OR OTHER BINDING; AND

16 (IV) HAS NO IMPRESSION SEALS; OR

17

18 (c) IF SUBMITTED IN AN ELECTRONIC FORMAT, MUST HAVE A
19 MINIMUM RESOLUTION OF THREE HUNDRED DOTS PER INCH.

20 (3) (a) ~~Each plat submitted for depositing shall:~~

21 ~~(I) Bear original signatures and seals; and~~

22 ~~(II) Be made:~~

23 ~~(A) From a dimensionally stable polyester sheet such as cronar or~~
24 ~~mylar or other product of equal quality;~~

25 ~~(B) At least three mils thick; and~~

26 ~~(C) With nonfading permanent print.~~

27 (b) The dimensions of each plat, SUBMITTED IN AN ORIGINAL OR

1 ELECTRONIC FORMAT, as specified by county requirements, shall be at
2 least eighteen inches wide by twenty-four inches long and no more than
3 twenty-four inches wide by thirty-six inches long with a minimum
4 two-inch margin on the left side and a minimum of one-half inch margins
5 at the top, bottom, and right side of the plat.

6 (c) Subject to approval by the board of county commissioners, a
7 county may make aperture cards or film-processed copies capable of
8 legible reproduction from ~~polyester sheets~~ EACH PLAT as specified in
9 ~~sub-subparagraph (A) of subparagraph (H) of paragraph (a) of this~~
10 ~~subsection (3)~~ SUBSECTION (2.5)(b) OF THIS SECTION for the purpose of
11 recording.

12 (8) IF THE COUNTY CLERK AND RECORDER IS DESIGNATED AS THE
13 APPROPRIATE LOCAL GOVERNMENT OFFICIAL TO STORE ORIGINAL MYLAR,
14 PAPER, OR POLYESTER SHEETS OF SUBDIVISION PLATS AND LAND SURVEY
15 PLATS UNDER SUBSECTION (7) OF THIS SECTION, THOSE PLATS MAY BE
16 RECORDED BY THE COUNTY CLERK AND RECORDER INSTEAD OF DEPOSITED.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.