

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1269

BY REPRESENTATIVE(S) Mauro and Frizell, Boesenecker, Jodeh, Lindsay, Lindstedt, Martinez, Valdez;
also SENATOR(S) Kolker and Pelton B.

CONCERNING RECORDING FEES, AND, IN CONNECTION THEREWITH,
MODIFYING FEES COLLECTED BY COUNTY CLERK AND RECORDERS,
DELAYING THE ELECTRONIC RECORDING TECHNOLOGY BOARD'S
REPEAL AND SUNSET REVIEW, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 30-1-103, **amend** (1), (2) introductory portion, and (5); **repeal** (2)(c), (2)(f), (2)(g), (2)(h), and (2)(m); and **add** (6) as follows:

30-1-103. Fees of county clerk and recorders - report - repeal.

(1) Fees collected by county clerk and recorders ~~shall be~~ ARE as follows: For filing or recording each document for which a fee is not specifically provided, except tax schedules and claims against the county, for which no fee ~~shall be~~ IS allowed, in cities and counties and in counties of every class, the ~~clerk shall receive ten~~ FEE IS FORTY dollars for the ~~first page and five dollars~~ for each ~~additional page~~ DOCUMENT; EXCEPT THAT NO FEE IS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

ALLOWED FOR FILING OR RECORDING A CERTIFICATE OF DEATH, A VERIFICATION OF DEATH DOCUMENT, OR A CERTIFIED COPY THEREOF.

(2) In cities and counties and in every county, the following fees shall apply:

~~(c) For filing each bond and license, five dollars;~~

~~(f) For recording town plats, subdivision plats, and all other plats, and for recording all documents in excess of eight and one-half inches in width or fourteen inches in length, ten dollars per sheet;~~

~~(g) For entering subsequent taxes paid in tax sale record, five dollars for each certificate;~~

~~(h) For entering certificate of redemption in tax sale record, five dollars for each certificate;~~

~~(m) For recording all certificates, affidavits, deeds, or other documents containing the name of one or more mining claims and for indexing the same under the name of each such mining claim, five dollars per page, plus twenty-five cents for each mining claim named therein.~~

(5) The fee described in subsection (1) of this section ~~shall not~~ WILL be collected on any filing received by the county clerk and recorder as an authorized agent of the executive director of the department of revenue pursuant to section 38-29-128 or 42-6-121. ~~C.R.S., in which case the fee collected shall be five dollars per page.~~

(6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2029.

SECTION 2. In Colorado Revised Statutes, 30-10-421, **amend** (1)(b) and (1)(c) as follows:

30-10-421. Filing surcharge - definitions. (1) (b) Beginning July 1, 2004, and through ~~December 31, 2026~~ DECEMBER 31, 2029, the county clerk and recorder shall collect a surcharge of one dollar for each document received for recording or filing in ~~his or her~~ THE CLERK AND RECORDER'S office. The surcharge ~~shall be~~ IS in addition to any other fees permitted by statute.

(c) Beginning January 1, 2017, and through ~~April 30, 2026~~ APRIL 30, 2029, the county clerk and recorder shall collect the surcharge imposed by the electronic recording technology board under section 24-21-403 (2) for each document received for recording or filing in ~~HIS OR HER~~ THE CLERK AND RECORDER'S office. The surcharge is in addition to any other fees permitted by statute.

SECTION 3. In Colorado Revised Statutes, 34-43-114, **repeal** (3) as follows:

34-43-114. Affidavit of annual labor, improvements, or payment of federal claim rental fee - effect of filing. (3) ~~The fee for recording the affidavit described in subsection (1) of this section is set forth in section 30-1-103 (2)(m), C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 38-25-105, **amend** (1)(b) as follows:

38-25-105. Fees. (1) (b) The fee charged by a county clerk and recorder for filing and indexing each notice of lien or certificate or notice affecting the lien ~~shall be five dollars~~ IS THE FEE SPECIFIED IN SECTION 30-1-103 (1).

SECTION 5. In Colorado Revised Statutes, 38-50-101, **amend** (4)(a) and (4)(b) as follows:

38-50-101. Survey plat - records file and index system - informational purpose. (4) (a) The fee for depositing plats shall not exceed the amount of the fee collected for the recording of subdivision plats established in ~~section 30-1-103 (2)(f), C.R.S.~~ SECTION 30-1-103 (1).

(b) The fee for the county surveyor or, if a county surveyor has not been elected or appointed or if the office is vacant, another county official to index and maintain the plats as designated by the county commissioners shall not exceed the amount of the fee collected for the recording of subdivision plats established in ~~section 30-1-103 (2)(f), C.R.S.~~ SECTION 30-1-103 (1).

SECTION 6. In Colorado Revised Statutes, 25-2-110, **add** (1)(d) as follows:

25-2-110. Certificates of death. (1) (d) IF A CERTIFICATE OF DEATH, COPY OF CERTIFICATE OF DEATH, CERTIFIED COPY OF A CERTIFICATE OF DEATH, OR VERIFICATION OF DEATH IS RECORDED INTO THE REAL ESTATE RECORDS OF A COUNTY CLERK AND RECORDER, THE DOCUMENT IS A PUBLIC RECORD.

SECTION 7. In Colorado Revised Statutes, **amend** 30-10-406.5 as follows:

30-10-406.5. Redaction of first five digits of social security numbers on public documents. (1) A county clerk and recorder shall redact the first five digits of a social security number from a public document recorded with the clerk and recorder ~~upon the request of the individual assigned the social security number or that individual's designee by power of attorney or appointment of personal representative, custodian, conservator, or guardian if:~~

(a) The document is in electronic form; AND

(b) The clerk and recorder has the equipment needed to automatically make the redaction. ~~and~~

(c) ~~The individual requesting redaction makes the request in writing on a form provided by the clerk and pays a fee pursuant to section 30-1-103 (1):~~

(2) A county clerk and recorder ~~may, but is not required to, make a requested redaction even if he or she lacks the equipment needed to do so automatically~~ MAY LEAVE A SOCIAL SECURITY NUMBER UNREDACTED UPON THE REQUEST OF THE INDIVIDUAL ASSIGNED THE SOCIAL SECURITY NUMBER OR THAT INDIVIDUAL'S DESIGNEE BY POWER OF ATTORNEY OR APPOINTMENT OF PERSONAL REPRESENTATIVE, CUSTODIAN, CONSERVATOR, OR GUARDIAN.

SECTION 8. In Colorado Revised Statutes, 2-3-1203, **repeal** (17)(a)(V); and **add** (20)(a)(VIII) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (17) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2026:

(V) ~~The electronic recording technology board created in part 4 of article 21 of title 24;~~

(20) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2029:

(VIII) THE ELECTRONIC RECORDING TECHNOLOGY BOARD CREATED IN PART 4 OF ARTICLE 21 OF TITLE 24.

SECTION 9. In Colorado Revised Statutes, 24-21-403, **amend** (2) as follows:

24-21-403. Core goals - powers and duties - rules. (2) In order to accomplish its business purpose, the board may impose an electronic filing surcharge of up to two dollars that is uniformly collected on all documents received by a county clerk and recorder for recording or filing on or after January 1, 2017, through ~~April 30, 2026~~ APRIL 30, 2029.

SECTION 10. In Colorado Revised Statutes, 24-21-406, **amend** (1) introductory portion and (3) as follows:

24-21-406. Reporting - annual - five-year report. (1) Notwithstanding section 24-1-136 (11), on or before September 1, 2017, and each September 1 thereafter until ~~September 1, 2025~~; SEPTEMBER 1, 2028, the board shall prepare a report that, for each grant made during the prior fiscal year, describes the:

(3) On or before January 1, 2021, and before ~~January 1, 2026~~; JANUARY 1, 2029, the board shall report to the general assembly about the overall success of the grant program established by this part 4.

SECTION 11. In Colorado Revised Statutes, **amend** 24-21-407 as follows:

24-21-407. Repeal of part. NOTWITHSTANDING SECTION 2-3-1203 (1)(a), this part 4 is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1, 2029. Prior to such repeal, the board shall be reviewed as provided in section 2-3-1203.

SECTION 12. Appropriation. (1) For the 2024-25 state fiscal

year, \$10,444 is appropriated to the department of revenue. This appropriation is from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$840 for use by the executive director's office for personal services related to administration and support;

(b) \$7,840 for use by the division of motor vehicles for DRIVES maintenance and support;

(c) \$576 for use by the division of motor vehicles for personal services related to vehicle services; and

(d) \$1,188 for the purchase of information technology services.

(2) For the 2024-25 state fiscal year, \$1,188 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(d) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

SECTION 13. Act subject to petition - effective date - applicability. (1) This act takes effect July 1, 2025; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect July 1, 2025, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to documents filed or recorded on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO