

CHAPTER 405

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 18-255

BY SENATOR(S) Tate, Crowder, Fields, Jahn, Kefalas, Lambert, Marble, Neville T., Priola, Scott, Smallwood, Todd, Williams A., Zenzinger;
 also REPRESENTATIVE(S) Arndt and Hooton, Bridges, Gray, Hansen, Kraft-Tharp, Melton, Michaelson Jenet, Rankin, Reyher, Rosenthal, Saine, Sandridge, Valdez, Winkler.

AN ACT

CONCERNING THE USE OF ELECTRONIC FORMATS IN THE ISSUANCE OF CERTIFICATES OF TITLE FOR VEHICLES.

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

SECTION 1. In Colorado Revised Statutes, 42-6-102, **amend** (18); and **repeal** (5)(b) as follows:

42-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(5) (b) ~~A record covered by this article may not be denied legal effect, validity, or enforceability solely because it is in the form of an electronic record. Except as otherwise provided in this article, if a rule of law requires a record to be in writing or provides consequences if it is not, an electronic record satisfies that rule of law.~~

(18) (a) "Signature" means either a written signature or an electronic signature.

(b) "ELECTRONIC SIGNATURE" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-71-101.

SECTION 2. In Colorado Revised Statutes, 42-6-109, **add with amended and relocated provisions** (4) as follows:

42-6-109. [Formerly 42-6-102 (5)(b)] Sale or transfer of vehicle. (4) (a) A record covered by this article **6**, INCLUDING A CERTIFICATE OF TITLE, A DOCUMENT NECESSARY TO ISSUE A CERTIFICATE OF TITLE, OR A SIGNATURE ON THE RECORD OR

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

DOCUMENT may not be denied legal effect, validity, or enforceability solely because it is in the form of an electronic record, DOCUMENT, OR SIGNATURE. Except as otherwise provided in this article 6, if a rule of law requires a record to be in writing or provides consequences if it is not, an electronic record satisfies that rule of law.

(b) FOR A RECORD, DOCUMENT, OR SIGNATURE TO BE LEGALLY EFFECTIVE, VALID, OR ENFORCEABLE, A PERSON NEED NOT OBTAIN A WRITTEN POWER OF ATTORNEY SOLELY BECAUSE THE RECORD, DOCUMENT, OR SIGNATURE IS IN AN ELECTRONIC FORM.

(c) THIS SUBSECTION (4) APPLIES TO AND IN A COURT OF LAW.

(d) THIS SUBSECTION (4) DOES NOT REQUIRE THE DEPARTMENT TO IMPLEMENT A SYSTEM TO ELECTRONICALLY ACCEPT RECORDS, DOCUMENTS, OR SIGNATURES.

SECTION 3. In Colorado Revised Statutes, **amend as added by House Bill 18-1299** 42-1-235 as follows:

42-1-235. Electronic records, documents, and signatures. A record covered by article 3 ~~or 6~~ of this title 42, including ~~a certificate of title, a document necessary to issue a certificate of title, or a signature on the record or document,~~ may not be denied legal effect, validity, or enforceability solely because it is in the form of an electronic record, document, or signature. Except as otherwise provided in article 3 ~~or 6~~ of this title 42, if a rule of law requires a record to be in writing or provides consequences if it is not, an electronic record satisfies that rule of law. This section applies to and in a court of law. FOR A RECORD, DOCUMENT, OR SIGNATURE TO BE LEGALLY EFFECTIVE, VALID, OR ENFORCEABLE, A PERSON NEED NOT OBTAIN A WRITTEN POWER OF ATTORNEY SOLELY BECAUSE THE RECORD, DOCUMENT, OR SIGNATURE IS IN AN ELECTRONIC FORM.

SECTION 4. Act subject to petition - effective date. (1) Except as provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); 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 such period, 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 3 of this act takes effect only if House Bill 18-1299 becomes law, in which case section 3 takes effect upon the effective date of House Bill 18-1299.

Approved: June 6, 2018