

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0886.01 Rebecca Bayetti x4348

HOUSE BILL 24-1269

HOUSE SPONSORSHIP

Mauro and Frizell, Boesenecker, Jodeh, Lindsay, Lindstedt, Martinez, Valdez

SENATE SPONSORSHIP

Kolker,

House Committees

Transportation, Housing & Local Government
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

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

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 modifies the fees collected by county clerk and recorders to be a flat \$40.00 fee instead of a fee per page, unless otherwise

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

HOUSE
Amended 3rd Reading
April 8, 2024

HOUSE
Amended 2nd Reading
April 5, 2024

specified. The fees specified in current statute for the following services are repealed so that the fee for each service is the flat \$40.00 fee:

- Filing bonds and licenses;
- Recording plats;
- Entering subsequent taxes paid in tax sale record;
- Entering certificate of redemption in tax sale record; and
- Recording all certificates, affidavits, deeds, or other documents containing the name of one or more mining claims and for indexing these under the name of each mining claim.

The bill further clarifies that no fee is allowed for the filing or recording of a certificate of death, a verification of death document, or a certified copy thereof, and makes conforming amendments.

The bill also delays the repeal and sunset review of the electronic recording technology board by 3 years so that it will take place 13 years after the board's creation in 2016.

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

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

5 **30-1-103. Fees of county clerk and recorders - report - repeal.**

6 (1) Fees collected by county clerk and recorders ~~shall be~~ ARE as follows:
7 For filing or recording each document for which a fee is not specifically
8 provided, except tax schedules and claims against the county, for which
9 no fee ~~shall be~~ IS allowed, in cities and counties and in counties of every
10 class, the clerk ~~shall receive ten~~ FEE IS FORTY dollars for the first page and
11 ~~five dollars for each additional page~~ DOCUMENT; EXCEPT THAT NO FEE IS
12 ALLOWED FOR FILING OR RECORDING A CERTIFICATE OF DEATH, A
13 VERIFICATION OF DEATH DOCUMENT, OR A CERTIFIED COPY THEREOF.

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

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

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

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

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

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

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

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

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

20 **30-10-421. Filing surcharge - definitions.** (1) (b) Beginning July
21 1, 2004, and through ~~December 31, 2026~~ DECEMBER 31, 2029, the county
22 clerk and recorder shall collect a surcharge of one dollar for each
23 document received for recording or filing in ~~his or her~~ THE CLERK AND
24 RECORDER'S office. The surcharge shall be IS in addition to any other fees
25 permitted by statute.

26 (c) Beginning January 1, 2017, and through ~~April 30, 2026~~ APRIL
27 30, 2029, the county clerk and recorder shall collect the surcharge

1 imposed by the electronic recording technology board under section
2 24-21-403 (2) for each document received for recording or filing in HHS
3 ~~OR HER THE CLERK AND RECORDER'S~~ office. The surcharge is in addition
4 to any other fees permitted by statute.

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

7 **34-43-114. Affidavit of annual labor, improvements, or**
8 **payment of federal claim rental fee - effect of filing.** (3) The fee for
9 recording the affidavit described in subsection (1) of this section is set
10 forth in section ~~30-1-103 (2)(m)~~, C.R.S.

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

13 **38-25-105. Fees.** (1) (b) The fee charged by a county clerk and
14 recorder for filing and indexing each notice of lien or certificate or notice
15 affecting the lien ~~shall be five dollars~~ IS THE FEE SPECIFIED IN SECTION
16 30-1-103 (1).

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

19 **38-50-101. Survey plat - records file and index system -**
20 **informational purpose.** (4) (a) The fee for depositing plats shall not
21 exceed the amount of the fee collected for the recording of subdivision
22 plats established in ~~section 30-1-103 (2)(f)~~, C.R.S. SECTION 30-1-103 (1).

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

1 ~~C.R.S.~~ SECTION 30-1-103 (1).

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

4 **25-2-110. Certificates of death.** (1) (d) IF A CERTIFICATE OF
5 DEATH, COPY OF CERTIFICATE OF DEATH, CERTIFIED COPY OF A
6 CERTIFICATE OF DEATH, OR VERIFICATION OF DEATH IS RECORDED INTO
7 THE REAL ESTATE RECORDS OF A COUNTY CLERK AND RECORDER, THE
8 DOCUMENT IS A PUBLIC RECORD.

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

11 **30-10-406.5. Redaction of first five digits of social security**
12 **numbers on public documents.** (1) A county clerk and recorder shall
13 redact the first five digits of a social security number from a public
14 document recorded with the clerk and recorder ~~upon the request of the~~
15 ~~individual assigned the social security number or that individual's~~
16 ~~designee by power of attorney or appointment of personal representative,~~
17 ~~custodian, conservator, or guardian if:~~

18 (a) The document is in electronic form; AND

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

21 (c) ~~The individual requesting redaction makes the request in~~
22 ~~writing on a form provided by the clerk and pays a fee pursuant to section~~
23 ~~30-1-103 (1).~~

24 (2) A county clerk and recorder ~~may, but is not required to, make~~
25 ~~a requested redaction even if he or she lacks the equipment needed to do~~
26 ~~so automatically.~~ MAY LEAVE A SOCIAL SECURITY NUMBER UNREDACTED

1 UPON THE REQUEST OF THE INDIVIDUAL ASSIGNED THE SOCIAL SECURITY
2 NUMBER OR THAT INDIVIDUAL'S DESIGNEE BY POWER OF ATTORNEY OR
3 APPOINTMENT OF PERSONAL REPRESENTATIVE, CUSTODIAN,
4 CONSERVATOR, OR GUARDIAN.

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

7 **2-3-1203. Sunset review of advisory committees - legislative**
8 **declaration - definition - repeal.** (17) (a) The following statutory
9 authorizations for the designated advisory committees will repeal on
10 September 1, 2026:

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

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

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

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

19 **24-21-403. Core goals - powers and duties - rules.** (2) In order
20 to accomplish its business purpose, the board may impose an electronic
21 filing surcharge of up to two dollars that is uniformly collected on all
22 documents received by a county clerk and recorder for recording or filing
23 on or after January 1, 2017, through ~~April 30, 2026,~~ APRIL 30, 2029.

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

26 **24-21-406. Reporting - annual - five-year report.**
27 (1) Notwithstanding section 24-1-136 (11), on or before September 1,

1 2017, and each September 1 thereafter until ~~September 1, 2025,~~
2 SEPTEMBER 1, 2028, the board shall prepare a report that, for each grant
3 made during the prior fiscal year, describes the:

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

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

9 **24-21-407. Repeal of part.** NOTWITHSTANDING SECTION 2-3-1203
10 (1)(a), this part 4 is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1,
11 2029. Prior to such repeal, the board shall be reviewed as provided in
12 section 2-3-1203.

13 **SECTION 12. Appropriation.** (1) For the 2024-25 state fiscal
14 year, \$10,444 is appropriated to the department of revenue. This
15 appropriation is from the Colorado DRIVES vehicle services account in
16 the highway users tax fund created in section 42-1-211 (2), C.R.S. To
17 implement this act, the department may use this appropriation as follows:

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

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

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

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

25 (2) For the 2024-25 state fiscal year, \$1,188 is appropriated to the
26 office of the governor for use by the office of information technology.
27 This appropriation is from reappropriated funds received from the

1 department of revenue under subsection (1)(d) of this section. To
2 implement this act, the office may use this appropriation to provide
3 information technology services for the department of revenue.

4 **SECTION 13. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect July 1, 2025; except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within the ninety-day period after final adjournment of the general
9 assembly, then the act, item, section, or part will not take effect unless
10 approved by the people at the general election to be held in November
11 2024 and, in such case, will take effect July 1, 2025, or on the date of the
12 official declaration of the vote thereon by the governor, whichever is
13 later.

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