

CHAPTER 57

PROPERTY

SENATE BILL 26-025

BY SENATOR(S) Rich and Snyder;
also REPRESENTATIVE(S) Marshall and Soper, Brown, Clifford, Rutinel.

AN ACT

CONCERNING LAND SURVEY MONUMENTATION.

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

SECTION 1. In Colorado Revised Statutes, 38-51-104, **amend** (3)(a) as follows:

38-51-104. Monumentation of land surveys.

(3) (a) If the monuments or markers required by subsection (1) of this section cannot practicably be set because of steep terrain, water, marsh, or existing structures; or if they would be lost as a result of proposed street, road, or other construction; OR THEY CANNOT BE SAFELY SET DUE TO THEIR POSITION ON A TRAVELED ROAD WITHIN A FEDERAL, STATE, OR OTHER PUBLIC RIGHT-OF-WAY, one or more reference monuments shall be set.

SECTION 2. In Colorado Revised Statutes, 38-51-105, **amend** (7)(a) as follows:

38-51-105. Monumentation of subdivisions.

(7) (a) If any monuments or markers required by subsection (1), (2), or (3) of this section cannot practicably be set because of steep terrain, water, marsh, or existing structures; or if they would be lost as a result of proposed street, road, or other construction; OR THEY CANNOT BE SAFELY SET DUE TO THEIR POSITION ON A TRAVELED ROAD WITHIN A FEDERAL, STATE, OR OTHER PUBLIC RIGHT-OF-WAY, one or more reference monuments shall be set.

SECTION 3. In Colorado Revised Statutes, 38-50-103, **amend** (2)(b) as follows:

38-50-103. Public records - monument records.

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.

(2) (b) Each county clerk and recorder ~~shall~~ MAY maintain copies of monument records in a county record-keeping and indexing system and, upon receipt of each monument record provided pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, shall list it in the system. EACH COUNTY CLERK AND RECORDER MAY MAINTAIN COPIES OF MONUMENT RECORDS IN ELECTRONIC FORMAT.

SECTION 4. In Colorado Revised Statutes, 38-53-104, **amend** (1)(a) and (1)(b) as follows:

38-53-104. Submission of monument record required.

(1) (a) If a professional land surveyor conducts a survey that uses any monument representing a public land survey monument location, quarter section corner, sixteenth section corner, government land office or bureau of land management (~~government~~) lot corner as defined by the nomenclature of the United States public land survey system, or any United States geological survey or United States coast and geodetic survey, also known as the national ocean service/national geodetic survey, monument as a control corner, the professional land surveyor shall submit a monument record IN ELECTRONIC FORMAT describing such monument with the board if the monument and its accessories are not substantially described in an existing monument record previously submitted pursuant to this section or its predecessor.

(b) If a professional land surveyor establishes, restores, or rehabilitates any public land survey monument corner location or section corner, quarter section corner, or sixteenth section corner as defined by the nomenclature of the United States public land survey system, the professional land surveyor shall submit a monument record IN ELECTRONIC FORMAT.

SECTION 5. In Colorado Revised Statutes, **amend** 38-53-106 as follows:

38-53-106. Form of monument records - prescribed by board.

The board shall adopt and revise as necessary the form and technical specifications for submission of monument records, including the information to be included with, or as part of, the records. THE BOARD SHALL NOT REQUIRE THE FORMS SUBMITTED UNDER SECTION 38-53-104 TO BE SUBMITTED IN PAPER FORMAT.

SECTION 6. Act subject to petition - effective date. 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 20, 2026