

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 12, 2025
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1028 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 4, strike lines 3 through 8 and substitute:

2 "(11.5) "SHIELDING" MEANS, WITH RESPECT TO A REAL PROPERTY
3 RECORD ACCEPTED FOR RECORDING BY A STATE OR LOCAL GOVERNMENT
4 AGENCY:

5 (a) IN THE CASE OF AN ELECTRONIC RECORD OR DATA, TO REDACT
6 THE PROGRAM PARTICIPANT'S NAME FROM PUBLIC ACCESS; AND

7 (b) IN THE CASE OF A PHYSICAL RECORD, TO LIMIT PUBLIC ACCESS
8 TO THE RECORD IN ACCORDANCE WITH THE PROCESS DEVELOPED BY THE
9 EXECUTIVE DIRECTOR PURSUANT TO SECTION 24-30-2108.5 (6).".

10 Page 4, line 10, after "INCLUDING" insert "BUT NOT LIMITED TO".

11 Page 4, line 16, after the period add "NOTHING IN THIS DEFINITION ALTERS
12 THE REQUIREMENTS TO PARTICIPATE IN THE ADDRESS CONFIDENTIALITY
13 PROGRAM.".

14 Page 8, strike lines 18 through 27 and substitute:

15 **"24-30-2108.5. Confidentiality of real property records of**
16 **program participants - use of nominee - shielding - rules.**

17 (1) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF AUTHORIZED
18 PURSUANT TO THIS SECTION, A PROGRAM PARTICIPANT MAY ACQUIRE OR
19 TRANSFER AN INTEREST IN REAL PROPERTY IN THE STATE IN THE NAME OF
20 A NOMINEE. A PROGRAM PARTICIPANT MAY APPLY TO THE EXECUTIVE
21 DIRECTOR OR THEIR DESIGNEE FOR AUTHORIZATION TO HOLD AN INTEREST
22 IN REAL PROPERTY IN THE NAME OF A NOMINEE. THE PROGRAM
23 PARTICIPANT MUST SUBMIT THE APPLICATION ON A FORM APPROVED BY

1 THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE, WHICH MUST INCLUDE:
2 (I) THE PARTICIPANT'S FULL LEGAL NAME, INCLUDING MIDDLE
3 NAME, AND ANY OTHER NAMES THE PARTICIPANT USED IN THE PREVIOUS
4 TEN YEARS;
5 (II) THE PARTICIPANT'S SUBSTITUTE ADDRESS;
6 (III) THE LEGAL DESCRIPTION AND STREET ADDRESS OF THE REAL
7 PROPERTY TO BE HELD IN THE NAME OF THE NOMINEE;
8 (IV) THE NAME OF THE NOMINEE IN WHOM THE INTEREST IN REAL
9 PROPERTY MAY BE HELD; AND
10 (V) THE PARTICIPANT'S SIGNATURE.
11 (b) IF THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE FINDS THAT
12 THE APPLICATION IS COMPLETE AND THAT THE NOMINEE MEETS THE
13 QUALIFICATIONS TO BE A NOMINEE AS ESTABLISHED BY RULE, THE
14 EXECUTIVE DIRECTOR OR THEIR DESIGNEE SHALL ISSUE TO THE
15 PARTICIPANT A CARD AUTHORIZING THE PARTICIPANT TO USE THE NAME
16 OF THE NOMINEE IN ACQUIRING OR TRANSFERRING REAL PROPERTY IN THE
17 STATE. THE EXECUTIVE DIRECTOR SHALL ADOPT RULES ESTABLISHING
18 MINIMUM QUALIFICATIONS TO BE A NOMINEE PURSUANT TO THIS SECTION.
19 (c) THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE SHALL
20 MAINTAIN A LIST OF THE PARTICIPANTS RECEIVING AUTHORIZATION
21 PURSUANT TO THIS SECTION. THE LIST MUST INCLUDE FOR EACH
22 PARTICIPANT:
23 (I) THE PARTICIPANT'S FULL LEGAL NAME;
24 (II) THE NAME OF THE PARTICIPANT'S AUTHORIZED NOMINEE; AND
25 (III) THE LEGAL DESCRIPTION AND STREET ADDRESS OF THE REAL
26 PROPERTY HELD IN THE NAME OF THE NOMINEE.
27 (2) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF
28 AUTHORIZED PURSUANT TO THIS SECTION, A PROGRAM PARTICIPANT WHO
29 HOLDS AN OWNERSHIP INTEREST IN REAL PROPERTY AT THE TIME THEY
30 ENTER THE ADDRESS CONFIDENTIALITY PROGRAM MAY REQUEST THAT A
31 STATE OR LOCAL GOVERNMENT AGENCY SHIELD THE PROGRAM
32 PARTICIPANT'S EXISTING REAL PROPERTY RECORDS CONCERNING THAT
33 PROPERTY. A PROGRAM PARTICIPANT MAY REQUEST THE SHIELDING OF A
34 REAL PROPERTY RECORD AFTER ITS RECORDING BY SUBMITTING TO A
35 STATE OR LOCAL GOVERNMENT AGENCY:
36 (I) A REAL PROPERTY ACP NOTICE; AND
37 (II) SUFFICIENT INFORMATION TO IDENTIFY THE REAL PROPERTY
38 THAT IS THE SUBJECT OF THE RECORDS THAT THE PROGRAM PARTICIPANT
39 SEEKS TO SHIELD.
40 (b) A REAL PROPERTY ACP NOTICE SUBMITTED PURSUANT TO THIS
41 SUBSECTION (2) APPLIES TO ANY REAL PROPERTY RECORD THAT CONCERNS
42 THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE.
43 (c) A PROGRAM PARTICIPANT SHALL SUBMIT TO THE EXECUTIVE

1 DIRECTOR OR THEIR DESIGNEE A COPY OF ANY REAL PROPERTY ACP
2 NOTICE SUBMITTED TO A STATE OR LOCAL GOVERNMENT AGENCY
3 PURSUANT TO THIS SUBSECTION (2).

4 (d) THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE SHALL MAKE A
5 REAL PROPERTY ACP NOTICE FORM AVAILABLE TO PROGRAM
6 PARTICIPANTS. THE REAL PROPERTY ACP NOTICE FORM MUST INCLUDE:

7 (I) THE FULL LEGAL NAME OF THE PROGRAM PARTICIPANT,
8 INCLUDING THEIR MIDDLE NAME;

9 (II) THE PROGRAM PARTICIPANT'S ADDRESS CONFIDENTIALITY
10 PROGRAM AUTHORIZATION NUMBER;

11 (III) THE SUBSTITUTE ADDRESS;

12 (IV) A DESCRIPTION OF THE PROPERTY THAT IS THE SUBJECT OF
13 THE REAL PROPERTY RECORDS THAT THE PROGRAM PARTICIPANT
14 REQUESTS TO SHIELD; AND

15 (V) THE PROGRAM PARTICIPANT'S SIGNATURE.

16 (e) A REAL PROPERTY ACP NOTICE IS NOT A PUBLIC RECORD FOR
17 PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE
18 72 OF THIS TITLE 24.

19 (3) (a) (I) EXCEPT AS AUTHORIZED PURSUANT TO SUBSECTION
20 (3)(b) OF THIS SECTION, THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE
21 SHALL NOT DISCLOSE THAT A PROGRAM PARTICIPANT IS AUTHORIZED TO
22 USE THE NAME OF A NOMINEE PURSUANT TO SUBSECTION (1) OF THIS
23 SECTION AND SHALL NOT DISCLOSE ANY INFORMATION ON THE LIST
24 MAINTAINED PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION.

25 (II) EXCEPT AS AUTHORIZED PURSUANT TO SUBSECTION (3)(b) OF
26 THIS SECTION, A STATE OR LOCAL GOVERNMENT AGENCY OR AN EMPLOYEE
27 OF AN AGENCY SHALL NOT DISCLOSE A PROGRAM PARTICIPANT'S NAME IN
28 RELATION TO A SHIELDED ELECTRONIC REAL PROPERTY RECORD AND
29 SHALL NOT DISCLOSE UNIQUE LOCATION INFORMATION RELATED TO A
30 SHIELDED PHYSICAL REAL PROPERTY RECORD.

31 (b) THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE MAY DISCLOSE
32 THAT A PARTICIPANT IS AUTHORIZED TO USE THE NAME OF A NOMINEE
33 PURSUANT TO SUBSECTION (1) OF THIS SECTION OR MAY AUTHORIZE
34 DISCLOSURE OF UNIQUE LOCATION INFORMATION OR REAL PROPERTY
35 RECORDS THAT HAVE BEEN SHIELDED PURSUANT TO SUBSECTION (2) OF
36 THIS SECTION IF:

37 (I) THE PROGRAM PARTICIPANT EXPRESSLY CONSENTS TO THE
38 DISCLOSURE IN WRITING FOR THE PURPOSES THAT THE PARTICIPANT
39 SPECIFIES IN WRITING;

40 (II) THE DISCLOSURE IS REQUIRED PURSUANT TO A COURT ORDER;

41 (III) THE DISCLOSURE IS AUTHORIZED PURSUANT TO THE PROCESS
42 DEVELOPED BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (6)
43 OF THIS SECTION; OR

1 (IV) THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE RECEIVES A
2 REQUEST FOR INFORMATION REGARDING THE PARTICIPANT'S REAL
3 PROPERTY RECORDS FOR THE PURPOSE OF PERFORMING A BONA FIDE TITLE
4 EXAMINATION. THE REQUEST MUST INCLUDE:
5 (A) THE NAME, TITLE, ADDRESS, AND AFFILIATED ORGANIZATION,
6 IF APPLICABLE, OF THE PERSON REQUESTING THE INFORMATION;
7 (B) THE PURPOSE FOR REQUESTING THE INFORMATION;
8 (C) THE REQUESTOR'S RELATIONSHIP, IF ANY, TO THE PROGRAM
9 PARTICIPANT WHO IS THE SUBJECT OF THE REQUEST;
10 (D) THE LEGAL DESCRIPTION OF THE REAL PROPERTY THAT IS
11 SUBJECT TO THE TITLE EXAMINATION;
12 (E) THE REQUESTOR'S SIGNATURE; AND
13 (F) ANY OTHER INFORMATION REQUIRED BY RULE OF THE
14 EXECUTIVE DIRECTOR OR THEIR DESIGNEE.
15 (c) (I) THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE SHALL
16 PROVIDE A WRITTEN RESPONSE APPROVING OR DENYING A REQUEST
17 RECEIVED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION WITHIN TWO
18 BUSINESS DAYS AFTER RECEIVING THE REQUEST.
19 (II) IN RESPONDING TO AN APPROVED BONA FIDE REQUEST
20 PURSUANT TO SUBSECTION (3)(b)(IV) OF THIS SECTION REGARDING USE OF
21 AN AUTHORIZED NOMINEE, THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE
22 SHALL RESPOND BY AN AFFIRMATION IN WRITING THAT THE REAL
23 PROPERTY THAT IS THE SUBJECT OF THE TITLE EXAMINATION IS OR IS NOT
24 OWNED BY THE PROGRAM PARTICIPANT AND HELD IN THE NAME OF THE
25 PARTICIPANT'S AUTHORIZED NOMINEE. A PERSON EXAMINING A TITLE MAY
26 RELY CONCLUSIVELY ON THE INFORMATION CONTAINED IN A WRITTEN
27 AFFIRMATION FROM THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE.
28 (4) INFORMATION DISCLOSED PURSUANT TO THIS SECTION MAY BE
29 USED ONLY FOR THE PURPOSES AUTHORIZED IN THIS SECTION AND MAY
30 NOT BE FURTHER DISCLOSED TO ANY OTHER PERSON. A PERSON WHO
31 RECEIVES INFORMATION PURSUANT TO THIS SECTION SHALL ESTABLISH
32 PROCEDURES TO PROTECT THE INFORMATION FROM FURTHER DISCLOSURE.
33 (5) NOTHING IN THIS SECTION PROHIBITS A STATE OR LOCAL
34 GOVERNMENT AGENCY OR AN EMPLOYEE OF AN AGENCY FROM RETURNING
35 AN ORIGINAL DEED, INSTRUMENT, OR OTHER REAL PROPERTY RECORD TO
36 THE INDIVIDUAL WHO SUBMITTED THE RECORD FOR RECORDING.
37 (6) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES ESTABLISHING
38 THE PROCESS FOR SHIELDING A PHYSICAL REAL PROPERTY RECORD
39 PURSUANT TO THIS SECTION. THE RULES MUST ESTABLISH A PROCESS BY
40 WHICH A SHIELDED PHYSICAL REAL PROPERTY RECORD IS PROTECTED
41 FROM PUBLIC ACCESS AND MUST ALSO ESTABLISH A PROCESS FOR
42 GRANTING ACCESS TO A SHIELDED PHYSICAL REAL PROPERTY RECORD
43 AFTER CONSULTATION WITH THE PROGRAM DIRECTOR."

- 1 Strike pages 9 through 11.
- 2 Page 12, strike lines 1 through 10.

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