

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1069.01 Jery Payne x2157

SENATE BILL 18-255

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SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Arndt and Hooton,

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

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

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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>.)*

Current law provides that a record may not be denied effect merely because it is electronic. The bill clarifies that this applies to documents needed to obtain a certificate of title and electronic signatures. The bill also clarifies that a written power of attorney is not needed merely because a record, document, or signature is in an electronic form.

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

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

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

4           **42-6-102. Definitions.** As used in this part 1, unless the context  
5 otherwise requires:

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

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

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

15           **SECTION 2.** In Colorado Revised Statutes, 42-6-109, **add with**  
16 **amended and relocated provisions** (3) as follows:

17           **42-6-109. [Formerly 42-6-102 (5)(b)] Sale or transfer of**  
18 **vehicle.** (3) (a) A record covered by this article **6**, INCLUDING A  
19 CERTIFICATE OF TITLE, A DOCUMENT NECESSARY TO ISSUE A CERTIFICATE  
20 OF TITLE, OR A SIGNATURE ON THE RECORD OR DOCUMENT may not be  
21 denied legal effect, validity, or enforceability solely because it is in the  
22 form of an electronic record, DOCUMENT, OR SIGNATURE. Except as  
23 otherwise provided in this article **6**, if a rule of law requires a record to be  
24 in writing or provides consequences if it is not, an electronic record  
25 satisfies that rule of law.

26           (b) FOR A RECORD, DOCUMENT, OR SIGNATURE TO BE LEGALLY

1 EFFECTIVE, VALID, OR ENFORCEABLE, A PERSON NEED NOT OBTAIN A  
2 WRITTEN POWER OF ATTORNEY SOLELY BECAUSE THE RECORD,  
3 DOCUMENT, OR SIGNATURE IS IN AN ELECTRONIC FORM.

4 (c) THIS SUBSECTION (3) APPLIES TO AND IN A COURT OF LAW.

5 **SECTION 3. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2018 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.