

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-1069.01 Jery Payne x2157

SENATE BILL 18-255

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Arndt and Hooton,

Senate Committees
Business, Labor, & Technology

House Committees
Transportation & Energy

A BILL FOR AN ACT

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

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.

HOUSE
Amended 3rd Reading
May 8, 2018

HOUSE
Amended 2nd Reading
May 7, 2018

SENATE
3rd Reading Unamended
April 26, 2018

SENATE
Amended 2nd Reading
April 25, 2018

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 (d) THIS SUBSECTION (3) DOES NOT REQUIRE THE DEPARTMENT TO
6 IMPLEMENT A SYSTEM TO ELECTRONICALLY ACCEPT RECORDS,
7 DOCUMENTS, OR SIGNATURES.

8 **SECTION 3.** In Colorado Revised Statutes, **amend as added by**
9 **House Bill 18-1299 42-1-234** as follows:

10 **42-1-234. Electronic records, documents, and signatures.** A
11 record covered by article 3 ~~or 6~~ of this title 42, including a certificate of
12 title, a document necessary to issue a certificate of title, or a signature on
13 the record or document, may not be denied legal effect, validity, or
14 enforceability solely because it is in the form of an electronic record,
15 document, or signature. Except as otherwise provided in article 3 ~~or 6~~ of
16 this title 42, if a rule of law requires a record to be in writing or provides
17 consequences if it is not, an electronic record satisfies that rule of law.
18 This section applies to and in a court of law. FOR A RECORD, DOCUMENT,
19 OR SIGNATURE TO BE LEGALLY EFFECTIVE, VALID, OR ENFORCEABLE, A
20 PERSON NEED NOT OBTAIN A WRITTEN POWER OF ATTORNEY SOLELY
21 BECAUSE THE RECORD, DOCUMENT, OR SIGNATURE IS IN AN ELECTRONIC
22 FORM.

23 **SECTION 4. Act subject to petition - effective date.** (1) Except
24 as provided in subsection (2) of this section, this act takes effect at 12:01
25 a.m. on the day following the expiration of the ninety-day period after
26 final adjournment of the general assembly (August 8, 2018, if
27 adjournment sine die is on May 9, 2018); except that, if a referendum

1 petition is filed pursuant to section 1 (3) of article V of the state
2 constitution against this act or an item, section, or part of this act within
3 such period, then the act, item, section, or part will not take effect unless
4 approved by the people at the general election to be held in November
5 2018 and, in such case, will take effect on the date of the official
6 declaration of the vote thereon by the governor.

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