

CHAPTER 239

GOVERNMENT - COUNTY

HOUSE BILL 20-1318

BY REPRESENTATIVE(S) Bird and Will, Arndt, Garnett, Gray, Liston, McCluskie, Rich, Snyder, Soper, Woodrow, Becker;
also SENATOR(S) Winter, Ginal, Hisey, Moreno, Priola, Rankin, Tate, Woodward.

AN ACT**CONCERNING THE ELECTRONIC RECORDING OF PLATS OF LAND.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 31-23-108 as follows:

31-23-108. Record and preservation - definition. The county clerk and recorder shall record all such plats of lands within his or her county together with the description, acknowledgment, or other writing thereon in a book to be kept for that purpose and, when necessary, may reduce the scale of any such plat. Upon each record in the book he or she shall endorse his or her certificate that the same is truly recorded from the original plat filed in his or her office. THE COUNTY CLERK AND RECORDER MAY RECEIVE AN ORIGINAL PLAT FOR RECORDING IN AN ELECTRONIC FORMAT. The county clerk and recorder shall preserve the original plat in the original format, an electronic format, or both. If the ~~original~~ **preserved** plat is RECEIVED FOR RECORDING IN THE ORIGINAL FORMAT, THE COUNTY CLERK AND RECORDER MAY PRESERVE IT in an electronic format ~~then the county clerk and recorder shall scan~~ BY DIGITIZING OR SCANNING the plat at a minimum resolution of three hundred dots per inch. The county clerk and recorder shall keep an index to such book of plats, which index shall contain the names of the parties acknowledging such plats and the name of the city or town, as the case may be. The county clerk and recorder shall likewise make entries of all the plats in the index in his or her office in which deeds are required to be entered. As used in this section, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

SECTION 2. In Colorado Revised Statutes, 38-50-101, **amend** (3); and **add** (2.5) and (8) as follows:

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.

38-50-101. Survey plat - records file and index system - informational purpose. (2.5) EACH PLAT SUBMITTED TO A COUNTY CLERK AND RECORDER MUST BE SUBMITTED IN EITHER AN ORIGINAL OR ELECTRONIC FORMAT AND:

(a) MUST:

- (I) BE SUBMITTED FOR RECORDING;
- (II) HAVE ORIGINAL SIGNATURES;
- (III) HAVE ALL OF THE ORIGINAL SEALS;
- (IV) HAVE AT LEAST TEN-POINT TYPE; AND
- (V) NOT HAVE ANY ILLEGIBLE IMAGES; AND

(b) IF SUBMITTED IN AN ORIGINAL FORMAT, MUST BE PRINTED ON PAPER OR A DIMENSIONALLY STABLE POLYESTER SHEET SUCH AS CRONAR OR MYLAR OR ANY OTHER PRODUCT OF EQUAL QUALITY THAT:

- (I) IS WHITE AND WITHOUT WATER MARKS;
- (II) IS HEAVY BONDED PAPER;
- (III) HAS NO STAPLES OR OTHER BINDING; AND
- (IV) HAS NO IMPRESSION SEALS; OR

(c) IF SUBMITTED IN AN ELECTRONIC FORMAT, MUST HAVE A MINIMUM RESOLUTION OF THREE HUNDRED DOTS PER INCH.

~~(3) (a) Each plat submitted for depositing shall:~~

~~(f) Bear original signatures and seals; and~~

~~(ff) Be made:~~

~~(A) From a dimensionally stable polyester sheet such as cronar or mylar or other product of equal quality;~~

~~(B) At least three mils thick; and~~

~~(C) With nonfading permanent print.~~

(b) The dimensions of each plat, SUBMITTED IN AN ORIGINAL OR ELECTRONIC FORMAT, as specified by county requirements, shall be at least eighteen inches wide by twenty-four inches long and no more than twenty-four inches wide by thirty-six inches long with a minimum two-inch margin on the left side and a minimum of one-half inch margins at the top, bottom, and right side of the plat.

(c) Subject to approval by the board of county commissioners, a county may make aperture cards or film-processed copies capable of legible reproduction from polyester sheets EACH PLAT as specified in ~~sub-subparagraph (A) of subparagraph (H) of paragraph (a) of this subsection (3)~~ SUBSECTION (2.5)(b) OF THIS SECTION for the purpose of recording.

(8) IF THE COUNTY CLERK AND RECORDER IS DESIGNATED AS THE APPROPRIATE LOCAL GOVERNMENT OFFICIAL TO STORE ORIGINAL MYLAR, PAPER, OR POLYESTER SHEETS OF SUBDIVISION PLATS AND LAND SURVEY PLATS UNDER SUBSECTION (7) OF THIS SECTION, THOSE PLATS MAY BE RECORDED BY THE COUNTY CLERK AND RECORDER INSTEAD OF DEPOSITED.

SECTION 3. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: July 6, 2020