

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

ENGROSSED

This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction

LLS NO. 24-0886.01 Rebecca Bayetti x4348

HOUSE BILL 24-1269

HOUSE SPONSORSHIP

Mauro and Frizell,

SENATE SPONSORSHIP

Kolker,

House Committees

Transportation, Housing & Local Government
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RECORDING FEES, AND, IN CONNECTION THEREWITH,**
102 **MODIFYING FEES COLLECTED BY COUNTY CLERK AND**
103 **RECORDERS AND DELAYING THE ELECTRONIC RECORDING**
104 **TECHNOLOGY BOARD'S REPEAL AND SUNSET REVIEW.**

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>.)

The bill modifies the fees collected by county clerk and recorders to be a flat \$40.00 fee instead of a fee per page, unless otherwise specified. The fees specified in current statute for the following services

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

HOUSE
Amended 2nd Reading
April 5, 2024

are repealed so that the fee for each service is the flat \$40.00 fee:

- Filing bonds and licenses;
- Recording plats;
- Entering subsequent taxes paid in tax sale record;
- Entering certificate of redemption in tax sale record; and
- Recording all certificates, affidavits, deeds, or other documents containing the name of one or more mining claims and for indexing these under the name of each mining claim.

The bill further clarifies that no fee is allowed for the filing or recording of a certificate of death, a verification of death document, or a certified copy thereof, and makes conforming amendments.

The bill also delays the repeal and sunset review of the electronic recording technology board by 3 years so that it will take place 13 years after the board's creation in 2016.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-1-103, **amend** (1),
3 (2) introductory portion, and (3); **repeal** (2)(c), (2)(f), (2)(g), (2)(h), and
4 (2)(m); and **add** (6) as follows:

5 **30-1-103. Fees of county clerk and recorders - report - repeal.**

6 (1) Fees collected by county clerk and recorders ~~shall be~~ ARE as follows:
7 For filing or recording each document for which a fee is not specifically
8 provided, except tax schedules and claims against the county, for which
9 no fee ~~shall be~~ IS allowed, in cities and counties and in counties of every
10 class, the ~~clerk shall receive ten~~ FEE IS FORTY dollars for ~~the first page and~~
11 ~~five dollars for each additional page~~ DOCUMENT; EXCEPT THAT NO FEE IS
12 ALLOWED FOR FILING OR RECORDING A CERTIFICATE OF DEATH, A
13 VERIFICATION OF DEATH DOCUMENT, OR A CERTIFIED COPY THEREOF.

14 (2) In cities and counties and in every county, the following fees
15 ~~shall~~ apply:

16 (c) ~~For filing each bond and license, five dollars;~~

17 (f) ~~For recording town plats, subdivision plats, and all other plats,~~

1 and for recording all documents in excess of eight and one-half inches in
2 width or fourteen inches in length, ten dollars per sheet;

3 (g) For entering subsequent taxes paid in tax sale record, five
4 dollars for each certificate;

5 (h) For entering certificate of redemption in tax sale record, five
6 dollars for each certificate;

7 (m) For recording all certificates, affidavits, deeds, or other
8 documents containing the name of one or more mining claims and for
9 indexing the same under the name of each such mining claim, five dollars
10 per page, plus twenty-five cents for each mining claim named therein.

11 (5) The fee described in subsection (1) of this section shall not
12 WILL be collected on any filing received by the county clerk and recorder
13 as an authorized agent of the executive director of the department of
14 revenue pursuant to section 38-29-128 or 42-6-121. C.R.S., in which case
15 the fee collected shall be five dollars per page.

16 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2029.

17 **SECTION 2.** In Colorado Revised Statutes, 30-10-421, amend
18 (1)(b) and (1)(c) as follows:

19 **30-10-421. Filing surcharge - definitions.** (1)(b) Beginning July
20 1, 2004, and through ~~December 31, 2026~~ DECEMBER 31, 2029, the county
21 clerk and recorder shall collect a surcharge of one dollar for each
22 document received for recording or filing in ~~his or her~~ THE CLERK AND
23 RECORDER'S office. The surcharge ~~shall be~~ IS in addition to any other fees
24 permitted by statute.

25 (c) Beginning January 1, 2017, and through ~~April 30, 2026~~ APRIL
26 30, 2029, the county clerk and recorder shall collect the surcharge
27 imposed by the electronic recording technology board under section

1 24-21-403 (2) for each document received for recording or filing in HHS
2 ~~OR HER~~ THE CLERK AND RECORDER'S office. The surcharge is in addition
3 to any other fees permitted by statute.

4 **SECTION 3.** In Colorado Revised Statutes, 34-43-114, **repeal** (3)
5 as follows:

6 **34-43-114. Affidavit of annual labor, improvements, or**
7 **payment of federal claim rental fee - effect of filing.** (3) ~~The fee for~~
8 ~~recording the affidavit described in subsection (1) of this section is set~~
9 ~~forth in section 30-1-103 (2)(m), C.R.S.~~

10 **SECTION 4.** In Colorado Revised Statutes, 38-25-105, **amend**
11 (1)(b) as follows:

12 **38-25-105. Fees.** (1) (b) The fee charged by a county clerk and
13 recorder for filing and indexing each notice of lien or certificate or notice
14 affecting the lien ~~shall be five dollars~~ IS THE FEE SPECIFIED IN SECTION
15 30-1-103 (1).

16 **SECTION 5.** In Colorado Revised Statutes, 38-50-101, **amend**
17 (4)(a) and (4)(b) as follows:

18 **38-50-101. Survey plat - records file and index system -**
19 **informational purpose.** (4) (a) The fee for depositing plats shall not
20 exceed the amount of the fee collected for the recording of subdivision
21 plats established in ~~section 30-1-103 (2)(f), C.R.S.~~ SECTION 30-1-103 (1).

22 (b) The fee for the county surveyor or, if a county surveyor has not
23 been elected or appointed or if the office is vacant, another county official
24 to index and maintain the plats as designated by the county
25 commissioners shall not exceed the amount of the fee collected for the
26 recording of subdivision plats established in ~~section 30-1-103 (2)(f),~~
27 ~~C.R.S.~~ SECTION 30-1-103 (1).

1 **SECTION 6.** In Colorado Revised Statutes, 25-2-110, **add** (1)(d)
2 as follows:

3 **25-2-110. Certificates of death.** (1) (d) IF A CERTIFICATE OF
4 DEATH, COPY OF CERTIFICATE OF DEATH, CERTIFIED COPY OF A
5 CERTIFICATE OF DEATH, OR VERIFICATION OF DEATH IS RECORDED INTO
6 THE REAL ESTATE RECORDS OF A COUNTY CLERK AND RECORDER, THE
7 DOCUMENT IS A PUBLIC RECORD.

8 **SECTION 7.** In Colorado Revised Statutes, **amend** 30-10-406.5
9 as follows:

10 **30-10-406.5. Redaction of first five digits of social security**
11 **numbers on public documents.** (1) A county clerk and recorder shall
12 redact the first five digits of a social security number from a public
13 document recorded with the clerk and recorder ~~upon the request of the~~
14 ~~individual assigned the social security number or that individual's~~
15 ~~designee by power of attorney or appointment of personal representative,~~
16 ~~custodian, conservator, or guardian if:~~

17 (a) The document is in electronic form; AND

18 (b) The clerk and recorder has the equipment needed to
19 automatically make the redaction. ~~and~~

20 (c) ~~The individual requesting redaction makes the request in~~
21 ~~writing on a form provided by the clerk and pays a fee pursuant to section~~
22 ~~30-1-103 (1).~~

23 (2) A county clerk and recorder ~~may, but is not required to, make~~
24 ~~a requested redaction even if he or she lacks the equipment needed to do~~
25 ~~so automatically.~~ MAY LEAVE A SOCIAL SECURITY NUMBER UNREDACTED
26 UPON THE REQUEST OF THE INDIVIDUAL ASSIGNED THE SOCIAL SECURITY
27 NUMBER OR THAT INDIVIDUAL'S DESIGNEE BY POWER OF ATTORNEY OR

1 APPOINTMENT OF PERSONAL REPRESENTATIVE, CUSTODIAN,
2 CONSERVATOR, OR GUARDIAN.

3 **SECTION 8.** In Colorado Revised Statutes, 2-3-1203, **repeal**
4 (17)(a)(V); and **add** (20)(a)(V) as follows:

5 **2-3-1203. Sunset review of advisory committees - legislative**
6 **declaration - definition - repeal.** (17) (a) The following statutory
7 authorizations for the designated advisory committees will repeal on
8 September 1, 2026:

9 (V) ~~The electronic recording technology board created in part 4~~
10 ~~of article 21 of title 24;~~

11 (20) (a) The following statutory authorizations for the designated
12 advisory committees will repeal on September 1, 2029:

13 (V) THE ELECTRONIC RECORDING TECHNOLOGY BOARD CREATED
14 IN PART 4 OF ARTICLE 21 OF TITLE 24.

15 **SECTION 9.** In Colorado Revised Statutes, 24-21-403, **amend**
16 (2) as follows:

17 **24-21-403. Core goals - powers and duties - rules.** (2) In order
18 to accomplish its business purpose, the board may impose an electronic
19 filing surcharge of up to two dollars that is uniformly collected on all
20 documents received by a county clerk and recorder for recording or filing
21 on or after January 1, 2017, through ~~April 30, 2026,~~ APRIL 30, 2029.

22 **SECTION 10.** In Colorado Revised Statutes, 24-21-406, **amend**
23 (1) introductory portion and (3) as follows:

24 **24-21-406. Reporting - annual - five-year report.**

25 (1) Notwithstanding section 24-1-136 (11), on or before September 1,
26 2017, and each September 1 thereafter until ~~September 1, 2025,~~
27 ~~SEPTEMBER 1, 2028,~~ the board shall prepare a report that, for each grant

1 made during the prior fiscal year, describes the:

2 (3) On or before January 1, 2021, and before ~~January 1, 2026,~~
3 ~~JANUARY 1, 2029,~~ the board shall report to the general assembly about the
4 overall success of the grant program established by this part 4.

5 **SECTION 11.** In Colorado Revised Statutes, **amend** 24-21-407
6 as follows:

7 **24-21-407. Repeal of part.** NOTWITHSTANDING SECTION 2-3-1203
8 (1)(a), this part 4 is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1,
9 2029. Prior to such repeal, the board shall be reviewed as provided in
10 section 2-3-1203.

11 **SECTION 12. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect ~~July 1, 2025;~~ except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within the ninety-day period after final adjournment of the general
16 assembly, then the act, item, section, or part will not take effect unless
17 approved by the people at the general election to be held in November
18 2024 and, in such case, will take effect ~~July 1, 2025,~~ or on the date of the
19 official declaration of the vote thereon by the governor, whichever is
20 later.

21 (2) This act applies to documents filed or recorded on or after the
22 applicable effective date of this act.