

CHAPTER 124

GOVERNMENT - COUNTY

HOUSE BILL 93-1139

BY REPRESENTATIVE Blue;
also SENATOR Schaffer.

AN ACT

CONCERNING PROCEDURES FOR OFFICIAL RECORDS MAINTAINED BY COUNTY CLERK AND RECORDERS.

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

SECTION 1. 14-2-105 (1) (b) and (1) (d), Colorado Revised Statutes, 1987 Repl. Vol., are amended to read:

14-2-105. Marriage license and marriage certificate. (1) The executive director of the department of health shall prescribe the form for an application for a marriage license, which shall include the following information:

(b) If either party has previously been married, ~~his~~ SUCH PARTY'S married name and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse;

(d) Whether the parties are related to each other and, if so, their relationship, OR, IF THE PARTIES ARE CURRENTLY MARRIED TO EACH OTHER, A STATEMENT TO THAT EFFECT.

SECTION 2. 14-2-107, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

14-2-107. When licenses to marry issued - validity. Licenses to marry shall be issued by the county clerk and recorder only during the hours that ~~his~~ THE office OF THE COUNTY CLERK AND RECORDER is open as prescribed by law and at no other time, and such licenses shall show the exact date and hour of their issue. A license shall

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

not be valid for use OUTSIDE THE STATE OF COLORADO. WITHIN THE STATE, SUCH LICENSES SHALL NOT BE VALID FOR more than thirty days after ~~its~~ THE date of issue. If any license to marry is not used within thirty days, it shall BE VOID AND SHALL be returned to the county clerk and recorder FOR CANCELLATION.

SECTION 3. 14-2-109, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-2-109. Solemnization and registration. (1) A marriage may be solemnized by a judge of a court, ~~of record~~; by a court magistrate, ~~of a court of record~~; by a retired judge of a court, ~~of record~~; by a public official whose powers include solemnization of marriages, BY THE PARTIES TO THE MARRIAGE, or in accordance with any mode of solemnization recognized by any religious denomination or Indian nation or tribe. Either the person solemnizing the marriage or, if no individual acting alone solemnized the marriage, a party to the marriage shall complete the marriage certificate form and forward it to the county clerk and recorder WITHIN SIXTY DAYS AFTER THE SOLEMNIZATION. Any person who fails to forward the marriage certificate to the county clerk and recorder as required by this section is ~~guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty dollars nor more than fifty dollars.~~ SHALL BE REQUIRED TO PAY A LATE FEE IN AN AMOUNT OF NOT LESS THAN TWENTY DOLLARS. AN ADDITIONAL FIVE-DOLLAR LATE FEE MAY BE ASSESSED FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE FORWARDING REQUIREMENTS OF THIS SUBSECTION (1) UP TO A MAXIMUM OF FIFTY DOLLARS. FOR PURPOSES OF DETERMINING WHETHER A LATE FEE SHALL BE ASSESSED PURSUANT TO THIS SUBSECTION (1), THE DATE OF FORWARDING SHALL BE DEEMED TO BE THE DATE OF POSTMARK.

(2) If a party to a marriage is unable to be present at the solemnization, ~~he~~ SUCH PARTY may authorize in writing a third person to act as ~~his~~ SUCH PARTY'S proxy. If the person solemnizing the marriage is satisfied that the absent party is unable to be present and has consented to the marriage, ~~he~~ SUCH PERSON may solemnize the marriage by proxy. If ~~he~~ SUCH PERSON is not satisfied, the parties may petition the district court for an order permitting the marriage to be solemnized by proxy.

(3) Upon receipt of the marriage certificate, the county clerk and recorder shall register the marriage.

SECTION 4. 14-2-110 (1) (a), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

14-2-110. Prohibited marriages. (1) The following marriages are prohibited:

(a) A marriage entered into prior to the dissolution of an earlier marriage of one of the parties, EXCEPT A CURRENTLY VALID MARRIAGE BETWEEN THE PARTIES;

SECTION 5. 38-25-104 (1), the introductory portion to 38-25-104 (2), and 38-25-104 (3) and (4), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

38-25-104. Duties of filing officer. (1) If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in

subsection (2) of this section is presented to a filing officer who is:

(a) The secretary of state, ~~he~~ THEN THE SECRETARY OF STATE shall cause the notice to be marked, held, and indexed in accordance with the provisions of section 4-9-403 (4), C.R.S., as if the notice were a financing statement within the meaning of such section; or

(b) The county clerk and recorder, ~~he~~ THEN THE COUNTY CLERK AND RECORDER shall endorse thereon ~~his~~ THE COUNTY CLERK AND RECORDER'S identification and the date and time of receipt and forthwith record and index IN THE REAL ESTATE RECORDS in accordance with the provisions of sections 30-10-408 and 30-10-409, C.R.S., showing the name and address of the person named in the notice, the date and time of receipt, the title and address of the official or entity certifying the lien, and the total amount appearing on the notice of lien.

(2) If a certificate of release, nonattachment, discharge, or subordination of any lien is presented to the secretary of state for filing, ~~he~~ THE SECRETARY OF STATE shall:

(3) If a refiled notice of federal lien referred to in subsection (1) of this section or any of the certificates or notices referred to in subsection (2) of this section is presented for recording ~~with~~ TO any county clerk and recorder, ~~he~~ SUCH CLERK AND RECORDER shall ~~permanently attach the refiled notice or the certificate to the original notice of lien and shall~~ enter the refiled notice or the certificate with the date of recording in the ~~alphabetical~~ lien index in accordance with the provisions of sections 30-10-408 and 30-10-409, C.R.S. ~~on the line where the original notice of lien is entered.~~

(4) Upon request of any person, the filing officer shall issue ~~his~~ A certificate showing whether there is on file, or recorded on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien filed under this article, naming a particular person and, if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for the issuance of a certificate by the secretary of state shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., and the fee for the issuance of a certificate by a county clerk and recorder shall be the same as provided in section 4-11-102 (1) (g) (I), C.R.S. Upon request, the filing officer shall furnish a copy of any notice of federal lien or notice or certificate affecting a federal lien. The fee for furnishing and for certifying such copy and affixing the seal thereto shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., if furnished by the secretary of state, and the said fee shall be the same as provided in section 4-11-102 (1) (g) (II), C.R.S., if furnished by a county clerk and recorder.

SECTION 6. 38-25-105 (1) (b), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-25-105. Fees. (1) (b) The fee charged by a county clerk and recorder for filing and indexing each notice of lien or certificate or notice affecting the ~~tax~~ lien shall be five dollars.

SECTION 7. 39-6-102, Colorado Revised Statutes, 1982 Repl. Vol., is repealed as follows:

39-6-102. Abstract and map of mining claims. ~~(1) At least once each year, the county clerk and recorder of each county shall procure from the proper land office an abstract of all mining claims within his county which have been entered in the land office and shall keep such abstract in his office as a public record.~~

~~(2) The board of county commissioners of each county shall cause maps or plats to be made upon which shall be designated all mining claims as shown by the abstract on file in the office of the county clerk and recorder.~~

SECTION 8. 39-11-139, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-11-139. Posting list of tax sale certificates and tax deeds. No later than the fifteenth day of January of each year, each county treasurer shall deliver to the county clerk and recorder of ~~his~~ THE COUNTY TREASURER'S county a list showing all tax certificates theretofore issued and held in the name of the county, and a list of all property the title to which has been acquired by the county through issuance of a tax deed. A copy of such lists shall be posted in a conspicuous place in the courthouse FOR NOT LESS THAN THIRTY DAYS.

SECTION 9. 42-6-120, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

42-6-120. Filing of mortgage. The holder of any chattel mortgage on a motor vehicle desiring to secure ~~to himself~~ the rights provided for in this part 1 and to have the existence of the mortgage and the fact of the filing thereof for public record noted on the certificate of title to the motor vehicle thereby encumbered shall present THE SIGNED ORIGINAL OR SIGNED DUPLICATE ORIGINAL OF said mortgage ~~or a duly executed copy or certified copy~~ or certified copy thereof CERTIFIED BY THE HOLDER OF THE MORTGAGE OR THE HOLDER'S AGENT TO BE A TRUE COPY OF THE SIGNED ORIGINAL MORTGAGE and the certificate of title to the motor vehicle encumbered to the authorized agent of the director in the county or city and county in which the mortgagor of such motor vehicle resides or where the property is located. Upon the receipt of said ORIGINAL OR DUPLICATE mortgage ~~or executed copy or certified copy~~ or certified copy thereof and certificate of title, the authorized agent, if he is satisfied that the vehicle described in the mortgage is the same as that described in the certificate of title, shall make and subscribe a certificate to be attached or stamped on the mortgage and on the certificate of title, in which shall appear the day and hour on which said mortgage was received for filing, the name and address of the mortgagee therein named and the name and address of the holder of such mortgage, if such person is other than the mortgagee named, the amount secured thereby, the date thereof, the day and year on which said mortgage was filed for public record, and such other information regarding the filing thereof in the office of the authorized agent as may be required by the director by rule or regulation, to which certificate the authorized agent shall affix his signature and the seal of his office. A MORTGAGE IS DEEMED TO BE A SIGNED ORIGINAL OR A SIGNED DUPLICATE ORIGINAL IF THE SIGNATURE APPEARING THEREON WAS AFFIXED PERSONALLY BY THE MORTGAGOR OR THE MORTGAGOR'S ATTORNEY-IN-FACT, IN INK, CARBON, OR BY ANY OTHER MEANS.

SECTION 10. 39-6-113 (1) (b), (2), and (3), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

39-6-113. Mine in more than one county. (1) (b) If the mine is not a producing mine, all machinery and equipment located within the mine shall nevertheless be valued at an amount agreed upon by the assessors of such counties and apportioned between such counties by allocating the total value thereof between such counties or lesser political subdivisions in the proportion that the acreage of all the mining property of the mine, determined as provided for in sections ~~39-6-102~~, 39-6-103 and 39-6-106, within such county or lesser political subdivision bears to the total acreage thereof as so determined, as if the mine were itself a producing mine.

(2) Whenever any producing mine, worked or operated by means of an integrated mining system and comprised of consolidated mining property, is situated partly in one county and partly in another county or counties or in lesser political subdivisions, the valuation thereof and of all machinery and equipment located within or upon the mine shall be apportioned between such counties or lesser political subdivisions in the proportion that the acreage of all the mining property of the mine, determined as provided for in sections ~~39-6-102~~, 39-6-103 and 39-6-106, within such county or lesser political subdivision bears to the total acreage thereof as so determined. The assessor of each county shall list and value for assessment the portion of such mine which is situated in such county at the amount determined for such portion by such apportionment, and taxes levied on such valuation for assessment by the board of county commissioners of such county shall be collected by the treasurer of such county as provided by law.

(3) Where a mine is situated partly in one county and partly in another county or counties or in lesser political subdivisions, the owner, operator, or manager thereof shall, no later than the fifteenth day of April of each year, prepare and file with the assessor of each such county a statement showing the number of acres within each such county contained in the lands comprising the mining property of the mine, determined as provided for in sections ~~39-6-102~~, 39-6-103 and 39-6-106, but the statement need not be filed if no changes have occurred since such a statement was theretofore filed. ~~Each assessor shall thereupon compare the acreage therein shown as lying within his county with the abstract and map provided for in section 39-6-102.~~

SECTION 11. Effective date. This act shall take effect July 1, 1993.

SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1993