

CHAPTER 163

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 94-1165

BY REPRESENTATIVE Schauer;
also SENATORS Wattenberg and Mutzebaugh.**AN ACT****CONCERNING THE DURATION OF LIENS OF MORTGAGE ON VEHICLES, AND MAKING AN
APPROPRIATION IN CONNECTION THEREWITH.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 42-6-126, Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

42-6-126. Duration of lien of mortgage - extensions. (1) The lien of any mortgage filed for record and noted on the certificate of title to a motor vehicle in the manner prescribed in section 42-6-120 shall remain valid and enforceable and a lien on the vehicle covered thereby for a period of ~~five~~ EIGHT years from and after the filing thereof in the office of the authorized agent or until the discharge of the undertaking secured thereby, if that occurs sooner, and not thereafter, except in the case of trailer coaches, TRUCK TRACTORS, AND MOTOR HOMES, which are subject to the provisions of subsection (3) of this section. During the ~~five-year~~ EIGHT-YEAR period or any extension thereof, the lien of the mortgage may be extended for successive three-year periods upon the holder thereof presenting the certificate of title, on which the existence of the mortgage has been noted, to the authorized agent of the county wherein said mortgage is filed, together with a written request for an extension of the mortgage subscribed by the holder thereof and acknowledged by ~~him~~ THE HOLDER before an officer authorized to acknowledge deeds to real property, in which shall appear a description of the undertaking secured, to what extent it has been discharged or remains unperformed, and such other and further information respecting the same as may be required by appropriate rule or regulation of the director to enable ~~him~~ THE DIRECTOR to properly record such extension upon ~~his~~ THE DIRECTOR'S records.

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

(2) Upon receipt thereof, the authorized agent shall note on the face of the mortgage on file in ~~his~~ THE AUTHORIZED AGENT'S office the fact of the extension thereof, ~~(which notation he shall subscribe and thereto affix the seal of his office); and~~ shall make and complete such record of such extension as the director by rule or regulation may require, and shall thereafter forward said certificate of title, together with the written request for extension of mortgage received by ~~him~~ THE AUTHORIZED AGENT, to the director. Upon receipt thereof, the director shall note the fact of the extension of the mortgage on ~~his~~ THE DIRECTOR'S records and on the certificate of title. ~~to which he shall affix his hand and the seal of his office.~~ Thereafter the certificate of title shall be returned to the person shown thereon to be entitled thereto, the same as in other cases. If any mortgage other than one on a trailer coach, TRUCK TRACTOR, OR MOTOR HOME, which has been filed for record and noted on the certificate of title has not been released or extended within ~~five~~ EIGHT years after the date on which such mortgage was filed in the office of the authorized agent, the person shown by the records in the director's office to be the owner of the motor vehicle described in said certificate of title, upon making an appropriate application therefor, may have a duplicate certificate of title issued to him OR HER, the same and with like effect as in the case of the issuance of a duplicate certificate of title upon the loss or destruction of the original. Upon the issuance of such duplicate certificate of title, the director shall omit therefrom all reference to mortgages shown by ~~his~~ THE DIRECTOR'S records to have been of record in the office of the authorized agent for more than ~~five~~ EIGHT years, which mortgages have been neither released nor extended as provided in this section.

(3) The duration of the lien of any mortgage on a trailer coach, as defined in section 42-1-102 (82), A TRUCK TRACTOR, AS DEFINED IN SECTION 42-1-102 (85), OR A MOTOR HOME, AS DEFINED IN SECTION 42-1-102 (45.5), shall be for the full term of the mortgage, but the lien of the mortgage may be extended beyond the original term thereof for successive three-year periods by following the procedure prescribed in subsection (1) of this section during the term of the mortgage or any extension thereof.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 1994, the sum of six thousand seven hundred eighty-two dollars (\$6,782), or so much thereof as may be necessary, for the implementation of this act. Such sum shall be out of private donations made to the department of revenue for the purpose of implementing this act. If the total of such donations is greater than the amount necessary for the implementation of this act, the remaining moneys shall be returned to the contributors pro rata based upon the amount contributed by each.

SECTION 3. Effective date - applicability. This act shall take effect January 1, 1995, and shall apply to liens of mortgage filed on or after said date.

SECTION 4. 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 28, 1994