

CHAPTER 117

GOVERNMENT - COUNTY

SENATE BILL 04-047

BY SENATOR(S) May R., Cairns, Entz, Jones, and Kester;
also REPRESENTATIVE(S) Rippy, McFadyen, McGihon, Smith, and Weddig.

AN ACT

CONCERNING DOCUMENTS FILED WITH A COUNTY OFFICIAL.

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

SECTION 1. 30-10-407 (1), (2), (3), and (4), Colorado Revised Statutes, are amended, and the said 30-10-407 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-10-407. Microfilm and optical imaging records - when - standards for optical imaging systems. (1) When authorized by the board of county commissioners, the county clerk and recorder in counties, or cities and counties, may record the ~~instruments~~ DOCUMENTS lawfully filed for record in his OR HER office by making and preserving microfilm or optical images thereof. Such county clerk and recorder shall ~~immediately after the filing for record of real estate instruments,~~ properly index the same in the manner required by law. When the microfilm or optical imaging method of recording has been approved by the board of county commissioners and adopted by the county clerk and recorder, at least one microfilm reader to make the microfilms legible or at least one computer terminal to access optical imaging records shall be provided, and as many more microfilm readers or computer terminals as may prove necessary to give reasonable service to the public shall also be provided.

(2) At least two microfilms or two optical imaging database records shall be made of each recorded ~~instrument~~ DOCUMENT, which shall be kept in separate buildings as far as reasonably may be done in order that they may not be subject to the same hazards. All sets of the microfilm and all optical imaging computer data shall be constantly under the control of the county clerk and recorder. One set of microfilm or one copy of the optical imaging database shall always be kept by the county clerk and recorder, so that the same is available to the public during the hours that said

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

county clerk and recorder's office is open for business and so that persons desiring to inspect or examine the record may do so by means of microfilm reader and facilities or by means of optical imaging computer terminals maintained in said county clerk and recorder's office. Said records shall not be removed from the county clerk and recorder's office at any time for any purpose, except the security copy, which shall be kept in a security vault approved by the board of county commissioners and the county clerk and recorder. The security copy of the microfilm or optical image media may be deposited in the county records section of the department of personnel.

(3) ~~Legible size prints shall be made from the microfilm or optical imaging records by the county clerk and recorder on demand for the fee provided by law.~~

(4) Any ~~instrument~~ DOCUMENT which cannot be satisfactorily recorded by microfilm or by optical imaging may be recorded by other methods of photographing or by transcribing by typewriter or by longhand.

(4.3) REGARDLESS OF THE METHOD BY WHICH A DOCUMENT IS RECORDED, LEGIBLE SIZE PRINTS SHALL BE MADE ON DEMAND FOR THE FEE PROVIDED BY LAW; EXCEPT THAT THE COUNTY CLERK AND RECORDER SHALL NOT BE REQUIRED TO PROVIDE A PRINT DURING THE FIRST THREE BUSINESS DAYS AFTER A DOCUMENT IS RECORDED.

SECTION 2. 30-10-408, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-10-408. Grantor and grantee indices to be kept by county clerk and recorder. (2.5) THE COUNTY CLERK AND RECORDER SHALL PROPERLY ENTER A RECORDED DOCUMENT IN THE GRANTOR AND GRANTEE INDICES AS SOON AS PRACTICABLE BUT NOT LATER THAN SEVEN BUSINESS DAYS AFTER THE DATE ON WHICH THE DOCUMENT IS RECORDED.

SECTION 3. 30-10-409 (2), Colorado Revised Statutes, is amended, and the said 30-10-409 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-10-409. Reception book - form - contents - acceptance for recording. (2) When any document has been accepted by the clerk and recorder for recording and the proper fee has been paid, such document shall be deemed to be recorded for all purposes. ~~As soon as practical~~ After a document has been received, the clerk and recorder shall endorse upon such document information, which may be in electronic form, noting the day, hour, and minute of its acceptance for recording, the index or reception number, the volume, film or page where recorded, if such are used, and the fee received for recording the same and shall immediately make an entry of the same in the reception book, under the appropriate heading, with the amount paid as fee for recording the same. A document shall be deemed accepted as of the date and time of its endorsement. The clerk and recorder's endorsement may be done electronically. When such endorsement is made electronically, the endorsement shall be immediately perceptible and reproducible. Any document that is received ~~electronically shall be accepted and endorsed by the end of the day that the document is received if the document is received by 3 p.m. on a business day or by the end of the next business day if the document is not received on a business day or it is received after 3 p.m. on a business day~~ BY 1 P.M. ON A BUSINESS DAY SHALL BE ENDORSED BY THE END OF

THAT DAY. ANY DOCUMENT THAT IS RECEIVED AFTER 1 P.M. ON A BUSINESS DAY SHALL BE ENDORSED BY 5 P.M. ON THE FOLLOWING BUSINESS DAY. After ~~such~~ a document has been endorsed and processed for recording, the clerk and recorder, without additional fee or charge, shall deliver it by regular mail, electronic delivery, or personal delivery to the person authorized to receive the same, writing the name of the person to whom it is delivered in an appropriate column in the reception book.

(6) (a) THE DEADLINES SET FORTH IN SECTIONS 30-10-407 (4.3) AND 30-10-408 (2.5) AND SUBSECTION (2) OF THIS SECTION SHALL BE EXTENDED FOR A REASONABLE PERIOD OF TIME IF AN EXTENUATING CIRCUMSTANCE PREVENTS THE CLERK AND RECORDER FROM MEETING SUCH DEADLINES.

(b) AS USED IN THIS SUBSECTION (6), "EXTENUATING CIRCUMSTANCE" MEANS A DISASTER, AS DEFINED IN SECTION 24-32-2103 (1.5), C.R.S., OR A TECHNICAL DIFFICULTY RELATED TO COMPUTER HARDWARE OR SOFTWARE THAT IS OUTSIDE THE CONTROL OF THE CLERK AND RECORDER.

(c) NO DEADLINE SHALL BE EXTENDED PURSUANT TO THIS SUBSECTION (6), UNLESS THE CLERK AND RECORDER MAKES A WRITTEN FINDING OF EXTENUATING CIRCUMSTANCES THAT IS AVAILABLE TO THE PUBLIC. SUCH FINDING SHALL INCLUDE THE DEADLINE THAT HAS BEEN EXTENDED, THE REASON FOR THE EXTENSION, AND THE PERIOD OF THE EXTENSION.

(d) IN THE CASE OF AN EXTENSION RELATED TO A TECHNICAL DIFFICULTY RELATED TO COMPUTER HARDWARE OR SOFTWARE, THE PERIOD OF EXTENSION SHALL NOT EXCEED SEVEN DAYS.

SECTION 4. Effective date. This act shall take effect July 1, 2004.

SECTION 5. 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 8, 2004