

CHAPTER 336

GOVERNMENT - STATE

SENATE BILL 09-283

BY SENATOR(S) Sandoval;
also REPRESENTATIVE(S) Scanlan and Summers, Priola, Ryden, Vigil.

AN ACT

**CONCERNING THE REDACTION BY THE SECRETARY OF STATE OF TAX IDENTIFICATION NUMBERS
FROM SECURED TRANSACTION RECORDS FILED WITH THE SECRETARY OF STATE.**

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

SECTION 1. Article 21 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 3
REDACTION OF TAX IDENTIFICATION NUMBERS**

24-21-301. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "REDACT" MEANS TO OBSCURE INFORMATION CONTAINED IN A COPY OF A SECURED TRANSACTION RECORD.

(2) "SECURED TRANSACTION RECORD" MEANS A RECORD THAT HAS BEEN FILED IN THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO PART 5 OF ARTICLE 9 OR ARTICLE 9.5 OR 9.7 OF TITLE 4, C.R.S.

(3) "TAX IDENTIFICATION NUMBER" MEANS A GROUPING OF NUMERICAL DIGITS IN A SECURED TRANSACTION RECORD THAT THE SECRETARY OF STATE DEEMS LIKELY TO BE THE SOCIAL SECURITY NUMBER OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OF AN INDIVIDUAL IDENTIFIED IN SUCH SECURED TRANSACTION RECORD.

24-21-302. Redaction of tax identification number from secured transaction records - liability - rules. (1) THE SECRETARY OF STATE MAY REDACT ANY TAX IDENTIFICATION NUMBER CONTAINED IN A SECURED TRANSACTION RECORD AND, FOR

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

THIS PURPOSE, MAY USE COMMERCIALY AVAILABLE OR OTHER REDACTION SOFTWARE OR OTHER METHODS DETERMINED BY THE SECRETARY OF STATE TO BE COST EFFECTIVE.

(2) SUBJECT TO THE PROVISIONS OF SECTION 4-9-522, C.R.S., THE SECRETARY OF STATE SHALL RETAIN THE UNREDACTED ORIGINAL OF A SECURED TRANSACTION RECORD THAT CONTAINS A TAX IDENTIFICATION NUMBER. NOTWITHSTANDING ANY PROVISION OF PART 2 OF ARTICLE 72 OF THIS TITLE OR ANY OTHER PROVISION OF LAW, THE SECRETARY OF STATE SHALL NOT BE REQUIRED TO OPEN ANY SUCH UNREDACTED ORIGINAL TO PUBLIC INSPECTION; EXCEPT THAT A COMPLETE COPY OF THE UNREDACTED ORIGINAL OF SUCH SECURED TRANSACTION RECORD SHALL BE FURNISHED UPON APPLICATION TO THE SECRETARY OF STATE FOR A CERTIFIED COPY OF THAT SPECIFIC SECURED TRANSACTION RECORD.

(3) (a) ANY PERSON WHO BELIEVES THAT THE SECRETARY OF STATE HAS REDACTED INFORMATION IN A COPY OF A SPECIFIC SECURED TRANSACTION RECORD OTHER THAN THE SOCIAL SECURITY NUMBER OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OF AN INDIVIDUAL IDENTIFIED IN SUCH SECURED TRANSACTION RECORD MAY APPLY TO THE SECRETARY OF STATE FOR THE RESTORATION OF SUCH REDACTED INFORMATION.

(b) IF, UPON APPLICATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE SECRETARY OF STATE DETERMINES THAT SUCH REDACTED INFORMATION IS NOT THE SOCIAL SECURITY NUMBER OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OF AN INDIVIDUAL IDENTIFIED IN SUCH SECURED TRANSACTION RECORD, THE SECRETARY OF STATE SHALL RESTORE SUCH REDACTED INFORMATION SO THAT THE INFORMATION IS PERCEIVABLE, ACCESSIBLE, AND OPEN TO PUBLIC INSPECTION.

(c) NOTHING IN THIS SECTION SHALL PRECLUDE THE RESTORATION OF REDACTED INFORMATION THAT THE SECRETARY OF STATE DETERMINES SHOULD NOT HAVE BEEN REDACTED.

(4) THE SECRETARY OF STATE SHALL NOT BE LIABLE FOR REDACTING OR FAILING TO REDACT A TAX IDENTIFICATION NUMBER PURSUANT TO THIS SECTION.

(5) THE SECRETARY OF STATE MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE TO ADMINISTER THE PROVISIONS OF THIS SECTION, INCLUDING ANY RULES NECESSARY TO ESTABLISH PROCEDURES FOR REQUESTING THE REDACTION OF A TAX IDENTIFICATION NUMBER OR THE RESTORATION OF REDACTED INFORMATION THAT IS NOT THE SOCIAL SECURITY NUMBER OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OF AN INDIVIDUAL IDENTIFIED IN SUCH SECURED TRANSACTION RECORD.

SECTION 2. Repeal. 4-9-531 (c), Colorado Revised Statutes, is repealed as follows:

4-9-531. Removal of social security numbers from financing statements in the custody of the secretary of state. (c) ~~The secretary of state shall retain an electronic record of a financing statement that contains a social security number, but such a record shall be open for inspection, and copies or printouts of the record or information from the record shall be furnished only upon application to the secretary~~

~~of state and only for good cause shown notwithstanding any provision of part 2 of article 72 of title 24, C.R.S., or any other provision of law.~~

SECTION 3. Applicability. This act shall apply to any secured transaction record in the possession of the secretary of state before, on, or after the effective date of this act.

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: June 1, 2009