

CHAPTER 30

GOVERNMENT - COUNTY

HOUSE BILL 14-1073

BY REPRESENTATIVE(S) Pabon, Fields, Labuda, Mitsch Bush, Williams, Young;
also SENATOR(S) Rivera, Baumgardner, Cadman, Crowder, Grantham, Harvey, Herpin, King, Lambert, Scheffel.

AN ACT**CONCERNING THE RECORDING OF LEGAL DOCUMENTS.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 22-42-121 as follows:

22-42-121. Registration of bonds. Whenever any school district issues bonds under the provisions of this article, the board of education may make and enter in its record a request that the county clerk and recorder of the county wherein the headquarters of such school district is situated register the bonds on a collective, not an individual, basis in a book to be kept by him OR HER for that purpose. When so registered, the legality thereof shall not be open to contest by such district, or any person whomsoever, for any reason whatsoever. A certified copy of the order of the board, so made and entered of record, shall be furnished to such county clerk and recorder by the board of education and thereupon it shall be his OR HER duty to register said bonds on a collective basis, noting the name of the district and the amount, the date of issuance and maturity, and the rate of interest of said bonds. ~~Such~~ THE county clerk and recorder ~~shall~~ is not ~~be~~ required to make a separate entry in said book or complete or process a registration form for each such bond of such issue, or otherwise register each such bond of such issue on an individual basis. He OR SHE shall receive a fee of ~~twenty-five dollars for registering each such issue~~ PURSUANT TO SECTION 30-1-103 (1), C.R.S.

SECTION 2. In Colorado Revised Statutes, 24-72-204, **amend** (3) (a) (XIX) (A); and **repeal** (3) (a) (XIX) (B) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions. (3) (a) The custodian shall deny the right of inspection of the

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

following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XIX) (A) Except as provided in ~~sub-subparagraphs (B) and (C)~~ SUB-SUBPARAGRAPH (C) of this subparagraph (XIX), applications for a marriage license submitted pursuant to section 14-2-106, C.R.S., and, except as provided in ~~sub-subparagraphs (B) and (C)~~ SUB-SUBPARAGRAPH (C) of this subparagraph (XIX), applications for a civil union license submitted pursuant to section 14-15-110, C.R.S. A person in interest under this subparagraph (XIX) includes an immediate family member of either party to the marriage application. As used in this subparagraph (XIX), "immediate family member" means a person who is related by blood, marriage, or adoption. Nothing in this subparagraph (XIX) shall be construed to prohibit the inspection of marriage licenses or marriage certificates or of civil union certificates or to otherwise change the status of those licenses or certificates as public records.

~~(B) Any record of an application for a marriage license submitted pursuant to section 14-2-106, C.R.S., and any record of an application for a civil union license submitted pursuant to section 14-15-110, C.R.S., shall be made available for public inspection fifty years after the date that record was created.~~

SECTION 3. In Colorado Revised Statutes, 25-2-110, **add** (1) (c) and (10) as follows:

25-2-110. Certificates of death - repeal. (1) (c) ONCE A CERTIFICATE OF DEATH HAS BEEN FILED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), A VERIFICATION OF DEATH DOCUMENT MAY BE USED BY LOCAL OFFICES OF VITAL STATISTICS AND THE OFFICE OF THE STATE REGISTRAR OF VITAL STATISTICS WHEN VERIFYING A VITAL EVENT TO A PERSON OR ORGANIZATION THAT HAS REQUESTED A VERIFICATION OF FACT-OF-DEATH. A VERIFICATION OF DEATH DOCUMENT MUST INCLUDE THE NAME AND ADDRESS OF THE DECEDENT, THE DATE OF DEATH, THE PLACE OF DEATH, THE DATE THE DOCUMENT IS FILED, THE STATE FILE NUMBER, AND THE NAME OF ANY SPOUSE OF THE DECEDENT. A VERIFICATION OF DEATH DOCUMENT IS NOT REQUIRED TO CONTAIN A SOCIAL SECURITY NUMBER OF THE DECEASED AS IS OTHERWISE REQUIRED OF A CERTIFICATE OF DEATH UNDER PARAGRAPH (a) OF THIS SUBSECTION (1).

(10) WHENEVER IN THE COLORADO REVISED STATUTES THE TERMS "CERTIFICATE OF DEATH" OR "DEATH CERTIFICATE" ARE USED, EXCEPT AS TO THE INITIAL CERTIFICATE OF DEATH REQUIRED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE SAME TWO TERMS INCLUDE A VERIFICATION OF DEATH DOCUMENT THAT IS CERTIFIED BY THE STATE REGISTRAR AND ISSUED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 30-10-101, **amend** (2.5) (a) as follows:

30-10-101. Offices - inspection of records - failure to comply - penalty. (2.5) (a) In lieu of affording the right of inspection and copying set forth in

subsection (2) of this section, any clerk and recorder may make available to abstractors, title insurance personnel, and others, by ~~annual~~ subscription and on such medium as the clerk and recorder shall determine in accordance with the provisions of section 30-10-407, a daily copy in bulk of all documents recorded and filed in such office or less than all if the clerk and recorder determines it to be feasible to sort the bulk as requested. Such bulk copy shall be available to the subscriber no later than the third business day following the date of recording or filing. The fee to be charged by the clerk and recorder for bulk copies supplied in accordance with this subsection (2.5) shall be sufficient to cover the direct and indirect costs of production incurred by the clerk and recorder.

SECTION 5. In Colorado Revised Statutes, 32-1-707, **amend** (5) as follows:

32-1-707. Order of dissolution - conditions attached. (5) A certified copy of the order of dissolution shall be filed with the county clerk and recorder of the county or counties in which the special district is located and with the division by the clerk of the court. The costs of such filing shall be paid with remaining funds of the district. IF THERE ARE NO REMAINING FUNDS OF THE DISTRICT, THE DIVISION MAY CLAIM THE EXEMPTION FROM PAYMENT OF RECORDING FEES IMPOSED IN SECTION 30-1-103, C.R.S., AT THE TIME THE COPY OF THE ORDER IS FILED FOR RECORDING.

SECTION 6. In Colorado Revised Statutes, **amend** 38-31-102 as follows:

38-31-102. Proof of death - certificate of death available - definitions. (1) A certificate of death, A VERIFICATION OF DEATH DOCUMENT, or a certified copy thereof, of a person who is a joint tenant may be placed of record with the county clerk and recorder of the county in which the real property affected by the joint tenancy is located, together with a supplementary affidavit. The supplementary affidavit, which shall be properly sworn to or affirmed by a person of legal age having personal knowledge of the facts and having no record interest in the real property, shall include the legal description of the real property and a statement that the person referred to in the certificate was at the time of death the owner of a joint tenancy interest in the real property. When recorded, the original certificate OR VERIFICATION DOCUMENT and supplementary affidavit, or certified copies thereof, shall be accepted in all courts of the state of Colorado as prima facie proof of the death of the joint tenant. The certificate OR VERIFICATION DOCUMENT and supplementary affidavit provided for in this section may also be used to provide proof of the death of a life tenant or any other person whose record interest in real property terminates upon the death of such person to the same extent as a joint tenant as provided in this section.

(2) As used in this part 1, unless the context otherwise requires, a "certificate of death or certified copy thereof" means a certificate of death ~~meeting~~ AS CONSTRUED IN SECTION 25-2-110(10), C.R.S., THAT MEETS the requirements set forth in section 38-35-112 to be admitted as evidence or a copy of such a certificate of death certified by the public office that issued it.

SECTION 7. In Colorado Revised Statutes, **amend** 38-31-103 as follows:

38-31-103. Proof of death - certificate of death unavailable. If a certificate of death, VERIFICATION OF DEATH DOCUMENT, or a certified copy thereof cannot be

procured, an affidavit properly sworn to or affirmed by two or more persons of legal age having personal knowledge of the facts and having no record interest in the real property affected by the joint tenancy may be placed of record in the office of the county clerk and recorder of the county in which the real property is located. The affidavit shall include a statement that a certificate of death, VERIFICATION OF DEATH DOCUMENT, or certified copy thereof cannot be procured, and the reason therefor, the legal description of the real property, the date and place of death of the deceased person, and a statement that the person referred to in the affidavit was at the time of death an owner of a joint tenancy interest in the real property. When recorded, the original affidavit, or a certified copy thereof, shall be accepted in all courts in the state of Colorado as prima facie proof of the death of the joint tenant and the date and place of death of the joint tenant. The affidavit provided for in this section may also be used to provide proof of the death of a life tenant or any other person whose record interest in real property terminates upon the death of the person and the date and place of death of the life tenant or other person to the same extent as a joint tenant as provided in this section.

SECTION 8. In Colorado Revised Statutes, **amend** 38-35-112 as follows:

38-35-112. Certificate of death when properly recorded may be admitted as evidence. A certificate of death OR A VERIFICATION OF DEATH DOCUMENT issued by a public official, whose apparent official duties include the keeping of records of death, of any state, territory, county, parish, district, city, town, village, province, nation, or other governmental agency or subdivision thereof or a copy of any such certificate of death OR A VERIFICATION OF DEATH DOCUMENT certified by such public official or by the county clerk and recorder of any county in the state of Colorado in whose office the same or a certified copy thereof has been recorded shall, insofar as the death may affect any interest in real property, be prima facie evidence of the death so certified and of the time and place of such death and shall be admissible in evidence in any court in the state of Colorado. Such method of proving death shall not be exclusive and nothing in this section shall be construed to prevent the proof of the death of any person in any other manner authorized by law.

SECTION 9. In Colorado Revised Statutes, 38-39-109, **amend** (1) (b) as follows:

38-39-109. When release of deed of trust is recorded. (1)(b) The county clerk and recorder shall not be required to return the original release of a deed of trust as specified in paragraph (a) of this subsection (1) if the public trustee, in his or her discretion, has released the deed of trust as specified in section 38-39-102 (1) (a) (IV), ~~or~~ if a current address is not provided as specified in section 38-39-102 (9) (b), OR IF THE RELEASE OF DEED OF TRUST IS ELECTRONICALLY RECORDED.

SECTION 10. In Colorado Revised Statutes, **amend** 39-13-103 as follows:

39-13-103. Evidence of payment of fee. Each county clerk and recorder shall evidence payment of the documentary fee imposed in this article IN THE RECORDING ANNOTATION OR by imprinting, typing, stamping, or writing in ink on the margin or other blank portion of every document to which such fee applies the words "State Documentary Fee", the amount of documentary fee paid, and the date upon which

paid, which impression or notation shall be made on such document before it is recorded.

SECTION 11. Effective date. This act takes effect July 1, 2014.

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: March 14, 2014