

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0610.01 Jason Gelender x4330

SENATE BILL 13-119

SENATE SPONSORSHIP

Jones, Brophy, Harvey, Jahn

HOUSE SPONSORSHIP

Scott, Swalm, McLachlan, Ryden

Senate Committees
Local Government

House Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF THE REQUIREMENT FOR A**
102 **CERTIFICATE OF TAXES DUE IN CONNECTION WITH TITLE**
103 **INSURANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill clarifies the requirement that a title insurance agent or title insurance company obtain a tax certificate when issuing an owner's policy of title insurance by:

! Clarifying that the requirement only applies with respect to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 9, 2013

HOUSE
Amended 2nd Reading
April 8, 2013

SENATE
3rd Reading Unamended
February 19, 2013

SENATE
2nd Reading Unamended
February 15, 2013

- ! the sale of residential real property; and
- ! Requiring the commissioner of insurance to promulgate rules that identify alternative documentation that a title insurance agent or title insurance company may use and rely upon when a certificate of taxes due cannot be obtained from the county treasurer or the county treasurer's authorized agent.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-11-122, **amend**
3 (1) introductory portion, (1) (b), and (3) as follows:

4 **10-11-122. Title commitments.** (1) Every title insurance agent
5 or title insurance company shall provide, along with each ~~title~~
6 ~~commitment issued for the sale of~~ COMMITMENT FOR AN OWNER'S POLICY
7 OF TITLE INSURANCE PERTAINING TO A SALE OF residential real property as
8 defined in section 39-1-102 (14.5), C.R.S., a statement disclosing the
9 following information:

10 (b) That a certificate of taxes due listing each taxing jurisdiction
11 ~~shall~~ WILL be obtained from the county treasurer OF THE COUNTY IN
12 WHICH THE SUBJECT REAL PROPERTY IS LOCATED or ~~the~~ THAT county
13 treasurer's authorized agent UNLESS THE PROPOSED INSURED PROVIDES
14 WRITTEN INSTRUCTIONS TO THE CONTRARY; AND

15 (3) (a) Before issuing any OWNER'S POLICY OF title insurance
16 ~~policy~~ PERTAINING TO A SALE OF RESIDENTIAL REAL PROPERTY, unless the
17 proposed insured provides written instructions to the contrary, a title
18 insurance agent or title insurance company shall obtain a certificate of
19 taxes due or other equivalent documentation from the county treasurer or
20 the county treasurer's authorized agent.

21 (b) TO ADDRESS CIRCUMSTANCES IN WHICH A CERTIFICATE OF
22 TAXES CANNOT BE OBTAINED FROM THE COUNTY TREASURER OR THE

1 COUNTY TREASURER'S AUTHORIZED AGENT DURING THE PERIOD IN WHICH
2 THE COUNTY TREASURER IS CERTIFYING THE TAX ROLLS, THE
3 COMMISSIONER OF INSURANCE SHALL PROMULGATE RULES, IN
4 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THAT IDENTIFY
5 ALTERNATIVE DOCUMENTATION THAT MAY BE USED AND RELIED UPON
6 DURING THAT PERIOD. IF A TITLE INSURANCE AGENT OR TITLE INSURANCE
7 COMPANY USES ALTERNATIVE DOCUMENTATION DURING THIS PERIOD, THE
8 AGENT OR COMPANY SHALL OBTAIN A TAX CERTIFICATE WHEN IT BECOMES
9 AVAILABLE FROM THE COUNTY TREASURER OR THE COUNTY TREASURER'S
10 AUTHORIZED AGENT.

11 **SECTION 2. Act subject to petition - effective date.** (1) Except
12 as otherwise provided in subsection (2) of this section, this act takes
13 effect January 1, 2015; except that, if a referendum petition is filed
14 pursuant to section 1 (3) of article V of the state constitution against this
15 act or an item, section, or part of this act within the ninety-day period
16 after final adjournment of the general assembly, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2014 and, in such case, will take
19 effect January 1, 2015, or on the date of the official declaration of the
20 vote thereon by the governor, whichever is later.

21 (2) Section 10-11-122 (3) (b), Colorado Revised Statutes, as
22 amended in section 1 of this act, takes effect October 1, 2013; except that,
23 if a referendum petition is filed pursuant to section 1 (3) of article V of
24 the state constitution against this act or against the amendment to section
25 10-11-122 (3) (b), Colorado Revised Statutes, in section (1) of this act
26 within the ninety-day period after final adjournment of the general
27 assembly, then section 10-11-122 (3) (b), Colorado Revised Statutes, as

1 amended in section 1 of this act, will not take effect unless approved by
2 the people at the general election to be held in November 2014 and, in
3 such case, will take effect on the date of the official declaration of the
4 vote thereon by the governor.