

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0482.01 Renee Leone x2695

SENATE BILL 25-025

SENATE SPONSORSHIP

Liston and Roberts,

HOUSE SPONSORSHIP

Rydin,

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING REMOVING LIMITATIONS ON WHERE A MORTGAGOR CAN
102 FILE A MORTGAGE ON A VEHICLE TO ALLOW THE MORTGAGOR
103 TO FILE IN ANY COUNTY IN THE STATE.

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://leg.colorado.gov>.)

The bill removes the requirement that a first or junior mortgage holder has to file a mortgage on a motor or off-highway vehicle in the county in which the mortgagor resides or the vehicle is located to have the existence of the mortgage and the fact of its filing noted in the vehicle's certificate of title, and instead allows the mortgage holder to file the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

mortgage in any county in the state.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-6-121, **amend** (1)
3 as follows:

4 **42-6-121. Filing of mortgage - rules.** (1) The holder of a chattel
5 mortgage on a motor or off-highway vehicle, ~~desiring~~ to secure the rights
6 provided for in this part 1 and to have the existence of the mortgage and
7 the fact of the filing of the mortgage noted in the filing of the certificate
8 of title to the encumbered vehicle, must present the signed original or
9 signed duplicate of the mortgage or copy of the mortgage and the
10 certificate of title or application for certificate of title to the vehicle
11 encumbered to the authorized agent of the director in ~~the county or city~~
12 ~~and county in which the mortgagor of the vehicle resides or where the~~
13 ~~vehicle is located~~ ANY COUNTY IN THE STATE. The holder may file either
14 with paper documents or electronically. The mortgage or refinancing of
15 a loan secured by a mortgage must state the name and address of the
16 debtor; the name and address of the mortgagee or name of the
17 mortgagee's assignee; the make, vehicle identification number, and year
18 of manufacture of the mortgaged vehicle; and the date and amount of the
19 loan secured by the mortgage. An owner of a motor or off-highway
20 vehicle applying for a certificate of title under section 42-6-115,
21 42-6-116, or 42-6-119 is deemed to have filed under this section on
22 behalf of the mortgage or lienholder.

23 **SECTION 2.** In Colorado Revised Statutes, 42-6-129, **amend** (2)
24 as follows:

25 **42-6-129. Second or other junior mortgages.** (2) The junior

1 mortgagee or the holder of the mortgage shall MUST file the mortgage as
2 required by section 42-6-121 with the authorized agent of the county
3 where the mortgagor of the motor or off-highway vehicle resides or
4 where the vehicle is located WITH THE AUTHORIZED AGENT OF THE
5 DIRECTOR IN ANY COUNTY IN THE STATE with a written request to have the
6 existence of the mortgage noted or filed on the certificate of title records
7 of the authorized agent pertaining to the vehicle covered by the junior
8 mortgage. Upon the filing of the mortgage, the authorized agent shall note
9 in the record of the vehicle the day and hour when the mortgage was
10 received by the agent, shall make and deliver a receipt for the mortgage
11 to the person filing the mortgage, and shall file the mortgage as required
12 under section 42-6-122. If there is more than one mortgage or lien on the
13 motor or off-highway vehicle, the department's authorized agent may
14 electronically transmit the mortgage or lien to the first mortgage
15 MORTGAGEE or lienholder and notify the first mortgage MORTGAGEE or
16 lienholder of any additional mortgages or liens.

17 **SECTION 3.** In Colorado Revised Statutes, 42-6-116, **amend** (1)
18 as follows:

19 **42-6-116. Applications for filing of certificates of title - rules.**

20 (1) If a person who ~~desires or who~~ is entitled to a filing of a certificate
21 of title to a motor or off-highway vehicle is required to apply to the
22 director or the authorized agent, the applicant shall MUST apply upon a
23 form provided by the director in which appears a description of the motor
24 or off-highway vehicle, including the make and model, the manufacturer's
25 number, and a description of any other distinguishing mark, number, or
26 symbol placed on the vehicle by the vehicle manufacturer for
27 identification purposes, as may be required by the director by rule adopted

1 in accordance with article 4 of title 24. ~~C.R.S.~~ The application must show
2 the name and correct address of the owner determined pursuant to section
3 42-6-139; a class A, class B, class C, class D, or class F vehicle owner's
4 personal identification number as provided on a state-issued driver's
5 license or assigned by the department; and the applicant's source of title
6 and must include a description of all known mortgages and liens upon the
7 motor or off-highway vehicle, the holder of the lien, the amount originally
8 secured, and the name of the county and state if the owner holds a
9 certificate of title or the state if the owner does not hold a certificate of
10 title where the mortgage, lien, or financing statement is recorded. ~~or filed.~~
11 The application must be verified by a statement signed by the applicant
12 and must contain or be accompanied by a written declaration that it is
13 made under the penalties of perjury in the second degree, as defined in
14 section 18-8-503. ~~C.R.S.~~

15 **SECTION 4.** In Colorado Revised Statutes, 42-6-127, **amend** (1)
16 as follows:

17 **42-6-127. Duration of lien of mortgage - extensions - rules.**

18 (1) The lien of a mortgage or refinancing of a mortgage filed in the
19 manner prescribed in section 42-6-121 or 42-6-129 ~~shall remain~~ REMAINS
20 valid and enforceable for a period of ten years after the filing of the
21 certificate in the office of the director's authorized agent or until the
22 discharge of the mortgage on the vehicle, if the discharge occurs sooner,
23 except in the case of trailer coaches; truck tractors; multipurpose trailers,
24 if known when filed; and motor homes that are subject to the provisions
25 of subsection (3) of this section. During the ten-year period or any
26 extension of such period, the lien of the mortgage may be extended for
27 successive three-year periods upon the holder of the mortgage presenting

1 to the director's authorized agent ~~of the county where the mortgage is~~
2 ~~filed or in the county where the owner resides~~ IN ANY COUNTY a
3 certification of extension of chattel mortgage, subscribed by the holder of
4 the mortgage and acknowledged by the holder before an officer
5 authorized to acknowledge deeds to real property, ~~in which shall appear~~
6 WHICH MUST INCLUDE a description of the mortgage on the vehicle, to
7 what extent it has been discharged or remains unperformed, and such
8 other information respecting the mortgage as may be required by
9 appropriate rule of the director to enable the director's authorized agent
10 to properly record the extension.

11 **SECTION 5. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2026 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.