

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

**INTRODUCED**

LLS NO. 13-0610.01 Jason Gelender x4330

**SENATE BILL 13-119**

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**SENATE SPONSORSHIP**

**Jones**, Brophy, Harvey, Jahn

**HOUSE SPONSORSHIP**

**Scott**, Swalm, McLachlan, Ryden

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**Senate Committees**  
Local Government

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.*

- ! 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.

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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) Before issuing any OWNER'S POLICY OF title insurance ~~policy~~  
16 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 UNLESS A CERTIFICATE OF TAXES  
21 CANNOT BE OBTAINED FROM THE COUNTY TREASURER OR THE COUNTY  
22 TREASURER'S AUTHORIZED AGENT DURING THE PERIOD IN WHICH THE

1 COUNTY TREASURER IS CERTIFYING THE TAX ROLLS. THE COMMISSIONER  
2 OF INSURANCE SHALL PROMULGATE RULES, IN ACCORDANCE WITH ARTICLE  
3 4 OF TITLE 24, C.R.S., THAT IDENTIFY ALTERNATIVE DOCUMENTATION  
4 THAT MAY BE USED AND RELIED UPON WHEN A CERTIFICATE OF TAXES DUE  
5 CANNOT BE OBTAINED FROM THE COUNTY TREASURER OR THE COUNTY  
6 TREASURER'S AUTHORIZED AGENT. IF A TITLE INSURANCE AGENT OR TITLE  
7 INSURANCE COMPANY USES ALTERNATIVE DOCUMENTATION DURING THIS  
8 PERIOD, THE AGENT OR COMPANY SHALL OBTAIN A TAX CERTIFICATE WHEN  
9 IT BECOMES AVAILABLE FROM THE COUNTY TREASURER OR THE COUNTY  
10 TREASURER'S AUTHORIZED AGENT.

11 **SECTION 2. Act subject to petition - effective date.** This act  
12 takes effect October 1, 2013; except that, if a referendum petition is filed  
13 pursuant to section 1 (3) of article V of the state constitution against this  
14 act or an item, section, or part of this act within the ninety-day period  
15 after final adjournment of the general assembly, then the act, item,  
16 section, or part will not take effect unless approved by the people at the  
17 general election to be held in November 2014 and, in such case, will take  
18 effect on the date of the official declaration of the vote thereon by the  
19 governor.