

To: Land Title Association of Colorado
From: Cathy Wanstrath, LTAC lobbyist
Subject: **Legislation of Interest to LTAC**
Date: January 17, 2010

H.B. 1007 (Rep. Judd, Sen. Brophy): **"Concerning an Adjustment of Fees Charged by a County Clerk and Recorder for Filing a Document with the County."** THIS IS AN LTAC BILL, IN COOPERATION WITH THE COUNTY CLERKS AND THE BAR ASSOCIATION. Currently a county clerk charges \$5/page to file certain documents, with an additional fee for documents that require multiple entries in the grantor/grantee index. This bill would modify these fees by charging \$10 for the first page of a document and \$5 for each additional page and eliminating the additional fee for documents that require multiple entries in the grantor/grantee index. ASSIGNED TO HOUSE STATE AFFAIRS COMMITTEE. *(All LTAC members are asked to call your Representative and request their support for the bill.)*

H.B. 1056 (Rep. Frangas, Sen. Carroll): **"Concerning the Disposal of Business Records Containing Personal Identifying Information."** The bill prohibits a public or private entity in Colorado that uses paper or electronic documents or records during the course of business that contain personal identifying information from disposing of such documents unless, prior to the disposal of the documents, the entity shreds the paper document or erases the electronic document, rendering it "indecipherable and irretrievable". ASSIGNED TO HOUSE JUDICIARY COMMITTEE. (J. Wolff, R. Rosenthal)

H.B. 1063 (Rep. Todd, Sen. Gibbs): **"Concerning the Authority for the Publication of a Legal Notice in a Newspaper without United States Periodicals Mailing Privileges within a Municipality where No Newspaper that has such Privileges is Published within the Municipality."** This bill would allow a local newspaper to be used for publishing legal notices, even if it does not have paid circulation. **SCHEDULED 1/19 IN HOUSE STATE AFFAIRS COMMITTEE.** (Bernard, Edwards)

H.B. 1084 (Rep. Acree, Sen. Williams): **"Concerning Measures to Encourage the Voluntary Cleanup of Unoccupied Real Property."** Under current law, a person who goes into the yard of a foreclosed home or other unoccupied property to clean up trash, remove weeds, or water the lawn may be considered a trespasser and, if the person injures himself/herself while doing so, may have a claim against the landowner for negligence. This bill specifies that such persons, who are **unpaid and volunteer** to do such cleanup, have the implied consent of the landowner to do so, and are owed an intermediate duty of care concerning hazardous conditions on the property that is more than is owed to trespassers, but less than is owed to guests or business customers. Sections 2 and 3 of the bill amend the civil and criminal trespassing laws, respectively, to exempt persons who engage in such activity, but only to the extent of that activity and so long as they do no actual damage to the property. This bill has no direct impact on the title industry. ASSIGNED TO HOUSE JUDICIARY COMMITTEE. (Schreiber, Evans)

H.B. 1085 (Rep. J. Kerr, Sen. Tapia): **"Concerning Land Surveying, and in connection therewith, Altering Licensure Criteria for Land Surveyor Applicants and Specifying Procedures for Issuance of a Surveyor's Affidavit of Correction."** It is the affidavit portion of the bill that is of interest. The bill outlines the errors that may be corrected by a surveyor's affidavit of correction, which is then submitted to the county clerk/recorder for recording. Section 6 of the bill requires court orders that establish corners or boundaries of disputed land boundaries to be filed in the grantor-grantee index of the county or counties in which the land lies. We need to determine exactly where the county clerk would record this (would the name of the grantor and grantee be known through this process?) ASSIGNED TO HOUSE BUSINESS AFFAIRS/LABOR COMMITTEE. (Compton, Robinson)

H.B. 1096 (Rep. Tipton): **"Concerning the Designation of Vehicle Identification Number Inspectors by Law Enforcement Officials of Local Governments."** The bill would allow county sheriffs and municipal police chiefs to certify individuals to perform VIN inspections if they complete the inspection training provided by the Police Officers Standards and Training Board. This may be relevant to the VIN inspections required for manufactured homes. ASSIGNED TO HOUSE TRANSPORTATION & ENERGY COMMITTEE. (Cook, Berg)

S.B. 45 (Sen. Morse, Rep. A. Kerr): "**Concerning Increasing the Rights of Homeowners, and, in connection therewith, Enacting the 'Homeowner Protection Act of 2010.'**" Current law requires the holder of a residential mortgage to send written notice to a debtor 30 days prior to filing a foreclosure. This bill changes the time to 60 days and requires the notice to include various information. The holder would be required to negotiate for a mutually acceptable agreement prior to commencing a foreclosure. If such an agreement is not reached, and the holder commences foreclosure, the debtor would have the right to participate in mediation with the holder (paid for, of course, by the holder). ASSIGNED TO SENATE STATE AFFAIRS COMMITTEE. (J. Edgar, R. Jones, K. Walter)

S.B. 76 (Sen. M. Carroll): "**Concerning Unreasonable Insurance Claims Settlement Practices.**" This is a repeat of her unsuccessful bill from last year, but with a broad title that is of concern in itself. The bill defines as an unfair claim settlement practice and a deceptive act or practice in the business of insurance the practice of providing compensation to induce or encourage the decision to deny or delay resolution of a claim or to cancel or rescind an insurance policy. In civil actions in which a jury is to determine whether an insurer's delay or denial of a claim was reasonable, the bill allows the court to instruct the jury that the willful payment of a financial incentive is prohibited and may be considered if the prohibited conduct caused or contributed to the delay or denial and the claimant's injury, damage or loss. Section 3 of the bill establishes a presumption of unreasonableness when a claim for benefits is denied or delayed and the person who makes the decision to delay or deny payment of the claim receives any personal financial incentive, including compensation, to deny or delay the claim. ASSIGNED TO SENATE HEALTH/HUMAN SERVICES COMMITTEE.

S.B. 77 (Sen. Heath, Rep. Ferrandino): "**Concerning Regulation of Appraisal Management Companies.**" In compliance with federal law, Colorado currently requires the licensing of real estate appraisers. In order to promote enhanced consumer protection, recently adopted federal guidelines now require mortgage lenders to use entities known as appraisal management companies, which hire licensed real estate appraisers, to value property for lending purposes. This bill authorizes the board of Real Estate Appraisers in the Division of Real Estate to regulate appraisal management companies. The definition of "Appraisal Management Company" at the beginning of the bill is confusing, and includes terms such as "real estate closing services provider, and "settlement services provider". This is an incredibly bureaucratic bill (41 pages), which LTAC will monitor closely despite the fact that it should not affect the industry directly. ASSIGNED TO SENATE BUSINESS/LABOR/TECHNOLOGY COMMITTEE.