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Amending Chapter 423, Session Laws of Colorado 1967, Concerning a Documentary Fee on Certain Conveyance of Real Property.

Colorado General Assembly

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CHAPTER 29

TAXATION I—GENERAL PROPERTY TAX**DOCUMENTARY FEE ON CONVEYANCES OF REAL PROPERTY**

(House Bill No. 1017. By Representatives Burch, Baer, Caywood, Coffee, Fentress, Gebhardt, Horst, Jackson, Koster, Mackie, McCormick, Morris, Mullen, Neal, Porter, Sack, and Sonnenberg; also Senator Kemp.)

A N, A C T**AMENDING CHAPTER 423, SESSION LAWS OF COLORADO 1967, CONCERNING A DOCUMENTARY FEE ON CERTAIN CONVEYANCES OF REAL PROPERTY.**

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

Section 1. 137-13-3, Colorado Revised Statutes 1963, enacted and numbered as 137-14-3 by section 1 of chapter 423, Session Laws of Colorado 1967, is amended to read:

137-13-3. Evidence of payment of fee.—Each county clerk and recorder shall evidence payment of the documentary fee imposed in this article by imprinting, TYPING, STAMPING, OR WRITING IN INK on the margin or other blank portion of every document to which such fee applies by means of a metered device especially procured for the purpose; 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 2. 137-13-4 (1), Colorado Revised Statutes 1963, enacted and numbered as 137-14-4 (1) by section 1 of chapter 423, Session Laws of Colorado 1967, is amended BY THE ADDITION OF A NEW PARAGRAPH (p), and said 137-13-4 is further amended BY THE ADDITION OF A NEW SUBSECTION (2), to read:

137-13-4. Exemptions.—(1) (p) Any rights of way and easements.

(2) Exemption from payment of the documentary fee imposed in this article must be claimed at the time a deed or instrument is offered for recording.

Section 3. 137-13-5, Colorado Revised Statutes 1963, enacted and numbered as 137-14-5 by section 1 of chapter 423, Session Laws of Colorado 1967, is amended to read:

137-13-5. No deed recorded unless documentary fee paid.—No deed or instrument in writing to which a documentary fee applies shall be recorded

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

until and unless the documentary fee payable thereon has been paid and evidence of its payment has been imprinted, TYPED, STAMPED, OR WRITTEN IN INK thereon as provided in section 137-13-3. Any county clerk and recorder who shall WILLFULLY AND KNOWINGLY record any document to which a documentary fee applies without having first collected such fee and evidenced payment thereof as herein provided shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of fifty dollars.

Section 4. 137-13-2, Colorado Revised Statutes 1963, enacted and numbered as 137-14-2 by section 1 of chapter 423, Session Laws of Colorado 1967, is amended BY THE ADDITION OF A NEW SUBSECTION (4) to read:

137-13-2. Documentary fee imposed—amount—to whom payable.—
(4) In those cases in which real property located in two or more counties is granted or conveyed in a single transaction, each county clerk and recorder shall collect a portion of the total documentary fee referred to in section 137-13-2 (2) (b) and (2) (c) in the same ratio that the consideration fairly attributable to the part of such property located in his county bears to the total consideration. The allocation of the total consideration between counties is to be made by the person offering such deed or instrument in writing for recording.

Section 5. 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 6, 1968