After consideration on the merits, the Committee recommends the following:

SB20-096 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. The general assembly recognizes the importance of protecting personal information that is disclosed and recorded, including both audio and video, during the remote notarization process. Data privacy is an essential part of Colorado's authorization of remote notarization and the security of personal data from unauthorized use or theft is of critical importance in the implementation of remote notarization requirements in Colorado."

Renumber succeeding sections accordingly.

Page 12, line 16, strike "AN INDIVIDUAL" and substitute "A PERSON".

Page 14, line 10, strike "(1)(g) and (1)(h)" and substitute "(1)(g), (1)(h), and (3)".

Page 14, line 11, strike "Rules." and substitute "Rules - definitions - repeal.".

Page 14, after line 24 insert:

"(3) (a) AS USED IN THIS SUBSECTION (3):
(1) "INTERIM PERIOD" MEANS THE PERIOD BEGINNING ON MARCH
(II) "TEMPORARY RULE" MEANS RULE 5 OF THE NOTARY PROGRAM RULES AS ADOPTED BY THE SECRETARY OF STATE EFFECTIVE MARCH 30, 2020, AND PUBLISHED AT 8 CCR 1505-11, AND ANY ANALOGOUS SUCCESSOR EMERGENCY RULE OF THE NOTARY PROGRAM THAT AUTHORIZES REMOTE NOTARIZATIONS.

(b) DURING THE INTERIM PERIOD:

(I) A NOTARY PUBLIC COMMISSIONED BY THE SECRETARY OF STATE MAY PERFORM NOTARIAL ACTS WITH RESPECT TO A REMOTELY LOCATED INDIVIDUAL USING AUDIO-VIDEO COMMUNICATION IN ACCORDANCE WITH, AND SUBJECT TO THE LIMITATIONS AND RESTRICTIONS SET FORTH IN, THE TEMPORARY RULE; AND

(II) INsofar as it relates to any notarial act permitted by the temporary rule and performed during the interim period, any requirement in this part 5 or title 38 that an individual making a statement or executing a signature appear personally before a notarial officer is satisfied by the procedures specified in and permitted by the temporary rule.

(c) THE SECRETARY OF STATE MAY AMEND THE TEMPORARY RULE IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24, BUT THE AMENDMENT MUST NOT PERMIT THE PERFORMANCE OF A REMOTE NOTARIZATION WITH RESPECT TO A RECORD DESCRIBED IN SECTION 5.2.2 OF THE TEMPORARY RULE OTHER THAN IN ACCORDANCE WITH THE PROVISIONS OF THE TEMPORARY RULE AS IT EXISTED ON THE EFFECTIVE DATE OF THIS SUBSECTION (3).

(d) A NOTARIAL ACT PERFORMED DURING THE INTERIM PERIOD WITH RESPECT TO A REMOTELY LOCATED INDIVIDUAL THAT COMPLIED WITH THE TEMPORARY RULE IS NOT INVALID DUE TO THE LACK OF EXPRESS STATUTORY AUTHORITY FOR THE NOTARIAL ACT.

(e) THE SECRETARY OF STATE SHALL UPDATE THE APPLICABLE JOINT COMMITTEE OF REFERENCE DURING THE DEPARTMENT OF STATE’S 2020 PRESENTATION MADE PURSUANT TO SECTION 2-7-203 REGARDING THE IMPLEMENTATION OF THIS SUBSECTION (3).

(f) SUBSECTIONS (3)(b), (3)(c), AND (3)(e) OF THIS SECTION AND THIS SUBSECTION (3)(f) ARE REPEALED, EFFECTIVE DECEMBER 31, 2020.

"SECTION 9. Effective date - applicability. (1) This act:

(a) Takes effect upon passage; except that sections 1 through 5 and 7 of this act take effect December 31, 2020; and
(b) Applies to conduct occurring on or after March 30, 2020.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.