

CHAPTER 180

PROFESSIONS AND OCCUPATIONS

SENATE BILL 09-111

BY SENATOR(S) Bacon, Boyd, Schultheis;
also REPRESENTATIVE(S) Court, Gardner B.

AN ACT

CONCERNING CONTINUATION OF THE "NOTARIES PUBLIC ACT".

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

SECTION 1. 12-55-123, Colorado Revised Statutes, is amended to read:

12-55-123. Repeal of article. This article is repealed, effective July 1, ~~2009~~ 2018. Prior to such repeal, the appointment function of the secretary of state shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 2. Repeal. 24-34-104 (40) (e), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (40) The following agencies, functions, or both, shall terminate on July 1, 2009:

(e) ~~The appointment of notaries public through the secretary of state in accordance with part 1 of article 55 of title 12, C.R.S.;~~

SECTION 3. 24-34-104 (49), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (49) The following agencies, functions, or both, shall terminate on July 1, 2018:

(g) THE APPOINTMENT OF NOTARIES PUBLIC THROUGH THE SECRETARY OF STATE IN ACCORDANCE WITH PART 1 OF ARTICLE 55 OF TITLE 12, C.R.S.

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

SECTION 4. 12-55-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-55-104. Application. (4) ON AND AFTER JULY 1, 2009, THE SECRETARY OF STATE SHALL VERIFY THE LAWFUL PRESENCE IN THE UNITED STATES OF EACH APPLICANT THROUGH THE VERIFICATION PROCESS OUTLINED IN SECTION 24-76.5-103 (4), C.R.S.

SECTION 5. The introductory portion to 12-55-107 (1), Colorado Revised Statutes, is amended to read:

12-55-107. Revocation of commission. (1) The secretary of state or the secretary of state's designee ~~shall~~ MAY deny the application of any person for appointment or reappointment, ISSUE A LETTER OF ADMONITION, SUSPEND A COMMISSION, or revoke the commission of any notary public during such notary's term of appointment, if the notary public:

SECTION 6. 12-55-111 (1), Colorado Revised Statutes, is amended to read:

12-55-111. Journal. (1) Every notary public shall keep a journal of every ~~acknowledgment taken by such~~ NOTARIAL ACT OF THE notary ~~to an instrument affecting the title to real property~~ and, if required, give a certified copy of or a certificate as to any such journal or any of ~~such~~ THE notary's acts, upon payment of ~~such~~ THE notary's fee.

SECTION 7. Repeal. 12-55-106.7, Colorado Revised Statutes, is repealed as follows:

~~**12-55-106.7. Pictorial notary public - secretary of state - rules.** The secretary of state shall adopt rules necessary to establish standards, procedures, practices, forms, and records relating to the ability of notaries public to transmit encrypted, authenticated photographs of individuals for use by motor vehicle offices, credit card companies, and other entities requiring an authenticated photograph of an individual. The rules shall require the notary to maintain an encryption device or other technology enabling the notary to transmit photographs electronically and protect the security and authenticity of the photographs. The rules shall authorize the notary to charge a reasonable fee, not to exceed ten dollars, for each photograph electronically transmitted. The secretary of state shall adopt the rules as soon as administratively feasible. Notwithstanding the provisions of section 24-4-103 (5), C.R.S., the rules adopted pursuant to this section shall not take effect until the general assembly, acting by bill other than a bill enacted pursuant to section 24-4-103 (8) (c) (f), C.R.S., approves the rules.~~

SECTION 8. 12-55-103.5, Colorado Revised Statutes, is amended to read:

12-55-103.5. Training - rules. (1) The office of the secretary of state may enter into a contract with a private contractor or contractors to conduct notary training programs. The contractor or contractors may charge a fee for any such training program.

(2) THE OFFICE OF THE SECRETARY OF STATE MAY PROMULGATE RULES TO REQUIRE NOTARIES PUBLIC TO COMPLETE A TRAINING PROGRAM.

SECTION 9. Effective date. This act shall take effect July 1, 2009.

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, and safety.

Approved: April 22, 2009