

SB096_L.011

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

SB20-096 be amended as follows:

1 Amend reengrossed bill, page 12, line 16, strike "AN INDIVIDUAL" and
2 substitute "A PERSON".

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

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

7 Page 14, after line 24 insert:

8 (3) (a) AS USED IN THIS SUBSECTION (3):

9 (I) "INTERIM PERIOD" MEANS THE PERIOD BEGINNING ON MARCH
10 30, 2020, AND ENDING ON DECEMBER 31, 2020.

11 (II) "TEMPORARY RULE" MEANS RULE 5 OF THE NOTARY PROGRAM
12 RULES AS ADOPTED BY THE SECRETARY OF STATE EFFECTIVE MARCH 30,
13 2020, AND PUBLISHED AT 8 CCR 1505-11, AND ANY ANALOGOUS
14 SUCCESSOR EMERGENCY RULE OF THE NOTARY PROGRAM THAT
15 AUTHORIZES REMOTE NOTARIZATIONS.

16 (b) DURING THE INTERIM PERIOD:

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

22 (II) INsofar AS IT RELATES TO ANY NOTARIAL ACT PERMITTED BY
23 THE TEMPORARY RULE AND PERFORMED DURING THE INTERIM PERIOD, ANY
24 REQUIREMENT IN THIS PART 5 OR TITLE 38 THAT AN INDIVIDUAL MAKING
25 A STATEMENT OR EXECUTING A SIGNATURE APPEAR PERSONALLY BEFORE
26 A NOTARIAL OFFICER IS SATISFIED BY THE PROCEDURES SPECIFIED IN AND
27 PERMITTED BY THE TEMPORARY RULE.

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

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

1 STATUTORY AUTHORITY FOR THE NOTARIAL ACT.
2 (e) THE SECRETARY OF STATE SHALL UPDATE THE APPLICABLE
3 JOINT COMMITTEE OF REFERENCE DURING THE DEPARTMENT OF STATE'S
4 2020 PRESENTATION MADE PURSUANT TO SECTION 2-7-203 REGARDING
5 THE IMPLEMENTATION OF THIS SUBSECTION (3).
6 (f) SUBSECTIONS (3)(b), (3)(c), AND (3)(e) OF THIS SECTION AND
7 THIS SUBSECTION (3)(f) ARE REPEALED, EFFECTIVE DECEMBER 31, 2020."

8 Page 15, strike lines 16 through 25 and substitute:

9 "SECTION 8. **Effective date - applicability.** (1) This act:
10 (a) Takes effect upon passage; except that sections 1 through 5
11 and 7 of this act take effect December 31, 2020; and
12 (b) Applies to conduct occurring on or after March 30, 2020.
13 SECTION 9. **Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety."

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