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The Honorable Leslie Herod, Chair, and Members
House Committee on Finance
Colorado House of Representatives
200 E Colfax, RM 307
Denver, CO

RE: HB 19-1167 Remote Notary Authorization

Dear Representative Herod and Honorable Committee Members:

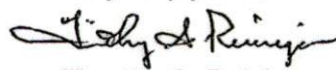
I recently had the honor of serving as an American Bar Association-appointed Advisor to the Uniform Law Commission's drafting committee for the Revised Uniform Law on Notarial Acts. I urge you to reject HB 19-1167 (and specifically Section 6 thereof), which departs from all other remote notary enactments in the United States by imposing unprecedented data responsibilities and liability on notaries for normal business use of consumer personally identifiable information (PII). Instead of using a notary law, the better legal approach would be to enact separate legislation that comprehensively defines responsibilities and liability for third-party brokers of PII.

The validity of concerns relating to third-party brokering of PII is unquestioned. And, I commend the authors of HB 19-1167 for the desire to address consumer risks posed especially by the ease of use/transfer/sale of PII in *digital* form. To best create broad consumer rights of action against third-party identity brokers for misuse of PII, I would recommend that Colorado instead enact a separate law much like the Virginia Digital Identity Law of 2015. The text of the law is available at: <http://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+CHAP0483>. This law, which is now a model for United Nations' efforts, would best serve the Colorado authors' purposes for establishing a broad consumer protection policy, as opposed to one limited to notaries.

As policy, I do commend HB 19-1167 for authorizing remote/online notarization. Experience in Virginia and other states has shown that giving notaries the capability of performing notarial acts in the online environment has been highly valued by the business community, consumers, and government. In fact, because of the inherent information security advantages of remote/online notarizations, there have been no reported instances of notarial fraud or court challenges.

Please do not hesitate to contact me should have any questions about this letter or desire more information about laws for regulating third-party brokers of consumer PII.

Very truly yours,


Timothy S. Reiniger