



**Colorado  
Legislative  
Council  
Staff**

**SB17-132**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated February 8, 2017)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0190

**Date:** April 20, 2017

**Prime Sponsor(s):** Sen. Gardner

**Bill Status:** House Second Reading

Rep. Wist; Melton

**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** REVISED UNIFORM LAW ON NOTARIAL ACTS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
<b>State Revenue</b>		
<b>State Expenditures</b>	Minimal workload increase	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> None.		

### **Summary of Legislation**

The bill, **as amended by the House State, Veterans, and Military Affairs Committee** and recommended by the Colorado Commission on Uniform State Laws, repeals current state laws regulating notaries public, and enacts the national Uniform Law Commission's (ULC) Revised Uniform Law on Notarial Acts, as amended by the ULC in 2016. The bill modernizes notary responsibilities and electronic recording processes; seeks to promote uniformity among state laws regarding notarial acts; allows the recognition of notarial acts from other jurisdictions; makes minor changes to the penalties related to notary misconduct; and allows a notary to leave his or her journal with their employer instead of retaining it or sending it to state archives. The bill also postpones the sunset review of notaries law from July 1, 2018, to September 1, 2023.

### **Background**

**Colorado Commission on Uniform State Laws.** The Colorado Commission on Uniform State Laws is charged with working with the ULC to promote uniformity in state laws where uniformity may be deemed desirable and practicable. This is achieved by developing proposed uniform legislation through the ULC that can be adopted by the various state legislatures. Colorado's commissioners are required to be attorneys admitted to practice law in Colorado. Members include six attorneys appointed or reappointed by joint resolution of the General Assembly; any Colorado citizen who is elected as a life member of the ULC (after twenty years of membership); and the director of the Office of Legislative Legal Services, or the director's designee. The Office of Legislative Legal Services provides assistance to the legislative members of the Colorado Commission in their efforts to enact legislation regarding uniform acts.

**Revised Uniform Law on Notarial Acts in other states.** As of writing, six states have adopted the Revised Uniform Law on Notarial Acts, including Iowa, Montana, North Dakota, Oregon, Pennsylvania, and West Virginia; while four states have legislation pending, including Colorado, Georgia, New Jersey, and Washington.

**Notaries public in Colorado.** A notary public is an individual authorized to officially witness signatures on documents, administer oaths, and certify copies of original documents — essentially serving as an impartial, third-party witness. In Colorado, the Secretary of State (SOS) commissions notaries within its Business and Licensing division. In addition to processing, issuing, and renewing notary commissions through its online filing system, the SOS investigates complaints, conducts trainings and online exams, reviews training vendor applications, and answers inquiries. The annual application fee for a notary is \$10, deposited into the Department of State Cash Fund. The maximum fee a notary can charge per paper notarization is \$5, and \$10 for an electronic notarization.

### **Comparable Crime**

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. Senate Bill 17-132 repeals and reenacts the notaries public laws, and thus three criminal penalties and one civil penalty that exist under current law — official misconduct by a notary, a Class 2 misdemeanor; willful impersonation, a Class 2 misdemeanor; wrongful possession of a journal or seal, a Class 3 misdemeanor; and advertising for the unauthorized practice of law or immigration consulting, a deceptive trade practice — are reenacted under a new part of statute. In the past three years, there were two convictions of official misconduct by two Caucasians, one male and one female, and one conviction of willful impersonation by a Caucasian female. As a result, the fiscal note assumes any increase in cases will be negligible and there will be no tangible impact to the court system.

### **State Expenditures**

**Secretary of State.** In FY 2017-18, workload will increase in the SOS to implement the Revised Uniform Law on Notarial Acts. This workload will include making updates to forms, the website, and exams, as well as rulemaking and staff training. This workload increase can be accomplished within the existing appropriation of the Business and Licensing Division in the SOS.

**Judicial Department.** Because the bill makes no substantive changes to the penalties related notary misconduct, no workload increase is anticipated in the Judicial Department.

### **Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed. It applies to conduct occurring on or after this date.

**State and Local Government Contacts**

Corrections  
County Clerks  
Judicial  
Local Affairs  
Property Tax Division  
Regulatory Agencies  
Treasury

Counties  
District Attorneys  
Labor  
Municipalities  
Public Defender  
Revenue

County Assessors  
Information Technology  
Law  
Personnel  
Public Trustees  
Secretary of State