

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0190.02 Thomas Morris x4218

SENATE BILL 17-132

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Wist,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENACTMENT OF THE "REVISED UNIFORM LAW ON**
102 **NOTARIAL ACTS" AS AMENDED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado Commission on Uniform State Laws. The bill enacts the "Revised Uniform Law on Notarial Acts" (the "Act"), as amended by the National Conference of Commissioners on Uniform State Laws in 2016. The Act responds to current transactions and practices (in particular electronic records); seeks to promote uniformity among state laws regarding notarial acts; enhances the integrity of the notarial process; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 30, 2017

1 SOUND, OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH AN
2 ELECTRONIC RECORD AND EXECUTED OR ADOPTED BY AN INDIVIDUAL
3 WITH THE INTENT TO SIGN THE ELECTRONIC RECORD.

4 (5) "IN A REPRESENTATIVE CAPACITY" MEANS ACTING AS:

5 (a) AN AUTHORIZED OFFICER, AGENT, PARTNER, TRUSTEE, OR
6 OTHER REPRESENTATIVE FOR A PERSON OTHER THAN AN INDIVIDUAL;

7 (b) A PUBLIC OFFICER, PERSONAL REPRESENTATIVE, GUARDIAN, OR
8 OTHER REPRESENTATIVE, IN THE CAPACITY STATED IN A RECORD;

9 (c) AN AGENT OR ATTORNEY-IN-FACT FOR A PRINCIPAL; OR

10 (d) AN AUTHORIZED REPRESENTATIVE OF ANOTHER IN ANY OTHER
11 CAPACITY.

12 (6) "NOTARIAL ACT" MEANS AN ACT, WHETHER PERFORMED WITH
13 RESPECT TO A TANGIBLE OR ELECTRONIC RECORD, THAT A NOTARIAL
14 OFFICER MAY PERFORM UNDER THE LAW OF THIS STATE. THE TERM
15 INCLUDES TAKING AN ACKNOWLEDGMENT, ADMINISTERING AN OATH OR
16 AFFIRMATION, TAKING A DEPOSITION OR OTHER SWORN TESTIMONY,
17 TAKING A VERIFICATION ON OATH OR AFFIRMATION, WITNESSING OR
18 ATTESTING A SIGNATURE, CERTIFYING A COPY, AND NOTING A PROTEST OF
19 A NEGOTIABLE INSTRUMENT.

20 (7) "NOTARIAL OFFICER" MEANS A NOTARY PUBLIC OR OTHER
21 INDIVIDUAL AUTHORIZED TO PERFORM A NOTARIAL ACT.

22 (8) "NOTARY PUBLIC" MEANS AN INDIVIDUAL COMMISSIONED TO
23 PERFORM A NOTARIAL ACT BY THE SECRETARY OF STATE.

24 (9) "OFFICIAL STAMP" MEANS A PHYSICAL IMAGE AFFIXED TO A
25 TANGIBLE RECORD OR AN ELECTRONIC IMAGE ATTACHED TO OR
26 LOGICALLY ASSOCIATED WITH AN ELECTRONIC RECORD.

27 (10) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS

1 TRUST, STATUTORY TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED
2 LIABILITY COMPANY, ASSOCIATION, JOINT VENTURE, PUBLIC
3 CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY,
4 OR INSTRUMENTALITY, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

5 (11) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A
6 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER
7 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

8 (12) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR
9 ADOPT A RECORD:

10 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

11 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD
12 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

13 (13) "SIGNATURE" MEANS A TANGIBLE SYMBOL OR AN ELECTRONIC
14 SIGNATURE THAT EVIDENCES THE SIGNING OF A RECORD.

15 (14) "STAMPING DEVICE" MEANS:

16 (a) A PHYSICAL DEVICE CAPABLE OF AFFIXING TO A TANGIBLE
17 RECORD AN OFFICIAL STAMP; OR

18 (b) AN ELECTRONIC DEVICE OR PROCESS CAPABLE OF ATTACHING
19 TO OR LOGICALLY ASSOCIATING WITH AN ELECTRONIC RECORD AN
20 OFFICIAL STAMP.

21 (15) "STATE" MEANS A STATE OF THE UNITED STATES, THE
22 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
23 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
24 JURISDICTION OF THE UNITED STATES.

25 (16) "VERIFICATION ON OATH OR AFFIRMATION" MEANS A
26 DECLARATION, MADE BY AN INDIVIDUAL ON OATH OR AFFIRMATION
27 BEFORE A NOTARIAL OFFICER, THAT A STATEMENT IN A RECORD IS TRUE.

1 **24-21-503. Applicability.** THIS PART 5 APPLIES TO A NOTARIAL
2 ACT PERFORMED ON OR AFTER THE EFFECTIVE DATE OF THIS PART 5.

3 **24-21-504. Authority to perform notarial act.** (1) A NOTARIAL
4 OFFICER MAY PERFORM A NOTARIAL ACT AUTHORIZED BY THIS PART 5 OR
5 BY LAW OF THIS STATE OTHER THAN THIS PART 5.

6 (2) A NOTARIAL OFFICER SHALL NOT PERFORM A NOTARIAL ACT
7 WITH RESPECT TO A RECORD IN WHICH THE OFFICER HAS A DISQUALIFYING
8 INTEREST. FOR THE PURPOSES OF THIS SECTION, A NOTARIAL OFFICER HAS
9 A DISQUALIFYING INTEREST IN A RECORD IF:

10 (a) THE OFFICER OR THE OFFICER'S SPOUSE, PARTNER IN A CIVIL
11 UNION, ANCESTOR, DESCENDENT, OR SIBLING IS A PARTY TO OR IS NAMED
12 IN THE RECORD THAT IS TO BE NOTARIZED; OR

13 (b) THE OFFICER OR THE OFFICER'S SPOUSE OR PARTNER IN A CIVIL
14 UNION MAY RECEIVE DIRECTLY, AND AS A PROXIMATE RESULT OF THE
15 NOTARIZATION, ANY ADVANTAGE, RIGHT, TITLE, INTEREST, CASH, OR
16 PROPERTY EXCEEDING IN VALUE THE SUM OF ANY FEE PROPERLY RECEIVED
17 IN ACCORDANCE WITH THIS PART 5.

18 (3) A NOTARIAL ACT PERFORMED IN VIOLATION OF THIS SECTION
19 IS VOIDABLE.

20 **24-21-505. Requirements for certain notarial acts.** (1) A
21 NOTARIAL OFFICER WHO TAKES AN ACKNOWLEDGMENT OF A RECORD
22 SHALL DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY
23 EVIDENCE OF THE IDENTITY OF THE INDIVIDUAL, THAT THE INDIVIDUAL
24 APPEARING BEFORE THE OFFICER AND MAKING THE ACKNOWLEDGMENT
25 HAS THE IDENTITY CLAIMED AND THAT THE SIGNATURE ON THE RECORD IS
26 THE SIGNATURE OF THE INDIVIDUAL.

27 (2) A NOTARIAL OFFICER WHO TAKES A VERIFICATION OF A

1 STATEMENT ON OATH OR AFFIRMATION SHALL DETERMINE, FROM
2 PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF THE IDENTITY OF
3 THE INDIVIDUAL, THAT THE INDIVIDUAL APPEARING BEFORE THE OFFICER
4 AND MAKING THE VERIFICATION HAS THE IDENTITY CLAIMED AND THAT
5 THE SIGNATURE ON THE STATEMENT VERIFIED IS THE SIGNATURE OF THE
6 INDIVIDUAL.

7 (3) A NOTARIAL OFFICER WHO WITNESSES OR ATTESTS TO A
8 SIGNATURE SHALL DETERMINE, FROM PERSONAL KNOWLEDGE OR
9 SATISFACTORY EVIDENCE OF THE IDENTITY OF THE INDIVIDUAL, THAT THE
10 INDIVIDUAL APPEARING BEFORE THE OFFICER AND SIGNING THE RECORD
11 HAS THE IDENTITY CLAIMED.

12 (4) (a) A NOTARIAL OFFICER WHO CERTIFIES A COPY OF A RECORD
13 OR AN ITEM THAT WAS COPIED SHALL DETERMINE THAT THE COPY IS A
14 FULL, TRUE, AND ACCURATE TRANSCRIPTION OR REPRODUCTION OF THE
15 RECORD OR ITEM.

16 (b) A NOTARIAL OFFICER SHALL NOT CERTIFY A COPY OF A RECORD
17 THAT CAN BE OBTAINED FROM ANY OF THE FOLLOWING OFFICES IN THIS
18 STATE:

19 (I) A CLERK AND RECORDER OF PUBLIC DOCUMENTS;

20 (II) THE SECRETARY OF STATE;

21 (III) THE STATE ARCHIVES; OR

22 (IV) AN OFFICE OF VITAL RECORDS.

23 (c) A NOTARIAL OFFICER SHALL NOT CERTIFY A COPY OF A RECORD
24 IF THE RECORD STATES ON ITS FACE THAT IT IS ILLEGAL TO COPY THE
25 RECORD.

26 (5) (a) A NOTARIAL OFFICER WHO MAKES OR NOTES A PROTEST OF
27 A NEGOTIABLE INSTRUMENT SHALL DETERMINE THE MATTERS SET FORTH

1 IN SECTION 4-3-505 (b) OF THE "UNIFORM COMMERCIAL CODE".

2 (b) A NOTARY PUBLIC SHALL NOT MAKE OR NOTE A PROTEST OF A
3 NEGOTIABLE INSTRUMENT UNLESS THE NOTARY IS AN EMPLOYEE OF A
4 FINANCIAL INSTITUTION ACTING IN THE COURSE AND SCOPE OF THE
5 NOTARY'S EMPLOYMENT WITH THE FINANCIAL INSTITUTION.

6 **24-21-506. Personal appearance required.** (1) IF A NOTARIAL
7 ACT RELATES TO A STATEMENT MADE IN OR A SIGNATURE EXECUTED ON
8 A RECORD, THE INDIVIDUAL MAKING THE STATEMENT OR EXECUTING THE
9 SIGNATURE SHALL APPEAR PERSONALLY BEFORE THE NOTARIAL OFFICER.

10 (2) ON OR AFTER THE EFFECTIVE DATE OF RULES ADOPTED BY THE
11 SECRETARY OF STATE PURSUANT TO SECTION 24-21-514.5, AN INDIVIDUAL
12 MAY MAKE A PERSONAL APPEARANCE THROUGH THE USE OF AUDIO-VIDEO
13 COMMUNICATION TECHNOLOGY IN COMPLIANCE WITH THE REQUIREMENTS
14 OF THOSE RULES.

15 **24-21-507. Identification of individual.** (1) A NOTARIAL
16 OFFICER HAS PERSONAL KNOWLEDGE OF THE IDENTITY OF AN INDIVIDUAL
17 APPEARING BEFORE THE OFFICER IF THE INDIVIDUAL IS PERSONALLY
18 KNOWN TO THE OFFICER THROUGH DEALINGS SUFFICIENT TO PROVIDE
19 REASONABLE CERTAINTY THAT THE INDIVIDUAL HAS THE IDENTITY
20 CLAIMED.

21 (2) A NOTARIAL OFFICER HAS SATISFACTORY EVIDENCE OF THE
22 IDENTITY OF AN INDIVIDUAL APPEARING BEFORE THE OFFICER IF THE
23 OFFICER CAN IDENTIFY THE INDIVIDUAL:

24 (a) BY MEANS OF:

25 (I) A PASSPORT, DRIVER'S LICENSE, OR GOVERNMENT-ISSUED
26 NONDRIVER IDENTIFICATION CARD THAT IS CURRENT OR EXPIRED NOT
27 MORE THAN ONE YEAR BEFORE PERFORMANCE OF THE NOTARIAL ACT; OR

1 (II) ANOTHER FORM OF GOVERNMENT IDENTIFICATION ISSUED TO
2 THE INDIVIDUAL THAT IS CURRENT OR EXPIRED NOT MORE THAN ONE YEAR
3 BEFORE PERFORMANCE OF THE NOTARIAL ACT, CONTAINS THE SIGNATURE
4 OR A PHOTOGRAPH OF THE INDIVIDUAL, AND IS SATISFACTORY TO THE
5 OFFICER;

6 (b) BY A VERIFICATION ON OATH OR AFFIRMATION OF A CREDIBLE
7 WITNESS PERSONALLY APPEARING BEFORE THE OFFICER AND KNOWN TO
8 THE OFFICER OR WHOM THE OFFICER CAN IDENTIFY ON THE BASIS OF A
9 PASSPORT, DRIVER'S LICENSE, OR GOVERNMENT-ISSUED NONDRIVER
10 IDENTIFICATION CARD THAT IS CURRENT OR EXPIRED NOT MORE THAN ONE
11 YEAR BEFORE PERFORMANCE OF THE NOTARIAL ACT; OR

12 (c) WHEN AN INDIVIDUAL APPEARS BY USE OF AUDIO-VIDEO
13 COMMUNICATION TECHNOLOGY, IN ACCORDANCE WITH SUCH OTHER
14 MEANS AS SPECIFIED IN RULES ADOPTED BY THE SECRETARY OF STATE
15 PURSUANT TO SECTION 24-21-514.5.

16 (3) A NOTARIAL OFFICER MAY REQUIRE AN INDIVIDUAL TO
17 PROVIDE ADDITIONAL INFORMATION OR IDENTIFICATION CREDENTIALS
18 NECESSARY TO ASSURE THE OFFICER OF THE IDENTITY OF THE INDIVIDUAL.

19 **24-21-508. Authority to refuse to perform notarial act.** (1) A
20 NOTARIAL OFFICER MAY REFUSE TO PERFORM A NOTARIAL ACT IF THE
21 OFFICER IS NOT SATISFIED THAT:

22 (a) THE INDIVIDUAL EXECUTING THE RECORD IS COMPETENT OR
23 HAS THE CAPACITY TO EXECUTE THE RECORD; OR

24 (b) THE INDIVIDUAL'S SIGNATURE IS KNOWINGLY AND
25 VOLUNTARILY MADE.

26 (2) A NOTARIAL OFFICER MAY REFUSE TO PERFORM A NOTARIAL
27 ACT UNLESS REFUSAL IS PROHIBITED BY LAW OTHER THAN THIS PART 5.

1 **24-21-509. Signature if individual unable to sign.** (1) IF AN
2 INDIVIDUAL IS PHYSICALLY UNABLE TO SIGN A RECORD, THE INDIVIDUAL
3 MAY, IN THE PRESENCE OF THE NOTARIAL OFFICER, DIRECT AN INDIVIDUAL
4 OTHER THAN THE NOTARIAL OFFICER TO SIGN THE INDIVIDUAL'S NAME ON
5 THE RECORD. THE NOTARIAL OFFICER SHALL INSERT "SIGNATURE AFFIXED
6 BY (NAME OF OTHER INDIVIDUAL) AT THE DIRECTION OF (NAME OF
7 INDIVIDUAL)" OR WORDS OF SIMILAR IMPORT UNDER OR NEAR THE
8 SIGNATURE.

9 (2) A NOTARY PUBLIC MAY USE SIGNALS OR ELECTRONIC OR
10 MECHANICAL MEANS TO TAKE AN ACKNOWLEDGMENT FROM, ADMINISTER
11 AN OATH OR AFFIRMATION TO, OR OTHERWISE COMMUNICATE WITH ANY
12 INDIVIDUAL IN THE PRESENCE OF THE NOTARY PUBLIC WHEN IT APPEARS
13 THAT THE INDIVIDUAL IS UNABLE TO COMMUNICATE VERBALLY OR IN
14 WRITING.

15 **24-21-510. Notarial act in this state.** (1) A NOTARIAL ACT MAY
16 BE PERFORMED IN THIS STATE BY:

- 17 (a) A NOTARY PUBLIC OF THIS STATE;
- 18 (b) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THIS STATE;
- 19 OR
- 20 (c) ANY OTHER INDIVIDUAL AUTHORIZED TO PERFORM THE
21 SPECIFIC ACT BY THE LAW OF THIS STATE.

22 (2) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
23 NOTARIAL ACT IN THIS STATE ARE PRIMA FACIE EVIDENCE THAT THE
24 SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE
25 DESIGNATED TITLE.

26 (3) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED
27 IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION CONCLUSIVELY

1 ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL
2 ACT.

3 **24-21-511. Notarial act in another state.** (1) A NOTARIAL ACT
4 PERFORMED IN ANOTHER STATE HAS THE SAME EFFECT UNDER THE LAW OF
5 THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF THIS STATE IF
6 THE ACT PERFORMED IN THAT STATE IS PERFORMED BY:

7 (a) A NOTARY PUBLIC OF THAT STATE;

8 (b) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THAT
9 STATE; OR

10 (c) ANY OTHER INDIVIDUAL AUTHORIZED BY THE LAW OF THAT
11 STATE TO PERFORM THE NOTARIAL ACT.

12 (2) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
13 NOTARIAL ACT IN ANOTHER STATE ARE PRIMA FACIE EVIDENCE THAT THE
14 SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE
15 DESIGNATED TITLE.

16 (3) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED
17 IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION CONCLUSIVELY
18 ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL
19 ACT.

20 **24-21-512. Notarial act under authority of federally**
21 **recognized Indian tribe.** (1) A NOTARIAL ACT PERFORMED UNDER THE
22 AUTHORITY AND IN THE JURISDICTION OF A FEDERALLY RECOGNIZED
23 INDIAN TRIBE HAS THE SAME EFFECT AS IF PERFORMED BY A NOTARIAL
24 OFFICER OF THIS STATE IF THE ACT PERFORMED IN THE JURISDICTION OF
25 THE TRIBE IS PERFORMED BY:

26 (a) A NOTARY PUBLIC OF THE TRIBE;

27 (b) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THE TRIBE;

1 OR

2 (c) ANY OTHER INDIVIDUAL AUTHORIZED BY THE LAW OF THE
3 TRIBE TO PERFORM THE NOTARIAL ACT.

4 (2) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
5 NOTARIAL ACT UNDER THE AUTHORITY OF AND IN THE JURISDICTION OF A
6 FEDERALLY RECOGNIZED INDIAN TRIBE ARE PRIMA FACIE EVIDENCE THAT
7 THE SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE
8 DESIGNATED TITLE.

9 (3) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED
10 IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION CONCLUSIVELY
11 ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL
12 ACT.

13 **24-21-513. Notarial act under federal authority.** (1) A
14 NOTARIAL ACT PERFORMED UNDER FEDERAL LAW HAS THE SAME EFFECT
15 UNDER THE LAW OF THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER
16 OF THIS STATE IF THE ACT PERFORMED UNDER FEDERAL LAW IS PERFORMED
17 BY:

18 (a) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT;

19 (b) AN INDIVIDUAL IN MILITARY SERVICE OR PERFORMING DUTIES
20 UNDER THE AUTHORITY OF MILITARY SERVICE WHO IS AUTHORIZED TO
21 PERFORM NOTARIAL ACTS UNDER FEDERAL LAW;

22 (c) AN INDIVIDUAL DESIGNATED A NOTARIZING OFFICER BY THE
23 UNITED STATES DEPARTMENT OF STATE FOR PERFORMING NOTARIAL ACTS
24 OVERSEAS; OR

25 (d) ANY OTHER INDIVIDUAL AUTHORIZED BY FEDERAL LAW TO
26 PERFORM THE NOTARIAL ACT.

27 (2) THE SIGNATURE AND TITLE OF AN INDIVIDUAL ACTING UNDER

1 FEDERAL AUTHORITY AND PERFORMING A NOTARIAL ACT ARE PRIMA FACIE
2 EVIDENCE THAT THE SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL
3 HOLDS THE DESIGNATED TITLE.

4 (3) THE SIGNATURE AND TITLE OF AN OFFICER DESCRIBED IN
5 SUBSECTION (1)(a), (1)(b), OR (1)(c) OF THIS SECTION CONCLUSIVELY
6 ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL
7 ACT.

8 **24-21-514. Foreign notarial act.** (1) IN THIS SECTION, "FOREIGN
9 STATE" MEANS A GOVERNMENT OTHER THAN THE UNITED STATES, A
10 STATE, OR A FEDERALLY RECOGNIZED INDIAN TRIBE.

11 (2) IF A NOTARIAL ACT IS PERFORMED UNDER AUTHORITY AND IN
12 THE JURISDICTION OF A FOREIGN STATE OR CONSTITUENT UNIT OF THE
13 FOREIGN STATE OR IS PERFORMED UNDER THE AUTHORITY OF A
14 MULTINATIONAL OR INTERNATIONAL GOVERNMENTAL ORGANIZATION, THE
15 ACT HAS THE SAME EFFECT UNDER THE LAW OF THIS STATE AS IF
16 PERFORMED BY A NOTARIAL OFFICER OF THIS STATE.

17 (3) IF THE TITLE OF OFFICE AND INDICATION OF AUTHORITY TO
18 PERFORM NOTARIAL ACTS IN A FOREIGN STATE APPEARS IN A DIGEST OF
19 FOREIGN LAW OR IN A LIST CUSTOMARILY USED AS A SOURCE FOR THAT
20 INFORMATION, THE AUTHORITY OF AN OFFICER WITH THAT TITLE TO
21 PERFORM NOTARIAL ACTS IS CONCLUSIVELY ESTABLISHED.

22 (4) THE SIGNATURE AND OFFICIAL STAMP OF AN INDIVIDUAL
23 HOLDING AN OFFICE DESCRIBED IN SUBSECTION (3) OF THIS SECTION ARE
24 PRIMA FACIE EVIDENCE THAT THE SIGNATURE IS GENUINE AND THE
25 INDIVIDUAL HOLDS THE DESIGNATED TITLE.

26 (5) AN APOSTILLE IN THE FORM PRESCRIBED BY THE HAGUE
27 CONVENTION OF OCTOBER 5, 1961, AND ISSUED BY A FOREIGN STATE

1 PARTY TO THE CONVENTION CONCLUSIVELY ESTABLISHES THAT THE
2 SIGNATURE OF THE NOTARIAL OFFICER IS GENUINE AND THAT THE OFFICER
3 HOLDS THE INDICATED OFFICE.

4 (6) A CONSULAR AUTHENTICATION ISSUED BY AN INDIVIDUAL
5 DESIGNATED BY THE UNITED STATES DEPARTMENT OF STATE AS A
6 NOTARIZING OFFICER FOR PERFORMING NOTARIAL ACTS OVERSEAS AND
7 ATTACHED TO THE RECORD WITH RESPECT TO WHICH THE NOTARIAL ACT
8 IS PERFORMED CONCLUSIVELY ESTABLISHES THAT THE SIGNATURE OF THE
9 NOTARIAL OFFICER IS GENUINE AND THAT THE OFFICER HOLDS THE
10 INDICATED OFFICE.

11 **24-21-514.5. Audio-video communication - rules. (1) NOLATER**
12 **THAN OCTOBER 1, 2018, THE SECRETARY OF STATE SHALL ADOPT RULES**
13 **REGARDING THE PERFORMANCE OF A NOTARIAL ACT WITH RESPECT TO AN**
14 **INDIVIDUAL WHO APPEARS BEFORE A COLORADO NOTARIAL OFFICER**
15 **PHYSICALLY PRESENT IN COLORADO, BY MEANS OF AUDIO-VIDEO**
16 **COMMUNICATION. THE RULES MUST:**

17 **(a) PRESCRIBE THE TECHNOLOGICAL MEANS OF PERFORMING A**
18 **NOTARIAL ACT INVOLVING AUDIO-VIDEO COMMUNICATION, INCLUDING**
19 **VALIDATION OF THE PRINCIPAL'S IDENTITY WHEN THE TECHNOLOGY IS**
20 **USED TO PERFORM THE NOTARIAL ACT;**

21 **(b) ESTABLISH STANDARDS FOR TECHNOLOGY AND FOR APPROVAL**
22 **PRIOR TO A COLORADO NOTARIAL OFFICER'S USE OF SUCH TECHNOLOGY;**

23 **(c) ESTABLISH STANDARDS FOR THE RETENTION OF THE RECORD OF**
24 **A NOTARIAL ACT PERFORMED BY AUDIO-VIDEO COMMUNICATION;**

25 **(d) SPECIFY THE FORM AND CONTENT OF THE NOTARIAL**
26 **CERTIFICATE IN CONNECTION WITH A NOTARIAL ACT PERFORMED BY**
27 **AUDIO-VIDEO COMMUNICATION;**

1 (e) DESCRIBE ANY LIMITATIONS ON THE CIRCUMSTANCES IN WHICH
2 NOTARIAL ACTS MAY BE PERFORMED BY AUDIO-VIDEO COMMUNICATION;
3 AND

4 (f) INCLUDE SUCH OTHER ITEMS AS ARE APPROPRIATE AND
5 CONSISTENT WITH THIS PART 5 IN ORDER TO ENSURE THE SECURITY AND
6 INTEGRITY OF NOTARIAL ACTS INVOLVING AUDIO-VIDEO COMMUNICATION.

7 **24-21-515. Certificate of notarial act.** (1) A NOTARIAL ACT
8 MUST BE EVIDENCED BY A CERTIFICATE. THE CERTIFICATE MUST:

9 (a) BE EXECUTED CONTEMPORANEOUSLY WITH THE PERFORMANCE
10 OF THE NOTARIAL ACT;

11 (b) BE SIGNED AND DATED BY THE NOTARIAL OFFICER AND, IF THE
12 NOTARIAL OFFICER IS A NOTARY PUBLIC, BE SIGNED IN THE SAME MANNER
13 AS ON FILE WITH THE SECRETARY OF STATE;

14 (c) IDENTIFY THE COUNTY AND STATE IN WHICH THE NOTARIAL
15 ACT IS PERFORMED;

16 (d) CONTAIN THE TITLE OF OFFICE OF THE NOTARIAL OFFICER; AND

17 (e) IF THE NOTARIAL OFFICER IS A NOTARY PUBLIC, INDICATE THE
18 DATE OF EXPIRATION OF THE OFFICER'S COMMISSION.

19 (2) IF A NOTARIAL ACT REGARDING A TANGIBLE RECORD IS
20 PERFORMED BY A NOTARY PUBLIC, AN OFFICIAL STAMP MUST BE AFFIXED
21 TO THE CERTIFICATE. IF A NOTARIAL ACT IS PERFORMED REGARDING A
22 TANGIBLE RECORD BY A NOTARIAL OFFICER OTHER THAN A NOTARY
23 PUBLIC AND THE CERTIFICATE CONTAINS THE INFORMATION SPECIFIED IN
24 SUBSECTIONS (1)(b), (1)(c), AND (1)(d) OF THIS SECTION, AN OFFICIAL
25 STAMP MAY BE AFFIXED TO THE CERTIFICATE. IF A NOTARIAL ACT
26 REGARDING AN ELECTRONIC RECORD IS PERFORMED BY A NOTARIAL
27 OFFICER AND THE CERTIFICATE CONTAINS THE INFORMATION SPECIFIED IN

1 SUBSECTIONS (1)(b), (1)(c), AND (1)(d) OF THIS SECTION, AN OFFICIAL
2 STAMP MAY BE ATTACHED TO OR LOGICALLY ASSOCIATED WITH THE
3 CERTIFICATE.

4 (3) A CERTIFICATE OF A NOTARIAL ACT IS SUFFICIENT IF IT MEETS
5 THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION AND:

6 (a) IS IN A SHORT FORM SET FORTH IN SECTION 24-21-516;

7 (b) IS IN A FORM OTHERWISE PERMITTED BY THE LAW OF THIS
8 STATE;

9 (c) IS IN A FORM PERMITTED BY THE LAW APPLICABLE IN THE
10 JURISDICTION IN WHICH THE NOTARIAL ACT WAS PERFORMED; OR

11 (d) SETS FORTH THE ACTIONS OF THE NOTARIAL OFFICER AND THE
12 ACTIONS ARE SUFFICIENT TO MEET THE REQUIREMENTS OF THE NOTARIAL
13 ACT AS PROVIDED IN SECTIONS 24-21-505, 24-21-506, AND 24-21-507 OR
14 LAW OF THIS STATE OTHER THAN THIS PART 5.

15 (4) BY EXECUTING A CERTIFICATE OF A NOTARIAL ACT, A
16 NOTARIAL OFFICER CERTIFIES THAT THE OFFICER HAS COMPLIED WITH THE
17 REQUIREMENTS AND MADE THE DETERMINATIONS SPECIFIED IN SECTIONS
18 24-21-504, 24-21-505, AND 24-21-506.

19 (5) A NOTARIAL OFFICER SHALL NOT AFFIX THE OFFICER'S
20 SIGNATURE TO, OR LOGICALLY ASSOCIATE IT WITH, A CERTIFICATE UNTIL
21 THE NOTARIAL ACT HAS BEEN PERFORMED.

22 (6) IF A NOTARIAL ACT IS PERFORMED REGARDING A TANGIBLE
23 RECORD, A CERTIFICATE MUST BE PART OF, OR SECURELY ATTACHED TO,
24 THE RECORD. IF A NOTARIAL ACT IS PERFORMED REGARDING AN
25 ELECTRONIC RECORD, THE CERTIFICATE MUST BE AFFIXED TO, OR
26 LOGICALLY ASSOCIATED WITH, THE ELECTRONIC RECORD. IF THE
27 SECRETARY OF STATE HAS ESTABLISHED STANDARDS PURSUANT TO

1 SECTION 24-21-527 FOR ATTACHING, AFFIXING, OR LOGICALLY
2 ASSOCIATING THE CERTIFICATE, THE PROCESS MUST CONFORM TO THE
3 STANDARDS.

4 **24-21-516. Short form certificates.** (1) THE FOLLOWING SHORT
5 FORM CERTIFICATES OF NOTARIAL ACTS ARE SUFFICIENT FOR THE
6 PURPOSES INDICATED, IF COMPLETED WITH THE INFORMATION REQUIRED
7 BY SECTION 24-21-515 (1) AND (2):

8 (a) FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

9 STATE OF _____

10 COUNTY OF _____

11 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON

12 _____ (DATE) BY _____ (NAME(S) OF INDIVIDUAL(S))

13 _____

14 SIGNATURE OF NOTARIAL OFFICER

15 STAMP

16 (_____(TITLE OF OFFICE)_____))

17 MY COMMISSION EXPIRES: _____

18 (b) FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

19 STATE OF _____

20 COUNTY OF _____

21 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON

22 _____ (DATE) BY _____ (NAME(S) OF INDIVIDUAL(S))

23 AS (TYPE OF AUTHORITY, SUCH AS OFFICER OR TRUSTEE) OF

24 (NAME OF PARTY ON BEHALF OF WHOM RECORD WAS

25 EXECUTED).

26 _____

27 SIGNATURE OF NOTARIAL OFFICER

1 STAMP
2 (_____(TITLE OF OFFICE)_____)
3 MY COMMISSION EXPIRES: _____
4 (c) FOR A VERIFICATION ON OATH OR AFFIRMATION:
5 STATE OF _____
6 COUNTY OF _____
7 SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME ON
8 _____(DATE)_____ BY _____(NAME(S) OF INDIVIDUAL(S))
9 MAKING STATEMENT
10 _____
11 SIGNATURE OF NOTARIAL OFFICER
12 STAMP
13 (_____(TITLE OF OFFICE)_____)
14 MY COMMISSION EXPIRES: _____
15 (d) FOR WITNESSING OR ATTESTING A SIGNATURE:
16 STATE OF _____
17 COUNTY OF _____
18 SIGNED BEFORE ME ON _____(DATE)_____ BY _____(NAME(S) OF
19 INDIVIDUAL(S))
20 _____
21 SIGNATURE OF NOTARIAL OFFICER
22 STAMP
23 (_____(TITLE OF OFFICE)_____)
24 MY COMMISSION EXPIRES: _____
25 (e) FOR CERTIFYING A COPY OF A RECORD:
26 STATE OF _____
27 COUNTY OF _____

1 I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A
2 RECORD IN THE POSSESSION OF _____.

3 DATED _____
4 _____

5 SIGNATURE OF NOTARIAL OFFICER

6 STAMP

7 (_____ (TITLE OF OFFICE) _____)

8 MY COMMISSION EXPIRES: _____

9 **24-21-517. Official stamp.** (1) THE OFFICIAL STAMP OF A NOTARY
10 PUBLIC MUST:

11 (a) BE RECTANGULAR AND CONTAIN ONLY THE OUTLINE OF THE
12 SEAL AND THE FOLLOWING INFORMATION PRINTED WITHIN THE OUTLINE OF
13 THE SEAL:

14 (I) THE NOTARY PUBLIC'S NAME, AS IT APPEARS ON THE NOTARY'S
15 CERTIFICATE OF COMMISSION;

16 (II) THE NOTARY'S IDENTIFICATION NUMBER;

17 (III) THE NOTARY'S COMMISSION EXPIRATION DATE;

18 (IV) THE WORDS "STATE OF COLORADO"; AND

19 (V) THE WORDS "NOTARY PUBLIC"; AND

20 (b) BE CAPABLE OF BEING COPIED TOGETHER WITH THE RECORD TO
21 WHICH IT IS AFFIXED OR ATTACHED OR WITH WHICH IT IS LOGICALLY
22 ASSOCIATED.

23 (2) A NOTARY PUBLIC SHALL NOT PROVIDE, KEEP, OR USE A SEAL
24 EMBOSSER.

25 **24-21-518. Stamping device.** (1) A NOTARY PUBLIC IS
26 RESPONSIBLE FOR THE SECURITY OF THE NOTARY PUBLIC'S STAMPING
27 DEVICE AND MAY NOT ALLOW ANOTHER INDIVIDUAL TO USE THE DEVICE

1 TO PERFORM A NOTARIAL ACT. ON RESIGNATION FROM, OR THE
2 REVOCATION OR EXPIRATION OF, THE NOTARY PUBLIC'S COMMISSION, OR
3 ON THE EXPIRATION OF THE DATE SET FORTH IN THE STAMPING DEVICE, IF
4 ANY, THE NOTARY PUBLIC SHALL DISABLE THE STAMPING DEVICE BY
5 DESTROYING, DEFACING, DAMAGING, ERASING, OR SECURING IT AGAINST
6 USE IN A MANNER THAT RENDERS IT UNUSABLE. ON THE DEATH OR
7 ADJUDICATION OF INCOMPETENCY OF A NOTARY PUBLIC, THE NOTARY
8 PUBLIC'S PERSONAL REPRESENTATIVE OR GUARDIAN OR ANY OTHER
9 PERSON KNOWINGLY IN POSSESSION OF THE STAMPING DEVICE SHALL
10 RENDER IT UNUSABLE BY DESTROYING, DEFACING, DAMAGING, ERASING,
11 OR SECURING IT AGAINST USE IN A MANNER THAT RENDERS IT UNUSABLE.

12 (2) IF A NOTARY PUBLIC'S STAMPING DEVICE IS LOST OR STOLEN,
13 THE NOTARY PUBLIC OR THE NOTARY PUBLIC'S PERSONAL REPRESENTATIVE
14 OR GUARDIAN SHALL NOTIFY THE SECRETARY OF STATE IN WRITING WITHIN
15 THIRTY DAYS AFTER DISCOVERING THAT THE DEVICE IS LOST OR STOLEN.

16 **24-21-519. Journal.** (1) A NOTARY PUBLIC SHALL MAINTAIN A
17 JOURNAL IN WHICH THE NOTARY PUBLIC CHRONICLES ALL NOTARIAL ACTS
18 THAT THE NOTARY PUBLIC PERFORMS. THE NOTARY PUBLIC SHALL RETAIN
19 THE JOURNAL FOR TEN YEARS AFTER THE PERFORMANCE OF THE LAST
20 NOTARIAL ACT CHRONICLED IN THE JOURNAL.

21 (2) A JOURNAL MAY BE CREATED ON A TANGIBLE MEDIUM OR IN AN
22 ELECTRONIC FORMAT. IF A JOURNAL IS MAINTAINED ON A TANGIBLE
23 MEDIUM, IT MUST BE A PERMANENT, BOUND REGISTER WITH NUMBERED
24 PAGES. IF A JOURNAL IS MAINTAINED IN AN ELECTRONIC FORMAT, IT MUST
25 BE IN A PERMANENT, TAMPER-EVIDENT ELECTRONIC FORMAT COMPLYING
26 WITH THE RULES OF THE SECRETARY OF STATE.

27 (3) AN ENTRY IN A JOURNAL MUST BE MADE

1 CONTEMPORANEOUSLY WITH PERFORMANCE OF THE NOTARIAL ACT AND
2 CONTAIN THE FOLLOWING INFORMATION:

- 3 (a) THE DATE AND TIME OF THE NOTARIAL ACT;
- 4 (b) A DESCRIPTION OF THE RECORD, IF ANY, AND TYPE OF
5 NOTARIAL ACT;
- 6 (c) THE FULL NAME AND ADDRESS OF EACH INDIVIDUAL FOR WHOM
7 THE NOTARIAL ACT IS PERFORMED;
- 8 (d) THE SIGNATURE OR ELECTRONIC SIGNATURE OF EACH
9 INDIVIDUAL FOR WHOM THE NOTARIAL ACT IS PERFORMED;
- 10 (e) IF IDENTITY OF THE INDIVIDUAL IS BASED ON PERSONAL
11 KNOWLEDGE, A STATEMENT TO THAT EFFECT;
- 12 (f) IF IDENTITY OF THE INDIVIDUAL IS BASED ON SATISFACTORY
13 EVIDENCE, A BRIEF DESCRIPTION OF THE METHOD OF IDENTIFICATION AND
14 THE TYPE OF IDENTIFICATION CREDENTIAL PRESENTED, IF ANY; AND
- 15 (g) THE FEE, IF ANY, CHARGED BY THE NOTARY PUBLIC.

16 (4) A NOTARY PUBLIC IS RESPONSIBLE FOR THE SECURITY OF THE
17 NOTARY PUBLIC'S JOURNAL. A NOTARY PUBLIC SHALL KEEP THE JOURNAL
18 IN A SECURE AREA UNDER THE EXCLUSIVE CONTROL OF THE NOTARY, AND
19 SHALL NOT ALLOW ANY OTHER NOTARY TO USE THE JOURNAL.

20 (5) UPON WRITTEN REQUEST OF ANY MEMBER OF THE PUBLIC,
21 WHICH REQUEST MUST INCLUDE THE NAME OF THE PARTIES, THE TYPE OF
22 DOCUMENT, AND THE MONTH AND YEAR IN WHICH A RECORD WAS
23 NOTARIZED, A NOTARY PUBLIC MAY SUPPLY A CERTIFIED COPY OF THE LINE
24 ITEM REPRESENTING THE REQUESTED TRANSACTION. A NOTARY PUBLIC
25 MAY CHARGE THE FEE ALLOWED IN SECTION 24-21-529 FOR EACH
26 CERTIFIED COPY OF A LINE ITEM, AND SHALL RECORD THE TRANSACTION
27 IN THE NOTARY'S JOURNAL.

1 (6) THE SECRETARY OF STATE MAY AUDIT OR INSPECT A NOTARY
2 PUBLIC'S JOURNAL WITHOUT RESTRICTION. A NOTARY PUBLIC SHALL
3 SURRENDER THE NOTARY'S JOURNAL TO THE SECRETARY OF STATE UPON
4 RECEIVING A WRITTEN REQUEST.

5 (7) A CERTIFIED PEACE OFFICER, AS DEFINED IN SECTION
6 16-2.5-102, ACTING IN THE COURSE OF AN OFFICIAL INVESTIGATION MAY
7 INSPECT A NOTARY PUBLIC'S JOURNAL WITHOUT RESTRICTION.

8 (8) IF A NOTARY PUBLIC'S JOURNAL IS LOST OR STOLEN, THE
9 NOTARY PUBLIC SHALL NOTIFY THE SECRETARY OF STATE IN WRITING
10 WITHIN THIRTY DAYS AFTER DISCOVERING THAT THE JOURNAL IS LOST OR
11 STOLEN.

12 (9) ON RESIGNATION FROM, OR THE REVOCATION OR EXPIRATION
13 OF, A NOTARY PUBLIC'S COMMISSION, THE NOTARY PUBLIC SHALL RETAIN
14 THE NOTARY PUBLIC'S JOURNAL IN ACCORDANCE WITH SUBSECTION (1) OF
15 THIS SECTION AND INFORM THE SECRETARY OF STATE WHERE THE JOURNAL
16 IS LOCATED.

17 (10) (a) INSTEAD OF RETAINING A JOURNAL AS PROVIDED IN
18 SUBSECTIONS (1) AND (9) OF THIS SECTION, A CURRENT OR FORMER
19 NOTARY PUBLIC MAY:

20 (I) TRANSMIT THE JOURNAL TO THE STATE ARCHIVES ESTABLISHED
21 PURSUANT TO PART 1 OF ARTICLE 80 OF THIS TITLE 24; OR

22 (II) LEAVE THE JOURNAL WITH THE NOTARY'S FIRM OR EMPLOYER
23 IN THE REGULAR COURSE OF BUSINESS.

24 (b) IF NOTARY PUBLIC ACTS PURSUANT TO SUBSECTION (10)(a) OF
25 THIS SECTION, THE NOTARY PUBLIC IS NO LONGER SUBJECT TO SUBSECTION
26 (5) OF THIS SECTION AND SHALL NOTIFY THE SECRETARY OF STATE IN
27 WRITING WHETHER THE NOTARY HAS TRANSMITTED THE JOURNAL TO THE

1 STATE ARCHIVES OR THE FIRM OR EMPLOYER, INCLUDING THE CONTACT
2 INFORMATION FOR THE FIRM OR EMPLOYER IF THE NOTARY LEAVES THE
3 JOURNAL WITH THE NOTARY'S FIRM OR EMPLOYER.

4 (c) INSTEAD OF MAINTAINING A JOURNAL AS REQUIRED BY
5 SUBSECTION (1) OF THIS SECTION, A NOTARY PUBLIC MAY MAINTAIN THE
6 ORIGINAL OR A COPY, INCLUDING AN ELECTRONIC RECORD, OF A
7 DOCUMENT THAT CONTAINS THE INFORMATION OTHERWISE REQUIRED TO
8 BE ENTERED IN THE NOTARY'S JOURNAL IF THE NOTARY'S FIRM OR
9 EMPLOYER RETAINS THE ORIGINAL, COPY, OR ELECTRONIC RECORD IN THE
10 REGULAR COURSE OF BUSINESS.

11 (11) ON THE DEATH OR ADJUDICATION OF INCOMPETENCY OF A
12 CURRENT OR FORMER NOTARY PUBLIC, THE NOTARY PUBLIC'S PERSONAL
13 REPRESENTATIVE OR GUARDIAN OR ANY OTHER PERSON KNOWINGLY IN
14 POSSESSION OF THE JOURNAL SHALL TRANSMIT IT TO THE STATE ARCHIVES
15 ESTABLISHED PURSUANT TO PART 1 OF ARTICLE 80 OF THIS TITLE 24. THE
16 PERSON SHALL NOTIFY THE SECRETARY OF STATE IN WRITING WHEN THE
17 PERSON TRANSMITS THE JOURNAL TO THE STATE ARCHIVES.

18 **24-21-520. Notification regarding performance of notarial act**
19 **on electronic record - selection of technology.** (1) A NOTARY PUBLIC
20 MAY SELECT ONE OR MORE TAMPER-EVIDENT TECHNOLOGIES TO PERFORM
21 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS. A PERSON MAY
22 NOT REQUIRE A NOTARY PUBLIC TO PERFORM A NOTARIAL ACT WITH
23 RESPECT TO AN ELECTRONIC RECORD WITH A TECHNOLOGY THAT THE
24 NOTARY PUBLIC HAS NOT SELECTED.

25 (2) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S
26 INITIAL NOTARIAL ACT WITH RESPECT TO AN ELECTRONIC RECORD, A
27 NOTARY PUBLIC SHALL NOTIFY THE SECRETARY OF STATE THAT THE

1 NOTARY PUBLIC WILL BE PERFORMING NOTARIAL ACTS WITH RESPECT TO
2 ELECTRONIC RECORDS AND IDENTIFY THE TECHNOLOGY THE NOTARY
3 PUBLIC INTENDS TO USE. IF THE SECRETARY OF STATE HAS ESTABLISHED
4 STANDARDS FOR APPROVAL OF TECHNOLOGY PURSUANT TO SECTION
5 24-21-527, THE TECHNOLOGY MUST CONFORM TO THE STANDARDS. IF THE
6 TECHNOLOGY CONFORMS TO THE STANDARDS, THE SECRETARY OF STATE
7 SHALL APPROVE THE USE OF THE TECHNOLOGY.

8 (3) IN EVERY INSTANCE, THE ELECTRONIC SIGNATURE OF A NOTARY
9 PUBLIC MUST CONTAIN OR BE ACCOMPANIED BY THE FOLLOWING
10 ELEMENTS, ALL OF WHICH MUST BE IMMEDIATELY PERCEPTIBLE AND
11 REPRODUCIBLE IN THE ELECTRONIC RECORD TO WHICH THE NOTARY'S
12 ELECTRONIC SIGNATURE IS ATTACHED: THE NOTARY'S NAME, AS IT
13 APPEARS ON THE NOTARY'S CERTIFICATE OF COMMISSION; THE NOTARY'S
14 IDENTIFICATION NUMBER; THE WORDS "NOTARY PUBLIC" AND "STATE OF
15 COLORADO"; A DOCUMENT AUTHENTICATION NUMBER ISSUED BY THE
16 SECRETARY OF STATE; AND THE WORDS "MY COMMISSION EXPIRES"
17 FOLLOWED BY THE EXPIRATION DATE OF THE NOTARY'S COMMISSION. A
18 NOTARY'S ELECTRONIC SIGNATURE MUST CONFORM TO ANY STANDARDS
19 PROMULGATED BY THE SECRETARY OF STATE.

20 **24-21-521. Commission as notary public - qualifications - no**
21 **immunity or benefit.** (1) AN INDIVIDUAL QUALIFIED UNDER SUBSECTION
22 (3) OF THIS SECTION MAY APPLY TO THE SECRETARY OF STATE FOR A
23 COMMISSION AS A NOTARY PUBLIC. THE APPLICANT SHALL COMPLY WITH
24 AND PROVIDE THE INFORMATION REQUIRED BY RULES ESTABLISHED BY
25 THE SECRETARY OF STATE AND PAY ANY APPLICATION FEE. IN
26 ACCORDANCE WITH SECTION 24-21-111 (1), THE SECRETARY OF STATE
27 MAY REQUIRE, AT THE SECRETARY OF STATE'S DISCRETION, THE

1 APPLICATION REQUIRED BY THIS SECTION, AND ANY RENEWAL OF THE
2 APPLICATION, TO BE MADE BY ELECTRONIC MEANS DESIGNATED BY THE
3 SECRETARY OF STATE.

4 (2) IN ACCORDANCE WITH SECTION 42-1-211, THE DEPARTMENT OF
5 STATE AND THE DEPARTMENT OF REVENUE SHALL ALLOW FOR THE
6 EXCHANGE OF INFORMATION AND DATA COLLECTED BY THE SYSTEMS USED
7 BY THE DEPARTMENTS TO COLLECT INFORMATION ON LEGAL NAMES AND
8 SIGNATURES OF ALL APPLICANTS FOR DRIVER'S LICENSES OR STATE
9 IDENTIFICATION CARDS.

10 (3) AN APPLICANT FOR A COMMISSION AS A NOTARY PUBLIC MUST:

11 (a) BE AT LEAST EIGHTEEN YEARS OF AGE;

12 (b) BE A CITIZEN OR PERMANENT LEGAL RESIDENT OF THE UNITED
13 STATES OR OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES;

14 (c) BE A RESIDENT OF OR HAVE A PLACE OF EMPLOYMENT OR
15 PRACTICE IN THIS STATE;

16 (d) BE ABLE TO READ AND WRITE ENGLISH;

17 (e) NOT BE DISQUALIFIED TO RECEIVE A COMMISSION UNDER
18 SECTION 24-21-523; AND

19 (f) HAVE PASSED THE EXAMINATION REQUIRED UNDER SECTION
20 24-21-522 (1).

21 (4) THE SECRETARY OF STATE SHALL VERIFY THE LAWFUL
22 PRESENCE IN THE UNITED STATES OF EACH APPLICANT THROUGH THE
23 VERIFICATION PROCESS OUTLINED IN SECTION 24-76.5-103 (4).

24 (5) BEFORE ISSUANCE OF A COMMISSION AS A NOTARY PUBLIC, AN
25 APPLICANT FOR THE COMMISSION SHALL TAKE THE FOLLOWING
26 AFFIRMATION IN THE PRESENCE OF A PERSON QUALIFIED TO ADMINISTER
27 AN AFFIRMATION IN THIS STATE:

1 I, (NAME OF APPLICANT), SOLEMNLY AFFIRM, UNDER
2 THE PENALTY OF PERJURY IN THE SECOND DEGREE, AS
3 DEFINED IN SECTION 18-8-503, COLORADO REVISED
4 STATUTES, THAT I HAVE CAREFULLY READ THE NOTARY
5 LAW OF THIS STATE, AND, IF APPOINTED AND COMMISSIONED
6 AS A NOTARY PUBLIC, I WILL FAITHFULLY PERFORM, TO THE
7 BEST OF MY ABILITY, ALL NOTARIAL ACTS IN CONFORMANCE
8 WITH THE LAW.

9 (SIGNATURE OF APPLICANT)

10 SUBSCRIBED AND AFFIRMED BEFORE ME THIS _____
11 DAY OF _____, 20_____.

12 (OFFICIAL SIGNATURE AND SEAL OF PERSON QUALIFIED TO
13 ADMINISTER AFFIRMATION)

14 (6) ON COMPLIANCE WITH THIS SECTION, THE SECRETARY OF STATE
15 SHALL ISSUE A COMMISSION AS A NOTARY PUBLIC TO AN APPLICANT FOR
16 A TERM OF FOUR YEARS, UNLESS REVOKED IN ACCORDANCE WITH SECTION
17 24-21-523. AN APPLICANT WHO HAS BEEN DENIED APPOINTMENT AND
18 COMMISSION MAY APPEAL THE DECISION IN ACCORDANCE WITH ARTICLE
19 4 OF THIS TITLE 24.

20 (7) A COMMISSION TO ACT AS A NOTARY PUBLIC AUTHORIZES THE
21 NOTARY PUBLIC TO PERFORM NOTARIAL ACTS. THE COMMISSION DOES NOT
22 PROVIDE THE NOTARY PUBLIC ANY IMMUNITY OR BENEFIT CONFERRED BY
23 LAW OF THIS STATE ON PUBLIC OFFICIALS OR EMPLOYEES.

24 **24-21-522. Examination of notary public.** (1) AN APPLICANT
25 FOR A COMMISSION AS A NOTARY PUBLIC WHO DOES NOT HOLD A
26 COMMISSION IN THIS STATE MUST PASS AN EXAMINATION ADMINISTERED
27 BY THE SECRETARY OF STATE OR AN ENTITY APPROVED BY THE SECRETARY

1 OF STATE. THE EXAMINATION MUST BE BASED ON THE COURSE OF STUDY
2 DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

3 (2) THE SECRETARY OF STATE OR AN ENTITY APPROVED BY THE
4 SECRETARY OF STATE SHALL OFFER REGULARLY A COURSE OF STUDY TO
5 APPLICANTS WHO DO NOT HOLD COMMISSIONS AS NOTARIES PUBLIC IN THIS
6 STATE. THE COURSE MUST COVER THE LAWS, RULES, PROCEDURES, AND
7 ETHICS RELEVANT TO NOTARIAL ACTS. THE OFFICE OF THE SECRETARY OF
8 STATE MAY ENTER INTO A CONTRACT WITH A PRIVATE CONTRACTOR OR
9 CONTRACTORS TO CONDUCT NOTARY TRAINING PROGRAMS. THE
10 CONTRACTOR OR CONTRACTORS MAY CHARGE A FEE FOR ANY SUCH
11 TRAINING PROGRAM.

12 **24-21-523. Grounds to deny, refuse to renew, revoke, suspend,**
13 **or condition commission of notary public.** (1) THE SECRETARY OF
14 STATE MAY DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR IMPOSE A
15 CONDITION ON A COMMISSION AS NOTARY PUBLIC FOR:

- 16 (a) FAILURE TO COMPLY WITH THIS PART 5;
- 17 (b) A SUBSTANTIAL AND MATERIAL MISSTATEMENT OR OMISSION
18 OF FACT IN THE APPLICATION FOR A COMMISSION AS A NOTARY PUBLIC
19 SUBMITTED TO THE SECRETARY OF STATE;
- 20 (c) NOTWITHSTANDING SECTION 24-5-101, A CONVICTION OF THE
21 APPLICANT OR NOTARY PUBLIC OF ANY FELONY OR, IN THE PRIOR FIVE
22 YEARS, A MISDEMEANOR INVOLVING DISHONESTY;
- 23 (d) A FINDING AGAINST, OR ADMISSION OF LIABILITY BY, THE
24 APPLICANT OR NOTARY PUBLIC IN ANY LEGAL PROCEEDING OR
25 DISCIPLINARY ACTION BASED ON THE APPLICANT'S OR NOTARY PUBLIC'S
26 FRAUD, DISHONESTY, OR DECEIT;
- 27 (e) FAILURE BY THE NOTARY PUBLIC TO DISCHARGE ANY DUTY

1 REQUIRED OF A NOTARY PUBLIC, WHETHER BY THIS PART 5, RULES OF THE
2 SECRETARY OF STATE, OR ANY FEDERAL OR STATE LAW;

3 (f) USE OF FALSE OR MISLEADING ADVERTISING OR
4 REPRESENTATION BY THE NOTARY PUBLIC REPRESENTING THAT THE
5 NOTARY HAS A DUTY, RIGHT, OR PRIVILEGE THAT THE NOTARY DOES NOT
6 HAVE;

7 (g) VIOLATION BY THE NOTARY PUBLIC OF A RULE OF THE
8 SECRETARY OF STATE REGARDING A NOTARY PUBLIC;

9 (h) DENIAL, REFUSAL TO RENEW, REVOCATION, SUSPENSION, OR
10 CONDITIONING OF A NOTARY PUBLIC COMMISSION IN ANOTHER STATE;

11 (i) A FINDING BY A COURT OF THIS STATE THAT THE APPLICANT OR
12 NOTARY PUBLIC HAS ENGAGED IN THE UNAUTHORIZED PRACTICE OF LAW;

13 (j) FAILURE TO COMPLY WITH ANY TERM OF SUSPENSION OR
14 CONDITION IMPOSED ON THE COMMISSION OF A NOTARY PUBLIC UNDER
15 THIS SECTION; OR

16 (k) PERFORMANCE OF ANY NOTARIAL ACT WHILE NOT CURRENTLY
17 COMMISSIONED BY THE SECRETARY OF STATE.

18 (2) WHENEVER THE SECRETARY OF STATE OR THE SECRETARY OF
19 STATE'S DESIGNEE BELIEVES THAT A VIOLATION OF THIS PART 5 HAS
20 OCCURRED, THE SECRETARY OF STATE OR THE SECRETARY OF STATE'S
21 DESIGNEE MAY INVESTIGATE THE VIOLATION. THE SECRETARY OF STATE
22 OR THE SECRETARY OF STATE'S DESIGNEE MAY ALSO INVESTIGATE
23 POSSIBLE VIOLATIONS OF THIS PART 5 UPON A SIGNED COMPLAINT FROM
24 ANY PERSON.

25 (3) IF THE SECRETARY OF STATE DENIES, REFUSES TO RENEW,
26 REVOKES, SUSPENDS, OR IMPOSES CONDITIONS ON A COMMISSION AS A
27 NOTARY PUBLIC, THE APPLICANT OR NOTARY PUBLIC IS ENTITLED TO

1 TIMELY NOTICE AND HEARING IN ACCORDANCE WITH THE "STATE
2 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE 24.

3 (4) WHEN A COMPLAINT OR INVESTIGATION RESULTS IN A FINDING
4 OF MISCONDUCT THAT, IN THE SECRETARY OF STATE'S DISCRETION, DOES
5 NOT WARRANT INITIATION OF A DISCIPLINARY PROCEEDING, THE
6 SECRETARY OF STATE MAY TAKE NONDISCIPLINARY ACTION. FOR THE
7 PURPOSES OF THIS SUBSECTION (4), NONDISCIPLINARY ACTION INCLUDES
8 THE ISSUANCE OF A LETTER OF ADMONITION, WHICH MAY BE PLACED IN
9 THE NOTARY PUBLIC'S FILE.

10 (5) THE AUTHORITY OF THE SECRETARY OF STATE TO DENY,
11 REFUSE TO RENEW, SUSPEND, REVOKE, OR IMPOSE CONDITIONS ON A
12 COMMISSION AS A NOTARY PUBLIC DOES NOT PREVENT A PERSON FROM
13 SEEKING AND OBTAINING OTHER CRIMINAL OR CIVIL REMEDIES PROVIDED
14 BY LAW.

15 (6) A PERSON WHOSE NOTARY COMMISSION HAS BEEN REVOKED
16 PURSUANT TO THIS PART 5 MAY NOT APPLY FOR OR RECEIVE A COMMISSION
17 AND APPOINTMENT AS A NOTARY.

18 **24-21-524. Database of notaries public.** (1) THE SECRETARY OF
19 STATE SHALL MAINTAIN AN ELECTRONIC DATABASE OF NOTARIES PUBLIC:

20 (a) THROUGH WHICH A PERSON MAY VERIFY THE AUTHORITY OF A
21 NOTARY PUBLIC TO PERFORM NOTARIAL ACTS; AND

22 (b) WHICH INDICATES WHETHER A NOTARY PUBLIC HAS NOTIFIED
23 THE SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING
24 NOTARIAL ACTS ON ELECTRONIC RECORDS.

25 **24-21-525. Prohibited acts.** (1) A COMMISSION AS A NOTARY
26 PUBLIC DOES NOT AUTHORIZE AN INDIVIDUAL TO:

27 (a) ASSIST PERSONS IN DRAFTING LEGAL RECORDS, GIVE LEGAL

1 ADVICE, OR OTHERWISE PRACTICE LAW;

2 (b) ACT AS AN IMMIGRATION CONSULTANT OR AN EXPERT ON

3 IMMIGRATION MATTERS;

4 (c) REPRESENT A PERSON IN A JUDICIAL OR ADMINISTRATIVE

5 PROCEEDING RELATING TO IMMIGRATION TO THE UNITED STATES, UNITED

6 STATES CITIZENSHIP, OR RELATED MATTERS; OR

7 (d) RECEIVE COMPENSATION FOR PERFORMING ANY OF THE

8 ACTIVITIES LISTED IN THIS SUBSECTION (1).

9 (2) A NOTARY PUBLIC SHALL NOT ENGAGE IN FALSE OR DECEPTIVE

10 ADVERTISING.

11 (3) A NOTARY PUBLIC, OTHER THAN AN ATTORNEY LICENSED TO

12 PRACTICE LAW IN THIS STATE, SHALL NOT USE THE TERM "NOTARIO" OR

13 "NOTARIO PUBLICO".

14 (4) A NOTARY PUBLIC, OTHER THAN AN ATTORNEY LICENSED TO

15 PRACTICE LAW IN THIS STATE, SHALL NOT ADVERTISE OR REPRESENT THAT

16 THE NOTARY PUBLIC MAY ASSIST PERSONS IN DRAFTING LEGAL RECORDS,

17 GIVE LEGAL ADVICE, OR OTHERWISE PRACTICE LAW. IF A NOTARY PUBLIC

18 WHO IS NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE IN

19 ANY MANNER ADVERTISES OR REPRESENTS THAT THE NOTARY PUBLIC

20 OFFERS NOTARIAL SERVICES, WHETHER ORALLY OR IN A RECORD,

21 INCLUDING BROADCAST MEDIA, PRINT MEDIA, AND THE INTERNET, THE

22 NOTARY PUBLIC SHALL INCLUDE THE FOLLOWING STATEMENT, OR AN

23 ALTERNATE STATEMENT AUTHORIZED OR REQUIRED BY THE SECRETARY OF

24 STATE, IN THE ADVERTISEMENT OR REPRESENTATION, PROMINENTLY AND

25 IN EACH LANGUAGE USED IN THE ADVERTISEMENT OR REPRESENTATION:

26 "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF

27 COLORADO AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR

1 LEGAL ADVICE. I AM NOT AN IMMIGRATION CONSULTANT, NOR AM I AN
2 EXPERT ON IMMIGRATION MATTERS. IF YOU SUSPECT FRAUD, YOU MAY
3 CONTACT THE COLORADO ATTORNEY GENERAL'S OFFICE OR THE
4 COLORADO SUPREME COURT." IF THE FORM OF ADVERTISEMENT OR
5 REPRESENTATION IS NOT BROADCAST MEDIA, PRINT MEDIA, OR THE
6 INTERNET AND DOES NOT PERMIT INCLUSION OF THE STATEMENT REQUIRED
7 BY THIS SUBSECTION (4) BECAUSE OF SIZE, IT MUST BE DISPLAYED
8 PROMINENTLY OR PROVIDED AT THE PLACE OF PERFORMANCE OF THE
9 NOTARIAL ACT BEFORE THE NOTARIAL ACT IS PERFORMED.

10 (5) A NOTARY PUBLIC, OTHER THAN AN ATTORNEY LICENSED TO
11 PRACTICE LAW IN THIS STATE, SHALL NOT ENGAGE IN CONDUCT THAT
12 CONSTITUTES A DECEPTIVE TRADE PRACTICE PURSUANT TO SECTION
13 6-1-727.

14 (6) EXCEPT AS OTHERWISE ALLOWED BY LAW, A NOTARY PUBLIC
15 SHALL NOT WITHHOLD ACCESS TO OR POSSESSION OF AN ORIGINAL RECORD
16 PROVIDED BY A PERSON THAT SEEKS PERFORMANCE OF A NOTARIAL ACT
17 BY THE NOTARY PUBLIC.

18 (7) A NOTARY PUBLIC SHALL NOT PERFORM ANY NOTARIAL ACT
19 WITH RESPECT TO A RECORD THAT IS BLANK OR THAT CONTAINS UNFILLED
20 BLANKS IN ITS TEXT.

21 **24-21-526. Validity of notarial acts.** EXCEPT AS OTHERWISE
22 PROVIDED IN SECTION 24-21-504 (2), THE FAILURE OF A NOTARIAL OFFICER
23 TO PERFORM A DUTY OR MEET A REQUIREMENT SPECIFIED IN THIS PART 5
24 DOES NOT INVALIDATE A NOTARIAL ACT PERFORMED BY THE NOTARIAL
25 OFFICER. THE VALIDITY OF A NOTARIAL ACT UNDER THIS PART 5 DOES NOT
26 PREVENT AN AGGRIEVED PERSON FROM SEEKING TO INVALIDATE THE
27 RECORD OR TRANSACTION THAT IS THE SUBJECT OF THE NOTARIAL ACT OR

1 FROM SEEKING OTHER REMEDIES BASED ON LAW OF THIS STATE OTHER
2 THAN THIS PART 5 OR LAW OF THE UNITED STATES. THIS SECTION DOES
3 NOT VALIDATE A PURPORTED NOTARIAL ACT PERFORMED BY AN
4 INDIVIDUAL WHO DOES NOT HAVE THE AUTHORITY TO PERFORM NOTARIAL
5 ACTS.

6 **24-21-527. Rules.** (1) THE SECRETARY OF STATE MAY ADOPT
7 RULES TO IMPLEMENT THIS PART 5 IN ACCORDANCE WITH ARTICLE 4 OF
8 THIS TITLE 24. RULES ADOPTED REGARDING THE PERFORMANCE OF
9 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS MAY NOT
10 REQUIRE, OR ACCORD GREATER LEGAL STATUS OR EFFECT TO, THE
11 IMPLEMENTATION OR APPLICATION OF A SPECIFIC TECHNOLOGY OR
12 TECHNICAL SPECIFICATION. THE RULES MAY:

13 (a) PRESCRIBE THE MANNER OF PERFORMING NOTARIAL ACTS
14 REGARDING TANGIBLE AND ELECTRONIC RECORDS;

15 (b) INCLUDE PROVISIONS TO ENSURE THAT ANY CHANGE TO OR
16 TAMPERING WITH A RECORD BEARING A CERTIFICATE OF A NOTARIAL ACT
17 IS SELF-EVIDENT;

18 (c) INCLUDE PROVISIONS TO ENSURE INTEGRITY IN THE CREATION,
19 TRANSMITTAL, STORAGE, OR AUTHENTICATION OF ELECTRONIC RECORDS
20 OR SIGNATURES;

21 (d) PRESCRIBE THE PROCESS OF GRANTING, RENEWING,
22 CONDITIONING, DENYING, SUSPENDING, OR REVOKING A NOTARY PUBLIC
23 COMMISSION AND ASSURING THE TRUSTWORTHINESS OF AN INDIVIDUAL
24 HOLDING A COMMISSION AS NOTARY PUBLIC, INCLUDING RULES FOR USE OF
25 THE ELECTRONIC FILING SYSTEM;

26 (e) INCLUDE PROVISIONS TO PREVENT FRAUD OR MISTAKE IN THE
27 PERFORMANCE OF NOTARIAL ACTS; AND

1 (f) PROVIDE FOR THE ADMINISTRATION OF THE EXAMINATION
2 UNDER SECTION 24-21-522 (1) AND THE COURSE OF STUDY UNDER SECTION
3 24-21-522 (2).

4 (2) IN ADOPTING, AMENDING, OR REPEALING RULES ABOUT
5 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS, THE SECRETARY
6 OF STATE SHALL CONSIDER, SO FAR AS IS CONSISTENT WITH THIS PART 5:

7 (a) THE MOST RECENT STANDARDS REGARDING ELECTRONIC
8 RECORDS PROMULGATED BY NATIONAL BODIES, SUCH AS THE NATIONAL
9 ASSOCIATION OF SECRETARIES OF STATE;

10 (b) STANDARDS, PRACTICES, AND CUSTOMS OF OTHER
11 JURISDICTIONS THAT SUBSTANTIALLY ENACT THIS PART 5; AND

12 (c) THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND
13 OTHER INTERESTED PERSONS.

14 **24-21-528. Disposition of fees.** (1) THE SECRETARY OF STATE
15 SHALL COLLECT ALL FEES PURSUANT TO THIS ARTICLE 21 IN THE MANNER
16 REQUIRED BY SECTION 24-21-104 (3) AND SHALL TRANSMIT THEM TO THE
17 STATE TREASURER, WHO SHALL CREDIT THEM TO THE DEPARTMENT OF
18 STATE CASH FUND CREATED IN SECTION 24-21-104 (3)(b).

19 (2) THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
20 APPROPRIATIONS FROM THE DEPARTMENT OF STATE CASH FUND FOR
21 EXPENDITURES OF THE SECRETARY OF STATE INCURRED IN THE
22 PERFORMANCE OF THE SECRETARY OF STATE'S DUTIES UNDER THIS PART
23 5.

24 **24-21-529. Notary's fees.** (1) EXCEPT AS SPECIFIED IN
25 SUBSECTION (2) OF THIS SECTION, THE FEES OF A NOTARY PUBLIC MAY BE,
26 BUT MUST NOT EXCEED, FIVE DOLLARS FOR EACH DOCUMENT ATTESTED BY
27 A PERSON BEFORE A NOTARY, EXCEPT AS OTHERWISE PROVIDED BY LAW.

1 THE FEE FOR EACH SUCH DOCUMENT MUST INCLUDE ALL DUTIES AND
2 FUNCTIONS REQUIRED TO COMPLETE THE NOTARIAL ACT IN ACCORDANCE
3 WITH THIS PART 5.

4 (2) IN LIEU OF THE FEE AUTHORIZED IN SUBSECTION (1) OF THIS
5 SECTION, A NOTARY PUBLIC MAY CHARGE A FEE, NOT TO EXCEED TEN
6 DOLLARS, FOR THE NOTARY'S ELECTRONIC SIGNATURE.

7 (3) ON OR AFTER THE EFFECTIVE DATE OF RULES ADOPTED BY THE
8 SECRETARY OF STATE PURSUANT TO SECTION 24-21-514.5, IN LIEU OF THE
9 FEE AUTHORIZED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, A NOTARY
10 PUBLIC MAY CHARGE A FEE, NOT TO EXCEED TWENTY-FIVE DOLLARS, FOR
11 A COLORADO NOTARIAL ACT PERFORMED BY MEANS OF AUDIO-VIDEO
12 COMMUNICATION WITH A COLORADO NOTARY PUBLIC PHYSICALLY
13 PRESENT IN THE STATE OF COLORADO.

14 **24-21-530. Change of name or address.** A NOTARY PUBLIC
15 SHALL NOTIFY THE SECRETARY OF STATE WITHIN THIRTY DAYS AFTER HE
16 OR SHE CHANGES HIS OR HER NAME, BUSINESS ADDRESS, OR RESIDENTIAL
17 ADDRESS. IN THE CASE OF A NAME CHANGE, THE NOTARY PUBLIC SHALL
18 INCLUDE A SAMPLE OF THE NOTARY'S HANDWRITTEN OFFICIAL SIGNATURE
19 ON THE NOTICE. PURSUANT TO SECTION 24-21-104 (3), THE SECRETARY OF
20 STATE SHALL DETERMINE THE AMOUNT OF, AND COLLECT, THE FEE,
21 PAYABLE TO THE SECRETARY OF STATE, FOR RECORDING NOTICE OF
22 CHANGE OF NAME OR ADDRESS.

23 **24-21-531. Official misconduct by a notary public - liability of**
24 **notary or surety.** (1) A NOTARY PUBLIC WHO KNOWINGLY AND
25 WILLFULLY VIOLATES THE DUTIES IMPOSED BY THIS PART 5 COMMITS
26 OFFICIAL MISCONDUCT AND IS GUILTY OF A CLASS 2 MISDEMEANOR.

27 (2) A NOTARY PUBLIC AND THE SURETY OR SURETIES ON HIS OR

1 HER BOND ARE LIABLE TO THE PERSONS INVOLVED FOR ALL DAMAGES
2 PROXIMATELY CAUSED BY THE NOTARY'S OFFICIAL MISCONDUCT.

3 (3) NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO DENY A
4 NOTARY PUBLIC THE RIGHT TO OBTAIN A SURETY BOND OR INSURANCE ON
5 A VOLUNTARY BASIS TO PROVIDE COVERAGE FOR LIABILITY.

6 **24-21-532. Willful impersonation.** A PERSON WHO ACTS AS, OR
7 OTHERWISE WILLFULLY IMPERSONATES, A NOTARY PUBLIC WHILE NOT
8 LAWFULLY APPOINTED AND COMMISSIONED TO PERFORM NOTARIAL ACTS
9 IS GUILTY OF A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS
10 SPECIFIED IN SECTION 18-1.3-501.

11 **24-21-533. Wrongful possession of journal or seal.** A PERSON
12 WHO UNLAWFULLY POSSESSES AND USES A NOTARY'S JOURNAL, AN
13 OFFICIAL SEAL, A NOTARY'S ELECTRONIC SIGNATURE, OR ANY PAPERS,
14 COPIES, OR ELECTRONIC RECORDS RELATING TO NOTARIAL ACTS IS GUILTY
15 OF A CLASS 3 MISDEMEANOR AND SHALL BE PUNISHED AS SPECIFIED IN
16 SECTION 18-1.3-501.

17 **24-21-534. Certification restrictions.** (1) THE SECRETARY OF
18 STATE MAY ISSUE CERTIFICATES OR APOSTILLES ATTESTING TO THE
19 AUTHENTICITY OF A NOTARIAL ACT PERFORMED BY A COMMISSIONED
20 NOTARY PUBLIC.

21 (2) THE SECRETARY OF STATE SHALL NOT CERTIFY A SIGNATURE
22 OF A NOTARY PUBLIC ON:

23 (a) A RECORD THAT IS NOT PROPERLY NOTARIZED IN ACCORDANCE
24 WITH THE REQUIREMENTS OF THIS PART 5;

25 (b) A RECORD:

26 (I) REGARDING ALLEGIANCE TO A GOVERNMENT OR JURISDICTION;

27 (II) RELATING TO THE RELINQUISHMENT OR RENUNCIATION OF

1 CITIZENSHIP, SOVEREIGNTY, IN ITINERE STATUS OR WORLD SERVICE
2 AUTHORITY; OR

3 (III) SETTING FORTH OR IMPLYING FOR THE BEARER A CLAIM OF
4 IMMUNITY FROM THE LAW OF THIS STATE OR FEDERAL LAW.

5 **24-21-535. Notary public commission in effect.** A COMMISSION
6 AS A NOTARY PUBLIC IN EFFECT ON THE EFFECTIVE DATE OF THIS PART 5
7 CONTINUES UNTIL ITS DATE OF EXPIRATION. A NOTARY PUBLIC WHO
8 APPLIES TO RENEW A COMMISSION AS A NOTARY PUBLIC ON OR AFTER THE
9 EFFECTIVE DATE OF THIS PART 5 IS SUBJECT TO AND SHALL COMPLY WITH
10 THIS PART 5. A NOTARY PUBLIC, IN PERFORMING NOTARIAL ACTS AFTER
11 THE EFFECTIVE DATE OF THIS PART 5, SHALL COMPLY WITH THIS PART 5.

12 **24-21-536. Savings clause.** THIS PART 5 DOES NOT AFFECT THE
13 VALIDITY OR EFFECT OF A NOTARIAL ACT PERFORMED BEFORE THE
14 EFFECTIVE DATE OF THIS PART 5.

15 **24-21-537. Uniformity of application and construction.** IN
16 APPLYING AND CONSTRUING THIS PART 5, CONSIDERATION MUST BE GIVEN
17 TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS
18 SUBJECT MATTER AMONG STATES THAT ENACT IT.

19 **24-21-538. Relation to "Electronic Signatures in Global and
20 National Commerce Act".** THIS PART 5 MODIFIES, LIMITS, AND
21 SUPERSEDES THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
22 COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT MODIFY,
23 LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C. SEC. 7001
24 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES
25 DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003 (b).

26 **24-21-539. Effective date.** THIS PART 5 TAKES EFFECT ON JULY 1,
27 2018.

1 **24-21-540. Repeal.** THIS PART 5 IS REPEALED, EFFECTIVE
2 SEPTEMBER 1, 2023. BEFORE ITS REPEAL, THIS PART 5 IS SCHEDULED FOR
3 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

4 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **amend**
5 (14)(a) introductory portion and (23)(a) introductory portion; **repeal**
6 (14)(a)(VII); and **add** (24)(a)(IV) as follows:

7 **24-34-104. General assembly review of regulatory agencies**
8 **and functions for repeal, continuation, or reestablishment - legislative**
9 **declaration - repeal.** (14) (a) The following agencies, functions, or both,
10 ~~will~~ ARE SCHEDULED FOR repeal on July 1, 2018:

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

13 (24) (a) The following agencies, functions, or both, ~~will~~ ARE
14 SCHEDULED FOR repeal on September 1, 2023:

15 (IV) THE APPOINTMENT OF NOTARIES PUBLIC THROUGH THE
16 SECRETARY OF STATE IN ACCORDANCE WITH PART 5 OF ARTICLE 21 OF THIS
17 TITLE 24;

18 **SECTION 4.** In Colorado Revised Statutes, 6-1-105, **amend**
19 (1)(vv) as follows:

20 **6-1-105. Deceptive trade practices.** (1) A person engages in a
21 deceptive trade practice when, in the course of the person's business,
22 vocation, or occupation, the person:

23 (vv) ~~Violates section 12-55-110.3, C.R.S.~~ 24-21-523 (1)(f) OR
24 (1)(i) OR 24-21-525 (3), (4), OR (5);

25 **SECTION 5.** In Colorado Revised Statutes, 6-1-727, **amend**
26 (3)(e)(III)(A) as follows:

27 **6-1-727. Immigration-related services provided by**

1 **nonattorneys - deceptive trade practice. (3) Prohibited practices -**
2 **assistance with immigration matters - permitted practices.**

3 (e) Notwithstanding paragraphs (a) to (d) of this subsection (3), a person
4 other than a person listed in subparagraph (I) or (II) of paragraph (a) of
5 this subsection (3) may:

6 (III) Offer other immigration-related services that:

7 (A) Are not prohibited under this subsection (3), section
8 ~~12-55-110.3, C.R.S.~~ 24-21-523 (1)(f) OR (1)(i) OR 24-21-525 (3), (4), OR
9 (5), or any other provision of law; and

10 **SECTION 6.** In Colorado Revised Statutes, 42-1-211, **amend**
11 (1.9)(a) as follows:

12 **42-1-211. Colorado state titling and registration system.**

13 (1.9)(a) In accordance with section ~~12-55-104(6), C.R.S.~~ 24-21-521 (2),
14 the department of revenue and the department of state shall allow for the
15 exchange of information on legal names and signatures between the
16 systems used by the department of revenue and the notary public filing
17 system maintained by the department of state for the purpose of electronic
18 filing of notary applications and renewals.

19 **SECTION 7.** In Colorado Revised Statutes, 38-30-127, **amend**
20 (1)(b), (2), and (3) introductory portion as follows:

21 **38-30-127. Acknowledgments taken pursuant to other laws.**

22 (1) In addition to the acknowledgment of instruments as provided by
23 articles 30 to 44 of this title, instruments may be acknowledged by:

24 (b) Any person within or outside of this state, pursuant to ~~part 2~~
25 ~~of article 55 of title 12, C.R.S.~~ PART 5 OF ARTICLE 21 OF TITLE 24.

26 (2) Any person otherwise authorized by law to take
27 acknowledgments in this state may take and certify acknowledgments

1 either in accordance with articles 30 to 44 of this title or in the same
2 manner and on the same evidence as provided in ~~part 2 of article 55 of~~
3 ~~title 12, C.R.S.~~ PART 5 OF ARTICLE 21 OF TITLE 24. Any certificate of
4 acknowledgment that is taken pursuant to such part 2 shall be valid and
5 have the benefits set forth in subsection (3) of this section, whether such
6 certificate is given before or after January 1, 1999.

7 (3) A certificate of acknowledgment taken pursuant to ~~part 2 of~~
8 ~~article 55 of title 12, C.R.S.~~ PART 5 OF ARTICLE 21 OF TITLE 24, or taken
9 pursuant to such part 2 and subsection (2) of this section shall:

10 **SECTION 8. Working group.** (1) The secretary of state shall
11 convene a working group to advise the secretary concerning rule-making
12 and an implementation process to allow for a Colorado notary public
13 physically present in this state to perform a notarial act by means of
14 communication technology. The working group shall meet no less than
15 four times, at a time and location as determined by the secretary, before
16 November 1, 2017. The working group, under the direction of the
17 secretary, shall identify issues of interest to stakeholders and shall submit
18 recommendations to the secretary and the general assembly.

19 (2) The working group shall analyze, make recommendations, and
20 provide information to the secretary of state for use by the secretary in the
21 adoption of specific rules prior to implementation of Colorado notarial
22 acts performed by a notary public physically present in Colorado by
23 means of audio-video communication. The working group may consider
24 any issues of interest, including:

25 (a) Evaluation and identification of potential conflicts with
26 existing statutes and standards, jurisdictional issues, and any other
27 provisions it deems pertinent to ensure the validity of these notarial acts;

1 (b) Technology assurance standards;

2 (c) Requirements governing the real-time interaction between the
3 notary public and the principal, for recording of the session, and for use
4 of technology to render the document tamper-evident after the notarial act
5 is completed;

6 (d) Additional identity validation standards and best practices
7 beyond such provisions currently in statute;

8 (e) Data security and retention laws and standards, including best
9 practices industry standards and certifications, for the protection of
10 information from identify theft, privacy, and security of documents;

11 (f) Forms of certificates for these notarial acts; and

12 (g) The interaction between notarization by electronic means and
13 Colorado's existing enactment of article 71.3 of title 24, the "Uniform
14 Electronic Transactions Act", including considerations regarding the
15 optionality and validity of transactions notarized by electronic means.

16 (3) The working group shall consider and make such
17 recommendations to the secretary of state as it deems appropriate
18 regarding legislative, regulatory, or administrative considerations,
19 provisions, or changes.

20 (4) The working group shall consider such information and
21 resources as it deems appropriate, including existing and pending
22 legislation, uniform laws, model acts, existing standards, and such other
23 materials as it deems pertinent.

24 (5) The secretary of state shall appoint members to the working
25 group, including at least the following:

26 (a) A member from the secretary of state's office;

27 (b) A member from the division in the secretary of state's office

- 1 that administers the secretary's notary public program responsibilities:
- 2 (c) Two members representing Colorado financial institutions;
- 3 (d) A member representing Colorado independent banks;
- 4 (e) A member representing Colorado county clerks and recorders;
- 5 (f) A member representing Colorado real estate interests;
- 6 (g) Two members representing Colorado title companies;
- 7 (h) Two members representing Colorado notaries public;
- 8 (i) One member representing a national trade association with
- 9 knowledge of emerging technologies for performing notarial acts by
- 10 means of audio-video communication;
- 11 (j) One member representing a Colorado health care interest;
- 12 (k) One member representing Colorado technology and innovation
- 13 interests;
- 14 (l) Two attorney members of the Colorado state bar; and
- 15 (m) One member representing Colorado business interests other
- 16 than those represented in subsections (5)(a) to (5)(l) of this section.
- 17 (6) The working group shall report its recommendations to the
- 18 secretary of state and the general assembly no later than December 1,
- 19 2017.

20 **SECTION 9. Act subject to petition - effective date -**

21 **applicability.** (1) Sections 8 and 9 of this act take effect at 12:01 a.m.

22 on the day following the expiration of the ninety-day period after final

23 adjournment of the general assembly (August 9, 2017, if adjournment

24 sine die is on May 10, 2017) and the remainder of this act takes effect

25 July 1, 2018; except that, if a referendum petition is filed pursuant to

26 section 1 (3) of article V of the state constitution against this act or an

27 item, section, or part of this act within the ninety-day period after final

1 adjournment of the general assembly, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2018 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to conduct occurring on or after the applicable
6 effective date of this act.