

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 3, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-109 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 12, line 5, strike "TEN" and substitute
2 "FIVE".

3 Page 13, after line 18 insert:

4 "(d) AN AUDIO-VIDEO RECORDING OF A NOTARIAL ACT IS NOT
5 ADMISSIBLE AS EVIDENCE IN ANY LEGAL OR REGULATORY PROCEEDING
6 FOR A PURPOSE OR WITH RESPECT TO AN ISSUE UNRELATED TO THE
7 NOTARIAL ACT OR A PERSON'S CONDUCT RELATING TO THE NOTARIAL ACT,
8 THE TRANSACTION, ACT, OR RECORD TO WHICH THE NOTARIAL ACT
9 RELATES, OR LEGAL OR REGULATORY MATTERS RELATING TO THE NOTARY
10 PUBLIC'S COMPLIANCE WITH APPLICABLE NOTARIAL LAW.

11 (e) A PERSON SHALL USE AND SAFEGUARD CUSTOMER DATA
12 RECEIVED IN CONNECTION WITH A NOTARIAL ACT ONLY IN ACCORDANCE
13 WITH APPLICABLE LAW."

14 Page 15, line 10, strike "fraud or mistake" and substitute "fraud, ~~or~~
15 ~~mistake~~ ENSURE FRAUD DETERRENCE, PROMOTE SECURITY, AND PREVENT
16 MISTAKES".

17 Page 15, lines 13 and 14, strike "ENSURE THE SECURITY AND INTEGRITY
18 OF THOSE ACTS; AND" and substitute "ENSURE:

19 (I) THE SECURITY AND INTEGRITY OF THOSE ACTS AND OF
20 NONPUBLIC PERSONAL INFORMATION;

21 (II) THE MAXIMUM AMOUNT OF PRIVACY FOR THE INDIVIDUAL

1 SEEKING THE NOTARIAL ACT WITHOUT COMPROMISING THE LAWFUL USES
2 OF THE NOTARIAL ACT; AND
3 (III) THAT THE NOTARIAL ACTS COMPLY WITH ALL APPLICABLE
4 STATE LAWS GOVERNING NOTARIES PUBLIC, INCLUDING SPECIFICALLY
5 COMPLIANCE WITH SECTION 24-21-514.5 (10)(d) AND (10)(e) REGARDING
6 LIMITS ON THE USE OF AUDIO-VIDEO RECORDINGS AND CUSTOMER DATA;
7 AND".

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