

CHAPTER 55

PROFESSIONS AND OCCUPATIONS

SENATE BILL 04-127

BY SENATOR(S) Veiga, Chlouber, Gordon, Groff, Grossman, Isgar, Jones, Nichol, Sandoval, Tapia, and Windels;
also REPRESENTATIVE(S) Carroll, Cloer, Coleman, Ragsdale, Romanoff, Spence, Stengel, and Vigil.

AN ACT**CONCERNING PROHIBITED CONDUCT OF NOTARIES PUBLIC.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-55-110.3 (3) (b), Colorado Revised Statutes, is amended, and the said 12-55-110.3 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-55-110.3. Advertisements for services - unauthorized practice of law - prohibited conduct - penalties. (3) (b) A notary public who is not an attorney licensed to practice law in Colorado is prohibited from:

- (I) Providing any service that constitutes the unauthorized practice of law;
- (II) STATING OR IMPLYING THAT HE OR SHE IS AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE;
- (III) SOLICITING OR ACCEPTING COMPENSATION TO PREPARE DOCUMENTS FOR OR OTHERWISE REPRESENT THE INTEREST OF ANOTHER IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING, INCLUDING A PROCEEDING RELATING TO IMMIGRATION TO THE UNITED STATES, UNITED STATES CITIZENSHIP, OR RELATED MATTERS;
- (IV) SOLICITING OR ACCEPTING COMPENSATION TO OBTAIN RELIEF OF ANY KIND ON BEHALF OF ANOTHER FROM ANY OFFICER, AGENCY, OR EMPLOYEE OF THE STATE OF COLORADO OR OF THE UNITED STATES; OR
- (V) USING THE PHRASE "NOTARIO" OR "NOTARIO PUBLICO" TO ADVERTISE THE SERVICES OF A NOTARY PUBLIC, WHETHER BY SIGN, PAMPHLET, STATIONERY, OR OTHER WRITTEN COMMUNICATION OR BY RADIO, TELEVISION, OR OTHER NONWRITTEN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

COMMUNICATION.

(4) KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A DECEPTIVE TRADE PRACTICE PURSUANT TO SECTION 6-1-105, C.R.S., AND SHALL ALSO CONSTITUTE OFFICIAL MISCONDUCT PURSUANT TO SECTION 12-55-116.

SECTION 2. 6-1-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(vv) VIOLATES SECTION 12-55-110.3, C.R.S.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 2004