

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB23-153 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 24-21-502, add  
3 (5.5) as follows:

4 **24-21-502. Definitions.** In this part 5:

5 (5.5) "INTERPRETER" MEANS AN INDIVIDUAL WHO PROVIDES  
6 INTERPRETER SERVICES WHEN A NOTARIAL OFFICER AND AN INDIVIDUAL  
7 EXECUTING A RECORD DO NOT COMMUNICATE IN THE SAME LANGUAGE.

8 **SECTION 2.** In Colorado Revised Statutes, add 24-21-514.7 as  
9 follows:

10 **24-21-514.7. Interpreters - use in facilitation of notarial acts**

11 **- limitations.** (1) IF A NOTARIAL OFFICER AND AN INDIVIDUAL FOR WHOM  
12 A NOTARIAL ACT IS TO BE PERFORMED DO NOT COMMUNICATE IN THE SAME  
13 LANGUAGE, AN INTERPRETER WHO COMMUNICATES IN A LANGUAGE IN  
14 COMMON WITH BOTH THE NOTARIAL OFFICER AND THE INDIVIDUAL MAY BE  
15 USED TO FACILITATE THE NOTARIAL ACT. A NOTARIAL OFFICER MAY RELY  
16 ON REPRESENTATIONS MADE BY THE INTERPRETER ON BEHALF OF THE  
17 INDIVIDUAL FOR WHOM THE NOTARIAL ACT IS PERFORMED AS FACTUAL.  
18 ANY ERRORS IN INTERPRETATION ARE NOT ATTRIBUTABLE TO THE  
19 NOTARIAL OFFICER, AND THE NOTARIAL OFFICER IS NOT BE LIABLE IN ANY  
20 DISPUTES ARISING FROM SUCH ERRORS.

21 (2) AN INTERPRETER SHALL APPEAR PERSONALLY, AS DEFINED IN  
22 SECTION 24-21-506(2), BEFORE THE NOTARIAL OFFICER. AN INTERPRETER  
23 APPEARING PERSONALLY BEFORE THE NOTARIAL OFFICER SHALL BE  
24 IDENTIFIED PURSUANT TO SECTION 24-21-507 OR, IF APPEARING  
25 PERSONALLY BY MEANS OF REAL-TIME AUDIO-VIDEO COMMUNICATION,  
26 PURSUANT TO SECTION 24-21-514.5.

27 (3) (a) AN INTERPRETER SHALL NOT PROVIDE INTERPRETER  
28 SERVICES WHEN THE INTERPRETER HAS A DISQUALIFYING INTEREST IN THE  
29 TRANSACTION. FOR THE PURPOSES OF THIS SUBSECTION (3), AN  
30 INTERPRETER HAS A DISQUALIFYING INTEREST IN A TRANSACTION IF:

31 (I) THE INTERPRETER OR THE INTERPRETER'S SPOUSE, PARTNER IN  
32 A CIVIL UNION, ANCESTOR, DESCENDENT, OR SIBLING IS A PARTY TO OR IS  
33 NAMED IN THE RECORD THAT IS TO BE NOTARIZED; OR

34 (II) THE INTERPRETER OR THE INTERPRETER'S SPOUSE OR PARTNER  
35 IN A CIVIL UNION MAY RECEIVE DIRECTLY, AND AS A PROXIMATE RESULT  
36 OF THE NOTARIZATION ANY ADVANTAGE, RIGHT, TITLE, INTEREST, CASH,  
37 OR PROPERTY. THIS SUBSECTION (3)(a)(II) DOES NOT APPLY TO A  
38 REASONABLE FEE RECEIVED BY THE INTERPRETER FOR PROVIDING  
39 INTERPRETER SERVICES.

1 (b) A NOTARIAL ACT IS VOIDABLE IF INTERPRETER SERVICES ARE  
2 PROVIDED IN VIOLATION OF THIS SUBSECTION (3) IN RELATION TO THE  
3 NOTARIAL ACT.

4 (4) (a) IF A NOTARIAL OFFICER DOES NOT COMMUNICATE IN THE  
5 SAME LANGUAGE AS THE INDIVIDUAL EXECUTING THE RECORD WITH  
6 RESPECT TO WHICH THE NOTARIAL OFFICER IS PERFORMING A NOTARIAL  
7 ACT, THE NOTARIAL OFFICER IS NOT LIABLE IN ANY LEGAL ACTION  
8 REGARDING A DISPUTE THAT DIRECTLY RESULTS FROM AN ERROR IN  
9 INTERPRETATION.

10 (b) A PARTY WHO FILES AN ACTION FOR DAMAGES BASED ON A  
11 VIOLATION OF THIS PART 5 RELATED TO A NOTARIAL ACT THAT A  
12 NOTARIAL OFFICER PERFORMED IN ACCORDANCE WITH THIS SECTION HAS  
13 THE BURDEN OF PROOF IN ESTABLISHING THAT THE DISPUTE IS RELATED TO  
14 A CAUSE OTHER THAN THE INTERPRETATION.

15 (5) NOTHING IN THIS SECTION LIMITS A NOTARIAL OFFICER'S  
16 AUTHORITY TO REFUSE TO PERFORM A NOTARIAL ACT AS SET FORTH IN  
17 SECTION 24-21-508.

18 (6) IN ADDITION TO COMPLYING WITH THE REQUIREMENTS OF  
19 SECTION 24-21-515, THE CERTIFICATE OF NOTARIAL ACT FOR A REMOTE  
20 NOTARIZATION THAT WAS PERFORMED USING AN INTERPRETER MUST  
21 INDICATE THAT THE NOTARIAL ACT WAS PERFORMED USING AN  
22 INTERPRETER AND INCLUDE THE NAME AND CREDENTIAL OR  
23 CERTIFICATION NUMBER, IF ANY, OF THE INTERPRETER."

24 Renumber succeeding sections accordingly.

25 Page 2, line 12, strike "(5)" and substitute "(3) introductory portion,  
26 (3)(f), (3)(g), and (5); and add (3)(h) and (3)(i)".

27 Page 2, strike line 13 and substitute:

28 "24-21-519. **Journal.** (3) An entry in a journal must be made  
29 contemporaneously with performance of ~~the~~ A notarial act and contain the  
30 following information:

31 (f) If identity of the individual is based on satisfactory evidence,  
32 a brief description of the method of identification and the type of  
33 identification credential presented, if any; and

34 (g) ~~The fee, if any, charged by the notary public~~ FULL NAME AND  
35 ADDRESS OF ANY INTERPRETER WHO PROVIDED INTERPRETER SERVICES TO  
36 FACILITATE THE NOTARIAL ACT;

37 (h) THE CERTIFICATION OR CREDENTIAL NUMBER OF ANY  
38 INTERPRETER WHO PROVIDED INTERPRETER SERVICES TO FACILITATE THE  
39 NOTARIAL ACT; AND

- 1 (i) THE FEE, IF ANY, CHARGED BY THE NOTARY PUBLIC.
- 2 (5) Upon written request of any member of".

3 Page 3, after line 2 insert:

4 "SECTION 5. In Colorado Revised Statutes, 24-21-523, amend  
5 (2) as follows:

6 **24-21-523. Grounds to deny, refuse to renew, revoke, suspend,**  
7 **or condition commission of notary public.** (2) Whenever the secretary  
8 of state or the secretary of state's designee believes that a violation of this  
9 part 5 has occurred, the secretary of state or the secretary of state's  
10 designee may investigate the violation. The secretary of state or the  
11 secretary of state's designee may also investigate possible violations of  
12 this part 5 upon a signed complaint from any person. HOWEVER, THIS  
13 SECTION DOES NOT AUTHORIZE THE SECRETARY OF STATE OR THE  
14 SECRETARY OF STATE'S DESIGNEE TO INVESTIGATE A POTENTIAL  
15 VIOLATION CONCERNING AN ACTION TAKEN BY AN INTERPRETER DURING  
16 A NOTARIAL ACT."

17 Renumber succeeding sections accordingly.

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