

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

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.

provides for the recognition of notarial acts performed in this state, in other states, under the authority of a federally recognized Indian tribe, under federal authority, and in foreign jurisdictions. The bill postpones the sunset review of the notaries law from July 1, 2018, to September 1, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** parts 1 and 2
3 of article 55 of title 12.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 5 to article
5 21 of title 24 as follows:

6 PART 5

7 REVISED UNIFORM LAW ON NOTARIAL ACTS

8 **24-21-501. Short title.** THE SHORT TITLE OF THIS PART 5 IS THE
9 "REVISED UNIFORM LAW ON NOTARIAL ACTS".

10 **24-21-502. Definitions.** IN THIS PART 5:

11 (1) "ACKNOWLEDGMENT" MEANS A DECLARATION BY AN
12 INDIVIDUAL BEFORE A NOTARIAL OFFICER THAT THE INDIVIDUAL HAS
13 SIGNED A RECORD FOR THE PURPOSE STATED IN THE RECORD AND, IF THE
14 RECORD IS SIGNED IN A REPRESENTATIVE CAPACITY, THAT THE INDIVIDUAL
15 SIGNED THE RECORD WITH PROPER AUTHORITY AND SIGNED IT AS THE ACT
16 OF THE INDIVIDUAL OR ENTITY IDENTIFIED IN THE RECORD.

17 (2) "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING
18 ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL,
19 ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

20 (3) "ELECTRONIC RECORD" MEANS A RECORD CONTAINING
21 INFORMATION THAT IS CREATED, GENERATED, SENT, COMMUNICATED,
22 RECEIVED, OR STORED BY ELECTRONIC MEANS.

23 (4) "ELECTRONIC SIGNATURE" MEANS AN ELECTRONIC SYMBOL,

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.** IF A NOTARIAL ACT
7 RELATES TO A STATEMENT MADE IN OR A SIGNATURE EXECUTED ON A
8 RECORD, THE INDIVIDUAL MAKING THE STATEMENT OR EXECUTING THE
9 SIGNATURE SHALL APPEAR PERSONALLY BEFORE THE NOTARIAL OFFICER.

10 **24-21-507. Identification of individual.** (1) A NOTARIAL
11 OFFICER HAS PERSONAL KNOWLEDGE OF THE IDENTITY OF AN INDIVIDUAL
12 APPEARING BEFORE THE OFFICER IF THE INDIVIDUAL IS PERSONALLY
13 KNOWN TO THE OFFICER THROUGH DEALINGS SUFFICIENT TO PROVIDE
14 REASONABLE CERTAINTY THAT THE INDIVIDUAL HAS THE IDENTITY
15 CLAIMED.

16 (2) A NOTARIAL OFFICER HAS SATISFACTORY EVIDENCE OF THE
17 IDENTITY OF AN INDIVIDUAL APPEARING BEFORE THE OFFICER IF THE
18 OFFICER CAN IDENTIFY THE INDIVIDUAL:

19 (a) BY MEANS OF:

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

23 (II) ANOTHER FORM OF GOVERNMENT IDENTIFICATION ISSUED TO
24 THE INDIVIDUAL THAT IS CURRENT OR EXPIRED NOT MORE THAN ONE YEAR
25 BEFORE PERFORMANCE OF THE NOTARIAL ACT, CONTAINS THE SIGNATURE
26 OR A PHOTOGRAPH OF THE INDIVIDUAL, AND IS SATISFACTORY TO THE
27 OFFICER; OR

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

7 (3) A NOTARIAL OFFICER MAY REQUIRE AN INDIVIDUAL TO
8 PROVIDE ADDITIONAL INFORMATION OR IDENTIFICATION CREDENTIALS
9 NECESSARY TO ASSURE THE OFFICER OF THE IDENTITY OF THE INDIVIDUAL.

10 **24-21-508. Authority to refuse to perform notarial act.** (1) A
11 NOTARIAL OFFICER MAY REFUSE TO PERFORM A NOTARIAL ACT IF THE
12 OFFICER IS NOT SATISFIED THAT:

13 (a) THE INDIVIDUAL EXECUTING THE RECORD IS COMPETENT OR
14 HAS THE CAPACITY TO EXECUTE THE RECORD; OR

15 (b) THE INDIVIDUAL'S SIGNATURE IS KNOWINGLY AND
16 VOLUNTARILY MADE.

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

19 **24-21-509. Signature if individual unable to sign.** (1) IF AN
20 INDIVIDUAL IS PHYSICALLY UNABLE TO SIGN A RECORD, THE INDIVIDUAL
21 MAY, IN THE PRESENCE OF THE NOTARIAL OFFICER, DIRECT AN INDIVIDUAL
22 OTHER THAN THE NOTARIAL OFFICER TO SIGN THE INDIVIDUAL'S NAME ON
23 THE RECORD. THE NOTARIAL OFFICER SHALL INSERT "SIGNATURE AFFIXED
24 BY (NAME OF OTHER INDIVIDUAL) AT THE DIRECTION OF (NAME OF
25 INDIVIDUAL)" OR WORDS OF SIMILAR IMPORT UNDER OR NEAR THE
26 SIGNATURE.

27 (2) A NOTARY PUBLIC MAY USE SIGNALS OR ELECTRONIC OR

1 MECHANICAL MEANS TO TAKE AN ACKNOWLEDGMENT FROM, ADMINISTER
2 AN OATH OR AFFIRMATION TO, OR OTHERWISE COMMUNICATE WITH ANY
3 INDIVIDUAL IN THE PRESENCE OF THE NOTARY PUBLIC WHEN IT APPEARS
4 THAT THE INDIVIDUAL IS UNABLE TO COMMUNICATE VERBALLY OR IN
5 WRITING.

6 **24-21-510. Notarial act in this state.** (1) A NOTARIAL ACT MAY
7 BE PERFORMED IN THIS STATE BY:

- 8 (a) A NOTARY PUBLIC OF THIS STATE;
- 9 (b) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THIS STATE;
- 10 OR
- 11 (c) ANY OTHER INDIVIDUAL AUTHORIZED TO PERFORM THE
12 SPECIFIC ACT BY THE LAW OF THIS STATE.

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

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

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

- 25 (a) A NOTARY PUBLIC OF THAT STATE;
- 26 (b) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THAT
27 STATE; OR

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

3 (2) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
4 NOTARIAL ACT IN ANOTHER STATE ARE PRIMA FACIE EVIDENCE THAT THE
5 SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE
6 DESIGNATED TITLE.

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

11 **24-21-512. Notarial act under authority of federally**
12 **recognized Indian tribe.** (1) A NOTARIAL ACT PERFORMED UNDER THE
13 AUTHORITY AND IN THE JURISDICTION OF A FEDERALLY RECOGNIZED
14 INDIAN TRIBE HAS THE SAME EFFECT AS IF PERFORMED BY A NOTARIAL
15 OFFICER OF THIS STATE IF THE ACT PERFORMED IN THE JURISDICTION OF
16 THE TRIBE IS PERFORMED BY:

17 (a) A NOTARY PUBLIC OF THE TRIBE;
18 (b) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THE TRIBE;

19 OR

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

22 (2) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
23 NOTARIAL ACT UNDER THE AUTHORITY OF AND IN THE JURISDICTION OF A
24 FEDERALLY RECOGNIZED INDIAN TRIBE ARE PRIMA FACIE EVIDENCE THAT
25 THE SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE
26 DESIGNATED TITLE.

27 (3) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED

1 IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION CONCLUSIVELY
2 ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL
3 ACT.

4 **24-21-513. Notarial act under federal authority.** (1) A
5 NOTARIAL ACT PERFORMED UNDER FEDERAL LAW HAS THE SAME EFFECT
6 UNDER THE LAW OF THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER
7 OF THIS STATE IF THE ACT PERFORMED UNDER FEDERAL LAW IS PERFORMED
8 BY:

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

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

13 (c) AN INDIVIDUAL DESIGNATED A NOTARIZING OFFICER BY THE
14 UNITED STATES DEPARTMENT OF STATE FOR PERFORMING NOTARIAL ACTS
15 OVERSEAS; OR

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

18 (2) THE SIGNATURE AND TITLE OF AN INDIVIDUAL ACTING UNDER
19 FEDERAL AUTHORITY AND PERFORMING A NOTARIAL ACT ARE PRIMA FACIE
20 EVIDENCE THAT THE SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL
21 HOLDS THE DESIGNATED TITLE.

22 (3) THE SIGNATURE AND TITLE OF AN OFFICER DESCRIBED IN
23 SUBSECTION (1)(a), (1)(b), OR (1)(c) OF THIS SECTION CONCLUSIVELY
24 ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL
25 ACT.

26 **24-21-514. Foreign notarial act.** (1) IN THIS SECTION, "FOREIGN
27 STATE" MEANS A GOVERNMENT OTHER THAN THE UNITED STATES, A

1 STATE, OR A FEDERALLY RECOGNIZED INDIAN TRIBE.

2 (2) IF A NOTARIAL ACT IS PERFORMED UNDER AUTHORITY AND IN
3 THE JURISDICTION OF A FOREIGN STATE OR CONSTITUENT UNIT OF THE
4 FOREIGN STATE OR IS PERFORMED UNDER THE AUTHORITY OF A
5 MULTINATIONAL OR INTERNATIONAL GOVERNMENTAL ORGANIZATION, THE
6 ACT HAS THE SAME EFFECT UNDER THE LAW OF THIS STATE AS IF
7 PERFORMED BY A NOTARIAL OFFICER OF THIS STATE.

8 (3) IF THE TITLE OF OFFICE AND INDICATION OF AUTHORITY TO
9 PERFORM NOTARIAL ACTS IN A FOREIGN STATE APPEARS IN A DIGEST OF
10 FOREIGN LAW OR IN A LIST CUSTOMARILY USED AS A SOURCE FOR THAT
11 INFORMATION, THE AUTHORITY OF AN OFFICER WITH THAT TITLE TO
12 PERFORM NOTARIAL ACTS IS CONCLUSIVELY ESTABLISHED.

13 (4) THE SIGNATURE AND OFFICIAL STAMP OF AN INDIVIDUAL
14 HOLDING AN OFFICE DESCRIBED IN SUBSECTION (3) OF THIS SECTION ARE
15 PRIMA FACIE EVIDENCE THAT THE SIGNATURE IS GENUINE AND THE
16 INDIVIDUAL HOLDS THE DESIGNATED TITLE.

17 (5) AN APOSTILLE IN THE FORM PRESCRIBED BY THE HAGUE
18 CONVENTION OF OCTOBER 5, 1961, AND ISSUED BY A FOREIGN STATE
19 PARTY TO THE CONVENTION CONCLUSIVELY ESTABLISHES THAT THE
20 SIGNATURE OF THE NOTARIAL OFFICER IS GENUINE AND THAT THE OFFICER
21 HOLDS THE INDICATED OFFICE.

22 (6) A CONSULAR AUTHENTICATION ISSUED BY AN INDIVIDUAL
23 DESIGNATED BY THE UNITED STATES DEPARTMENT OF STATE AS A
24 NOTARIZING OFFICER FOR PERFORMING NOTARIAL ACTS OVERSEAS AND
25 ATTACHED TO THE RECORD WITH RESPECT TO WHICH THE NOTARIAL ACT
26 IS PERFORMED CONCLUSIVELY ESTABLISHES THAT THE SIGNATURE OF THE
27 NOTARIAL OFFICER IS GENUINE AND THAT THE OFFICER HOLDS THE

1 INDICATED OFFICE.

2 **24-21-515. Certificate of notarial act.** (1) A NOTARIAL ACT
3 MUST BE EVIDENCED BY A CERTIFICATE. THE CERTIFICATE MUST:

4 (a) BE EXECUTED CONTEMPORANEOUSLY WITH THE PERFORMANCE
5 OF THE NOTARIAL ACT;

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

9 (c) IDENTIFY THE COUNTY AND STATE IN WHICH THE NOTARIAL
10 ACT IS PERFORMED;

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

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

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

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

- 1 (a) IS IN A SHORT FORM SET FORTH IN SECTION 24-21-516;
- 2 (b) IS IN A FORM OTHERWISE PERMITTED BY THE LAW OF THIS
- 3 STATE;
- 4 (c) IS IN A FORM PERMITTED BY THE LAW APPLICABLE IN THE
- 5 JURISDICTION IN WHICH THE NOTARIAL ACT WAS PERFORMED; OR
- 6 (d) SETS FORTH THE ACTIONS OF THE NOTARIAL OFFICER AND THE
- 7 ACTIONS ARE SUFFICIENT TO MEET THE REQUIREMENTS OF THE NOTARIAL
- 8 ACT AS PROVIDED IN SECTIONS 24-21-505, 24-21-506, AND 24-21-507 OR
- 9 LAW OF THIS STATE OTHER THAN THIS PART 5.

10 (4) BY EXECUTING A CERTIFICATE OF A NOTARIAL ACT, A
11 NOTARIAL OFFICER CERTIFIES THAT THE OFFICER HAS COMPLIED WITH THE
12 REQUIREMENTS AND MADE THE DETERMINATIONS SPECIFIED IN SECTIONS
13 24-21-504, 24-21-505, AND 24-21-506.

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

17 (6) IF A NOTARIAL ACT IS PERFORMED REGARDING A TANGIBLE
18 RECORD, A CERTIFICATE MUST BE PART OF, OR SECURELY ATTACHED TO,
19 THE RECORD. IF A NOTARIAL ACT IS PERFORMED REGARDING AN
20 ELECTRONIC RECORD, THE CERTIFICATE MUST BE AFFIXED TO, OR
21 LOGICALLY ASSOCIATED WITH, THE ELECTRONIC RECORD. IF THE
22 SECRETARY OF STATE HAS ESTABLISHED STANDARDS PURSUANT TO
23 SECTION 24-21-527 FOR ATTACHING, AFFIXING, OR LOGICALLY
24 ASSOCIATING THE CERTIFICATE, THE PROCESS MUST CONFORM TO THE
25 STANDARDS.

26 **24-21-516. Short form certificates.** (1) THE FOLLOWING SHORT
27 FORM CERTIFICATES OF NOTARIAL ACTS ARE SUFFICIENT FOR THE

1 PURPOSES INDICATED, IF COMPLETED WITH THE INFORMATION REQUIRED
2 BY SECTION 24-21-515 (1) AND (2):

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

4 STATE OF _____

5 COUNTY OF _____

6 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON

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

8 _____

9 SIGNATURE OF NOTARIAL OFFICER

10 STAMP

11 (_____ (TITLE OF OFFICE) _____)

12 MY COMMISSION EXPIRES: _____

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

14 STATE OF _____

15 COUNTY OF _____

16 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON

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

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

19 (NAME OF PARTY ON BEHALF OF WHOM RECORD WAS

20 EXECUTED).

21 _____

22 SIGNATURE OF NOTARIAL OFFICER

23 STAMP

24 (_____ (TITLE OF OFFICE) _____)

25 MY COMMISSION EXPIRES: _____

26 (c) FOR A VERIFICATION ON OATH OR AFFIRMATION:

27 STATE OF _____

1 COUNTY OF _____
2 SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME ON
3 _____ (DATE) BY _____ (NAME(S) OF INDIVIDUAL(S))
4 MAKING STATEMENT

5 _____

6 SIGNATURE OF NOTARIAL OFFICER

7 STAMP

8 (_____ (TITLE OF OFFICE) _____)

9 MY COMMISSION EXPIRES: _____

10 (d) FOR WITNESSING OR ATTESTING A SIGNATURE:

11 STATE OF _____

12 COUNTY OF _____

13 SIGNED BEFORE ME ON _____ (DATE) BY _____ (NAME(S) OF
14 INDIVIDUAL(S))

15 _____

16 SIGNATURE OF NOTARIAL OFFICER

17 STAMP

18 (_____ (TITLE OF OFFICE) _____)

19 MY COMMISSION EXPIRES: _____

20 (e) FOR CERTIFYING A COPY OF A RECORD:

21 STATE OF _____

22 COUNTY OF _____

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

25 DATED _____

26 _____

27 SIGNATURE OF NOTARIAL OFFICER

1 STAMP
2 (_____ (TITLE OF OFFICE) _____)

3 MY COMMISSION EXPIRES: _____

4 **24-21-517. Official stamp.** (1) THE OFFICIAL STAMP OF A NOTARY
5 PUBLIC MUST:

6 (a) BE RECTANGULAR AND CONTAIN ONLY THE OUTLINE OF THE
7 SEAL AND THE FOLLOWING INFORMATION PRINTED WITHIN THE OUTLINE OF
8 THE SEAL:

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

11 (II) THE NOTARY'S IDENTIFICATION NUMBER;

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

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

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

15 (b) BE CAPABLE OF BEING COPIED TOGETHER WITH THE RECORD TO
16 WHICH IT IS AFFIXED OR ATTACHED OR WITH WHICH IT IS LOGICALLY
17 ASSOCIATED.

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

20 **24-21-518. Stamping device.** (1) A NOTARY PUBLIC IS
21 RESPONSIBLE FOR THE SECURITY OF THE NOTARY PUBLIC'S STAMPING
22 DEVICE AND MAY NOT ALLOW ANOTHER INDIVIDUAL TO USE THE DEVICE
23 TO PERFORM A NOTARIAL ACT. ON RESIGNATION FROM, OR THE
24 REVOCATION OR EXPIRATION OF, THE NOTARY PUBLIC'S COMMISSION, OR
25 ON THE EXPIRATION OF THE DATE SET FORTH IN THE STAMPING DEVICE, IF
26 ANY, THE NOTARY PUBLIC SHALL DISABLE THE STAMPING DEVICE BY
27 DESTROYING, DEFACING, DAMAGING, ERASING, OR SECURING IT AGAINST

1 USE IN A MANNER THAT RENDERS IT UNUSABLE. ON THE DEATH OR
2 ADJUDICATION OF INCOMPETENCY OF A NOTARY PUBLIC, THE NOTARY
3 PUBLIC'S PERSONAL REPRESENTATIVE OR GUARDIAN OR ANY OTHER
4 PERSON KNOWINGLY IN POSSESSION OF THE STAMPING DEVICE SHALL
5 RENDER IT UNUSABLE BY DESTROYING, DEFACING, DAMAGING, ERASING,
6 OR SECURING IT AGAINST USE IN A MANNER THAT RENDERS IT UNUSABLE.

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

11 **24-21-519. Journal.** (1) A NOTARY PUBLIC SHALL MAINTAIN A
12 JOURNAL IN WHICH THE NOTARY PUBLIC CHRONICLES ALL NOTARIAL ACTS
13 THAT THE NOTARY PUBLIC PERFORMS. THE NOTARY PUBLIC SHALL RETAIN
14 THE JOURNAL FOR TEN YEARS AFTER THE PERFORMANCE OF THE LAST
15 NOTARIAL ACT CHRONICLED IN THE JOURNAL.

16 (2) A JOURNAL MAY BE CREATED ON A TANGIBLE MEDIUM OR IN AN
17 ELECTRONIC FORMAT. IF A JOURNAL IS MAINTAINED ON A TANGIBLE
18 MEDIUM, IT MUST BE A PERMANENT, BOUND REGISTER WITH NUMBERED
19 PAGES. IF A JOURNAL IS MAINTAINED IN AN ELECTRONIC FORMAT, IT MUST
20 BE IN A PERMANENT, TAMPER-EVIDENT ELECTRONIC FORMAT COMPLYING
21 WITH THE RULES OF THE SECRETARY OF STATE.

22 (3) AN ENTRY IN A JOURNAL MUST BE MADE
23 CONTEMPORANEOUSLY WITH PERFORMANCE OF THE NOTARIAL ACT AND
24 CONTAIN THE FOLLOWING INFORMATION:

25 (a) THE DATE AND TIME OF THE NOTARIAL ACT;

26 (b) A DESCRIPTION OF THE RECORD, IF ANY, AND TYPE OF
27 NOTARIAL ACT;

1 (c) THE FULL NAME AND ADDRESS OF EACH INDIVIDUAL FOR WHOM
2 THE NOTARIAL ACT IS PERFORMED;

3 (d) THE SIGNATURE OR ELECTRONIC SIGNATURE OF EACH
4 INDIVIDUAL FOR WHOM THE NOTARIAL ACT IS PERFORMED;

5 (e) IF IDENTITY OF THE INDIVIDUAL IS BASED ON PERSONAL
6 KNOWLEDGE, A STATEMENT TO THAT EFFECT;

7 (f) IF IDENTITY OF THE INDIVIDUAL IS BASED ON SATISFACTORY
8 EVIDENCE, A BRIEF DESCRIPTION OF THE METHOD OF IDENTIFICATION AND
9 THE TYPE OF IDENTIFICATION CREDENTIAL PRESENTED, IF ANY; AND

10 (g) THE FEE, IF ANY, CHARGED BY THE NOTARY PUBLIC.

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

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

23 (6) THE SECRETARY OF STATE MAY AUDIT OR INSPECT A NOTARY
24 PUBLIC'S JOURNAL WITHOUT RESTRICTION. A NOTARY PUBLIC SHALL
25 SURRENDER THE NOTARY'S JOURNAL TO THE SECRETARY OF STATE UPON
26 RECEIVING A WRITTEN REQUEST.

27 (7) A CERTIFIED PEACE OFFICER, AS DEFINED IN SECTION

1 16-2.5-102, ACTING IN THE COURSE OF AN OFFICIAL INVESTIGATION MAY
2 INSPECT A NOTARY PUBLIC'S JOURNAL WITHOUT RESTRICTION.

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

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

12 (10) INSTEAD OF RETAINING A JOURNAL AS PROVIDED IN
13 SUBSECTIONS (1) AND (9) OF THIS SECTION, A CURRENT OR FORMER
14 NOTARY PUBLIC MAY TRANSMIT THE JOURNAL TO THE STATE ARCHIVES
15 ESTABLISHED PURSUANT TO PART 1 OF ARTICLE 80 OF THIS TITLE 24. THE
16 NOTARY PUBLIC SHALL NOTIFY THE SECRETARY OF STATE IN WRITING IF
17 THE NOTARY TRANSMITS THE JOURNAL TO THE STATE ARCHIVES.

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

25 **24-21-520. Notification regarding performance of notarial act**
26 **on electronic record - selection of technology.** (1) A NOTARY PUBLIC
27 MAY SELECT ONE OR MORE TAMPER-EVIDENT TECHNOLOGIES TO PERFORM

1 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS. A PERSON MAY
2 NOT REQUIRE A NOTARY PUBLIC TO PERFORM A NOTARIAL ACT WITH
3 RESPECT TO AN ELECTRONIC RECORD WITH A TECHNOLOGY THAT THE
4 NOTARY PUBLIC HAS NOT SELECTED.

5 (2) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S
6 INITIAL NOTARIAL ACT WITH RESPECT TO AN ELECTRONIC RECORD, A
7 NOTARY PUBLIC SHALL NOTIFY THE SECRETARY OF STATE THAT THE
8 NOTARY PUBLIC WILL BE PERFORMING NOTARIAL ACTS WITH RESPECT TO
9 ELECTRONIC RECORDS AND IDENTIFY THE TECHNOLOGY THE NOTARY
10 PUBLIC INTENDS TO USE. IF THE SECRETARY OF STATE HAS ESTABLISHED
11 STANDARDS FOR APPROVAL OF TECHNOLOGY PURSUANT TO SECTION
12 24-21-527, THE TECHNOLOGY MUST CONFORM TO THE STANDARDS. IF THE
13 TECHNOLOGY CONFORMS TO THE STANDARDS, THE SECRETARY OF STATE
14 SHALL APPROVE THE USE OF THE TECHNOLOGY.

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

27 **24-21-521. Commission as notary public - qualifications - no**

1 **immunity or benefit.** (1) AN INDIVIDUAL QUALIFIED UNDER SUBSECTION
2 (3) OF THIS SECTION MAY APPLY TO THE SECRETARY OF STATE FOR A
3 COMMISSION AS A NOTARY PUBLIC. THE APPLICANT SHALL COMPLY WITH
4 AND PROVIDE THE INFORMATION REQUIRED BY RULES ESTABLISHED BY
5 THE SECRETARY OF STATE AND PAY ANY APPLICATION FEE. IN
6 ACCORDANCE WITH SECTION 24-21-111 (1), THE SECRETARY OF STATE
7 MAY REQUIRE, AT THE SECRETARY OF STATE'S DISCRETION, THE
8 APPLICATION REQUIRED BY THIS SECTION, AND ANY RENEWAL OF THE
9 APPLICATION, TO BE MADE BY ELECTRONIC MEANS DESIGNATED BY THE
10 SECRETARY OF STATE.

11 (2) IN ACCORDANCE WITH SECTION 42-1-211, THE DEPARTMENT OF
12 STATE AND THE DEPARTMENT OF REVENUE SHALL ALLOW FOR THE
13 EXCHANGE OF INFORMATION AND DATA COLLECTED BY THE SYSTEMS USED
14 BY THE DEPARTMENTS TO COLLECT INFORMATION ON LEGAL NAMES AND
15 SIGNATURES OF ALL APPLICANTS FOR DRIVER'S LICENSES OR STATE
16 IDENTIFICATION CARDS.

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

- 18 (a) BE AT LEAST EIGHTEEN YEARS OF AGE;
- 19 (b) BE A CITIZEN OR PERMANENT LEGAL RESIDENT OF THE UNITED
20 STATES OR OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES;
- 21 (c) BE A RESIDENT OF OR HAVE A PLACE OF EMPLOYMENT OR
22 PRACTICE IN THIS STATE;
- 23 (d) BE ABLE TO READ AND WRITE ENGLISH;
- 24 (e) NOT BE DISQUALIFIED TO RECEIVE A COMMISSION UNDER
25 SECTION 24-21-523; AND
- 26 (f) HAVE PASSED THE EXAMINATION REQUIRED UNDER SECTION
27 24-21-522 (1).

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

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

8 I, (NAME OF APPLICANT) , SOLEMNLY AFFIRM, UNDER
9 THE PENALTY OF PERJURY IN THE SECOND DEGREE, AS
10 DEFINED IN SECTION 18-8-503, COLORADO REVISED
11 STATUTES, THAT I HAVE CAREFULLY READ THE NOTARY
12 LAW OF THIS STATE, AND, IF APPOINTED AND COMMISSIONED
13 AS A NOTARY PUBLIC, I WILL FAITHFULLY PERFORM, TO THE
14 BEST OF MY ABILITY, ALL NOTARIAL ACTS IN CONFORMANCE
15 WITH THE LAW.

16 (SIGNATURE OF APPLICANT)
17 SUBSCRIBED AND AFFIRMED BEFORE ME THIS _____
18 DAY OF _____, 20____.

19 (OFFICIAL SIGNATURE AND SEAL OF PERSON QUALIFIED TO
20 ADMINISTER AFFIRMATION)

21 (6) ON COMPLIANCE WITH THIS SECTION, THE SECRETARY OF STATE
22 SHALL ISSUE A COMMISSION AS A NOTARY PUBLIC TO AN APPLICANT FOR
23 A TERM OF FOUR YEARS, UNLESS REVOKED IN ACCORDANCE WITH SECTION
24 24-21-523. AN APPLICANT WHO HAS BEEN DENIED APPOINTMENT AND
25 COMMISSION MAY APPEAL THE DECISION IN ACCORDANCE WITH ARTICLE
26 4 OF THIS TITLE 24.

27 (7) A COMMISSION TO ACT AS A NOTARY PUBLIC AUTHORIZES THE

1 NOTARY PUBLIC TO PERFORM NOTARIAL ACTS. THE COMMISSION DOES NOT
2 PROVIDE THE NOTARY PUBLIC ANY IMMUNITY OR BENEFIT CONFERRED BY
3 LAW OF THIS STATE ON PUBLIC OFFICIALS OR EMPLOYEES.

4 **24-21-522. Examination of notary public.** (1) AN APPLICANT
5 FOR A COMMISSION AS A NOTARY PUBLIC WHO DOES NOT HOLD A
6 COMMISSION IN THIS STATE MUST PASS AN EXAMINATION ADMINISTERED
7 BY THE SECRETARY OF STATE OR AN ENTITY APPROVED BY THE SECRETARY
8 OF STATE. THE EXAMINATION MUST BE BASED ON THE COURSE OF STUDY
9 DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

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

19 **24-21-523. Grounds to deny, refuse to renew, revoke, suspend,**
20 **or condition commission of notary public.** (1) THE SECRETARY OF
21 STATE MAY DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR IMPOSE A
22 CONDITION ON A COMMISSION AS NOTARY PUBLIC FOR:

- 23 (a) FAILURE TO COMPLY WITH THIS PART 5;
- 24 (b) A SUBSTANTIAL AND MATERIAL MISSTATEMENT OR OMISSION
25 OF FACT IN THE APPLICATION FOR A COMMISSION AS A NOTARY PUBLIC
26 SUBMITTED TO THE SECRETARY OF STATE;
- 27 (c) NOTWITHSTANDING SECTION 24-5-101, A CONVICTION OF THE

1 APPLICANT OR NOTARY PUBLIC OF ANY FELONY OR, IN THE PRIOR FIVE
2 YEARS, A MISDEMEANOR INVOLVING DISHONESTY;

3 (d) A FINDING AGAINST, OR ADMISSION OF LIABILITY BY, THE
4 APPLICANT OR NOTARY PUBLIC IN ANY LEGAL PROCEEDING OR
5 DISCIPLINARY ACTION BASED ON THE APPLICANT'S OR NOTARY PUBLIC'S
6 FRAUD, DISHONESTY, OR DECEIT;

7 (e) FAILURE BY THE NOTARY PUBLIC TO DISCHARGE ANY DUTY
8 REQUIRED OF A NOTARY PUBLIC, WHETHER BY THIS PART 5, RULES OF THE
9 SECRETARY OF STATE, OR ANY FEDERAL OR STATE LAW;

10 (f) USE OF FALSE OR MISLEADING ADVERTISING OR
11 REPRESENTATION BY THE NOTARY PUBLIC REPRESENTING THAT THE
12 NOTARY HAS A DUTY, RIGHT, OR PRIVILEGE THAT THE NOTARY DOES NOT
13 HAVE;

14 (g) VIOLATION BY THE NOTARY PUBLIC OF A RULE OF THE
15 SECRETARY OF STATE REGARDING A NOTARY PUBLIC;

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

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

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

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

25 (2) WHENEVER THE SECRETARY OF STATE OR THE SECRETARY OF
26 STATE'S DESIGNEE BELIEVES THAT A VIOLATION OF THIS PART 5 HAS
27 OCCURRED, THE SECRETARY OF STATE OR THE SECRETARY OF STATE'S

1 DESIGNEE MAY INVESTIGATE THE VIOLATION. THE SECRETARY OF STATE
2 OR THE SECRETARY OF STATE'S DESIGNEE MAY ALSO INVESTIGATE
3 POSSIBLE VIOLATIONS OF THIS PART 5 UPON A SIGNED COMPLAINT FROM
4 ANY PERSON.

5 (3) IF THE SECRETARY OF STATE DENIES, REFUSES TO RENEW,
6 REVOKES, SUSPENDS, OR IMPOSES CONDITIONS ON A COMMISSION AS A
7 NOTARY PUBLIC, THE APPLICANT OR NOTARY PUBLIC IS ENTITLED TO
8 TIMELY NOTICE AND HEARING IN ACCORDANCE WITH THE "STATE
9 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE 24.

10 (4) WHEN A COMPLAINT OR INVESTIGATION RESULTS IN A FINDING
11 OF MISCONDUCT THAT, IN THE SECRETARY OF STATE'S DISCRETION, DOES
12 NOT WARRANT INITIATION OF A DISCIPLINARY PROCEEDING, THE
13 SECRETARY OF STATE MAY TAKE NONDISCIPLINARY ACTION. FOR THE
14 PURPOSES OF THIS SUBSECTION (4), NONDISCIPLINARY ACTION INCLUDES
15 THE ISSUANCE OF A LETTER OF ADMONITION, WHICH MAY BE PLACED IN
16 THE NOTARY PUBLIC'S FILE.

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

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

25 **24-21-524. Database of notaries public.** (1) THE SECRETARY OF
26 STATE SHALL MAINTAIN AN ELECTRONIC DATABASE OF NOTARIES PUBLIC:

27 (a) THROUGH WHICH A PERSON MAY VERIFY THE AUTHORITY OF A

1 NOTARY PUBLIC TO PERFORM NOTARIAL ACTS; AND

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

5 **24-21-525. Prohibited acts.** (1) A COMMISSION AS A NOTARY
6 PUBLIC DOES NOT AUTHORIZE AN INDIVIDUAL TO:

7 (a) ASSIST PERSONS IN DRAFTING LEGAL RECORDS, GIVE LEGAL
8 ADVICE, OR OTHERWISE PRACTICE LAW;

9 (b) ACT AS AN IMMIGRATION CONSULTANT OR AN EXPERT ON
10 IMMIGRATION MATTERS;

11 (c) REPRESENT A PERSON IN A JUDICIAL OR ADMINISTRATIVE
12 PROCEEDING RELATING TO IMMIGRATION TO THE UNITED STATES, UNITED
13 STATES CITIZENSHIP, OR RELATED MATTERS; OR

14 (d) RECEIVE COMPENSATION FOR PERFORMING ANY OF THE
15 ACTIVITIES LISTED IN THIS SUBSECTION (1).

16 (2) A NOTARY PUBLIC SHALL NOT ENGAGE IN FALSE OR DECEPTIVE
17 ADVERTISING.

18 (3) A NOTARY PUBLIC, OTHER THAN AN ATTORNEY LICENSED TO
19 PRACTICE LAW IN THIS STATE, SHALL NOT USE THE TERM "NOTARIO" OR
20 "NOTARIO PUBLICO".

21 (4) A NOTARY PUBLIC, OTHER THAN AN ATTORNEY LICENSED TO
22 PRACTICE LAW IN THIS STATE, SHALL NOT ADVERTISE OR REPRESENT THAT
23 THE NOTARY PUBLIC MAY ASSIST PERSONS IN DRAFTING LEGAL RECORDS,
24 GIVE LEGAL ADVICE, OR OTHERWISE PRACTICE LAW. IF A NOTARY PUBLIC
25 WHO IS NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE IN
26 ANY MANNER ADVERTISES OR REPRESENTS THAT THE NOTARY PUBLIC
27 OFFERS NOTARIAL SERVICES, WHETHER ORALLY OR IN A RECORD,

1 INCLUDING BROADCAST MEDIA, PRINT MEDIA, AND THE INTERNET, THE
2 NOTARY PUBLIC SHALL INCLUDE THE FOLLOWING STATEMENT, OR AN
3 ALTERNATE STATEMENT AUTHORIZED OR REQUIRED BY THE SECRETARY OF
4 STATE, IN THE ADVERTISEMENT OR REPRESENTATION, PROMINENTLY AND
5 IN EACH LANGUAGE USED IN THE ADVERTISEMENT OR REPRESENTATION:
6 "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF
7 COLORADO AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
8 LEGAL ADVICE. I AM NOT AN IMMIGRATION CONSULTANT, NOR AM I AN
9 EXPERT ON IMMIGRATION MATTERS. IF YOU SUSPECT FRAUD, YOU MAY
10 CONTACT THE COLORADO ATTORNEY GENERAL'S OFFICE OR THE
11 COLORADO SUPREME COURT." IF THE FORM OF ADVERTISEMENT OR
12 REPRESENTATION IS NOT BROADCAST MEDIA, PRINT MEDIA, OR THE
13 INTERNET AND DOES NOT PERMIT INCLUSION OF THE STATEMENT REQUIRED
14 BY THIS SUBSECTION (4) BECAUSE OF SIZE, IT MUST BE DISPLAYED
15 PROMINENTLY OR PROVIDED AT THE PLACE OF PERFORMANCE OF THE
16 NOTARIAL ACT BEFORE THE NOTARIAL ACT IS PERFORMED.

17 (5) A NOTARY PUBLIC, OTHER THAN AN ATTORNEY LICENSED TO
18 PRACTICE LAW IN THIS STATE, SHALL NOT ENGAGE IN CONDUCT THAT
19 CONSTITUTES A DECEPTIVE TRADE PRACTICE PURSUANT TO SECTION
20 6-1-727.

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

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

1 **24-21-526. Validity of notarial acts.** EXCEPT AS OTHERWISE
2 PROVIDED IN SECTION 24-21-504 (2), THE FAILURE OF A NOTARIAL OFFICER
3 TO PERFORM A DUTY OR MEET A REQUIREMENT SPECIFIED IN THIS PART 5
4 DOES NOT INVALIDATE A NOTARIAL ACT PERFORMED BY THE NOTARIAL
5 OFFICER. THE VALIDITY OF A NOTARIAL ACT UNDER THIS PART 5 DOES NOT
6 PREVENT AN AGGRIEVED PERSON FROM SEEKING TO INVALIDATE THE
7 RECORD OR TRANSACTION THAT IS THE SUBJECT OF THE NOTARIAL ACT OR
8 FROM SEEKING OTHER REMEDIES BASED ON LAW OF THIS STATE OTHER
9 THAN THIS PART 5 OR LAW OF THE UNITED STATES. THIS SECTION DOES
10 NOT VALIDATE A PURPORTED NOTARIAL ACT PERFORMED BY AN
11 INDIVIDUAL WHO DOES NOT HAVE THE AUTHORITY TO PERFORM NOTARIAL
12 ACTS.

13 **24-21-527. Rules.** (1) THE SECRETARY OF STATE MAY ADOPT
14 RULES TO IMPLEMENT THIS PART 5 IN ACCORDANCE WITH ARTICLE 4 OF
15 THIS TITLE 24. RULES ADOPTED REGARDING THE PERFORMANCE OF
16 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS MAY NOT
17 REQUIRE, OR ACCORD GREATER LEGAL STATUS OR EFFECT TO, THE
18 IMPLEMENTATION OR APPLICATION OF A SPECIFIC TECHNOLOGY OR
19 TECHNICAL SPECIFICATION. THE RULES MAY:

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

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

25 (c) INCLUDE PROVISIONS TO ENSURE INTEGRITY IN THE CREATION,
26 TRANSMITTAL, STORAGE, OR AUTHENTICATION OF ELECTRONIC RECORDS
27 OR SIGNATURES;

1 (d) PRESCRIBE THE PROCESS OF GRANTING, RENEWING,
2 CONDITIONING, DENYING, SUSPENDING, OR REVOKING A NOTARY PUBLIC
3 COMMISSION AND ASSURING THE TRUSTWORTHINESS OF AN INDIVIDUAL
4 HOLDING A COMMISSION AS NOTARY PUBLIC, INCLUDING RULES FOR USE OF
5 THE ELECTRONIC FILING SYSTEM;

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

8 (f) PROVIDE FOR THE ADMINISTRATION OF THE EXAMINATION
9 UNDER SECTION 24-21-522(1) AND THE COURSE OF STUDY UNDER SECTION
10 24-21-522 (2).

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

14 (a) THE MOST RECENT STANDARDS REGARDING ELECTRONIC
15 RECORDS PROMULGATED BY NATIONAL BODIES, SUCH AS THE NATIONAL
16 ASSOCIATION OF SECRETARIES OF STATE;

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

19 (c) THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND
20 OTHER INTERESTED PERSONS.

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

26 (2) THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
27 APPROPRIATIONS FROM THE DEPARTMENT OF STATE CASH FUND FOR

1 EXPENDITURES OF THE SECRETARY OF STATE INCURRED IN THE
2 PERFORMANCE OF THE SECRETARY OF STATE'S DUTIES UNDER THIS PART
3 5.

4 **24-21-529. Notary's fees.** (1) EXCEPT AS SPECIFIED IN
5 SUBSECTION (2) OF THIS SECTION, THE FEES OF A NOTARY PUBLIC MAY BE,
6 BUT MUST NOT EXCEED, FIVE DOLLARS FOR EACH DOCUMENT ATTESTED BY
7 A PERSON BEFORE A NOTARY, EXCEPT AS OTHERWISE PROVIDED BY LAW.
8 THE FEE FOR EACH SUCH DOCUMENT MUST INCLUDE ALL DUTIES AND
9 FUNCTIONS REQUIRED TO COMPLETE THE NOTARIAL ACT IN ACCORDANCE
10 WITH THIS PART 5.

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

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, 2022. 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** (23)(a)(VIII) 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 (23) (a) The following agencies, functions, or both, ~~will~~ ARE
14 SCHEDULED FOR repeal on September 1, 2022:

15 (VIII) 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. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect July 1, 2018; except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within the ninety-day period after final adjournment of the general
15 assembly, then the act, item, section, or part will not take effect unless
16 approved by the people at the general election to be held in November
17 2018 and, in such case, will take effect on the date of the official
18 declaration of the vote thereon by the governor.

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