

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0656.01 Thomas Morris x4218

**HOUSE BILL 19-1167**

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**HOUSE SPONSORSHIP**

**Duran and Carver,**

**SENATE SPONSORSHIP**

**Rodriguez,**

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**House Committees**

State, Veterans, & Military Affairs  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AN AUTHORIZATION FOR NOTARIES PUBLIC TO PERFORM**  
102 **NOTARIAL ACTS USING AUDIO-VIDEO COMMUNICATION.**

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**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>.)*

Current law requires an individual who wishes to have a document notarized to appear personally before the notary public. The bill authorizes notaries public to perform a notarial act on behalf of an individual who is not in the notary's physical presence, but only with respect to an electronic document.

To perform a "remote notarization", a notary must use an

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

electronic system that conforms to standards established by rules of the secretary of state, including using real-time audio-video communication. The bill establishes the standards that a notary must comply with to have satisfactory evidence of the identity of the individual seeking the remote notarization.

A notary and the operator of a remote notarization system are prohibited from using personal information collected during a remote notarization for any purpose other than completing the notarial act or as necessary to effect, administer, enforce, service, or process the transaction for which the information was provided.

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

**SECTION 1.** In Colorado Revised Statutes, 24-21-502, **add** (1.5), (10.5), (11.5), and (15.5) as follows:

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

(1.5) "CREDENTIAL" MEANS A TANGIBLE RECORD EVIDENCING THE IDENTITY OF AN INDIVIDUAL.

(10.5) "REAL-TIME" OR "IN REAL TIME" MEANS, WITH RESPECT TO AN INTERACTION BETWEEN INDIVIDUALS BY MEANS OF AUDIO-VIDEO COMMUNICATION, THAT THE INDIVIDUALS CAN SEE AND HEAR EACH OTHER SUBSTANTIALLY SIMULTANEOUSLY AND WITHOUT INTERRUPTION OR DISCONNECTION. DELAYS OF A FEW SECONDS THAT ARE INHERENT IN THE METHOD OF COMMUNICATION DO NOT PREVENT THE INTERACTION FROM BEING CONSIDERED TO HAVE OCCURRED IN REAL TIME.

(11.5) "REMOTE NOTARIZATION" MEANS AN ELECTRONIC NOTARIAL ACT PERFORMED WITH RESPECT ONLY TO AN ELECTRONIC RECORD BY MEANS OF REAL-TIME AUDIO-VIDEO COMMUNICATION IN ACCORDANCE WITH SECTION 24-21-514.5 AND RULES ADOPTED BY THE SECRETARY OF STATE.

(15.5) "TAMPER-EVIDENT" MEANS THE USE OF A SET OF APPLICATIONS, PROGRAMS, HARDWARE, SOFTWARE, OR OTHER

1 TECHNOLOGIES THAT WILL DISPLAY EVIDENCE OF ANY CHANGES MADE TO  
2 AN ELECTRONIC RECORD.

3 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-21-506 as  
4 follows:

5 **24-21-506. Personal appearance required - definition.** (1) If  
6 a notarial act relates to a statement made in or a signature executed on a  
7 record, the individual making the statement or executing the signature  
8 shall appear personally before the notarial officer.

9 (2) FOR PURPOSES OF THIS SECTION, "APPEAR PERSONALLY"  
10 MEANS:

11 (a) BEING IN THE SAME PHYSICAL LOCATION AS ANOTHER  
12 INDIVIDUAL AND CLOSE ENOUGH TO SEE, HEAR, COMMUNICATE WITH, AND  
13 EXCHANGE TANGIBLE IDENTIFICATION CREDENTIALS WITH THAT  
14 INDIVIDUAL; OR

15 (b) INTERACTING WITH ANOTHER INDIVIDUAL BY MEANS OF  
16 REAL-TIME AUDIO-VIDEO COMMUNICATION IN COMPLIANCE WITH SECTION  
17 24-21-514.5 AND RULES ADOPTED BY THE SECRETARY OF STATE.

18 **SECTION 3.** In Colorado Revised Statutes, **add** 24-21-514.5 as  
19 follows:

20 **24-21-514.5. Audio-video communication - definitions.** (1) AS  
21 USED IN THIS SECTION:

22 (a) "AUDIO-VIDEO COMMUNICATION" MEANS COMMUNICATION BY  
23 WHICH AN INDIVIDUAL IS ABLE TO SEE, HEAR, AND COMMUNICATE WITH  
24 ANOTHER INDIVIDUAL IN REAL TIME USING ELECTRONIC MEANS.

25 (b) "CREDENTIAL ANALYSIS" MEANS A PROCESS OR SERVICE THAT  
26 COMPLIES WITH ANY RULES ADOPTED BY THE SECRETARY OF STATE  
27 THROUGH WHICH A THIRD PARTY AFFIRMS THE VALIDITY OF A

1 GOVERNMENT-ISSUED IDENTIFICATION CREDENTIAL THROUGH THE REVIEW  
2 OF PUBLIC OR PROPRIETARY DATA SOURCES.

3 (c) "DYNAMIC, KNOWLEDGE-BASED AUTHENTICATION  
4 ASSESSMENT" MEANS AN IDENTITY ASSESSMENT THAT IS BASED ON A SET  
5 OF QUESTIONS FORMULATED FROM PUBLIC OR PRIVATE DATA SOURCES FOR  
6 WHICH THE INDIVIDUAL TAKING THE ASSESSMENT HAS NOT PREVIOUSLY  
7 PROVIDED AN ANSWER AND THAT MEETS ANY RULES ADOPTED BY THE  
8 SECRETARY OF STATE.

9 (d) "OUTSIDE THE UNITED STATES" MEANS A LOCATION OUTSIDE  
10 THE GEOGRAPHIC BOUNDARIES OF THE UNITED STATES, PUERTO RICO, THE  
11 UNITED STATES VIRGIN ISLANDS, AND ANY TERRITORY OR INSULAR  
12 POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

13 (e) (I) "PERSONAL INFORMATION" MEANS PERSONAL  
14 IDENTIFYING INFORMATION AS DEFINED IN SECTION 6-1-713 (2)(b).

15 (II) "PERSONAL INFORMATION" DOES NOT INCLUDE PUBLICLY  
16 AVAILABLE INFORMATION THAT IS LAWFULLY MADE AVAILABLE TO THE  
17 GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL GOVERNMENT  
18 RECORDS OR WIDELY DISTRIBUTED MEDIA.

19 (f) "PUBLIC KEY CERTIFICATE" MEANS AN ELECTRONIC  
20 CREDENTIAL THAT IS USED TO IDENTIFY AN INDIVIDUAL WHO SIGNED AN  
21 ELECTRONIC RECORD WITH THE CREDENTIAL.

22 (g) "REMOTE NOTARIZATION SYSTEM" MEANS ANY TECHNOLOGY  
23 THAT ENABLES A NOTARY PUBLIC TO PERFORM REMOTE NOTARIZATIONS.

24 (h) "REMOTE PRESENTATION" MEANS TRANSMISSION TO THE  
25 NOTARY PUBLIC THROUGH COMMUNICATION TECHNOLOGY OF AN IMAGE  
26 OF A GOVERNMENT-ISSUED IDENTIFICATION CREDENTIAL THAT IS OF  
27 SUFFICIENT QUALITY TO ENABLE THE NOTARY PUBLIC TO:

1 (I) IDENTIFY THE INDIVIDUAL SEEKING THE NOTARY PUBLIC'S  
2 SERVICES; AND

3 (II) PERFORM CREDENTIAL ANALYSIS.

4 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS  
5 SECTION, A NOTARY PUBLIC MAY PERFORM A REMOTE NOTARIZATION ONLY  
6 WITH RESPECT TO AN ELECTRONIC RECORD AND IN COMPLIANCE WITH THIS  
7 SECTION AND ANY RULES ADOPTED BY THE SECRETARY OF STATE FOR AN  
8 INDIVIDUAL WHO IS LOCATED:

9 (I) IN THIS STATE;

10 (II) OUTSIDE OF THIS STATE BUT WITHIN THE UNITED STATES; OR

11 (III) OUTSIDE THE UNITED STATES IF:

12 (A) THE NOTARY PUBLIC HAS NO ACTUAL KNOWLEDGE THAT THE  
13 NOTARIAL ACT IS PROHIBITED IN THE JURISDICTION IN WHICH THE  
14 INDIVIDUAL IS PHYSICALLY LOCATED AT THE TIME OF THE ACT; AND

15 (B) THE INDIVIDUAL CONFIRMS TO THE NOTARY PUBLIC THAT THE  
16 REQUESTED NOTARIAL ACT AND THE RECORD RELATE TO: A MATTER THAT  
17 WILL BE FILED WITH OR IS CURRENTLY BEFORE A COURT, GOVERNMENTAL  
18 ENTITY, OR OTHER ENTITY IN THE UNITED STATES; PROPERTY LOCATED IN  
19 THE UNITED STATES; OR A TRANSACTION SUBSTANTIALLY CONNECTED TO  
20 THE UNITED STATES.

21 (b) A NOTARY PUBLIC SHALL NOT USE A REMOTE NOTARIZATION  
22 SYSTEM TO NOTARIZE:

23 (I) A RECORD RELATING TO THE ELECTORAL PROCESS; OR

24 (II) A WILL, CODICIL, DOCUMENT PURPORTING TO BE A WILL OR  
25 CODICIL, OR ANY ACKNOWLEDGMENT REQUIRED UNDER SECTION  
26 15-11-502 OR 15-11-504.

27 (3) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S

1 INITIAL NOTARIZATION USING A REMOTE NOTARIZATION SYSTEM, THE  
2 NOTARY PUBLIC SHALL NOTIFY THE SECRETARY OF STATE THAT THE  
3 NOTARY PUBLIC WILL BE PERFORMING REMOTE NOTARIZATIONS AND  
4 SHALL IDENTIFY EACH REMOTE NOTARIZATION SYSTEM THAT THE NOTARY  
5 PUBLIC INTENDS TO USE. THE REMOTE NOTARIZATION SYSTEM MUST  
6 CONFORM TO THIS PART 5 AND ANY RULES ADOPTED BY THE SECRETARY  
7 OF STATE. THE NOTICE MUST BE SUBMITTED IN THE FORMAT REQUIRED BY  
8 THE SECRETARY OF STATE AND MUST:

9 (a) INCLUDE AN AFFIRMATION THAT THE NOTARY PUBLIC HAS READ  
10 AND WILL COMPLY WITH THIS SECTION AND ALL RULES ADOPTED BY THE  
11 SECRETARY OF STATE; AND

12 (b) BE ACCOMPANIED BY PROOF THAT THE NOTARY PUBLIC HAS  
13 SUCCESSFULLY COMPLETED ANY TRAINING AND EXAMINATION REQUIRED  
14 BY THE SECRETARY OF STATE.

15 (4) A NOTARY PUBLIC WHO PERFORMS A NOTARIAL ACT FOR AN  
16 INDIVIDUAL BY MEANS OF AUDIO-VIDEO COMMUNICATION MUST:

17 (a) BE LOCATED WITHIN THIS STATE AT THE TIME THE NOTARIAL  
18 ACT IS PERFORMED;

19 (b) EXECUTE THE NOTARIAL ACT IN A SINGLE, REAL-TIME SESSION;

20 (c) CONFIRM THAT ANY RECORD THAT IS SIGNED, ACKNOWLEDGED,  
21 OR OTHERWISE PRESENTED FOR NOTARIZATION BY THE INDIVIDUAL IS THE  
22 SAME RECORD SIGNED BY THE NOTARY PUBLIC;

23 (d) CONFIRM THAT THE QUALITY OF THE AUDIO-VIDEO  
24 COMMUNICATION IS SUFFICIENT TO MAKE THE DETERMINATIONS REQUIRED  
25 FOR THE NOTARIAL ACT UNDER THIS PART 5 AND ANY OTHER LAW OF THIS  
26 STATE; AND

27 (e) IDENTIFY THE VENUE FOR THE NOTARIAL ACT AS THE

1 JURISDICTION WITHIN THIS STATE WHERE THE NOTARY PUBLIC IS  
2 PHYSICALLY LOCATED WHILE PERFORMING THE ACT.

3 (5) A REMOTE NOTARIZATION SYSTEM USED TO PERFORM REMOTE  
4 NOTARIZATIONS MUST:

5 (a) REQUIRE THE NOTARY PUBLIC, THE INDIVIDUAL, AND ANY  
6 REQUIRED WITNESS TO ACCESS THE SYSTEM THROUGH AN  
7 AUTHENTICATION PROCEDURE THAT COMPLIES WITH RULES ADOPTED BY  
8 THE SECRETARY OF STATE REGARDING SECURITY AND ACCESS;

9 (b) ENABLE THE NOTARY PUBLIC TO VERIFY THE IDENTITY OF THE  
10 INDIVIDUAL AND ANY REQUIRED WITNESS BY MEANS OF PERSONAL  
11 KNOWLEDGE OR SATISFACTORY EVIDENCE OF IDENTITY IN COMPLIANCE  
12 WITH SUBSECTION (6) OF THIS SECTION; AND

13 (c) CONFIRM THAT THE NOTARY PUBLIC, THE INDIVIDUAL, AND  
14 ANY REQUIRED WITNESS ARE VIEWING THE SAME RECORD AND THAT ALL  
15 SIGNATURES, CHANGES, AND ATTACHMENTS TO THE RECORD ARE MADE IN  
16 REAL TIME.

17 (6) (a) A NOTARY PUBLIC SHALL DETERMINE FROM PERSONAL  
18 KNOWLEDGE OR SATISFACTORY EVIDENCE OF IDENTITY AS DESCRIBED IN  
19 SUBSECTION (6)(b) OF THIS SECTION THAT THE INDIVIDUAL APPEARING  
20 BEFORE THE NOTARY PUBLIC BY MEANS OF AUDIO-VIDEO COMMUNICATION  
21 IS THE INDIVIDUAL THAT HE OR SHE PURPORTS TO BE.

22 (b) A NOTARY PUBLIC HAS SATISFACTORY EVIDENCE OF IDENTITY  
23 IF THE NOTARY PUBLIC CAN IDENTIFY THE INDIVIDUAL WHO PERSONALLY  
24 APPEARS BEFORE THE NOTARY PUBLIC BY MEANS OF AUDIO-VIDEO  
25 COMMUNICATION BY USING AT LEAST ONE OF THE FOLLOWING METHODS:

26 (I) THE OATH OR AFFIRMATION OF A CREDIBLE WITNESS WHO  
27 PERSONALLY KNOWS THE INDIVIDUAL, IS PERSONALLY KNOWN TO THE

1 NOTARY PUBLIC, AND IS IN THE PHYSICAL PRESENCE OF THE NOTARY  
2 PUBLIC OR THE INDIVIDUAL DURING THE REMOTE NOTARIZATION;

3 (II) REMOTE PRESENTATION AND CREDENTIAL ANALYSIS OF A  
4 GOVERNMENT-ISSUED IDENTIFICATION CREDENTIAL, AND THE DATA  
5 CONTAINED ON THE CREDENTIAL, THAT CONTAINS THE SIGNATURE AND A  
6 PHOTOGRAPH OF THE INDIVIDUAL, AND AT LEAST ONE OF THE FOLLOWING:

7 (A) A DYNAMIC, KNOWLEDGE-BASED AUTHENTICATION  
8 ASSESSMENT BY A TRUSTED THIRD PARTY THAT COMPLIES WITH RULES  
9 ADOPTED BY THE SECRETARY OF STATE;

10 (B) A VALID PUBLIC KEY CERTIFICATE THAT COMPLIES WITH RULES  
11 ADOPTED BY THE SECRETARY OF STATE; OR

12 (C) AN IDENTITY VERIFICATION BY A TRUSTED THIRD PARTY THAT  
13 COMPLIES WITH RULES ADOPTED BY THE SECRETARY OF STATE; OR

14 (III) ANY OTHER METHOD THAT COMPLIES WITH RULES ADOPTED  
15 BY THE SECRETARY OF STATE.

16 (7) WITHOUT LIMITING THE AUTHORITY OF A NOTARY PUBLIC  
17 UNDER SECTION 24-21-508 TO REFUSE TO PERFORM A NOTARIAL ACT, A  
18 NOTARY PUBLIC MAY REFUSE TO PERFORM A NOTARIAL ACT UNDER THIS  
19 SECTION IF THE NOTARY PUBLIC IS NOT SATISFIED THAT THE  
20 REQUIREMENTS OF THIS SECTION ARE MET.

21 (8) THE CERTIFICATE OF NOTARIAL ACT FOR A REMOTE  
22 NOTARIZATION MUST, IN ADDITION TO COMPLYING WITH THE  
23 REQUIREMENTS OF SECTION 24-21-515, INDICATE THAT THE NOTARIAL ACT  
24 WAS PERFORMED USING AUDIO-VIDEO COMMUNICATION TECHNOLOGY.

25 

26 (9) (a) A NOTARY PUBLIC SHALL CREATE AN AUDIO-VIDEO  
27 RECORDING OF A REMOTE NOTARIZATION IF:



1 (I) THE NOTARY PUBLIC FIRST DISCLOSES TO THE INDIVIDUAL THE  
2 FACT OF THE RECORDING AND THE DETAILS OF ITS INTENDED STORAGE,  
3 INCLUDING WHERE AND FOR HOW LONG IT WILL BE STORED;

4 (II) THE INDIVIDUAL EXPLICITLY CONSENTS TO BOTH THE  
5 RECORDING AND THE STORAGE OF THE RECORDING; AND

6 (III) THE RECORDING IS STORED AND SECURED IN COMPLIANCE  
7 WITH RULES ADOPTED BY THE SECRETARY OF STATE.

8 (b) THE AUDIO-VIDEO RECORDING REQUIRED BY THIS SUBSECTION  
9 (9) MUST BE IN ADDITION TO THE JOURNAL ENTRY FOR THE NOTARIAL ACT  
10 WHERE REQUIRED BY SECTION 24-21-519. THE RECORDING MUST INCLUDE  
11 THE INFORMATION DESCRIBED IN THIS SUBSECTION (9)(b), BUT MUST NOT  
12 INCLUDE ANY OTHER INFORMATION. ANY OTHER INFORMATION INCLUDED  
13 ON THE RECORDING IS NOT ADMISSIBLE IN ANY COLORADO COURT OF LAW,  
14 LEGAL PROCEEDING, OR ADMINISTRATIVE HEARING FOR ANY PURPOSE, NOR  
15 IS THE INFORMATION ADMISSIBLE IN ANY PROCEEDING IN ANY OTHER  
16 COURT OF LAW, LEGAL PROCEEDING, OR ADMINISTRATIVE HEARING IF  
17 COLORADO LAW APPLIES WITH RESPECT TO REMOTE NOTARIZATION. THE  
18 RECORDING MUST INCLUDE:

19 (I) AT THE COMMENCEMENT OF THE RECORDING, A RECITATION BY  
20 THE NOTARY PUBLIC OF INFORMATION SUFFICIENT TO IDENTIFY THE  
21 NOTARIAL ACT, INCLUDING THE NAME OF THE NOTARY PUBLIC, THE DATE  
22 AND TIME OF THE NOTARIAL ACT, A DESCRIPTION OF THE NATURE OF THE  
23 DOCUMENT OR DOCUMENTS TO WHICH THE NOTARIAL ACT IS TO RELATE,  
24 THE IDENTITY OF THE INDIVIDUAL WHOSE SIGNATURE IS TO BE THE  
25 SUBJECT OF THE NOTARIAL ACT AND OF ANY PERSON WHO WILL ACT AS A  
26 CREDIBLE WITNESS TO IDENTIFY THE INDIVIDUAL SIGNER, AND THE  
27 METHOD OR METHODS BY WHICH THE INDIVIDUAL AND ANY CREDIBLE

1 WITNESS WILL BE IDENTIFIED TO THE NOTARY PUBLIC;

2 (II) A DECLARATION BY THE INDIVIDUAL THAT THE INDIVIDUAL'S  
3 SIGNATURE ON THE RECORD IS KNOWINGLY AND VOLUNTARILY MADE;

4 (III) IF THE INDIVIDUAL FOR WHOM THE NOTARIAL ACT IS BEING  
5 PERFORMED IS IDENTIFIED BY PERSONAL KNOWLEDGE, AN EXPLANATION  
6 BY THE NOTARY PUBLIC AS TO HOW THE NOTARY PUBLIC KNOWS THE  
7 INDIVIDUAL AND HOW LONG THE NOTARY PUBLIC HAS KNOWN THE  
8 INDIVIDUAL; AND

9 (IV) IF THE INDIVIDUAL FOR WHOM THE NOTARIAL ACT IS BEING  
10 PERFORMED IS IDENTIFIED BY A CREDIBLE WITNESS:

11 (A) A STATEMENT BY THE NOTARY PUBLIC AS TO HOW THE  
12 NOTARY PUBLIC KNOWS THE CREDIBLE WITNESS AND HOW LONG THE  
13 NOTARY PUBLIC HAS KNOWN THE CREDIBLE WITNESS; AND

14 (B) AN EXPLANATION BY THE CREDIBLE WITNESS AS TO HOW THE  
15 CREDIBLE WITNESS KNOWS THE INDIVIDUAL AND HOW LONG THE CREDIBLE  
16 WITNESS HAS KNOWN THE INDIVIDUAL.

17 (c) THE PROVISIONS OF SECTION 24-21-519 THAT RELATE TO THE  
18 SECURITY, INSPECTION, COPYING, AND RETENTION AND DISPOSITION OF A  
19 NOTARY PUBLIC'S JOURNAL APPLY EQUALLY TO THE SECURITY,  
20 INSPECTION, COPYING, AND RETENTION AND DISPOSITION OF AUDIO-VIDEO  
21 RECORDINGS ALLOWED BY THIS SECTION.

22 (10) REGARDLESS OF THE PHYSICAL LOCATION OF THE INDIVIDUAL  
23 AT THE TIME OF THE NOTARIAL ACT, THE VALIDITY OF A REMOTE  
24 NOTARIZATION PERFORMED BY A NOTARY IN THIS STATE IS GOVERNED BY  
25 THE LAWS OF THIS STATE, INCLUDING ANY RULES ADOPTED BY THE  
26 SECRETARY OF STATE PURSUANT TO THIS PART 5.

27 (11) THE OPERATOR OF A REMOTE NOTARIZATION SYSTEM OR

1 OTHER PROVIDER OF TECHNOLOGY OR STORAGE FOR AN AUDIO-VIDEO  
2 RECORDING CREATED UNDER SUBSECTION (9) OF THIS SECTION SHALL BE  
3 DEEMED TO BE TRANSACTING BUSINESS IN THIS STATE AND, IF A FOREIGN  
4 ENTITY, SHALL APPOINT AND MAINTAIN A REGISTERED AGENT, IN  
5 ACCORDANCE WITH SECTION 7-90-701, WITH AUTHORITY TO ACCEPT  
6 SERVICE OF PROCESS IN CONNECTION WITH A CIVIL ACTION OR OTHER  
7 PROCEEDING THAT INVOLVES ISSUES RELATING TO THE AUDIO-VIDEO  
8 RECORDING.

9           **SECTION 4.** In Colorado Revised Statutes, 24-21-515, **amend**  
10 (3)(a), (3)(d), and (4) as follows:

11           **24-21-515. Certificate of notarial act.** (3) A certificate of a  
12 notarial act is sufficient if it meets the requirements of subsections (1) and  
13 (2) of this section and:

14           (a) Is in a short form set forth in section 24-21-516 OR, IF  
15 APPLICABLE, SECTION 24-21-514.5;

16           (d) Sets forth ~~the~~ actions of the notarial officer ~~and the actions~~  
17 THAT are sufficient to meet the requirements of the notarial act as  
18 provided in sections 24-21-505, 24-21-506, and 24-21-507 AND, IF  
19 APPLICABLE, SECTION 24-21-514.5 or law of this state other than this part  
20 5.

21           (4) By executing a certificate of a notarial act, a notarial officer  
22 certifies that the officer has complied with the requirements and made the  
23 determinations specified in sections 24-21-504, 24-21-505, and  
24 24-21-506 AND, IF APPLICABLE, SECTION 24-21-514.5.

25           **SECTION 5.** In Colorado Revised Statutes, 24-21-519, **amend**  
26 (2) as follows:

27           **24-21-519. Journal.** (2) (a) A journal may be created on a

1 tangible medium or in an electronic format. If a journal is maintained on  
2 a tangible medium, it must be a permanent, bound register with numbered  
3 pages. If a journal is maintained in an electronic format, it must be in a  
4 permanent, tamper-evident electronic format complying with the rules of  
5 the secretary of state.

6 (b) A NOTARY PUBLIC WHO PERFORMS A REMOTE NOTARIZATION  
7 SHALL MAINTAIN A JOURNAL IN AN ELECTRONIC FORMAT WITH REGARD TO  
8 EACH REMOTE NOTARIZATION. THE JOURNAL MUST INCLUDE THE  
9 ELECTRONIC SIGNATURE OF THE INDIVIDUAL FOR EACH REMOTE  
10 NOTARIZATION.

11 **SECTION 6.** In Colorado Revised Statutes, 24-21-525, **add** (8)  
12 as follows:

13 **24-21-525. Prohibited acts.** (8) (a) NEITHER A NOTARY PUBLIC  
14 NOR THE OPERATOR OF A REMOTE NOTARIZATION SYSTEM OR OTHER  
15 PROVIDER OF AN AUDIO-VIDEO COMMUNICATION TECHNOLOGY, IDENTITY  
16 PROOFING TECHNOLOGY, OR STORAGE OF AN AUDIO-VISUAL RECORDING  
17 CREATED UNDER SECTION 24-21-514.5 **(9)** SHALL SELL, OFFER FOR SALE,  
18 USE, OR TRANSFER FOR USE ANY PERSONAL INFORMATION COLLECTED IN  
19 THE COURSE OF PERFORMING A REMOTE NOTARIZATION FOR ANY PURPOSE  
20 OTHER THAN:

- 21 (I) COMPLETING THE NOTARIAL ACT; OR  
22 (II) AS NECESSARY TO EFFECT, ADMINISTER, ENFORCE, SERVICE,  
23 OR PROCESS A TRANSACTION OF WHICH THE ELECTRONIC RECORD TO  
24 WHICH THE REMOTE NOTARIZATION RELATES IS AN INTEGRAL PART.

25 (b) THE PROHIBITION ESTABLISHED IN SUBSECTION (8)(a) OF THIS  
26 SECTION DOES NOT APPLY WHEN AND TO THE EXTENT THE NOTARY PUBLIC  
27 OR THE PROVIDER IS:

1 (I) COMPLYING WITH THE REQUIREMENTS OF THIS PART 5 OR  
2 OTHER OBLIGATIONS IMPOSED BY APPLICABLE STATE OR FEDERAL LAW, OR  
3 WHEN RESPONDING TO A LAWFUL SUBPOENA OR COURT ORDER; OR

4 (II) CAUSING A BUSINESS DIVESTITURE, SALE, MERGER, OR  
5 ACQUISITION OF ITS BUSINESS INTERESTS WITH ANOTHER PERSON AS  
6 PERMITTED UNDER APPLICABLE FEDERAL OR STATE LAW WHEREBY THE  
7 PERSONAL INFORMATION IS BEING TRANSFERRED TO ANOTHER PERSON IN  
8 THE DUE COURSE OF THE DIVESTITURE, SALE, MERGER, OR ACQUISITION.

9 **SECTION 7.** In Colorado Revised Statutes, 24-21-527, **amend**  
10 (1)(e); and **add** (1)(g) and (1)(h) as follows:

11 **24-21-527. Rules.** (1) The secretary of state may adopt rules to  
12 implement this part 5 in accordance with article 4 of this title 24. Rules  
13 adopted regarding the performance of notarial acts with respect to  
14 electronic records may not require, or accord greater legal status or effect  
15 to, the implementation or application of a specific technology or technical  
16 specification. The rules may:

17 (e) Include provisions to prevent fraud or mistake in the  
18 performance of notarial acts; ~~and~~

19 (g) PRESCRIBE THE MANNER OF PERFORMING NOTARIAL ACTS  
20 USING AUDIO-VIDEO COMMUNICATION TECHNOLOGY, INCLUDING  
21 PROVISIONS TO ENSURE THE SECURITY, INTEGRITY, AND ACCESSIBILITY OF  
22 RECORDS RELATING TO THOSE ACTS; AND

23 (h) PRESCRIBE REQUIREMENTS FOR THE APPROVAL AND USE OF  
24 REMOTE NOTARIZATION SYSTEMS AND STORAGE SYSTEMS.

25 **SECTION 8. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect January 1, 2021; except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within the ninety-day period after final adjournment of the general  
3 assembly, then the act, item, section, or part will not take effect unless  
4 approved by the people at the general election to be held in November  
5 2020 and, in such case, will take effect January 1, 2021, or on the date of  
6 the official declaration of the vote thereon by the governor, whichever is  
7 later.

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