

SB109_L.009

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB18-109 be amended as follows:

1 Amend reengrossed bill, page 12, strike line 20 and substitute "NOTARIAL
2 ACT, INCLUDING THE NAME OF THE NOTARY PUBLIC, THE DATE AND TIME
3 OF THE NOTARIAL ACT, A DESCRIPTION OF THE NATURE OF THE DOCUMENT
4 OR DOCUMENTS TO WHICH THE NOTARIAL ACT IS TO RELATE, THE IDENTITY
5 OF THE INDIVIDUAL WHOSE SIGNATURE IS TO BE THE SUBJECT OF THE
6 NOTARIAL ACT AND OF ANY PERSON WHO WILL ACT AS A CREDIBLE
7 WITNESS TO IDENTIFY THE INDIVIDUAL SIGNER, THE METHOD OR METHODS
8 BY WHICH THE INDIVIDUAL AND ANY CREDIBLE WITNESS WILL BE
9 IDENTIFIED TO THE NOTARY PUBLIC, AND THE SIGNING OF DOCUMENTS
10 REQUIRING NOTARIZATION;"

11 Page 12, strike lines 23 through 25.

12 Renumber succeeding subparagraphs accordingly.

13 Page 13, strike lines 10 through 13 and substitute "INDIVIDUAL."

14 Page 14, strike lines 19 through 27 and substitute:

15 **"24-21-525. Prohibited acts.** (8) (a) A NOTARY PUBLIC AND THE
16 OPERATOR OF A REMOTE NOTARIZATION SYSTEM SHALL NOT SELL, OFFER
17 FOR SALE, USE, OR TRANSFER FOR USE ANY PERSONAL INFORMATION
18 COLLECTED IN THE COURSE OF PERFORMING A NOTARIAL ACT FOR ANY
19 PURPOSE OTHER THAN:

20 (I) COMPLETING THE NOTARIAL ACT; OR

21 (II) AS NECESSARY TO EFFECT, ADMINISTER, ENFORCE, SERVICE,
22 OR PROCESS THE TRANSACTION FOR WHICH THE INFORMATION WAS
23 PROVIDED.

24 (b) THE PROHIBITION ESTABLISHED IN SUBSECTION (8)(a) OF THIS
25 SECTION DOES NOT APPLY WHEN THE NOTARY PUBLIC OR THE OPERATOR
26 OF A REMOTE NOTARIZATION SYSTEM IS:

27 (I) COMPLYING WITH A REQUEST FROM A REGULATORY AGENCY OR
28 SUPERVISORY AGENCY OR WHEN RESPONDING TO A LAWFUL SUBPOENA OR
29 COURT ORDER; OR

30 (II) CAUSING A BUSINESS DIVESTITURE, SALE, MERGER, OR
31 ACQUISITION OF ITS BUSINESS INTERESTS WITH ANOTHER PERSON AS
32 PERMITTED UNDER APPLICABLE FEDERAL OR STATE LAW WHEREBY THE
33 PERSONAL INFORMATION IS BEING TRANSFERRED TO ANOTHER PERSON IN
34 THE DUE COURSE OF THE DIVESTITURE, SALE, MERGER, OR ACQUISITION."

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