A BILL FOR AN ACT

Concerning enactment of the "Revised Uniform Law on 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
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.

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

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

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

PART 5

REVISED UNIFORM LAW ON NOTARIAL ACTS

**24-21-501. Short title.** The short title of this PART 5 is the
"REVISED UNIFORM LAW ON NOTARIAL ACTS".

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

(1) "**Acknowledgment**" means a declaration by an
individual before a notarial officer that the individual has
signed a record for the purpose stated in the record and, if the
record is signed in a representative capacity, that the individual
signed the record with proper authority and signed it as the act
of the individual or entity identified in the record.

(2) "**Electronic**" means relating to technology having
electrical, digital, magnetic, wireless, optical,
electromagnetic, or similar capabilities.

(3) "**Electronic record**" means a record containing
information that is created, generated, sent, communicated,
received, or stored by electronic means.

(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
TRUST, STATUTORY TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED
LIABILITY COMPANY, ASSOCIATION, JOINT VENTURE, PUBLIC
CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY,
OR INSTRUMENTALITY, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

(11) "Record" means information that is inscribed on a
tangible medium or that is stored in an electronic or other
medium and is retrievable in perceivable form.

(12) "Sign" means, with present intent to authenticate or
adopt a record:

(a) To execute or adopt a tangible symbol; or
(b) To attach to or logically associate with the record
an electronic symbol, sound, or process.

(13) "Signature" means a tangible symbol or an electronic
signature that evidences the signing of a record.

(14) "Stamping device" means:

(a) A physical device capable of affixing to a tangible
record an official stamp; or
(b) An electronic device or process capable of attaching
to or logically associating with an electronic record an
official stamp.

(15) "State" means a state of the United States, the
District of Columbia, Puerto Rico, the United States Virgin
Islands, or any territory or insular possession subject to the
jurisdiction of the United States.

(16) "Verification on oath or affirmation" means a
declaration, made by an individual on oath or affirmation
before a notarial officer, that a statement in a record is true.
24-21-503. Applicability. This Part 5 applies to a notarial act performed on or after the effective date of this Part 5.

24-21-504. Authority to perform notarial act. (1) A notarial officer may perform a notarial act authorized by this Part 5 or by law of this state other than this Part 5.

(2) A notarial officer shall not perform a notarial act with respect to a record in which the officer has a disqualifying interest. For the purposes of this section, a notarial officer has a disqualifying interest in a record if:

(a) The officer or the officer's spouse, partner in a civil union, ancestor, descendent, or sibling is a party to or is named in the record that is to be notarized; or

(b) The officer or the officer's spouse or partner in a civil union may receive directly, and as a proximate result of the notarization, any advantage, right, title, interest, cash, or property exceeding in value the sum of any fee properly received in accordance with this Part 5.

(3) A notarial act performed in violation of this section is voidable.

24-21-505. Requirements for certain notarial acts. (1) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(2) A notarial officer who takes a verification of a
STATEMENT ON OATH OR AFFIRMATION SHALL DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF THE IDENTITY OF THE INDIVIDUAL, THAT THE INDIVIDUAL APPEARING BEFORE THE OFFICER AND MAKING THE VERIFICATION HAS THE IDENTITY CLAIMED AND THAT THE SIGNATURE ON THE STATEMENT VERIFIED IS THE SIGNATURE OF THE INDIVIDUAL.

(3) A NOTARIAL OFFICER WHO WITNESSES OR ATTESTS TO A SIGNATURE SHALL DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF THE IDENTITY OF THE INDIVIDUAL, THAT THE INDIVIDUAL APPEARING BEFORE THE OFFICER AND SIGNING THE RECORD HAS THE IDENTITY CLAIMED.

(4) (a) A NOTARIAL OFFICER WHO CERTIFIES A COPY OF A RECORD OR AN ITEM THAT WAS COPIED SHALL DETERMINE THAT THE COPY IS A FULL, TRUE, AND ACCURATE TRANSCRIPTION OR REPRODUCTION OF THE RECORD OR ITEM.

(b) A NOTARIAL OFFICER SHALL NOT CERTIFY A COPY OF A RECORD THAT CAN BE OBTAINED FROM ANY OF THE FOLLOWING OFFICES IN THIS STATE:

(I) A CLERK AND RECORDER OF PUBLIC DOCUMENTS;

(II) THE SECRETARY OF STATE;

(III) THE STATE ARCHIVES; OR

(IV) AN OFFICE OF VITAL RECORDS.

(c) A NOTARIAL OFFICER SHALL NOT CERTIFY A COPY OF A RECORD IF THE RECORD STATES ON ITS FACE THAT IT IS ILLEGAL TO COPY THE RECORD.

(5) (a) A NOTARIAL OFFICER WHO MAKES OR NOTES A PROTEST OF A NEGOTIABLE INSTRUMENT SHALL DETERMINE THE MATTERS SET FORTH
IN SECTION 4-3-505 (b) OF THE "UNIFORM COMMERCIAL CODE".

(b) A NOTARY PUBLIC SHALL NOT MAKE OR NOTE A PROTEST OF A NEGOTIABLE INSTRUMENT UNLESS THE NOTARY IS AN EMPLOYEE OF A FINANCIAL INSTITUTION ACTING IN THE COURSE AND SCOPE OF THE NOTARY'S EMPLOYMENT WITH THE FINANCIAL INSTITUTION.

24-21-506. Personal appearance required. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

24-21-507. Identification of individual. (1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(2) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(a) By means of:

(I) A passport, driver's license, or government-issued nondriver identification card that is current or expired not more than one year before performance of the notarial act; or

(II) Another form of government identification issued to the individual that is current or expired not more than one year before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer; or
(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government-issued nondriver identification card that is current or expired not more than one year before performance of the notarial act.

(3) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

24-21-508. Authority to refuse to perform notarial act. (1) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(a) The individual executing the record is competent or has the capacity to execute the record; or

(b) The individual's signature is knowingly and voluntarily made.

(2) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this Part 5.

24-21-509. Signature if individual unable to sign. (1) If an individual is physically unable to sign a record, the individual may, in the presence of the notarial officer, direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import under or near the signature.

(2) A notary public may use signals or electronic or
MECHANICAL MEANS TO TAKE AN ACKNOWLEDGMENT FROM, ADMINISTER AN OATH OR AFFIRMATION TO, OR OTHERWISE COMMUNICATE WITH ANY INDIVIDUAL IN THE PRESENCE OF THE NOTARY PUBLIC WHEN IT APPEARS THAT THE INDIVIDUAL IS UNABLE TO COMMUNICATE VERBALLY OR IN WRITING.

24-21-510. Notarial act in this state. (1) A notarial act may be performed in this state by:
(a) A notary public of this state;
(b) A judge, clerk, or deputy clerk of a court of this state;
or
(c) Any other individual authorized to perform the specific act by the law of this state.
(2) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.
(3) The signature and title of a notarial officer described in subsection (1)(a) or (1)(b) of this section conclusively establish the authority of the officer to perform the notarial act.

24-21-511. Notarial act in another state. (1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state if the act performed in that state is performed by:
(a) A notary public of that state;
(b) A judge, clerk, or deputy clerk of a court of that state; or
(c) Any other individual authorized by the law of that state to perform the notarial act.

(2) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

24-21-512. Notarial act under authority of federally recognized Indian tribe. (1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state if the act performed in the jurisdiction of the tribe is performed by:

(a) A notary public of the tribe;

(b) A judge, clerk, or deputy clerk of a court of the tribe;

or

(c) Any other individual authorized by the law of the tribe to perform the notarial act.

(2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described
IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION CONCLUSIVELY ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL ACT.

24-21-513. Notarial act under federal authority. (1) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state if the act performed under federal law is performed by:

(a) a judge, clerk, or deputy clerk of a court;

(b) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(c) an individual designated a notarizing officer by the United States department of state for performing notarial acts overseas; or

(d) any other individual authorized by federal law to perform the notarial act.

(2) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an officer described in subsection (1)(a), (1)(b), or (1)(c) of this section conclusively establish the authority of the officer to perform the notarial act.

24-21-514. Foreign notarial act. (1) In this section, "foreign state" means a government other than the United States, a
STATE, OR A FEDERALLY RECOGNIZED INDIAN TRIBE.

(2) If a notarial act is performed under authority and in
the jurisdiction of a foreign state or constituent unit of the
foreign state or is performed under the authority of a
multinational or international governmental organization, the
act has the same effect under the law of this state as if
performed by a notarial officer of this state.

(3) If the title of office and indication of authority to
perform notarial acts in a foreign state appears in a digest of
foreign law or in a list customarily used as a source for that
information, the authority of an officer with that title to
perform notarial acts is conclusively established.

(4) The signature and official stamp of an individual
holding an office described in subsection (3) of this section are
prima facie evidence that the signature is genuine and the
individual holds the designated title.

(5) An apostille in the form prescribed by the Hague
Convention of October 5, 1961, and issued by a foreign state
party to the convention conclusively establishes that the
signature of the notarial officer is genuine and that the officer
holds the indicated office.

(6) A consular authentication issued by an individual
designated by the United States department of state as a
notarizing officer for performing notarial acts overseas and
attached to the record with respect to which the notarial act
is performed conclusively establishes that the signature of the
notarial officer is genuine and that the officer holds the
24-21-515. Certificate of notarial act. (1) A notarial act must be evidenced by a certificate. The certificate must:

(a) Be executed contemporaneously with the performance of the notarial act;

(b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the secretary of state;

(c) Identify the county and state in which the notarial act is performed;

(d) Contain the title of office of the notarial officer; and

(e) If the notarial officer is a notary public, indicate the date of expiration of the officer's commission.

(2) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsections (1)(b), (1)(c), and (1)(d) of this section, an official stamp may be affixed to the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in sub-sections (1)(b), (1)(c), and (1)(d) of this section, an official stamp may be attached to or logically associated with the certificate.

(3) A certificate of a notarial act is sufficient if it meets the requirements of sub-sections (1) and (2) of this section and:
(a) Is in a short form set forth in Section 24-21-516; 
(b) Is in a form otherwise permitted by the law of this state; 
(c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or 
(d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in Sections 24-21-505, 24-21-506, and 24-21-507 or Law of this State other than this Part 5. 

(4) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in Sections 24-21-504, 24-21-505, and 24-21-506. 

(5) A notarial officer shall not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed. 

(6) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the Secretary of State has established standards pursuant to Section 24-21-527 for attaching, affixing, or logically associating the certificate, the process must conform to the standards. 

24-21-516. Short form certificates. (1) The following short form certificates of notarial acts are sufficient for the
PURPOSES INDICATED, IF COMPLETED WITH THE INFORMATION REQUIRED BY SECTION 24-21-515 (1) AND (2):

(a) For an acknowledgment in an individual capacity:

STATE OF ____________________________
COUNTY OF __________________________

This record was acknowledged before me on

_____ (DATE) _____ by (NAME(S) OF INDIVIDUAL(S))

__________________________________________
SIGNATURE OF NOTARIAL OFFICER
STAMP
( _______ (TITLE OF OFFICE) _______ )

MY COMMISSION EXPIRES: _________

(b) For an acknowledgment in a representative capacity:

STATE OF ____________________________
COUNTY OF __________________________

This record was acknowledged before me on

_____ (DATE) _____ by (NAME(S) OF INDIVIDUAL(S))

as (TYPE OF AUTHORITY, SUCH AS OFFICER OR TRUSTEE) of
(NAME OF PARTY ON BEHALF OF WHOM RECORD WAS EXECUTED).

__________________________________________
SIGNATURE OF NOTARIAL OFFICER
STAMP
( _______ (TITLE OF OFFICE) _______ )

MY COMMISSION EXPIRES: _________

(c) For a verification on oath or affirmation:

STATE OF ____________________________
COUNTY OF ____________________________________________

SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME ON

____ (DATE) ______ by __ (NAME(S) OF INDIVIDUAL(S))

MAKING STATEMENT)

________________________________

SIGNATURE OF NOTARIAL OFFICER

STAMP

____________ (TITLE OF OFFICE) __________

MY COMMISSION EXPIRES: __________

(d) FOR WITNESSING OR ATTESTING A SIGNATURE:

STATE OF ____________________________________________

COUNTY OF __________________________________________

SIGNED BEFORE ME ON ____ (DATE) ___ by __ (NAME(S) OF

INDIVIDUAL(S))

________________________________

SIGNATURE OF NOTARIAL OFFICER

STAMP

____________ (TITLE OF OFFICE) __________

MY COMMISSION EXPIRES: __________

(e) FOR CERTIFYING A COPY OF A RECORD:

STATE OF ____________________________________________

COUNTY OF __________________________________________

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A

RECORD IN THE POSSESSION OF ________________________.

DATED ________________________

________________________________

SIGNATURE OF NOTARIAL OFFICER
STAMP

(_________ (TITLE OF OFFICE)_________)

MY COMMISSION EXPIRES: _________

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

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

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

(II) THE NOTARY'S IDENTIFICATION NUMBER;

(III) THE NOTARY'S COMMISSION EXPIRATION DATE;

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

(V) THE WORDS "NOTARY PUBLIC"; AND

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

(2) A NOTARY PUBLIC SHALL NOT PROVIDE, KEEP, OR USE A SEAL EMBOSSE.

24-21-518. **Stamping device.** (1) A NOTARY PUBLIC IS RESPONSIBLE FOR THE SECURITY OF THE NOTARY PUBLIC'S STAMPING DEVICE AND MAY NOT ALLOW ANOTHER INDIVIDUAL TO USE THE DEVICE TO PERFORM A NOTARIAL ACT. ON RESIGNATION FROM, OR THE REVOCATION OR EXPIRATION OF, THE NOTARY PUBLIC'S COMMISSION, OR ON THE EXPIRATION OF THE DATE SET FORTH IN THE STAMPING DEVICE, IF ANY, THE NOTARY PUBLIC SHALL DISABLE THE STAMPING DEVICE BY DESTROYING, DEFACING, DAMAGING, ERASING, OR SECURING IT AGAINST
USE IN A MANNER THAT RENDERS IT UNUSABLE. ON THE DEATH OR
ADJUDICATION OF INCOMPETENCY OF A NOTARY PUBLIC, THE NOTARY
PUBLIC'S PERSONAL REPRESENTATIVE OR GUARDIAN OR ANY OTHER
PERSON KNOWINGLY IN POSSESSION OF THE STAMPING DEVICE SHALL
RENDER IT UNUSABLE BY DESTROYING, DEFACING, DAMAGING, ERASING,
OR SECURING IT AGAINST USE IN A MANNER THAT RENDERS IT UNUSABLE.

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

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

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

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

(a) THE DATE AND TIME OF THE NOTARIAL ACT;
(b) A DESCRIPTION OF THE RECORD, IF ANY, AND TYPE OF
NOTARIAL ACT;
(c) The full name and address of each individual for whom the notarial act is performed;

(d) The signature or electronic signature of each individual for whom the notarial act is performed;

(e) If identity of the individual is based on personal knowledge, a statement to that effect;

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

(g) The fee, if any, charged by the notary public.

(4) A notary public is responsible for the security of the notary public’s journal. A notary public shall keep the journal in a secure area under the exclusive control of the notary, and shall not allow any other notary to use the journal.

(5) Upon written request of any member of the public, which request must include the name of the parties, the type of document, and the month and year in which a record was notarized, a notary public may supply a certified copy of the line item representing the requested transaction. A notary public may charge the fee allowed in section 24-21-529 for each certified copy of a line item, and shall record the transaction in the notary’s journal.

(6) The secretary of state may audit or inspect a notary public’s journal without restriction. A notary public shall surrender the notary’s journal to the secretary of state upon receiving a written request.

(7) A certified peace officer, as defined in section
16-2.5-102, acting in the course of an official investigation may inspect a notary public's journal without restriction.

(8) If a notary public's journal is lost or stolen, the notary public shall notify the secretary of state in writing within thirty days after discovering that the journal is lost or stolen.

(9) On resignation from, or the revocation or expiration of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with subsection (1) of this section and inform the secretary of state where the journal is located.

(10) Instead of retaining a journal as provided in subsections (1) and (9) of this section, a current or former notary public may transmit the journal to the state archives established pursuant to part 1 of article 80 of this title 24. The notary public shall notify the secretary of state in writing if the notary transmits the journal to the state archives.

(7) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the state archives established pursuant to part 1 of article 80 of this title 24. The person shall notify the secretary of state in writing when the person transmits the journal to the state archives.

24-21-520. Notification regarding performance of notarial act on electronic record - selection of technology. (1) A notary public may select one or more tamper-evident technologies to perform
NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS. A PERSON MAY
NOT REQUIRE A NOTARY PUBLIC TO PERFORM A NOTARIAL ACT WITH
RESPECT TO AN ELECTRONIC RECORD WITH A TECHNOLOGY THAT THE
NOTARY PUBLIC HAS NOT SELECTED.

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

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

24-21-521. Commission as notary public - qualifications - no
immunity or benefit. (1) An individual qualified under subsection (3) of this section may apply to the Secretary of State for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the Secretary of State and pay any application fee. In accordance with section 24-21-111 (1), the Secretary of State may require, at the Secretary of State's discretion, the application required by this section, and any renewal of the application, to be made by electronic means designated by the Secretary of State.

(2) In accordance with section 42-1-211, the Department of State and the Department of Revenue shall allow for the exchange of information and data collected by the systems used by the departments to collect information on legal names and signatures of all applicants for driver's licenses or state identification cards.

(3) An applicant for a commission as a notary public must:

(a) Be at least eighteen years of age;

(b) Be a citizen or permanent legal resident of the United States or otherwise lawfully present in the United States;

(c) Be a resident of or have a place of employment or practice in this state;

(d) Be able to read and write English;

(e) Not be disqualified to receive a commission under section 24-21-523; and

(f) Have passed the examination required under section 24-21-522 (1).
(4) The secretary of state shall verify the lawful presence in the United States of each applicant through the verification process outlined in section 24-76.5-103 (4).

(5) Before issuance of a commission as a notary public, an applicant for the commission shall take the following affirmation in the presence of a person qualified to administer an affirmation in this state:

I, (name of applicant), solemnly affirm, under the penalty of perjury in the second degree, as defined in section 18-8-503, Colorado Revised Statutes, that I have carefully read the notary law of this state, and, if appointed and commissioned as a notary public, I will faithfully perform, to the best of my ability, all notarial acts in conformance with the law.

(Signature of applicant)

Subscribed and affirmed before me this __________

day of ____________________, 20______.

(Official signature and seal of person qualified to administer affirmation)

(6) On compliance with this section, the secretary of state shall issue a commission as a notary public to an applicant for a term of four years, unless revoked in accordance with section 24-21-523. An applicant who has been denied appointment and commission may appeal the decision in accordance with article 4 of this title 24.

(7) A commission to act as a notary public authorizes the
notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

24-21-522. Examination of notary public. (1) An applicant for a commission as a notary public who does not hold a commission in this state must pass an examination administered by the secretary of state or an entity approved by the secretary of state. The examination must be based on the course of study described in subsection (2) of this section.

(2) The secretary of state or an entity approved by the secretary of state shall offer regularly a course of study to applicants who do not hold commissions as notaries public in this state. The course must cover the laws, rules, procedures, and ethics relevant to notarial acts. The office of the secretary of state may enter into a contract with a private contractor or contractors to conduct notary training programs. The contractor or contractors may charge a fee for any such training program.

24-21-523. Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public. (1) The secretary of state may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for:

(a) Failure to comply with this part 5;

(b) A substantial and material misstatement or omission of fact in the application for a commission as a notary public submitted to the secretary of state;

(c) Notwithstanding section 24-5-101, a conviction of the
APPLICANT OR NOTARY PUBLIC OF ANY FELONY OR, IN THE PRIOR FIVE YEARS, A MISDEMEANOR INVOLVING DISHONESTY;

(d) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;

(e) Failure by the notary public to discharge any duty required of a notary public, whether by this Part 5, rules of the secretary of state, or any federal or state law;

(f) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary does not have;

(g) Violation by the notary public of a rule of the secretary of state regarding a notary public;

(h) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state;

(i) A finding by a court of this state that the applicant or notary public has engaged in the unauthorized practice of law;

(j) Failure to comply with any term of suspension or condition imposed on the commission of a notary public under this section; or

(k) Performance of any notarial act while not currently commissioned by the secretary of state.

(2) Whenever the secretary of state or the secretary of state's designee believes that a violation of this Part 5 has occurred, the secretary of state or the secretary of state's
DESIGNEE MAY INVESTIGATE THE VIOLATION. THE SECRETARY OF STATE OR THE SECRETARY OF STATE’S DESIGNEE MAY ALSO INVESTIGATE POSSIBLE VIOLATIONS OF THIS PART 5 UPON A SIGNED COMPLAINT FROM ANY PERSON.

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

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

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

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

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

(a) THROUGH WHICH A PERSON MAY VERIFY THE AUTHORITY OF A
NOTARY PUBLIC TO PERFORM NOTARIAL ACTS; AND

(b) Which indicates whether a notary public has notified
the secretary of state that the notary public will be performing
notarial acts on electronic records.

24-21-525. Prohibited acts. (1) A commission as a notary
public does not authorize an individual to:

(a) Assist persons in drafting legal records, give legal
advice, or otherwise practice law;

(b) Act as an immigration consultant or an expert on
immigration matters;

(c) Represent a person in a judicial or administrative
proceeding relating to immigration to the United States, United
States citizenship, or related matters; or

(d) Receive compensation for performing any of the
activities listed in this subsection (1).

(2) A notary public shall not engage in false or deceptive
advertising.

(3) A notary public, other than an attorney licensed to
practice law in this state, shall not use the term "notario" or
"notario publico".

(4) A notary public, other than an attorney licensed to
practice law in this state, shall not advertise or represent that
the notary public may assist persons in drafting legal records,
give legal advice, or otherwise practice law. If a notary public
who is not an attorney licensed to practice law in this state in
any manner advertises or represents that the notary public
offers notarial services, whether orally or in a record,
INCLUDING BROADCAST MEDIA, PRINT MEDIA, AND THE INTERNET, THE
NOTARY PUBLIC SHALL INCLUDE THE FOLLOWING STATEMENT, OR AN
ALTERNATE STATEMENT AUTHORIZED OR REQUIRED BY THE SECRETARY OF
STATE, IN THE ADVERTISEMENT OR REPRESENTATION, PROMINENTLY AND
IN EACH LANGUAGE USED IN THE ADVERTISEMENT OR REPRESENTATION:
"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF
COLORADO AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
LEGAL ADVICE. I AM NOT AN IMMIGRATION CONSULTANT, NOR AM I AN
EXPERT ON IMMIGRATION MATTERS. IF YOU SUSPECT FRAUD, YOU MAY
CONTACT THE COLORADO ATTORNEY GENERAL'S OFFICE OR THE
COLORADO SUPREME COURT." IF THE FORM OF ADVERTISEMENT OR
REPRESENTATION IS NOT BROADCAST MEDIA, PRINT MEDIA, OR THE
INTERNET AND DOES NOT PERMIT INCLUSION OF THE STATEMENT REQUIRED
BY THIS SUBSECTION BECAUSE OF SIZE, IT MUST BE DISPLAYED
PROMINENTLY OR PROVIDED AT THE PLACE OF PERFORMANCE OF THE
NOTARIAL ACT BEFORE THE NOTARIAL ACT IS PERFORMED.

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

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

(7) A NOTARY PUBLIC SHALL NOT PERFORM ANY NOTARIAL ACT
WITH RESPECT TO A RECORD THAT IS BLANK OR THAT CONTAINS UNFILLED
BLANKS IN ITS TEXT.
24-21-526. **Validity of notarial acts.** Except as otherwise provided in section 24-21-504 (2), the failure of a notarial officer to perform a duty or meet a requirement specified in this part 5 does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this part 5 does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this part 5 or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

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

(a) **Prescribe the manner of performing notarial acts regarding tangible and electronic records;**

(b) **Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;**

(c) **Include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;**
(d) Prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public, including rules for use of the electronic filing system;

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

(f) Provide for the administration of the examination under section 24-21-522(1) and the course of study under section 24-21-522 (2).

(2) In adopting, amending, or repealing rules about notarial acts with respect to electronic records, the secretary of state shall consider, so far as is consistent with this part 5:

(a) The most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State;

(b) Standards, practices, and customs of other jurisdictions that substantially enact this part 5; and

(c) The views of governmental officials and entities and other interested persons.

24-21-528. Disposition of fees. (1) The secretary of state shall collect all fees pursuant to this article 21 in the manner required by section 24-21-104 (3) and shall transmit them to the state treasurer, who shall credit them to the department of state cash fund created in section 24-21-104 (3)(b).

(2) The general assembly shall make annual appropriations from the department of state cash fund for
EXPENDITURES OF THE SECRETARY OF STATE INCURRED IN THE
PERFORMANCE OF THE SECRETARY OF STATE'S DUTIES UNDER THIS PART
5.

24-21-529. Notary's fees. (1) Except as specified in
subsection (2) of this section, the fees of a notary public may be,
but must not exceed, five dollars for each document attested by
a person before a notary, except as otherwise provided by law.
The fee for each such document must include all duties and
functions required to complete the notarial act in accordance
with this Part 5.

(2) In lieu of the fee authorized in subsection (1) of this
section, a notary public may charge a fee, not to exceed ten
dollars, for the notary's electronic signature.

24-21-530. Change of name or address. (1) A notary public
shall notify the secretary of state within thirty days after he
or she changes his or her name, business address, or residential
address. In the case of a name change, the notary public shall
include a sample of the notary's handwritten official signature
on the notice. Pursuant to section 24-21-104(3), the secretary of
state shall determine the amount of, and collect, the fee,
payable to the secretary of state, for recording notice of
change of name or address.

24-21-531. Official misconduct by a notary public - liability of
notary or surety. (1) A notary public who knowingly and
willfully violates the duties imposed by this Part 5 commits
official misconduct and is guilty of a class 2 misdemeanor.

(2) A notary public and the surety or sureties on his or
HER BOND ARE LIABLE TO THE PERSONS INVOLVED FOR ALL DAMAGES
PROXIMATELY CAUSED BY THE NOTARY'S OFFICIAL MISCONDUCT.

(3) Nothing in this Part 5 shall be construed to deny a
notary public the right to obtain a surety bond or insurance on
a voluntary basis to provide coverage for liability.

24-21-532. Willful impersonation. A person who acts as, or
otherwise willfully impersonates, a notary public while not
lawfully appointed and commissioned to perform notarial acts
is guilty of a class 2 misdemeanor.

24-21-533. Wrongful possession of journal or seal. A person
who unlawfully possesses and uses a notary’s journal, an
official seal, a notary’s electronic signature, or any papers,
copies, or electronic records relating to notarial acts is guilty
of a class 3 misdemeanor.

24-21-534. Certification restrictions. (1) The secretary of
state may issue certificates or apostilles attesting to the
authenticity of a notarial act performed by a commissioned
notary public.

(2) The secretary of state shall not certify a signature
of a notary public on:

(a) A record that is not properly notarized in accordance
with the requirements of this Part 5;

(b) A record:

(I) Regarding allegiance to a government or jurisdiction;

(II) Relating to the relinquishment or renunciation of
citizenship, sovereignty, in itinere status or world service
authority; or
(III) Setting forth or implying for the bearer a claim of immunity from the law of this state or federal law.

24-21-535. Notary public commission in effect. A commission as a notary public in effect on the effective date of this Part 5 continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this Part 5 is subject to and shall comply with this Part 5. A notary public, in performing notarial acts after the effective date of this Part 5, shall comply with this Part 5.

24-21-536. Savings clause. This Part 5 does not affect the validity or effect of a notarial act performed before the effective date of this Part 5.

24-21-537. Uniformity of application and construction. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.


24-21-539. Effective date. This Part 5 takes effect on July 1, 2018.

24-21-540. Repeal. This Part 5 is repealed, effective September 1, 2022. Before its repeal, this Part 5 is scheduled for
REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 3. In Colorado Revised Statutes, 24-34-104, amend (14)(a) introductory portion and (23)(a) introductory portion; repeal (14)(a)(VII); and add (23)(a)(VIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (14) (a) The following agencies, functions, or both, will ARE SCHEDULED FOR repeal on July 1, 2018:

(VII) The appointment of notaries public through the secretary of state in accordance with part 1 of article 55 of title 12, C.R.S.;

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

(VIII) The appointment of notaries public through the secretary of state in accordance with part 5 of article 21 of this title 24;

SECTION 4. In Colorado Revised Statutes, 6-1-105, amend (1)(vv) as follows:

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

(vv) Violates section 12-55-110.3, C.R.S. 24-21-523 (1)(f) OR (1)(i) OR 24-21-525 (3), (4), OR (5);

SECTION 5. In Colorado Revised Statutes, 6-1-727, amend (3)(e)(III)(A) as follows:

6-1-727. Immigration-related services provided by nonattorneys - deceptive trade practice. (3) Prohibited practices - assistance with immigration matters - permitted practices.
(e) Notwithstanding paragraphs (a) to (d) of this subsection (3), a person other than a person listed in subparagraph (I) or (II) of paragraph (a) of this subsection (3) may:

(III) Offer other immigration-related services that:

(A) Are not prohibited under this subsection (3), section 12-55-110.3, C.R.S. 24-21-523 (1)(f) OR (1)(i) OR 24-21-525 (3), (4), OR (5), or any other provision of law; and

SECTION 6. In Colorado Revised Statutes, 42-1-211, amend (1.9)(a) as follows:

42-1-211. Colorado state titling and registration system.

(1.9) (a) In accordance with section 12-55-104(6), C.R.S. 24-21-521 (2), the department of revenue and the department of state shall allow for the exchange of information on legal names and signatures between the systems used by the department of revenue and the notary public filing system maintained by the department of state for the purpose of electronic filing of notary applications and renewals.

SECTION 7. In Colorado Revised Statutes, 38-30-127, amend (1)(b), (2), and (3) as follows:

38-30-127. Acknowledgments taken pursuant to other laws.

(1) In addition to the acknowledgment of instruments as provided by articles 30 to 44 of this title, instruments may be acknowledged by:

(b) Any person within or outside of this state, pursuant to part 2 of article 55 of title 12, C.R.S. PART 5 OF ARTICLE 21 OF TITLE 24.

(2) Any person otherwise authorized by law to take acknowledgments in this state may take and certify acknowledgments either in accordance with articles 30 to 44 of this title or in the same manner and on the same evidence as provided in part 2 of article 55 of
Any certificate of acknowledgment that is taken pursuant to such part 2 shall be valid and have the benefits set forth in subsection (3) of this section, whether such certificate is given before or after January 1, 1999.

(3) A certificate of acknowledgment taken pursuant to part 2 of article 55 of title 12, C.R.S. PART 5 OF ARTICLE 21 OF TITLE 24, or taken pursuant to such part 2 and subsection (2) of this section shall:

SECTION 8. Act subject to petition - effective date - applicability. (1) This act takes effect July 1, 2018; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on July 1, 2018, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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