



Notice of Proposed Rulemaking

**Office of the Secretary of State
Notary Program Rules
8 CCR 1505-11**

March 15, 2018

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. A hearing is scheduled for **April 17, 2018 at 1:00 p.m.** in the Blue Spruce Conference Room on the 2nd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290. The hearing will end when all interested parties have provided testimony or 3:00 p.m., whichever occurs first.

II. Subject

The Secretary is considering amendments to the Colorado Secretary of State Notary Program Rules² in order to ensure the uniform and proper administration, implementation, and enforcement of the Revised Uniform Law on Notarial Acts (RULONA).³ The Secretary may consider additional rule amendments including revisions necessary to eliminate obsolete provisions; remove references to repealed statutory provisions; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provisions:

- Section 24-21-521(1), C.R.S., (2018), which authorizes the Secretary of State to establish rules regarding the notary application process. It states: "The applicant shall comply with and provide the information required by rules established by the Secretary of State and pay any application fee."

¹ Section 24-4-103(3)(a), C.R.S. (2017).

² 8 CCR 1505-11.

³ Article 21 of Title 24, Part 5, C.R.S. (2017).

- Section 24-21-527(1)(a), C.R.S., (2018), which authorizes the Secretary of State to “[p]rescribe the manner of performing notarial acts regarding tangible and electronic records[.]”
- Section 24-21-527(1)(b), C.R.S., (2018), which authorizes the Secretary of State to “[i]nclude provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident[.]”
- Section 24-21-527(1)(c), C.R.S., (2018), which authorizes the Secretary of State to “[i]nclude provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures[.]”
- Section 24-21-527(1)(d), C.R.S., (2018), which authorizes the Secretary of State to “[p]rescribe 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[.]”
- Section 24-21-527(1)(e), C.R.S., (2018), which authorizes the Secretary of State to “[i]nclude provisions to prevent fraud or mistake in the performance of notarial acts[.]”
- Section 24-21-527(1)(f), C.R.S., (2018), which authorizes the Secretary of State to “[p]rovide for the administration of the examination under section 24-21-522(1) and the course of study under section 24-21-522(2).”

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2018/NotaryRulesHearing20180417.html

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedure Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by April 12, 2018.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

⁴ Section 24-4-103(3)(a), C.R.S. (2017). “Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website www.sos.state.co.us/pubs/rule_making/hearings/2018/NotaryRulesHearing20180417.html. We will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Blue Spruce Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 15th Day of March, 2018.



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Notary Program Rules 8 CCR 1505-11

March 15, 2018

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Secretary of State Notary Program Rules. The Secretary is considering other amendments to ensure uniform and proper administration, implementation, and enforcement of the Revised Uniform Notarial Law on Notarial Acts (RULONA) (SB 17-132)¹, which becomes effective July 1, 2018, and to answer questions arising under the RULONA. Specifically, the recodification is intended to:

- Correct statutory citations and add needed definitions of statutory terms.
- Revise current provisions concerning training requirements and clarify electronic notarization requirements.
- Clarify requirements for course provider applications, accreditation renewal, and course approval.
- Specify obligations for both a notary and the notary's employer if and when a notary chooses to leave his or her notary journal with the employer, as authorized by RULONA.

On March 2, 2018, the Secretary issued a request for public comment to help our office develop preliminary draft rules. The comments we received in anticipation of rulemaking are available online at: www.sos.state.co.us/pubs/rule_making/notaryRuleComments.html and are incorporated into the official rulemaking record.

The Secretary proposes the following rule revisions:

- Amendments to Current Rule 1 include correcting statutory citations and adding definitions:
 - Current Rule 1.4 is amended to cite the relevant provisions of the Revised Uniform Law on Notarial Acts (RULONA).
 - New Rule 1.7 defines “legal proceeding or disciplinary action based on the applicant’s or notary public’s fraud, dishonesty or deceit”. Under RULONA, section 24-21-523(1)(d), C.R.S., “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” is grounds for denial, suspension, revocation, or the

¹ Part 5, Article 21, Title 24 of the Colorado Revised Statutes.

imposition of conditions on a notary's commission. New Rule 1.7 defines the term for enforcement purposes.

- New Rule 1.8 defines “misdemeanor involving dishonesty”. Under RULONA, section 24-21-523(1)(c), C.R.S., “a conviction of the applicant or notary public of any felony or, in the prior five years, a misdemeanor involving dishonesty” is grounds for denial, suspension, revocation, or the imposition of conditions on a notary's commission. New Rule 1.8 defines the term for enforcement purposes.
- Current Rule 1.7 is renumbered as Rule 1.9.
- Amendments to Current Rule 2 include revising and clarifying current provisions concerning training and electronic notarization requirements and correcting statutory citations as follows:
 - New Rule 2.1.3 requires commissioned notaries to complete training and pass the Secretary of State's exam no more than 90 days before renewal of their commission. The Colorado Secretary of State's notary enforcement program has reviewed a substantial number of notary complaints received over the past five years. Many of the complaints concern notary law violations by individuals who were commissioned before the Colorado General Assembly made substantial changes to the notary laws, such as requiring use of a notary seal containing specific content. Other violations occur because of confusion concerning fundamental notarial principles, such as the requirement of physical presence. These errors may negatively impact Colorado citizens as well as subject the notary to legal liability. The risk of increased violations is particularly significant given the adoption of an entirely new notary statute RULONA, which becomes effective July 1, 2018. The purpose of New Rule 2.1.3 is to reduce the number of notary law violations by requiring notaries to complete training and take an exam in order to renew. The Colorado Secretary of State currently offers free online notary training through its website. The current notary training course is approximately two hours in length. The notary can pause and restart the training course at his or her convenience, i.e., the course does not have to be completed in one session or sitting. The required exam is also free. Of course, renewing notaries also still have the option of taking course for a fee from one of several approved vendors.
 - Current Rule 2.1.4 is renumbered as Rule 2.1.5.
 - Current Rule 2.1.5 is renumbered as 2.1.6 and the statutory citation in Rule 2.1.6(a) is revised to correctly reference RULONA.
 - Current Rule 2.2.1 is revised concerning the use of an electronic notary's special electronic signature used in electronic notarizations. Like the repealed Notary Public Act, RULONA also authorizes a notary to receive Secretary of State approval to notarize electronic documents. Becoming certified to perform this type of notarization, which still requires physical presence of the signer, is completely optional and a Colorado notary is not required to perform electronic notarizations. However, if a Colorado notary does opt to become certified as an “electronic notary” or “e-notary,” Rule 2.2.1, as revised, clarifies both that: (1) the e-notary may choose to use a unique 11-digit Document Authentication Number or DAN issued by the Secretary of State, per section 24-21-520(3), C.R.S., as the notary's electronic signature or may choose to use another electronic signature; and (2) even if the e-notary chooses a different electronic signature, the e-notary must still always include a DAN in an electronic notarization.

- Current Rule 2.2.2 is repealed as unnecessary. As enacted, section 24-21-520(3), C.R.S., of RULONA requires the notary to include his or her notary identification number in an electronic notarization. It is therefore unnecessary to also include this requirement in the Notary Program Rules.
- Current Rule 2.2.3 is repealed as unnecessary.
- Current Rule 2.2.4 is renumbered as Rule 2.2.2.
- Current Rule 2.2.5 is renumbered as Rule 2.2.3.
- Current Rule 2.2.6 is renumbered as Rule 2.2.4.
- New Rule 2.2.4(a) is amended to clarify when an electronic notary’s commission expires, i.e., is no longer legally effective.
 - Amended Rule 2.2.4(a)(4) specifies that approval of the notary’s authorization to perform electronic notarization expires if the notary is convicted of a misdemeanor involving dishonesty. The Rules currently already indicate that such approval expires if the notary is convicted of a felony. Revising the Rules to include a “misdemeanor involving dishonesty” fills in an existing gap and makes the Rules consistent with RULONA.
 - Current Rule 2.2.4(a)(4) is renumbered as Rule 2.2.4(a)(5) and amended to clarify that an electronic notary’s authorization to electronically notarize expires if that notary either no longer maintains a place of employment or practice in Colorado or no longer maintains a residential address in Colorado. This harmonizes the Rules with RULONA’s commission eligibility requirements in section 24-21-521(3)(c), C.R.S.
 - Current Rule 2.2.4(a)(5) is renumbered as New Rule 2.2.4(a)(6).
- Amendments to Current Rule 3 include clarifying requirements for course provider application, accreditation renewal, and course approval, and correcting statutory citations as follows:
 - Current Rule 3.1.1(b) is amended to clarify that a course provider applicant may complete in person or online training offered by the Colorado Secretary of State.
 - Current Rule 3.2.1(a) is amended to correctly reference RULONA.
 - Current Rule 3.2.2(c) is amended to clarify that in order to reapply for accreditation, a vendor must also submit a detailed curriculum and copies of any course handout materials, workbooks, and tests in addition to any required application form and fee. The purpose of this revision is to ensure that vendor course materials are accurate and consistent with applicable laws and rules.
 - Current Rule 3.5 is amended. The Rule currently imposes a duty on already approved vendors and course providers to update their materials to ensure consistency with Colorado law. As amended, Rule 3.5 requires vendors and course providers to submit and obtain approval from the Colorado Secretary of State of all revisions in order to ensure that such revisions are accurate and consistent with applicable laws and rules.

- New Rule 4 sets forth the obligations for both a notary and the notary’s firm or employer if and when a notary chooses to leave his or her notary journal with the firm or employer as follows:
 - New Rule 4.1 requires a notary to notify the Colorado Secretary of State if the notary opts to leave his or her journal with the notary’s firm or employer when the notary resigns his or her commission or if the notary’s commission is revoked or expires. In passing RULONA in 2017, the General Assembly enacted provisions which authorize a notary to make two choices: instead of retaining the journal for ten years, then sending to the Colorado State Archives, while notifying the Colorado Secretary of State, a notary may choose to leave the journal with the notary’s firm or employer. Section 24-21-519(10)(a)(I) and (II). C.R.S. As a point of clarification, a notary is not obligated to leave the journal with his or her firm or employer and the firm and employer cannot require a notary to do so. However, if a notary does opt to leave the journal with the firm or employer, New Rule 4.1 clarifies that the notary must notify the Colorado Secretary of State electronically using the office’s required form.
 - New Rule 4.2 and sub-rules 4.2.1 through 4.2.5 impose the same statutory notary obligations and duties on the notary’s firm or employer concerning keeping the journal secure when the journal is left with the firm or employer, i.e., providing a copy of a transaction to a member of the public; providing the journal to the Secretary of State for auditing or inspection without restriction; providing a journal to a certified peace officer, as statutorily defined; and notifying the Secretary of State if the journal is lost or stolen.
 - New Rule 4.3 authorizes the firm or employer in possession of a notary journal to either retain the journal indefinitely or transmit the journal to the Colorado State Archives and notify the Colorado Secretary of State like a notary is required to do.
- Other changes to rules not specifically listed are entirely non-substantive. Some words and phrases are changed to simplify or clarify, but the meaning is not intended to be altered unless as described above. Cross-references in rules are also corrected or updated. Renumbering the rules is necessary for consistency with Department rulemaking format/style.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-21-521(1), C.R.S., (2018), which authorizes the Secretary of State to establish rules regarding the notary application process. It states: “The applicant shall comply with and provide the information required by rules established by the Secretary of State and pay any application fee.”
- Section 24-21-527(1)(a), C.R.S., (2018), which authorizes the Secretary of State to “[p]rescribe the manner of performing notarial acts regarding tangible and electronic records[.]”
- Section 24-21-527(1)(b), C.R.S., (2018), which authorizes the Secretary of State to “[i]nclude provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident[.]”
- Section 24-21-527(1)(c), C.R.S., (2018), which authorizes the Secretary of State to “[i]nclude provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures[.]”

- Section 24-21-527(1)(d), C.R.S., (2018), which authorizes the Secretary of State to “[p]rescribe 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[.]”
- Section 24-21-527(1)(e), C.R.S., (2018), which authorizes the Secretary of State to “[i]nclude provisions to prevent fraud or mistake in the performance of notarial acts[.]”
- Section 24-21-527(1)(f), C.R.S., (2018), which authorizes the Secretary of State to “[p]rovide for the administration of the examination under section 24-21-522(1) and the course of study under section 24-21-522(2).”

Preliminary Draft of Proposed Rules

Office of the Colorado Secretary of State Notary Program Rules 8 CCR 1505-11

March 15, 2018

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the April 17, 2018 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State’s website no later than **April 12, 2018**.²

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>Italic blue font text</i>	Annotations

1 *Amendments to 8 CCR 1505-11:*

2 *Amendments to Rule 1 concerning definitions:*

3 *[Current Rule 1.4 is amended.]*

4 1.4 “DAN” means the unique document authentication number issued by the Secretary of State and
5 required by ~~sections 12-55-106.5, 12-55-111(4), and 12-55-112(4.5)(b)~~, SECTION 24-21-520(3),
6 C.R.S., for electronic notarizations.

7 *[New Rules 1.7 and 1.8.]*

8 1.7 “LEGAL PROCEEDING OR DISCIPLINARY ACTION BASED ON THE APPLICANT’S OR NOTARY
9 PUBLIC’S FRAUD, DISHONESTY, OR DECEIT” IN SECTION 24-21-523(1)(D), C.R.S., MEANS ANY
10 CIVIL OR CRIMINAL MATTER CONDUCTED EITHER JUDICIALLY OR ADMINISTRATIVELY
11 CONCERNING ACTIVITIES INVOLVING FRAUD, DECEIT, OR THE OTHER VIOLATIONS LISTED IN RULE
12 1.8.

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2017). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2017). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1 1.8 “MISDEMEANOR INVOLVING DISHONESTY” IN SECTION 24-21-523(1)(C), C.R.S., MEANS A
2 VIOLATION OF, OR A CONSPIRACY TO VIOLATE, A CIVIL OR CRIMINAL LAW INVOLVING FRAUD,
3 DISHONESTY, BRIBERY, PERJURY, LARCENY, THEFT, ROBBERY, EXTORTION, FORGERY,
4 COUNTERFEITING, EMBEZZLEMENT, MISAPPROPRIATION OF PROPERTY, OR ANY OTHER OFFENSE
5 ADVERSELY AFFECTING A PERSON’S FITNESS TO SERVE AS A NOTARY PUBLIC.

6 ~~1.7~~-1.9 “New applicant” means a person seeking a commission as a Colorado notary for the first time or
7 a formerly commissioned notary in Colorado whose commission has been expired for more than
8 30 days.

9 *Amendments to Rule 2 concerning notary commissions:*

10 *[Regarding filing and training requirements: New Rule 2.1.3. Current Rules 2.1.3, 2.1.4, and 2.1.5 are*
11 *renumbered as Rules 2.1.4, 2.1.5, and 2.1.6. New Rule 2.1.6(a) is amended.]*

12 2.1.3 NO MORE THAN 90 DAYS BEFORE RENEWING A COMMISSION, A NOTARY MUST
13 SUCCESSFULLY COMPLETE TRAINING AND PASS THE EXAM ADMINISTERED BY THE
14 SECRETARY OF STATE.

15 ~~2.1.3~~-2.1.4 The Secretary of State will grant credit only for completion of courses offered by
16 an approved vendor, an approved course provider, or the Secretary of State.

17 ~~2.1.4~~-2.1.5 The Secretary of State may require a notary who has committed misconduct
18 meriting a disciplinary proceeding to retake and successfully complete the training and
19 exam.

20 ~~2.1.5~~-2.1.6 Examination. The Secretary of State’s open book examination will test the
21 applicant’s understanding of notary duties contained in the following:

22 (a) Title ~~12-24~~, Article ~~55-21~~, PART 5 (~~The Notaries Public Act~~ REVISED UNIFORM
23 LAW ON NOTARIAL ACTS) of the Colorado Revised Statutes;

24 (b) Title 38, Article 30 (Titles and Interests) of the Colorado Revised Statutes;

25 (c) Title 1, Article 40 (Initiative and Referendum) of the Colorado Revised Statutes;
26 and

27 (d) The Official Notary Handbook published by the Secretary of State.

28 *[Amendments to current Rule 2.2.1, concerning electronic notarization]*

29 2.2.1 A notary must submit a notice of intent on the approved form and receive approval from
30 the Secretary of State before the notary may electronically notarize a document. A new
31 applicant may file the intent at the time of application but may only electronically
32 notarize a document after he or she has been commissioned and approved. A NOTARY
33 MAY CHOOSE TO EITHER USE A DAN AS THE NOTARY’S ELECTRONIC SIGNATURE OR
34 ADOPT A DIFFERENT ELECTRONIC SIGNATURE WHICH THE NOTARY MUST ALWAYS USE IN
35 CONJUNCTION WITH A DAN. If the applicant intends to use a different electronic
36 signature than a DAN, the applicant must attach an example of the electronic signature, a
37 description of the electronic signature technology, and contact information for the

1 technology's supplier or vendor. A notary must notify the Secretary of State of all
2 electronic signature changes.

3 *[Current Rules 2.2.2 and 2.2.3 are repealed. Current Rules 2.2.4 and 2.2.5 are renumbered as Rules 2.1.2*
4 *and 2.1.3]*

5 ~~2.2.2 A notary must include his or her notary identification number in an electronic~~
6 ~~notarization.~~

7 ~~2.2.3 For purposes of section 12-55-106.5(1), C.R.S., a notary's name means the notary's~~
8 ~~printed legal name.~~

9 ~~2.2.4~~2.2.2 A notary must:

- 10 (a) Use a different DAN for each electronic notarization;
- 11 (b) Take reasonable measures to secure assigned DANs against another person's
12 access or use and must not permit such access or use; and
- 13 (c) Request new DANs to replace lost or stolen DANs after notifying the Secretary
14 in the same manner as for a journal or seal.

15 ~~2.2.5~~2.2.3 A notary must verify that the document signer has adopted an electronic
16 signature to function as his or her signature before electronically notarizing a document.

17 *[Current Rule 2.2.6 is renumbered as Rule 2.2.4 and amended.]*

18 ~~2.2.6~~2.2.4 Expiration of the Secretary of State's approval to notarize electronically

19 (a) Approval automatically expires:

- 20 (1) Upon revocation, expiration, or resignation of the notary's commission;
- 21 (2) 30 days after the notary's name changes unless the notary previously
22 submitted a name change.
- 23 (3) Upon conviction of a felony;
- 24 (4) UPON CONVICTION OF A MISDEMEANOR INVOLVING DISHONESTY;
- 25 ~~(4)-(5)~~ If the notary ~~moves out of Colorado~~ NO LONGER HAS A PLACE OF
26 EMPLOYMENT OR PRACTICE OR A RESIDENTIAL ADDRESS IN THE STATE
27 OF COLORADO; or
- 28 ~~(5)-(6)~~ Upon the expiration or revocation of the technology described in the
29 notification.

30 (b) If approval expires, the notary or the notary's authorized representative must
31 destroy all electronic notarization software and unused DANs unless:

- 32 (1) The notary's commission expired; and

1 (2) Within 30 days of the commission's expiration, the Secretary of State
2 recommissions the notary and the notary reregisters his or her electronic
3 signature.

4 *Amendments to Rule 3, concerning notary trainer requirements:*

5 *[Amendments to current Rule 3.1.1(b), concerning course provider applicant requirements:]*

6 3.1.1 A course provider applicant must:

7 *[No amendments to current Rule 3.1.1(a)]*

8 (b) Attend IN-PERSON OR ONLINE training provided by the Secretary of State.

9 *[Amendments to current Rule 3.2.1(a), concerning vendor-specific requirements:]*

10 3.2.1 The Secretary of State must approve a vendor's proposed curriculum before a vendor
11 may offer a notary training course. Curriculum must be based on:

12 (a) ~~The Colorado Notaries Public Act~~ REVISED UNIFORM LAW ON NOTARIAL ACTS
13 including but not limited to: the physical presence requirement, duty not to
14 notarize a blank document, duty to use a notarial certificate, disqualifying
15 interest, application procedures, resignation requirements, duty to maintain a
16 journal of notarial acts, revocation proceedings, liability, identification of signers,
17 role of the notary, and official misconduct; and

18 *[No amendments to current Rule 3.2.1(b)]*

19 *[Current Rule 3.2.2(c), concerning seal of accreditation, is amended.]*

20 (c) A seal of accreditation expires four years after issuance. To renew accreditation,
21 a vendor must submit FOR REAPPROVAL A DETAILED CURRICULUM; COPIES OF
22 ANY COURSE HANDOUT MATERIALS, WORKBOOKS, AND TESTS; AND the required
23 form and fee.

24 *[Current Rule 3.5 is amended.]*

25 3.5 Duty to revise training. Approved vendors and course providers must revise approved courses of
26 instruction as necessary to ensure that the courses accurately reflect current Colorado law.
27 APPROVED VENDORS AND COURSE PROVIDERS MUST SUBMIT NOTICE OF REVISED TRAINING AND
28 COPIES OF THE REVISIONS TO THE SECRETARY OF STATE FOR REVIEW AND APPROVAL IN A
29 FORMAT THAT SATISFIES RULE 3.4, BEFORE OFFERING THE REVISED TRAINING TO THE PUBLIC.

30 *[New Rule 4.]*

31 **RULE 4. NOTARY JOURNAL REQUIREMENTS**

32 4.1 IF A CURRENT OR FORMER NOTARY LEAVES THE NOTARY JOURNAL WITH THE NOTARY'S FIRM OR
33 EMPLOYER, AS AUTHORIZED BY SECTION 24-21-519(10)(A), C.R.S., THE NOTARY MUST NOTIFY
34 THE SECRETARY OF STATE BY ELECTRONICALLY SUBMITTING THE REQUIRED FORM.

- 1 4.2 A FIRM OR EMPLOYER IN POSSESSION OF A NOTARY'S JOURNAL HAS THE SAME RESPONSIBILITY
2 AS A NOTARY TO:
- 3 4.2.1 KEEP THE JOURNAL SECURE AS DETAILED IN SECTION 24-21-519(4), C.R.S.;
- 4 4.2.2 PROVIDE A COPY OF A REQUESTED TRANSACTION TO A MEMBER OF THE PUBLIC PER
5 SECTION 24-21-519(5), C.R.S, BUT WITHOUT CERTIFYING THE COPY OR CHARGING A
6 NOTARY FEE;
- 7 4.2.3 PROVIDE THE JOURNAL TO THE SECRETARY OF STATE FOR AUDITING OR INSPECTION
8 WITHOUT RESTRICTION PER SECTION 24-21-519(6), C.R.S.;
- 9 4.2.4 PROVIDE THE JOURNAL TO A CERTIFIED PEACE OFFICER PER SECTION 24-21-519(7),
10 C.R.S.; AND
- 11 4.2.5 NOTIFY THE SECRETARY OF STATE IF THE JOURNAL IS LOST OR STOLEN PER SECTION 24-
12 21-519(8), C.R.S.
- 13 4.3 A FIRM OR EMPLOYER IN POSSESSION OF A NOTARY'S JOURNAL MAY:
- 14 4.3.1 RETAIN THE JOURNAL INDEFINITELY; OR
- 15 4.3.2 TRANSMIT THE JOURNAL TO THE COLORADO STATE ARCHIVES AND NOTIFY THE SECRETARY OF
16 STATE PER SECTION 24-21-519(10)(A)(I) AND (B), C.R.S.