

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

UNEDITED
UNREVISED
DRAFT
8.15.17

DRAFT

Temporary storage location: C:\Users\Thomas_Morris\Desktop\Attachments\18-0115_01.tmp

LLS NO. 18-0115.01 Thomas Morris x4218

SENATE BILL

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None,)

BILL TOPIC: "Authorize Audio-video Communication Notarial Acts"

A BILL FOR AN ACT

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

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/>.)

The bill summary for this measure has been intentionally omitted and will appear on future redrafts of this measure.

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 24-21-506 as
3 follows:

4 **24-21-506. Personal appearance required - definition.** [*Editor's*
5 *note: This section is effective July 1, 2018.*] (1) If a notarial act relates
6 to a statement made in or a signature executed on a record, the individual
7 making the statement or executing the signature shall appear personally
8 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 PERSON
12 AND CLOSE ENOUGH TO SEE, HEAR, COMMUNICATE WITH, AND EXCHANGE
13 TANGIBLE IDENTIFICATION CREDENTIALS WITH THAT INDIVIDUAL; OR

14 (b) INTERACTING WITH ANOTHER INDIVIDUAL BY MEANS OF
15 AUDIO-VIDEO COMMUNICATION IN COMPLIANCE WITH SECTION
16 24-21-514.5.

17 <*I codified this definition in section 506 because that is the only*
18 *section that uses the term "appear personally".*>

19 **24-21-514.5. Audio-video communication - definitions.** (1) IN
20 THIS SECTION:

21 (a) "AUDIO-VIDEO COMMUNICATION" MEANS COMMUNICATION BY
22 WHICH A PERSON IS ABLE TO SEE, HEAR, AND COMMUNICATE WITH
23 ANOTHER PERSON IN REAL TIME USING ELECTRONIC MEANS. <{NV}>

24 (b) "CREDENTIAL" MEANS A TANGIBLE RECORD EVIDENCING THE
25 IDENTITY OF A PERSON. <{NV}>

26 (c) "CREDENTIAL ANALYSIS" MEANS A PROCESS OR SERVICE THAT
27 COMPLIES WITH ANY RULES ADOPTED BY THE SECRETARY OF STATE

1 THROUGH WHICH A THIRD PARTY AFFIRMS THE VALIDITY OF A
2 GOVERNMENT-ISSUED IDENTIFICATION CREDENTIAL THROUGH THE REVIEW
3 OF PUBLIC AND PROPRIETARY DATA SOURCES. <{NV and TX}>

4 (d) "DYNAMIC KNOWLEDGE-BASED AUTHENTICATION
5 ASSESSMENT" MEANS AN IDENTITY ASSESSMENT THAT IS BASED ON A SET
6 OF QUESTIONS FORMULATED FROM PUBLIC OR PRIVATE DATA SOURCES FOR
7 WHICH THE PERSON TAKING THE ASSESSMENT HAS NOT PREVIOUSLY
8 PROVIDED AN ANSWER AND THAT MEETS ANY RULES ADOPTED BY THE
9 SECRETARY OF STATE. <{NV and MENA}>

10 (e) "IDENTITY PROOFING" MEANS A PROCESS OR SERVICE
11 OPERATING ACCORDING TO CRITERIA APPROVED BY THE SECRETARY OF
12 STATE THROUGH WHICH A THIRD PARTY PROVIDES A NOTARY PUBLIC WITH
13 A REASONABLE MEANS TO VERIFY THE IDENTITY OF AN INDIVIDUAL
14 THROUGH A REVIEW OF PERSONAL INFORMATION FROM PUBLIC AND
15 PROPRIETARY DATA SOURCES. <{TX and RULONA}>

16 (f) "OUTSIDE THE UNITED STATES" MEANS A LOCATION OUTSIDE
17 THE GEOGRAPHIC BOUNDARIES OF THE UNITED STATES, PUERTO RICO, THE
18 UNITED STATES VIRGIN ISLANDS, AND ANY TERRITORY OR INSULAR
19 POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.
20 <{RULONA}>

21 (g) "PRINCIPAL" MEANS:

22 (I) AN INDIVIDUAL WHOSE SIGNATURE IS NOTARIZED IN A REMOTE
23 NOTARIZATION; OR

24 (II) AN INDIVIDUAL TAKING AN OATH OR AFFIRMATION FROM THE
25 NOTARY PUBLIC, BUT NOT IN THE CAPACITY OF A CREDIBLE OR OTHER
26 WITNESS FOR THE NOTARIAL ACT. <{TX and MENA}>

27 (h) "PUBLIC KEY CERTIFICATE" MEANS AN ELECTRONIC

1 CREDENTIAL THAT IS USED TO IDENTIFY AN INDIVIDUAL WHO SIGNED AN
2 ELECTRONIC RECORD WITH THE CERTIFICATE. <{MENA}>

3 (i) "REAL TIME" MEANS THE ACTUAL SPAN OF UNINTERRUPTED
4 TIME DURING WHICH ALL PARTS OF A REMOTE NOTARIZATION OCCUR.

5 <{adapted from MENA}>

6 (j) "REMOTENOTARIZATION" MEANS ANOTARIALACTPERFORMED
7 BY MEANS OF AUDIO-VIDEO COMMUNICATION IN ACCORDANCE WITH THIS
8 SECTION. <{based on TX definition of "online notarization"}>

9 (k) "REMOTE NOTARIZATION SYSTEM" MEANS A SET OF
10 APPLICATIONS, PROGRAMS, HARDWARE, SOFTWARE, OR TECHNOLOGIES
11 DESIGNED TO ENABLE A NOTARY PUBLIC TO PERFORM REMOTE
12 NOTARIZATIONS. <{adapted from MENA's definition for electronic
13 notarization system}>

14 (l) "REMOTE PRESENTATION" MEANS TRANSMISSION TO THE
15 NOTARY PUBLIC THROUGH COMMUNICATION TECHNOLOGY OF
16 AN IMAGE OF A GOVERNMENT-ISSUED IDENTIFICATION CREDENTIAL THAT IS
17 OF SUFFICIENT QUALITY TO ENABLE THE ONLINE NOTARY PUBLIC TO:

18 (I) IDENTIFY THE INDIVIDUAL SEEKING THE ONLINE NOTARY
19 PUBLIC'S SERVICES; AND

20 (II) PERFORM CREDENTIAL ANALYSIS. <{TX}> <{This definition
21 is used only in Identity of the Signer Option 3}>

22 (m) "TAMPER-EVIDENT TECHNOLOGY" MEANS A SET OF
23 APPLICATIONS, PROGRAMS, HARDWARE, SOFTWARE, OR OTHER
24 TECHNOLOGIES DESIGNED TO ENABLE A NOTARY PUBLIC TO PERFORM
25 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS AND TO DISPLAY

1 EVIDENCE OF ANY CHANGES MADE TO AN ELECTRONIC RECORD.

2 <{MENA}> <{*This definition is not used anywhere in this draft*}>

3 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION,
4 A NOTARY PUBLIC MAY PERFORM A NOTARIAL ACT BY MEANS OF AUDIO-VIDEO
5 COMMUNICATION IN COMPLIANCE WITH THIS SECTION AND ANY RULES
6 ADOPTED BY THE SECRETARY OF STATE FOR A PRINCIPAL WHO IS LOCATED:

7 (1) IN THIS STATE;

8 (2) OUTSIDE OF THIS STATE BUT WITHIN THE UNITED STATES; OR

9 (3) OUTSIDE THE UNITED STATES IF:

10 (A) THE NOTARY PUBLIC HAS NO ACTUAL KNOWLEDGE OF THE
11 NOTARIAL ACT BEING PROHIBITED IN THE JURISDICTION IN WHICH THE
12 PRINCIPAL IS PHYSICALLY LOCATED AT THE TIME OF THE ACT; AND

13 (B) THE PRINCIPAL CONFIRMS TO THE NOTARY PUBLIC THAT THE
14 REQUESTED NOTARIAL ACT AND THE RECORD:

15 (i) RELATE TO A MATTER THAT WILL BE FILED
16 WITH OR IS CURRENTLY BEFORE A COURT, GOVERNMENTAL ENTITY, OR
17 OTHER ENTITY IN THE UNITED STATES;

18 (ii) RELATE TO PROPERTY LOCATED IN THE UNITED STATES; OR

19 (iii) RELATE TO A TRANSACTION SUBSTANTIALLY CONNECTED TO
20 THE UNITED STATES. <{*NV and MENA; part (c) also RULONA. Note*
21 *that NV and MENA limit the authorization to electronic notarizations,*
22 *RULONA and TX do not.*>

23 (b) A NOTARY PUBLIC SHALL NOT PERFORM A REMOTE NOTARIZATION
24 FOR:

25 (1) A RECORD RELATING TO THE ELECTORAL PROCESS; OR

26 (2) A WILL, CODICIL, OR SIMILAR PROBATE RECORD.

1 (3) BEFORE A NOTARY PUBLIC PERFORMS THE
2 INITIAL REMOTE NOTARIZATION, THE NOTARY PUBLIC MUST NOTIFY THE
3 SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING
4 REMOTE NOTARIZATIONS AND IDENTIFY THE TECHNOLOGY THAT THE
5 NOTARY PUBLIC INTENDS TO USE. THE TECHNOLOGY AND ANY CONTRACT OR TERMS
6 OF USE MUST CONFORM TO ANY RULES ADOPTED BY THE SECRETARY OF STATE.
7 THE NOTICE MUST BE SUBMITTED IN THE FORMAT REQUIRED BY THE
8 SECRETARY OF STATE AND MUST INCLUDE:

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

12 (b) PROOF THAT THE NOTARY PUBLIC HAS SUCCESSFULLY COMPLETED ANY
13 TRAINING AND EXAM REQUIRED BY THE SECRETARY OF STATE. <{TX, NV,
14 MENA, modified to conform with existing language and requirements
15 in SB 132}>

17 (4) A NOTARY PUBLIC WHO PERFORMS A NOTARIAL ACT FOR A
18 PRINCIPAL BY MEANS OF AUDIO-VIDEO COMMUNICATION MUST:

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

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

22 (c) BE SATISFIED THAT ANY RECORD THAT IS SIGNED,
23 ACKNOWLEDGED, OR OTHERWISE PRESENTED FOR NOTARIZATION BY THE
24 PRINCIPAL IS THE SAME RECORD SIGNED BY THE NOTARY;

25 (d) BE SATISFIED THAT THE QUALITY OF THE AUDIO-VIDEO
26 COMMUNICATION IS SUFFICIENT TO MAKE THE DETERMINATIONS REQUIRED

1 FOR THE NOTARIAL ACT UNDER THIS PART 5 AND ANY OTHER LAW OF THIS
2 STATE; AND

3 (e) IDENTIFY THE VENUE FOR THE NOTARIAL ACT AS THE
4 JURISDICTION WITHIN THIS STATE WHERE THE NOTARY IS PHYSICALLY
5 LOCATED WHILE PERFORMING THE ACT. <{MENA}>

6 (5) A REMOTE NOTARIZATION SYSTEM USED TO PERFORM REMOTE
7 NOTARIZATIONS MUST:

8 (a) REQUIRE THE NOTARY PUBLIC, THE PRINCIPAL, AND ANY
9 REQUIRED WITNESS TO ACCESS THE SYSTEM THROUGH AN
10 AUTHENTICATION PROCEDURE THAT IS REASONABLY SECURE FROM
11 UNAUTHORIZED ACCESS;

12 (b) ENABLE THE NOTARY PUBLIC TO VERIFY THE IDENTITY OF THE
13 PRINCIPAL AND ANY REQUIRED WITNESS BY MEANS OF PERSONAL
14 KNOWLEDGE OR SATISFACTORY EVIDENCE OF IDENTITY IN COMPLIANCE
15 WITH SUBSECTION (6) OF THIS SECTION; AND

16 (c) FOR AN ELECTRONIC RECORD, PROVIDE REASONABLE
17 CERTAINTY THAT THE NOTARY PUBLIC, PRINCIPAL, AND ANY REQUIRED
18 WITNESS ARE VIEWING THE SAME ELECTRONIC RECORD AND THAT ALL
19 SIGNATURES, CHANGES, AND ATTACHMENTS TO THE ELECTRONIC RECORD
20 ARE MADE IN REAL TIME. <{MENA}>

21 <{*Identity of the Signer Option 1 (RULONA)*}>

22 (6) IN ADDITION TO THE METHODS REQUIRED <{OR
23 "AUTHORIZED"? AND SHOULD THERE BE A CONFORMING AMENDMENT TO
24 §507?}> BY SECTION 24-21-507 FOR THE IDENTIFICATION OF AN
25 INDIVIDUAL, A NOTARY PUBLIC HAS SATISFACTORY EVIDENCE OF THE
26 IDENTITY OF AN INDIVIDUAL APPEARING BEFORE THE NOTARY PUBLIC BY
27 MEANS OF COMMUNICATION TECHNOLOGY IF THE NOTARY PUBLIC CAN

1 REASONABLY IDENTIFY THE INDIVIDUAL BY MEANS OF IDENTITY PROOFING.

2 <{*Identity of the Signer Option 2 (MENA)*}>

3 (6) (a) A NOTARY PUBLIC SHALL DETERMINE FROM PERSONAL
4 KNOWLEDGE OR SATISFACTORY EVIDENCE OF IDENTITY AS DESCRIBED IN
5 SUBSECTION (6)(B) OF THIS SECTION THAT THE PRINCIPAL APPEARING
6 BEFORE THE NOTARY BY MEANS OF AUDIO-VIDEO COMMUNICATION IS THE
7 INDIVIDUAL THAT HE OR SHE PURPORTS TO BE.

8 (b) A NOTARY PUBLIC HAS SATISFACTORY EVIDENCE OF IDENTITY
9 IF THE NOTARY CAN IDENTIFY THE INDIVIDUAL WHO PERSONALLY APPEARS
10 BEFORE THE NOTARY BY MEANS OF AUDIO-VIDEO COMMUNICATION BASED
11 ON:

12 (I) THE OATH OR AFFIRMATION OF A CREDIBLE WITNESS WHO
13 PERSONALLY KNOWS THE PRINCIPAL, IS PERSONALLY KNOWN TO THE
14 NOTARY PUBLIC, AND WHO IS IN THE PHYSICAL PRESENCE OF THE NOTARY
15 OR THE PRINCIPAL DURING THE REMOTE NOTARIZATION ;

16 (II) A DYNAMIC KNOWLEDGE-BASED AUTHENTICATION
17 ASSESSMENT BY A TRUSTED THIRD PERSON THAT COMPLIES WITH RULES
18 ADOPTED BY THE SECRETARY OF STATE;

19 (III) A VALID PUBLIC KEY CERTIFICATE THAT COMPLIES WITH
20 RULES ADOPTED BY THE SECRETARY OF STATE; OR

21 (IV) AN IDENTITY VERIFICATION BY A TRUSTED THIRD PERSON
22 THAT COMPLIES WITH RULES ADOPTED BY THE SECRETARY OF STATE.

23 <{*MENA*}>

24 <{*Identity of the Signer Option 3 (NV; TX is similar, differences noted*

25 *in brackets)*}>

26 (6) FOR THE PURPOSES OF PERFORMING A REMOTE NOTARIZATION,

1 A NOTARY PUBLIC HAS SATISFACTORY EVIDENCE OF THE IDENTITY OF THE
2 PRINCIPAL IF THE NOTARY PUBLIC CONFIRMS THE IDENTITY OF THE PERSON
3 BY:

4 (a) PERSONAL KNOWLEDGE;

5 (b) EACH OF THE FOLLOWING:

6 (I) REMOTE PRESENTATION BY THE PRINCIPAL OF A GOVERNMENT-
7 ISSUED IDENTIFICATION CREDENTIAL THAT CONTAINS A PHOTOGRAPH AND
8 THE SIGNATURE OF THE PERSON;

9 (II) CREDENTIAL ANALYSIS OF THE GOVERNMENT-ISSUED
10 IDENTIFICATION CREDENTIAL AND THE DATA THEREON; AND

11 (III) [A DYNAMIC KNOWLEDGE-BASED AUTHENTICATION
12 ASSESSMENT] [IDENTITY PROOFING OF THE PRINCIPAL];

13 (c) ANY OTHER METHOD THAT COMPLIES WITH ANY RULES
14 ADOPTED BY THE SECRETARY OF STATE; OR

15 (d) A VALID PUBLIC KEY CERTIFICATE THAT COMPLIES WITH ANY
16 RULES ADOPTED BY THE SECRETARY OF STATE.

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

22 (8) THE CERTIFICATE OF NOTARIAL ACT FOR A REMOTE
23 NOTARIZATION MUST, IN ADDITION TO COMPLYING WITH THE
24 REQUIREMENTS OF SECTION 24-21-515, INDICATE THAT THE NOTARIAL ACT
25 WAS PERFORMED USING AUDIO-VIDEO COMMUNICATION TECHNOLOGY.
26 <{*adapted from RULONA, NV*}>

27 (9) THE FOLLOWING SHORT-FORM CERTIFICATES OF REMOTE

1 NOTARIZATIONS ARE SUFFICIENT FOR THE PURPOSES INDICATED, IF
2 COMPLETED WITH THE INFORMATION REQUIRED BY SECTION 24-21-515(1)
3 AND (2) AND SUBSECTION (8) OF THIS SECTION:

4 (a) FOR A VERIFICATION ON OATH OR AFFIRMATION BY AN
5 INDIVIDUAL MAKING A PERSONAL APPEARANCE BY USE OF AUDIO-VIDEO
6 COMMUNICATION TECHNOLOGY:

7 [STATE] OF _____

8 [COUNTY] OF _____

9 SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME BY USE

10 OF AUDIO-VIDEO COMMUNICATION TECHNOLOGY ON _

11 (DATE) BY (NAME(S) OF INDIVIDUAL(S)), WHO DECLARED

12 THAT (HE)(SHE)(THEY) (IS)(ARE) LOCATED IN _____

13 (LOCATION OF SIGNER) [AND THAT THIS RECORD IS PART OF

14 OR PERTAINS TO A MATTER THAT IS TO BE FILED WITH OR IS

15 BEFORE A COURT, GOVERNMENTAL ENTITY, OR OTHER

16 ENTITY LOCATED IN THE UNITED STATES OR INVOLVES

17 PROPERTY LOCATED IN, OR A TRANSACTION SUBSTANTIALLY

18 CONNECTED WITH, THE UNITED STATES].

19 _____

20 SIGNATURE OF NOTARY PUBLIC

21 STAMP

22 (_____ (TITLE OF OFFICE) _____)

23 [MY COMMISSION EXPIRES: _____]

24 (b) FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY BY AN
25 INDIVIDUAL MAKING A PERSONAL APPEARANCE BY USE OF AUDIO-VIDEO
26 COMMUNICATION TECHNOLOGY:

27 [STATE] OF _____

1 [COUNTY] OF _____
2 THIS RECORD WAS ACKNOWLEDGED BEFORE ME BY USE OF
3 AUDIO-VIDEO COMMUNICATION TECHNOLOGY ON (DATE)
4 BY (NAME(S) OF INDIVIDUAL(S)), WHO DECLARED THAT
5 (HE)(SHE)(THEY)(IS)(ARE) LOCATED IN _____(LOCATION OF
6 SIGNER) [AND THAT THIS RECORD IS PART OF OR PERTAINS
7 TO A MATTER THAT IS TO BE FILED WITH OR IS BEFORE A
8 COURT, GOVERNMENTAL ENTITY, OR OTHER ENTITY
9 LOCATED IN THE UNITED STATES OR INVOLVES PROPERTY
10 LOCATED IN, OR A TRANSACTION SUBSTANTIALLY
11 CONNECTED WITH, THE UNITED STATES].

12 _____

13 SIGNATURE OF NOTARY PUBLIC

14 (_____ (TITLE OF OFFICE) _____)

15 [MY COMMISSION EXPIRES: _____]

16 (c) FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY
17 BY AN INDIVIDUAL MAKING A PERSONAL APPEARANCE BY USE OF
18 AUDIO-VIDEO COMMUNICATION TECHNOLOGY:

19 [STATE] OF _____

20 [COUNTY] OF _____

21 THIS RECORD WAS ACKNOWLEDGED BEFORE ME BY USE OF
22 AUDIO-VIDEO COMMUNICATION TECHNOLOGY ON (DATE)
23 BY (NAME(S) OF INDIVIDUAL(S)) AS (TYPE OF AUTHORITY,
24 SUCH AS OFFICER OR TRUSTEE) OF (NAME OF PARTY ON
25 BEHALF OF WHOM RECORD WAS EXECUTED), WHO
26 DECLARED THAT (HE)(SHE)(THEY) (IS)(ARE) LOCATED IN _
27 _____(LOCATION OF SIGNER) [AND THAT THIS RECORD IS

1 PART OF OR PERTAINS TO A MATTER THAT IS TO BE FILED
2 WITH OR IS BEFORE A COURT, GOVERNMENTAL ENTITY, OR
3 OTHER ENTITY LOCATED IN THE UNITED STATES, OR
4 INVOLVES PROPERTY LOCATED IN, OR A TRANSACTION
5 SUBSTANTIALLY CONNECTED WITH, THE UNITED STATES].

6 _____

7 SIGNATURE OF NOTARY PUBLIC

8 STAMP

9 (_____ (TITLE OF OFFICE) _____)

10 [MY COMMISSION EXPIRES: _____]

11 (d) FOR WITNESSING OR ATTESTING A SIGNATURE BY AN
12 INDIVIDUAL MAKING A PERSONAL APPEARANCE BY USE OF AUDIO-VIDEO
13 COMMUNICATION TECHNOLOGY:

14 [STATE] OF _____

15 [COUNTY] OF _____

16 SIGNED [OR ATTESTED] BEFORE ME BY USE OF
17 COMMUNICATION TECHNOLOGY ON (DATE) BY ____
18 (NAME(S) OF INDIVIDUAL(S)), WHO DECLARED THAT
19 (HE)(SHE)(THEY) (IS)(ARE) LOCATED IN _____ (LOCATION OF
20 SIGNER) [AND THAT THIS RECORD IS PART OF OR PERTAINS
21 TO A MATTER THAT IS TO BE FILED WITH OR IS BEFORE A
22 COURT, A GOVERNMENTAL ENTITY, OR OTHER ENTITY
23 LOCATED IN THE UNITED STATES, OR INVOLVES PROPERTY
24 LOCATED IN, OR A TRANSACTION SUBSTANTIALLY
25 CONNECTED WITH, THE UNITED STATES].

26 _____

27 SIGNATURE OF NOTARY PUBLIC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

STAMP
(_____ (TITLE OF OFFICE) _____)
[MY COMMISSION EXPIRES: _____] <{RULONA}>

(10) (a) A NOTARY PUBLIC MAY CREATE AN AUDIO-VIDEO RECORDING OF A REMOTE NOTARIZATION IF THE PRINCIPAL CONSENTS TO THE RECORDING AND STORAGE OF THE RECORDING.

(b) THE AUDIO-VIDEO RECORDING ALLOWED BY THIS SECTION MUST BE IN ADDITION TO THE JOURNAL ENTRY FOR THE NOTARIAL ACT REQUIRED BY SECTION 24-21-519 AND MUST INCLUDE:

(I) AT THE COMMENCEMENT OF THE RECORDING, A RECITATION BY THE NOTARY PUBLIC OF INFORMATION SUFFICIENT TO IDENTIFY THE NOTARIAL ACT; <{MENA}>

(II) A DECLARATION BY THE PRINCIPAL THAT THE PRINCIPAL'S SIGNATURE ON THE RECORD IS KNOWINGLY AND VOLUNTARILY MADE; <{MENA}>

(III) ALL ACTIONS AND SPOKEN WORDS OF THE PRINCIPAL, NOTARY PUBLIC, AND ANY REQUIRED WITNESS DURING THE ENTIRE NOTARIAL ACT; <{MENA}>

(IV) IF THE PERSON FOR WHOM THE NOTARIAL ACT IS BEING PERFORMED IS IDENTIFIED BY PERSONAL KNOWLEDGE, AN EXPLANATION BY THE NOTARY PUBLIC AS TO HOW HE OR SHE KNOWS THE PERSON AND HOW LONG HE OR SHE HAS KNOWN THE PERSON; <{NV}>

(V) IF THE PERSON FOR WHOM THE NOTARIAL ACT IS BEING

1 PERFORMED IS IDENTIFIED BY A CREDIBLE WITNESS:

2 (A) A STATEMENT BY THE NOTARY PUBLIC AS TO HOW THE
3 NOTARY PUBLIC KNOWS THE CREDIBLE WITNESS AND HOW LONG HE OR SHE
4 HAS KNOWN THE CREDIBLE WITNESS; AND

5 (B) AN EXPLANATION BY THE CREDIBLE WITNESS AS TO HOW HE OR
6 SHE KNOWS THE PRINCIPAL AND HOW LONG HE OR SHE HAS KNOWN THE
7 PERSON <{AND}> <{NV}>

8 (VI) AT THE DISCRETION OF THE PRINCIPAL, AN ACCURATE AND
9 COMPLETE IMAGE OF THE ENTIRE RECORD THAT WAS VIEWED AND SIGNED
10 BY THE PRINCIPAL AND NOTARY PUBLIC. <{MENA}>

11 (c) THE PROVISIONS OF SECTION 24-21-519, RELATED
12 RESPECTIVELY TO SECURITY, INSPECTION, COPYING, AND RETENTION AND
13 DISPOSITION OF A NOTARY PUBLIC'S JOURNAL, APPLY TO SECURITY,
14 INSPECTION, COPYING, AND RETENTION AND DISPOSITION OF AUDIO-VIDEO
15 RECORDINGS ALLOWED BY THIS SECTION. <{MENA}>
16 <{Add additional sections here – see following pages}>

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2018 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.

1 **Additional sections:**

2 In Colorado Revised Statutes, **amend** section 24-21-504 as follows:

3 **24-21-504. Authority to perform notarial act.** [*Editor's note: This section is effective July 1,*

4 **2018.**] (1) A notarial officer may perform a notarial act authorized by this part 5 or by law of
5 this state other than this part 5.

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

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

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

14 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A NOTARIAL ACT FOR A SIGNER
15 PHYSICALLY LOCATED IN THIS STATE MAY ONLY BE PERFORMED BY A NOTARIAL OFFICER
16 AUTHORIZED OR COMMISSIONED BY THIS STATE.

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

18

19 In Colorado Revised Statutes, 24-21-525, **add** (8) as follows:

20 (8) A PERSON SHALL NOT SELL, SOLICIT, OR USE ANY INFORMATION COLLECTED IN THE
21 COURSE OF PERFORMING A NOTARIAL ACT FOR ANY PURPOSE OTHER THAN COMPLETING THE
22 NOTARIAL ACT.

23 In Colorado Revised Statutes, 24-21-527, **add** (1)(g) as follows:

1 (g) PRESCRIBE THE MANNER OF PERFORMING NOTARIAL ACTS USING AUDIO-VIDEO
2 COMMUNICATION, INCLUDING PROVISIONS TO ENSURE THE SECURITY AND INTEGRITY OF THOSE
3 ACTS.

4 (h) PRESCRIBE REQUIREMENTS FOR THE APPROVAL AND USE OF REMOTE NOTARIZATION
5 SYSTEMS.

6