



Notice of Permanent Adoption

Colorado Department of State Notary Program Rules 8 CCR 1505-11

August 26, 2022

I. Adopted Rule Amendments

As authorized by Colorado Revised Uniform Law on Notarial Acts (RULONA)¹ and the State Administrative Procedure Act², the Colorado Department of State gives notice that the following amendments to the Notary Program Rules³ are adopted on a permanent basis.

The following rules were considered at the August 16, 2022, rulemaking hearing in accordance with the State Administrative Procedure Act⁴.

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 and publication notes

Current 8 CCR 1505-11 is amended as follows:

Amendments to Rule 2.3 regarding interpreters for deaf, hard of hearing, or deafblind individuals:

2.3 Communication

- 2.3.1 A notary public must be able to communicate directly with, be understood by, and understand the individual for whom the notary public is performing a notarial act.
- 2.3.2 WITH THE EXCEPTION OF USE OF AN INTERPRETER FOR DEAF, HARD OF HEARING, OR DEAFBLIND INDIVIDUALS, A ~~A~~ notary public may not use AN INTERPRETER, a translator, or ~~translator~~ RELATED services to communicate with the individual for whom the notary public is performing a notarial act. This prohibition applies to all methods of notarization, including

¹ Article 21 of Title 24, Part 5, C.R.S. (2021).

² Section 24-4-103(3)(a), C.R.S. (2021).

³ 8 CCR 1505-11.

⁴ Section 24-4-103(3)(a), C.R.S. (2021).

electronic and remote notarization, authorized by ~~The~~THE Revised Uniform Law on Notarial Acts (Title 24, Article 24, Part 5, C.R.S.).

- 2.3.3 IN ACCORDANCE WITH SECTION 6-1-707(1)(E)(I), C.R.S., AN INTERPRETER FOR DEAF, HARD OF HEARING, OR DEAFBLIND INDIVIDUALS MUST HOLD EITHER:
- (A) A VALID CERTIFICATION ISSUED BY THE REGISTRY OF INTERPRETERS FOR THE DEAF, INC. OR A SUCCESSOR ENTITY; OR
 - (B) A VALID CERTIFICATION FOR SIGN LANGUAGE INTERPRETATION APPROVED BY THE COLORADO COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND.
- 2.3.4 THE INTERPRETER MUST NOT HAVE A DISQUALIFYING INTEREST. FOR THE PURPOSES OF THIS RULE 2.3.4, AN INTERPRETER HAS A DISQUALIFYING INTEREST IN A RECORD IF:
- (A) THE INTERPRETER OR THE INTERPRETER'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 INTERPRETER OR THE INTERPRETER'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 FOR INTERPRETER SERVICES.

II. Basis, Purpose, and Specific Statutory Authority

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

III. Effective Date of Adopted Rules

The rules will become permanently effective twenty days after publication in the Colorado Register.⁵

Dated this 26th day of August 2022,



Christopher P. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State

⁵ Section 24-4-103(5), C.R.S. (2021).



Statement of Basis, Purpose, and Specific Statutory Authority

Colorado Department of State Notary Program Rules 8 CCR 1505-11

August 26, 2022

I. Basis and Purpose

This statement explains amendments to the Colorado Department of State’s Notary Program Rules. The purpose of the changes is to ensure the uniform and proper administration, implementation, and enforcement of Colorado’s Revised Uniform Law on Notarial Acts (RULONA)¹. Specifically, the changes include:

- Amendments to Rule 2.3 to clarify the exception that authorizes the use of an interpreter for deaf, hard of hearing, and deafblind individuals during notarial acts.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style.

Written comments received during the formal rulemaking are available online at: https://www.coloradosos.gov/pubs/rule_making/hearings/2022/NotaryRulesHearing20220816.html. All comments are incorporated into the official rulemaking record.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-21-509(2), C.R.S., (2021), which permits a notary public to “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.”
- Section 24-21-527(1), C.R.S., (2021), which authorizes the Secretary of State to “adopt rules to implement this part 5 [the Revised Uniform Law on Notarial Acts] in accordance with article 4 of this title 24 [the State Administrative Procedure Act].”

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

- Section 24-21-527(1)(a), C.R.S., (2021), 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)(e), C.R.S., (2021), which authorizes the Secretary of State to “[i]nclude provisions [in rules] to prevent fraud or mistake in the performance of notarial acts[.]”
- Section 24-21-527(1)(g), C.R.S., (2021), which authorizes the Secretary of State to “[p]rescribe the manner of performing notarial acts using audio-video communication technology, including provisions to ensure the security, integrity, and accessibility of records relating to those acts[.]”