



Draft Statement of Basis, Purpose, and Specific Statutory Authority

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

Filed: November 15, 2023
Revised: December 14, 2023

I. Basis and Purpose

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

- New Rule 2.4 requires a notary public to both (1) inform a customer, before performing a notarial act, of any service that is an additional charge to the notarial act and (2) provide an itemized invoice or receipt of each specific charge. If a notary public fails to itemize or provide a receipt for these specific charges, the amount charged is presumed to solely cover the notarial act. If that amount charged exceeds the statutory fee limit in section 24-21-529, C.R.S., the invoice is presumptive evidence of a violation of the RULONA.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-21-527(1), C.R.S., (2023), 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].”
- Section 24-21-527(1)(a), C.R.S., (2023), 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)(d), C.R.S., (2023), which authorizes the Secretary of State to “[p]rescribe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public

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

commission and assuring the trustworthiness of an individual holding a commission as notary public...”

- Section 24-21-527(1)(e), C.R.S., (2023), which authorizes the Secretary of State to “[i]nclude provisions [in rules] to prevent fraud or mistake in the performance of notarial acts[.]”