

**NO FISCAL IMPACT****Drafting Number:** LLS 09-0221**Date:** February 5, 2009**Prime Sponsor(s):** Sen. Bacon  
Rep. Court**Bill Status:** Senate SVMA**Fiscal Analyst:** Josh Abram (303-866-3561)**TITLE:** CONCERNING CONTINUATION OF THE "NOTARIES PUBLIC ACT".**Summary of Legislation**

This bill continues the regulation of notaries public by the Secretary of State (SOS) until July 1, 2018. The bill adds the following provisions to statute:

- ▶ permits the SOS to issue a letter of admonition or suspend a commission in addition to other disciplinary actions;
- ▶ requires that notaries keep a journal of all notarial acts, not only those involving real estate;
- ▶ clarifies the criteria for determining if a notary has a disqualifying interest in a notarial act;
- ▶ eliminates the authority to notarize notices of dishonor and presentment, or photographs; and
- ▶ authorizes the SOS to promulgate rules to require that notaries complete a training program.

The bill takes effect on July 1, 2009.

**Background**

A notary public is an individual authorized by the state to officially witness signatures on documents, administer oaths, and certify copies of original documents. Essentially, a notary serves as an impartial, third party witness. In Colorado, the Secretary of State commissions notaries. Under current law, to become commissioned as a notary public requires that a person read the Notaries Public Act, satisfy certain requirements, and submit a complete application to the SOS. Notaries public are commissioned; they are not licensed. As a result, they are public servants when they notarize documents and are responsible to the state, not to their employers.

**Assessment**

The bill is assessed as having no fiscal impact. The Secretary of State will continue its regulation of notaries public, including the provision for training, within its current appropriation.

**Departments Contacted**

Law

Regulatory Agencies

Secretary of State