

**FINAL
FISCAL NOTE**

Drafting Number: LLS 09-0221**Date:** May 21, 2009**Prime Sponsor(s):** Sen. Bacon
Rep. Court**Bill Status:** Signed into Law**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 Governor signed the bill into law on April 22, 2009, and the bill will take 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