

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 04-0810.01 Beth Braby

**SENATE BILL 04-127**

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**SENATE SPONSORSHIP**

**Veiga,**

**HOUSE SPONSORSHIP**

**Carroll,**

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**Senate Committees**

Judiciary

**House Committees**

Judiciary

HOUSE  
3rd Reading Unamended  
March 2, 2004

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**A BILL FOR AN ACT**

101 **CONCERNING PROHIBITED CONDUCT OF NOTARIES PUBLIC.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Makes certain knowing and willful conduct of notaries public a deceptive trade practice and official misconduct, subject to the civil penalties for deceptive trade practices and the criminal penalties for official misconduct.

HOUSE  
2nd Reading Unamended  
March 1, 2004

SENATE  
3rd Reading Unamended  
February 6, 2004

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

2 **SECTION 1.** 12-55-110.3 (3) (b), Colorado Revised Statutes, is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
February 5, 2004

1 amended, and the said 12-55-110.3 is further amended BY THE  
2 ADDITION OF A NEW SUBSECTION, to read:

3 **12-55-110.3. Advertisements for services - unauthorized**  
4 **practice of law - prohibited conduct - penalties.** (3) (b) A notary  
5 public who is not an attorney licensed to practice law      in Colorado  
6 is prohibited from:

7 (I) Providing any service that constitutes the unauthorized practice  
8 of law;

9 (II) STATING OR IMPLYING THAT HE OR SHE IS AN ATTORNEY  
10 LICENSED TO PRACTICE LAW IN THIS STATE;

11 (III) SOLICITING OR ACCEPTING COMPENSATION TO PREPARE  
12 DOCUMENTS FOR OR OTHERWISE REPRESENT THE INTEREST OF ANOTHER IN  
13 A JUDICIAL OR ADMINISTRATIVE PROCEEDING, INCLUDING A PROCEEDING  
14 RELATING TO IMMIGRATION TO THE UNITED STATES, UNITED STATES  
15 CITIZENSHIP, OR RELATED MATTERS;

16 (IV) SOLICITING OR ACCEPTING COMPENSATION TO OBTAIN RELIEF  
17 OF ANY KIND ON BEHALF OF ANOTHER FROM ANY OFFICER, AGENCY, OR  
18 EMPLOYEE OF THE STATE OF COLORADO OR OF THE UNITED STATES; OR

19 (V) USING THE PHRASE "NOTARIO" OR "NOTARIO PUBLICO" TO  
20 ADVERTISE THE SERVICES OF A NOTARY PUBLIC, WHETHER BY SIGN,  
21 PAMPHLET, STATIONERY, OR OTHER WRITTEN COMMUNICATION OR BY  
22 RADIO, TELEVISION, OR OTHER NONWRITTEN COMMUNICATION.

23 (4) KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF THIS  
24 SECTION SHALL CONSTITUTE A DECEPTIVE TRADE PRACTICE PURSUANT TO  
25 SECTION 6-1-105, C.R.S., AND SHALL ALSO CONSTITUTE OFFICIAL  
26 MISCONDUCT PURSUANT TO SECTION 12-55-116.

27 **SECTION 2.** 6-1-105 (1), Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **6-1-105. Deceptive trade practices.** (1) A person engages in a  
3 deceptive trade practice when, in the course of such person's business,  
4 vocation, or occupation, such person:

5 (vv) VIOLATES SECTION 12-55-110.3, C.R.S.

6 **SECTION 3. Effective date - applicability.** This act shall take  
7 effect July 1, 2004, and shall apply to offenses committed on or after said  
8 date.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,  
10 determines, and declares that this act is necessary for the immediate  
11 preservation of the public peace, health, and safety.