

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 04-0810.01 Beth Braby

SENATE BILL 04-127

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

(None)

Senate Committees

House Committees

Judiciary

A BILL FOR AN ACT

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

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.

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.*

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.