

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 05-1136

BY REPRESENTATIVE(S) Decker, Cloer, Hefley, Berens, Coleman, Frangas, and Todd;
also SENATOR(S) Evans.

CONCERNING RULES OF THE SECRETARY OF STATE ESTABLISHING A SYSTEM FOR ELECTRONICALLY TRANSMITTING NOTARIZED, AUTHENTICATED PHOTOGRAPHS OF INDIVIDUALS.

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

SECTION 1. Part 1 of article 55 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-55-106.7. Pictorial notary public - secretary of state - rules.

THE SECRETARY OF STATE SHALL ADOPT RULES NECESSARY TO ESTABLISH STANDARDS, PROCEDURES, PRACTICES, FORMS, AND RECORDS RELATING TO THE ABILITY OF NOTARIES PUBLIC TO TRANSMIT ENCRYPTED, AUTHENTICATED PHOTOGRAPHS OF INDIVIDUALS FOR USE BY MOTOR VEHICLE OFFICES, CREDIT CARD COMPANIES, AND OTHER ENTITIES REQUIRING AN AUTHENTICATED PHOTOGRAPH OF AN INDIVIDUAL. THE RULES SHALL REQUIRE THE NOTARY TO MAINTAIN AN ENCRYPTION DEVICE OR OTHER TECHNOLOGY ENABLING THE NOTARY TO TRANSMIT PHOTOGRAPHS ELECTRONICALLY AND PROTECT THE SECURITY AND AUTHENTICITY OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PHOTOGRAPHS. THE RULES SHALL AUTHORIZE THE NOTARY TO CHARGE A REASONABLE FEE, NOT TO EXCEED TEN DOLLARS, FOR EACH PHOTOGRAPH ELECTRONICALLY TRANSMITTED. THE SECRETARY OF STATE SHALL ADOPT THE RULES AS SOON AS ADMINISTRATIVELY FEASIBLE. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-4-103 (5), C.R.S., THE RULES ADOPTED PURSUANT TO THIS SECTION SHALL NOT TAKE EFFECT UNTIL THE GENERAL ASSEMBLY, ACTING BY BILL OTHER THAN A BILL ENACTED PURSUANT TO SECTION 24-4-103 (8) (c) (I), C.R.S., APPROVES THE RULES.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or

part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO