

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 05-0154.01 Christy Chase

HOUSE BILL 05-1136

HOUSE SPONSORSHIP

Decker, Cloer, and Hefley

SENATE SPONSORSHIP

Evans,

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans & Military Affairs

A BILL FOR AN ACT

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

Bill Summary

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

Requires the secretary of state to adopt rules establishing 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. Specifies that the rules are to require that the notary:

Obtain a surety bond; and

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
3rd Reading Unamended
March 16, 2005

SENATE
2nd Reading Unamended
March 15, 2005

HOUSE
3rd Reading Unamended
February 14, 2005

HOUSE
Amended 2nd Reading
February 11, 2005

Maintain an encryption device or other technology enabling the electronic transmission of secure, authentic photographs.

Allows the notary to charge a fee for each photograph electronically transmitted. Requires the rules to be adopted by a certain date.

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

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

5 **12-55-106.7. Pictorial notary public - secretary of state - rules.**

6 THE SECRETARY OF STATE SHALL ADOPT RULES NECESSARY TO ESTABLISH
7 STANDARDS, PROCEDURES, PRACTICES, FORMS, AND RECORDS RELATING
8 TO THE ABILITY OF NOTARIES PUBLIC TO TRANSMIT ENCRYPTED,
9 AUTHENTICATED PHOTOGRAPHS OF INDIVIDUALS FOR USE BY MOTOR
10 VEHICLE OFFICES, CREDIT CARD COMPANIES, AND OTHER ENTITIES
11 REQUIRING AN AUTHENTICATED PHOTOGRAPH OF AN INDIVIDUAL. THE
12 RULES SHALL REQUIRE THE NOTARY TO ■■■ MAINTAIN AN ENCRYPTION
13 DEVICE OR OTHER TECHNOLOGY ENABLING THE NOTARY TO TRANSMIT
14 PHOTOGRAPHS ELECTRONICALLY AND PROTECT THE SECURITY AND
15 AUTHENTICITY OF THE PHOTOGRAPHS. THE RULES SHALL AUTHORIZE THE
16 NOTARY TO CHARGE A REASONABLE FEE, NOT TO EXCEED TEN DOLLARS,
17 FOR EACH PHOTOGRAPH ELECTRONICALLY TRANSMITTED. THE SECRETARY
18 OF STATE SHALL ADOPT THE RULES AS SOON AS ADMINISTRATIVELY
19 FEASIBLE. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-4-103 (5),
20 C.R.S., THE RULES ADOPTED PURSUANT TO THIS SECTION SHALL NOT TAKE
21 EFFECT UNTIL THE GENERAL ASSEMBLY, ACTING BY BILL OTHER THAN A
22 BILL ENACTED PURSUANT TO SECTION 24-4-103 (8) (c) (I), C.R.S.,

1 APPROVES THE RULES.

2 **SECTION 2. Effective date.** This act shall take effect at 12:01
3 a.m. on the day following the expiration of the ninety-day period after
4 final adjournment of the general assembly that is allowed for submitting
5 a referendum petition pursuant to article V, section 1 (3) of the state
6 constitution (August 10, 2005, if adjournment sine die is on May 11,
7 2005); except that, if a referendum petition is filed against this act or an
8 item, section, or part of this act within such period, then the act, item,
9 section, or part, if approved by the people, shall take effect on the date of
10 the official declaration of the vote thereon by proclamation of the
11 governor.