

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

**REVISED**

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

LLS NO. 05-0154.01 Christy Chase

**HOUSE BILL 05-1136**

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**HOUSE SPONSORSHIP**

**Decker,** Cloer, and Hefley

**SENATE SPONSORSHIP**

**Evans,**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

State, Veterans & Military Affairs

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**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.**

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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.)*

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  
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.

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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.