



Notice of Proposed Rulemaking

Office of the Secretary of State Notary Program Rules 8 CCR 1505-11

August 15, 2014

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. A hearing is scheduled for **September 16, 2014 at 2:00 p.m.** in the Blue Spruce Conference Room on the 2nd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290. The hearing will end when all interested parties have provided testimony or 4:00 p.m., whichever occurs first.

II. Subject

The Secretary is considering amendments to and recodification of the Colorado Secretary of State Notary Program Rules² in order to ensure and improve the uniform and proper administration, implementation, and enforcement of the Colorado Notaries Public Act³ and answer questions arising under the Act. A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provisions:

- Section 12-55-103.5(2), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules to require notaries public to complete a training program.”
- Section 12-55-104(5), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules for use of the electronic filing system in accordance with article 4 of title 24, C.R.S.”
- Section 12-55-106.5(1), C.R.S., (2013), which requires that “[a] notary’s signature shall conform to any standards promulgated by the secretary of state.”

¹ Section 24-4-103(3)(a), C.R.S. (2013).

² 8 CCR 1505-11.

³ Article 55, Title 12 of the Colorado Revised Statutes.

- Section 12-55-106.5(2), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules necessary to establish standards, procedures, practices, forms, and records relating to a notary's electronic signature.”

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

http://www.sos.state.co.us/pubs/rule_making/hearings/2014/NotaryRulesHearing20140916.html

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedure Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by September 11, 2013.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

All interested people will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website http://www.sos.state.co.us/pubs/rule_making/hearings/2014/NotaryRulesHearing20140916.html. Prior to posting online, contact information including home address, email address, and telephone number(s) will be redacted from submissions unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Blue Spruce Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

⁴ Section 24-4-103(3)(a), C.R.S. (2013)(“Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”)

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 15th Day of August, 2014.



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Notary Program Rules 8 CCR 1505-11

August 15, 2014

I. Basis and Purpose

This statement explains amendments to and recodification of the Colorado Secretary of State Notary Program Rules. The purpose of the changes is to ensure and improve the uniform and proper administration, implementation, and enforcement of the Colorado Notaries Public Act¹ and to answer questions arising under the Act. Specifically, the recodification is intended to:

- Recodify the rules to improve organization and readability.
- Revise rules to be consistent with section 12-55-104(2), C.R.S., by:
 - Removing erroneous statutory citations and references to journals; and
 - Clarifying that the Secretary of State provides document authentication numbers to notaries for electronic notarizations.
- Amend rules to require vendors to maintain and, upon request, provide students' names and certain information.
- Harmonize enforcement provisions concerning vendors and course providers.
- Edit to repeal obsolete rules and to remove language duplicative of statute.
- Non-substantive revisions to simplify or clarify words and phrases and other technical revisions as is necessary for consistency with Department rulemaking format and style.

On July 24, 2014, the Secretary issued a request for public comment to help our office develop preliminary draft rules. The comments we received in anticipation of rulemaking are available online at: http://www.sos.state.co.us/pubs/rule_making/notaryRuleComments.html and are incorporated into the official rulemaking record.

The Secretary proposes the following rule revisions:

- Amendments to Current Rule 1 include amending existing provisions, amending and relocating definitions from Current Rule 7, repealing unnecessary definitions, and renumbering as follows:

¹ Article 55, Title 12 of the Colorado Revised Statutes.

- Current Rules 7.1 A, B, and D are amended and recodified as New Rules 1.1, 1.2, and 1.3.
- Under Current Rule 1, subrules 1, 2, and 3 are amended and recodified as New Rules 1.4, 1.5, and 1.6.
- New Rule 1.3 [Current Rule 7.1.D] is amended to clarify the definition of a document authentication number by referencing applicable statutory requirements.
- New Rule 1.5 is amended to clarify that an electronic notarization must include both the notary's and the document signer's electronic signatures.
- Current Rule 1 subrule 4 is repealed as unnecessary because the Notaries Public Act defines the term "electronic signature."
- Current Rule 7.1.E is amended and recodified as New Rule 1.7.
- Amendments to Current Rule 2 include amending existing provision, amending and relocating provisions from Current Rule 7, repealing unnecessary provisions, and renumbering as follows:
 - New Rule 2.1 consolidates filing and training requirements for notaries.
 - New Rule 2.1.1 mandates that all notary filings must be submitted via the Secretary of State's online electronic filing system.
 - Current Rules 7.2.1.A and 7.2.1.C are amended and recodified as New Rules 2.1.2 and 2.1.3. The first sentence of Current Rule 7.2.1.C is amended and recodified as part of New Rule 2.1.3. The second sentence is repealed as unnecessary. The last sentence is repealed as erroneous.
 - Current Rule 7.4.A and part of Current Rule 7.4.B are amended and recodified as New Rule 2.1.4. The rule is amended to remove reference to a minimum number of notary exam questions.
 - Current Rule 2 is amended and recodified as New Rule 2.2, Electronic Notarization. Current Rule 2 subrules 1, 2, and 3 are amended and recodified as New Rule 2.2.1.
 - Current Rule 2, subrule 4(a)(1) is repealed because it is erroneous: while the Secretary of State may provide a set of document authentication numbers (DANs) to a notary for electronic notarizations, the Secretary does not provide an electronic log containing such numbers.
 - Current Rule 2, subrule 4(a)(2) is repealed as unnecessary.
 - Current Rule 2, subrule 4(b) is amended and recodified as New Rule 2.2.2. The Secretary has repealed several requirements for electronic notarizations as

redundant since they are currently already codified in section 12-55-106.5(1), C.R.S. And per the Secretary's statutory authority to establish electronic signature standards, procedures, and practices, the Secretary has added the requirement that a notary also include his or her notary identification number in an electronic notarization. The basis for this requirement is that, in some cases, notaries may share similar or identical names. This requirement will make it easier to identify a notary performing an electronic notarization using the Secretary's online Verify a Notary system. This amendment also harmonizes electronic notarization and non-electronic notarization content requirements.

- New Rule 2.2.3 clarifies that for purposes of section 12-55-106.5(1), C.R.S., which details electronic signature requirements, a notary's name specifically means the notary's printed legal name. This amendment harmonizes electronic notarization and non-electronic notarization content requirements.
- Current Rule 2, subrules 4(c) and (d) are amended and recodified as New Rules 2.2.4 (a) and (b).
- Current Rule 5, concerning lost or stolen DANs, is amended and recodified as New Rule 2.2.4(c).
- Current Rule 2, subrule 5 is repealed as unnecessary.
- Current Rule 4 is amended and recodified as New Rule 2.2.5.
- Current Rule 3 is amended and recodified as New Rule 2.2.6. The Secretary has repealed as unnecessary the reference to a notary's death as grounds for automatic expiration of the Secretary's approval of a notary to notarize electronically.
- Current Rule 3, subrules 2 and 3, are amended and recodified as New Rule 2.2.6(b).
- Amendments to Current Rule 3 include the following:
 - As indicated above, Current Rule 3 is amended and recodified as New Rule 2.2.6. Current Rule 3, subrules 2 and 3, are amended and recodified as New Rule 2.2.6(b).
 - Current Rule 7.2.2 is amended and renumbered as New Rule 3.1. Information from Current Rule 7.3.A is also integrated into New Rule 3.2.
 - The first sentence of Current Rule 7.2.3.A is amended and recodified as part of New Rule 3.1. The second sentence of Current Rule 7.2.3.A is repealed as unnecessary.
 - Current Rule 7.2.4.B is amended and recodified as New Rule 3.2 and 3.2.1. Information from Current Rule 7.3.B is integrated into New Rule 3.1. New Rule 3.2 consolidates the vendor and course provider application requirements.

- Current Rule 7.2.4.H.2 is amended and recodified as New Rule 3.2.1(d).
 - Current Rules 7.2.4.B.1 and 7.2.4.C are amended and recodified as New Rule 3.2.1(e).
 - Current Rule 7.2.4.D is amended and recodified as New Rule 3.2.2.
- Current Rule 7.2.4.E is amended and recodified as New Rule 3.3.
- Current Rule 7.3.C is amended and recodified as New Rule 3.4.
- Information from Current Rule 7.3.E is integrated into New Rule 3.5.
 - Current Rules 7.2.4.H and 7.2.4.H.1 are amended and recodified as New Rules 3.5, 3.5.1, and 3.5.2.
 - Current Rule 7.2.4.H.3 is amended and recodified as New Rule 3.5.3 except the last sentence is repealed as unnecessary.
 - Current Rule 7.2.4.H.4 is amended and recodified as New Rule 3.5.4.
- Current Rule 7.2.4.I is amended and recodified as New Rule 3.6. The Secretary has amended the rule to require vendors to maintain and, upon request, provide a list of attendees and certain information to the Secretary of State. The automatic reporting requirement is repealed.
- Current Rules 7.2.4.F and 7.2.4.G are amended and recodified as New Rules 3.7 and 3.8. Current Rule 7.2.3.D is amended and recodified as New Rule 3.7.1.
- New Rule 3.9 consolidates amended provisions of Current Rule 7 concerning rule enforcement as follows:
 - Current Rule 7.2.3.C is amended and recodified as New Rule 3.9.1. The amendment clarifies that vendors and course providers must respond to the Secretary of State's written request within 20 business days of receiving the request.
 - Current Rule 7.2.4.J is amended and recodified as New Rule 3.9.2. The amendment clarifies that both approved vendors and course providers must permit onsite inspections by the Secretary of State.
 - Current Rule 7.2.3.B.1 is amended and recodified as New Rule 3.9.3. The amendment clarifies that both approved vendors and course providers are subject to complaints alleging a violation of the Rules.
 - Current Rule 7.2.4.K is amended and recodified as New Rule 3.9.4 which consolidates the grounds for termination of an approved vendor's accreditation or approval of a course provider.

- Current Rule 7.2.4.L is amended and recodified as New Rule 3.9.5. The amendment clarifies that both approved vendors and course providers have appeal rights.
- Current Rule 4 is amended and recodified as New Rule 2.2.5, as detailed above.
- Current Rule 5 is amended and recodified in part as New Rule 2.2.4(c) as detailed above.
- Current Rule 6 is repealed as unnecessary.
- As detailed above, Current Rule 7 and its subrules are amended and recodified as New Rules 1.1, 1.2, 1.3, 1.7, 2.1.2, 2.1.3, 2.1.4, 3.1, 3.2, 3.2.1, 3.2.2, 3.3, 3.4, 3.5, 3.5.1, 3.5.2, 3.5.3, 3.5.4, 3.6, 3.7, 3.7.1, 3.8, 3.9.1, 3.9.3, 3.9.4, 3.9.4(e), 3.9.5, as detailed above. Current Rules 7.2.3.B.2 and 7.2.4.A are repealed as unnecessary. Current Rules 7.1.C, 7.1.F, 7.2.1.B, 7.2.1.C's second and last sentences, 7.2.3.A's last sentence, 7.2.3.B.2, and 7.2.4.A are repealed.
- Other changes to rules not specifically listed are entirely non-substantive. Some words and phrases are changed to simplify or clarify, but the meaning is not intended to be altered unless as described above. Cross-references in rules are also corrected or updated. Renumbering the rules is necessary for consistency with Department rulemaking format/style.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 12-55-103.5(2), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules to require notaries public to complete a training program.”
- Section 12-55-104(5), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules for use of the electronic filing system in accordance with article 4 of title 24, C.R.S.”
- Section 12-55-106.5(1), C.R.S., (2013), which requires that “[a] notary’s signature shall conform to any standards promulgated by the secretary of state.”
- Section 12-55-106.5(2), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules necessary to establish standards, procedures, practices, forms, and records relating to a notary's electronic signature.”

Preliminary Draft of Proposed Rules

Office of the Colorado Secretary of State Notary Program Rules 8 CCR 1505-11

August 15, 2014

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the September 16, 2014 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **September 11, 2014**.²

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations

1 *[Current 8 CCR 1505-11 is stricken in its entirety and re-codified as follows:]*

2 **Rule 1. Definitions**

3 *[Current Rules 7.1 A, B, and D are amended and recodified as New Rules 1.1, 1.2, and 1.3.*
4 *Under Current Rule 1, sub rules 1, 2, and 3 are amended and recodified as New Rules 1.4, 1.5,*
5 *and 1.6. Current Rule 7.1.E is amended and recodified as New Rule 1.7]*

6 ~~7.1.A.-1.1~~ **“Approved Course of Instruction”**“APPROVED COURSE OF INSTRUCTION” means
7 a live classroom or webcast course ~~that is approved by the secretary of state~~
8 SECRETARY OF STATE.

9 ~~7.1.B.-1.2~~ **“Approved Vendor”**“APPROVED VENDOR” means a vendor approved by
10 the ~~secretary of state~~SECRETARY OF STATE who provides an approved course of
11 instruction to notaries and prospective notaries for a fee.

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2013). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2013). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1 ~~7.1.D-1.3~~ **“Course Provider”** “COURSE PROVIDER” means a ~~corporation, company,~~
2 ~~commercial enterprise, association, or educational institution~~ AN ENTITY OTHER
3 THAN AN INDIVIDUAL that ~~provides a course of instruction for its employees or~~
4 ~~members, usually free of charge, by using a curriculum provided by the secretary~~
5 ~~of state~~ USES THE SECRETARY OF STATE’S CURRICULUM, IN ADDITION TO ANY
6 ENTITY-SPECIFIC PRACTICES, TO PROVIDE NOTARY TRAINING TO ITS EMPLOYEES OR
7 MEMBERS FREE OF CHARGE.

8 ~~1. 1.4~~ **“Document authentication number”** “DAN” means a ~~THE UNIQUE DOCUMENT~~
9 AUTHENTICATION number issued by the Secretary of State ~~that includes the Secretary of~~
10 ~~State’s accounting system validation number issued to each notary upon commissioning~~
11 ~~and a randomly generated number that when used together may constitute the notary’s~~
12 ~~electronic signature and identify both the individual notary and the document to which~~
13 ~~the document authentication number has been affixed~~ AND REQUIRED BY SECTIONS 12-55-
14 106.5, 12-55-111(4), AND 12-55-112(4.5), C.R.S., FOR ELECTRONIC NOTARIZATIONS.

15 ~~2. 1.5~~ “Electronic notarization” means ~~the performance of a notarial act that involves~~ A
16 NOTARY’S NOTARIZATION OF electronic records ~~and~~ THAT includes the notary’s AND THE
17 DOCUMENT SIGNER’S electronic ~~signature~~ SIGNATURES.

18 ~~3. 1.6~~ “Electronic notarization software” means any software, coding, disk, card, certificate, or
19 program that ~~may be employed to create and affix~~ CREATES AND AFFIXES the notary’s
20 electronic signature.

21 ~~4. —~~ **“Notary’s electronic signature”** means ~~the document authentication number(s) issued by~~
22 ~~the Secretary of State when accompanied by the information required in 12-55-106.5(1)~~
23 ~~or an electronic signature approved pursuant to Rule 2.~~

24 ~~7.1.E-1.7~~ **“New Applicant”** “NEW APPLICANT” means a person ~~who has never before been~~
25 ~~a commissioned~~ SEEKING A COMMISSION AS A COLORADO notary ~~in Colorado~~ FOR THE
26 FIRST TIME or a formerly commissioned notary in Colorado whose commission has BEEN
27 expired ~~by 31 days or more~~ FOR MORE THAN 30 DAYS.

28 *[Current Rule 2 is amended and recodified as New Rule 2.2]*

29 *New Rule 2:*

30 **Rule 2. Notary Commissions**

31 2.1 FILING AND TRAINING REQUIREMENTS

32 2.1.1 ALL NOTARY FILINGS MUST BE SUBMITTED VIA THE SECRETARY OF STATE’S ONLINE
33 ELECTRONIC FILING SYSTEM.

34 *[Current Rules 7.2.1.A and 7.2.1.C are amended and recodified as New Rules 2.1.2 and 2.1.3.]*

35 7.2.1 A. ~~—~~ **New Applicants.** Every new applicant for a notary commission shall
36 complete an approved course of instruction within six (6) months preceding his

1 application, and pass an examination administered by the secretary of state prior
2 to submitting an application for appointment.

3 ~~7.2.1 C. — **Notary Misconduct.** If the secretary of state determines upon a full
4 investigation that a notary public has committed misconduct, the secretary of state
5 may require the notary public to successfully complete an approved course of
6 instruction and pass an examination administered by the secretary of state as
7 remediation for the disposition of the case. Misconduct within the meaning of
8 these rules shall be considered actions by the notary that require a letter of
9 admonition or commission suspension while holding the office of notary public.
10 A notary who is admonished and is required to complete an approved course of
11 instruction and pass an examination administered by the secretary of state may
12 appeal this determination as provided in article 4 of title 24, C.R.S.~~

13 *[The first sentence of Current Rule 7.2.1.C is amended and recodified as part of*
14 *New Rule 2.1.3. The rest of Current Rule 7.2.1.C is repealed.]*

15 2.1.2 DURING THE SIX MONTHS BEFORE APPLYING FOR A COMMISSION, A NEW APPLICANT
16 MUST SUCCESSFULLY COMPLETE TRAINING AND PASS THE EXAM ADMINISTERED BY
17 THE SECRETARY OF STATE. THE SECRETARY OF STATE WILL GRANT CREDIT ONLY
18 FOR COMPLETION OF COURSES OFFERED BY AN APPROVED VENDOR OR COURSE
19 PROVIDER.

20 2.1.3 THE SECRETARY OF STATE MAY REQUIRE A NOTARY WHO HAS COMMITTED
21 MISCONDUCT MERITING A DISCIPLINARY PROCEEDING TO RETAKE AND
22 SUCCESSFULLY COMPLETE THE TRAINING AND EXAM.

23 *[Current Rule 7.4.A and part of Current Rule 7.4.B are amended and recodified as New Rule*
24 *2.1.4.]*

25 ~~7.4 2.1.4 **Examination** EXAMINATION. 7.4.A. **Form.** The SECRETARY OF STATE’S~~
26 ~~OPEN BOOK examination will test the applicant’s ~~competency~~ UNDERSTANDING of~~
27 ~~the Notaries Public Act. The examination shall be comprised of no less than 25~~
28 ~~questions and shall be administered by the secretary of state. NOTARY DUTIES~~
29 ~~CONTAINED IN THE FOLLOWING:~~

- 30 (A) TITLE 12, ARTICLE 55 (THE NOTARIES PUBLIC ACT) OF THE COLORADO
31 REVISED STATUTES;
- 32 (B) TITLE 38, ARTICLE 30 (TITLES AND INTERESTS) OF THE COLORADO
33 REVISED STATUTES;
- 34 (C) TITLE 1, ARTICLE 40 (INITIATIVE AND REFERENDUM) OF THE COLORADO
35 REVISED STATUTES; AND
- 36 (D) THE OFFICIAL NOTARY HANDBOOK PUBLISHED BY THE SECRETARY OF
37 STATE.

1 7.4.B. ~~Content. The examination shall be an open-book examination of the laws and~~
2 ~~duties of a notary contained in title 12, article 55 and title 38, article 30 of the~~
3 ~~Colorado Revised Statutes and the official notary handbook published by the~~
4 ~~secretary of state.~~

5 *[New Rule 2.2]*

6 **Rule 2. Electronic Signature Registration**

7 2.2 ELECTRONIC NOTARIZATION

8 *[Under Current Rule 2, sub rules 1, 2, and 3 are amended and recodified as New Rule 2.2.1*
9 *below.]*

10 ~~1. Before performing any electronic notarization, an applicant or a notary shall file with the~~
11 ~~Secretary of State a notification of intent to notarize documents electronically. This~~
12 ~~notification may be submitted at the time of application for a notary commission or at any~~
13 ~~subsequent time during the notary's term of commission.~~

14 ~~2. A submitted notification shall not be deemed filed until it has been approved and an~~
15 ~~approval certificate has been issued by the Secretary of State. A notification submitted at~~
16 ~~the time of application for a commission shall not be deemed filed unless and until the~~
17 ~~application is accepted and the notary is commissioned by the Secretary of State and the~~
18 ~~approval certificate has been issued.~~

19 ~~3. Notification of intent to notarize electronically shall be on forms prescribed by the~~
20 ~~Secretary of State, and shall include a statement whether the applicant or notary will use~~
21 ~~only document authentication numbers as his or her electronic signature. If the applicant~~
22 ~~or notary indicates an intention to use a different electronic signature than document~~
23 ~~authentication numbers, then the notification of intent shall also be accompanied by an~~
24 ~~example of the electronic signature that will be used by the applicant or notary, and shall~~
25 ~~include the following information:~~

26 ~~(a) A description of the technology that will be used for the notary's electronic~~
27 ~~notarizations, specifically for the creation of the notary's electronic signature;~~

28 ~~(b) The name, address, telephone number, and web or e-mail address of the supplier~~
29 ~~or vendor of such technology; and~~

30 ~~(c) Such other information as the Secretary of State finds necessary to confirm that~~
31 ~~the technology complies with the requirements of the Colorado Notaries Public~~
32 ~~Act, article 55 of title 12 of the Colorado Revised Statutes.~~

33 2.2.1 A NOTARY MUST SUBMIT A NOTICE OF INTENT ON THE APPROVED FORM AND
34 RECEIVE APPROVAL FROM THE SECRETARY OF STATE BEFORE THE NOTARY MAY
35 ELECTRONICALLY NOTARIZE A DOCUMENT. A NEW APPLICANT MAY FILE THE
36 INTENT AT THE TIME OF APPLICATION BUT MAY ONLY ELECTRONICALLY NOTARIZE A
37 DOCUMENT AFTER HE OR SHE HAS BEEN COMMISSIONED AND APPROVED. IF THE

1 APPLICANT INTENDS TO USE A DIFFERENT ELECTRONIC SIGNATURE THAN A DAN,
2 THE APPLICANT MUST ATTACH AN EXAMPLE OF THE ELECTRONIC SIGNATURE, A
3 DESCRIPTION OF THE ELECTRONIC SIGNATURE TECHNOLOGY, AND CONTACT
4 INFORMATION FOR THE TECHNOLOGY'S SUPPLIER OR VENDOR. A NOTARY MUST
5 NOTIFY THE SECRETARY OF STATE OF ALL ELECTRONIC SIGNATURE CHANGES.

6 *[Current Rule 2, subrule 4(a) is repealed.]*

7 ~~4. If the notary is certified to notarize electronically:~~

8 ~~(a) The Secretary of State will:~~

9 ~~(1) Provide an electronic log to the notary that contains a series of document~~
10 ~~authentication numbers. Such log shall constitute the journal referenced in~~
11 ~~section 12-55-104(2) CRS.~~

12 ~~(2) Maintain a record of the series of numbers issued at the offices of the~~
13 ~~Secretary of State.~~

14 *[Current Rule 2, subrule 4(b) is amended and recodified as New Rule 2.2.2.]*

15 ~~2.4(b)-2.2.2 The notary may use the document authentication numbers provided in the~~
16 ~~electronic log as the notary's electronic signature, provided that the notary's~~
17 ~~name, the words "NOTARY PUBLIC" and "STATE OF COLORADO", and the~~
18 ~~words "my commission expires," followed by the expiration of the notary's~~
19 ~~commission, accompany each authentication number so used. A NOTARY MUST~~
20 ~~INCLUDE HIS OR HER NOTARY IDENTIFICATION NUMBER IN AN ELECTRONIC~~
21 ~~NOTARIZATION.~~

22 *[New Rule 2.2.3.]*

23 2.2.3 FOR PURPOSES OF SECTION 12-55-106.5(1), C.R.S., A NOTARY'S NAME MEANS THE
24 NOTARY'S PRINTED LEGAL NAME.

25 *[Current Rule 2, subrules 4(c) and (d) are amended and recodified as New Rules 2.2.4 (a) and*
26 *(b).]*

27 2.2.4 A NOTARY MUST:

28 ~~2.4(e)-(A) A USE A different document authentication number shall be used~~
29 ~~DAN for each electronic notarization that the notary performs.;~~

30 ~~2.4(d)-(B) A notary shall take TAKE reasonable measures to secure his or her~~
31 ~~journal of authentication numbers ASSIGNED DANs against ANOTHER~~
32 ~~PERSON'S access or use by other persons, and shall MUST not, under any~~
33 ~~circumstanees, permit such access or use by another.; AND~~

1 (C) REQUEST NEW DANs TO REPLACE LOST OR STOLEN DANs AFTER
2 NOTIFYING THE SECRETARY IN THE SAME MANNER AS FOR A JOURNAL OR
3 SEAL.

4 *[Part of Current Rule 5 is amended and recodified as New Rule 2.2.4(c) above.]*

5 *[Current Rule 2, subrule 5 is repealed.]*

6 ~~2.5. Any form of electronic signature must:~~

7 ~~(a) Be discrete to the individual submitting the electronic signature;~~

8 ~~(b) Be retrievable from the electronic document in perceivable form.~~

9 *[Current Rule 4 is amended and recodified as New Rule 2.2.5.]*

10 **Rule 4 Electronic Notarization of Signature**

11 ~~A notary shall electronically notarize a document only if the notary can~~

12 2.2.5 A NOTARY MUST verify that the document signer is issuing a signature that the
13 signer has adopted AN ELECTRONIC SIGNATURE to function as his or her signature
14 BEFORE ELECTRONICALLY NOTARIZING A DOCUMENT.

15 *[Current Rule 3 is amended and recodified as New Rule 2.2.6:]*

16 **Rule 3 Expiration of Notice to Notarize Electronically**

17 2.2.6 EXPIRATION OF THE SECRETARY OF STATE'S APPROVAL TO NOTARIZE
18 ELECTRONICALLY

19 1. (A) ~~The approval to electronically notarize shall expire when APPROVAL~~
20 ~~AUTOMATICALLY EXPIRES:~~

21 ~~(a)(1) The commission for which it was filed expires UPON REVOCATION,~~
22 ~~EXPIRATION, OR RESIGNATION OF THE NOTARY'S COMMISSION;~~

23 ~~(b) The commission for which it was filed is revoked;~~

24 ~~(c)(2) Thirty 30 days have elapsed after the notary's name changes,~~
25 ~~unless the notary sooner submits PREVIOUSLY SUBMITTED a change~~
26 ~~of name CHANGE pursuant to section 12-55-114 CRS, including~~
27 ~~with the submission, if the notary uses a different signature than~~
28 ~~the document authentication numbers issued by the Secretary of~~
29 ~~State, a description and example of the notary's new electronic~~
30 ~~signature, in accord with section 3 of Rule 2 of these Rules~~
31 ~~Concerning Electronic Notarization.~~

1 ~~(d)(3) The notary, during his or her commission term, resigns the~~
2 ~~commission, is convicted UPON CONVICTION of a felony, ceases to~~
3 ~~reside in Colorado, or dies;~~

4 (4) THE NOTARY MOVES OUT OF COLORADO; OR

5 ~~(e)(5) The UPON THE EXPIRATION OR REVOCATION OF THE technology~~
6 ~~described in the notification changes;~~

7 ~~(f) The technology described in the notification expires or is revoked,~~
8 ~~if applicable; or~~

9 ~~(g) The supplier or vendor goes out of business or for any other reason~~
10 ~~no longer supplies the technology described in the notification.~~

11 *[Current Rule 3, subrules 2 and 3, are amended and recodified as New Rule 2.2.6(b):]*

12 ~~2. Except as provided in section (3) of this Rule 3, when a notary's approval to~~
13 ~~notarize electronically expires, the notary or the notary's duly authorized~~
14 ~~representative shall, within 30 days after such expiration, permanently erase,~~
15 ~~delete, or destroy the notary's electronic notarization software, if applicable, and,~~
16 ~~if the notary has elected to use document authentication numbers provided by the~~
17 ~~Secretary of State as his or her electronic signature, any and all unused~~
18 ~~authentication numbers.~~

19 ~~3. If a notary's signature notification expires solely on account of the expiration of~~
20 ~~the notary's commission, the notary need not permanently erase, delete, or destroy~~
21 ~~the electronic notarization software if the notary is recommissioned and~~
22 ~~reregisters his or her electronic signature within 30 days after the commission~~
23 ~~expiration.~~

24 (B) IF APPROVAL EXPIRES, THE NOTARY OR THE NOTARY'S AUTHORIZED
25 REPRESENTATIVE MUST DESTROY ALL ELECTRONIC NOTARIZATION
26 SOFTWARE AND UNUSED DANs UNLESS:

27 (1) THE NOTARY'S COMMISSION EXPIRED; AND

28 (2) WITHIN 30 DAYS OF THE COMMISSION'S EXPIRATION, THE
29 SECRETARY OF STATE RECOMMISSIONS THE NOTARY AND THE
30 NOTARY REREGISTERS HIS OR HER ELECTRONIC SIGNATURE.

31 *[Current Rule 4 is amended and recodified as New Rule 2.2.5.]*

32 *[Part of Current Rule 5 is amended and recodified as New Rule 2.2.4(c)]*

33 **Rule 5 – Lost or Compromised Document Authentication Numbers**

1 ~~If a notary loses his or her document authentication numbers, or becomes aware that any person~~
2 ~~other than the Secretary of State has access to, or control of, such authentication numbers, s/he~~
3 ~~shall notify the Secretary of State in the same manner as for a lost journal or seal pursuant to~~
4 ~~section 12-55-113 CRS. The Secretary of State shall, upon request of the notary, issue a new~~
5 ~~electronic journal of electronic signatures to the notary.~~

6 *[Current Rule 6 is repealed.]*

7 **Rule 6 Effective Date**

8 ~~These Rules Concerning Electronic Notarizations shall take effect November 30, 2004.~~

9 *[Current Rule 7 is amended and recodified as New Rule 3.]*

10 ~~RULE 7~~ **RULE 3. Notary Training**

11 **7.1 — Definitions**

12 *[Current Rule 7.1.A is amended and recodified as New Rule 1.1.]*

13 *[Current Rule 7.1.B is amended and recodified as New Rule 1.2.]*

14 *[Current Rule 7.1.C is repealed.]*

15 ~~7.1.C. “Best Practices” means notary practices that are not necessarily codified in~~
16 ~~statute or rule that encourage compliance with the notary law and promote proper~~
17 ~~notarization.~~

18 *[Current Rule 7.1.D is amended and recodified as New Rule 1.3]*

19 *[Current Rule 7.1.E, concerning the definition of "New Applicant", is amended and recodified as*
20 *New Rule 1.7.]*

21 *[Current Rule 7.1.F is repealed.]*

22 ~~7.1.F. “Renewing Applicant” means a notary who has submitted an application for a~~
23 ~~notary commission before a previous commission has expired or a notary whose~~
24 ~~commission has expired for no more than 30 days.~~

25 **7.2 Notary Public Training and Examination**

26 ~~7.2.1 Applicant Status~~

27 *[Current Rule 7.2.1.A, concerning new applicants, is recodified as New Rule 2.1.2.]*

28 *[Current Rule 7.2.1.B is repealed.]*

1 ~~B. **Renewing Applicants.** A renewing applicant is not required to successfully~~
2 ~~complete an approved course of instruction or pass an examination administered~~
3 ~~by the secretary of state.~~

4 *[The first sentence of Current Rule 7.2.1.C is amended and recodified as part of New Rule 2.1.3.*
5 *The rest is repealed.]*

6 *[Current Rule 7.2.2 is amended and renumbered as New Rule 3.1. Information from Current*
7 *Rule 7.3.A is integrated into New Rule 3.1:]*

8 ~~**7.2.2-3.1 Course of Instruction – Required Elements from the Notaries Public Act.**~~

9 ~~Content for any approved course of instruction—APPROVAL OF VENDOR CURRICULUM. THE~~
10 ~~SECRETARY OF STATE MUST APPROVE A VENDOR’S PROPOSED CURRICULUM BEFORE A~~
11 ~~VENDOR MAY OFFER A NOTARY TRAINING COURSE. CURRICULUM must be based upon ON~~
12 ~~the Colorado Notaries Public Act and draw upon widely accepted best practices. All~~
13 ~~training curricula shall include but are INCLUDING BUT not limited to: THE physical~~
14 ~~presence requirement, duty not to notarize a BLANK document that is blank, duty to use a~~
15 ~~notarial certificate, disqualifying interest, application procedures, resignation~~
16 ~~requirements, duty to maintain a journal of notarial acts, revocation proceedings, liability,~~
17 ~~identification of signers, role of the notary, official misconduct, and notarizations for the~~
18 ~~elderly. It shall be at the discretion of the course provider or approved vendor to~~
19 ~~determine which best practices shall be included in its curricula.~~

20 ~~**7.2.3 Vendors**~~

21 ~~A. **Vendors.** A vendor shall be approved by the secretary of state before offering a~~
22 ~~course of instruction for which the secretary of state will give credit for successful~~
23 ~~completion. The office of the secretary of state shall permit approved vendors to~~
24 ~~conduct notary training courses so long as they comply with the provisions set~~
25 ~~forth in these rules.~~

26 *[The first sentence of Current Rule 7.2.3.A is amended and recodified as part of*
27 *New Rule 3.1. The second sentence of Current Rule 7.2.3.A is repealed.]*

28 *[Current Rule 7.2.3.B.1, concerning complaints against approved vendors, is amended and*
29 *recodified as 3.9.3.]*

30 *[Current Rule 7.2.3.B.2 is repealed.]*

31 ~~**7.2.3.B.2** Whenever the secretary of state or the secretary of state’s designee~~
32 ~~believes that a violation of these rules has been committed by an approved~~
33 ~~vendor, the secretary of state or the secretary of state’s designee may~~
34 ~~investigate any such violation with or without the filing of a complaint.~~

35 *[The information provided in Current Rule 7.2.3.B.3 is amended and recodified as part of New*
36 *Rule 3.9.4 (e).]*

1 7.2.3.B.3. ~~Failure of an approved vendor to cooperate with a secretary of~~
2 ~~state investigation shall result in a termination of the approved vendor's~~
3 ~~accreditation status, subject to the provisions of article 4 of title 24, C.R.S.~~

4 *[Current Rule 7.2.3.C is amended and recodified as New Rule 3.9.1.]*

5 *[Current Rule 7.2.3.D is amended and recodified as New Rule 3.7.1.]*

6 *[Current Rule 7.2.4.A is repealed.]*

7 **~~7.2.4 Vendors and Accreditation~~**

8 A. ~~Requirements for Curriculum Accreditation.~~ All curricula intended to provide
9 ~~an approved course of instruction to new or renewing applicants must conform to~~
10 ~~the requirements of these rules and shall be approved by the secretary of state~~
11 ~~prior to use.~~

12 *[Current Rule 7.2.4.B is amended and recodified as New Rule 3.2 and 3.2.1. Information from*
13 *Current Rule 7.3.B is integrated into New Rule 3.2.]*

14 ~~7.2.4.B.3.2~~ **~~Application.~~** APPLICATION

15 3.2.1 A vendor shall ~~VENDOR AND COURSE PROVIDER APPLICANTS MUST submit to the~~
16 ~~secretary of state for approval a completed Notary Public Education Vendor~~
17 ~~Application. The curricula submitted for approval by the secretary of state shall~~
18 ~~include~~ AN APPLICATION THAT INCLUDES:

19 *[Current Rule 7.2.4.B.1 is amended and recodified as New Rule 3.2.1(e)]*

20 ~~7.2.4.B.2.(A)~~ Procedures to establish the identity of a person attending a live
21 ~~course and ensure that the person is present for the required time-;~~

22 ~~7.2.4.B.3.(B)~~ Procedures to ensure that the person ~~to whom a~~ RECEIVING THE
23 ~~certificate of completion is issued for completing the approved course of~~
24 ~~instruction~~ is the same person who ~~took~~ COMPLETED the course-;

25 ~~7.2.4.B.4.(C)~~ Copies of any COURSE handout materials, workbooks, ~~or~~ AND tests
26 ~~used during the approved course of instruction-; AND~~

27 *[Current Rule 7.2.4.H.2 is amended and recodified as New Rule 3.2.1(d):]*

28 ~~7.2.4.H.2 (D)~~ A DRAFT COPY OF THE certificate of successful completion shall be
29 ~~attached to the paper component of an application when submitted to the~~
30 ~~secretary of state~~ AS REQUIRED BY RULE 3.5.4.

31 *[Current Rules 7.2.4.B.1 and 7.2.4.C are amended and recodified as New Rule*
32 *3.2.1(e)]*

1 ~~7.2.4.B.1(E) A description of the curriculum in sufficient detail to enable the~~
2 ~~secretary of state to evaluate whether the curriculum satisfies the~~
3 ~~requirements in Section 7.2.2 of these rules. A DETAILED CURRICULUM~~
4 ~~AND, IF A VENDOR, THE REQUIRED APPLICATION FEE.~~

5 ~~7.2.4.C **Application Fee.** The secretary of state shall charge a fee to~~
6 ~~review the application not to exceed \$250.~~

7 *[Current Rule 7.2.4.D is amended and recodified as New Rule 3.2.2:]*

8 ~~**7.2.4.D Deficient Application or Curriculum.** If the secretary of state determines that a~~
9 ~~Notary Public Education Vendor Application is incomplete or a curriculum does~~
10 ~~not satisfy the requirements set forth in these rules, the secretary of state will issue~~
11 ~~a deficiency notice containing an itemized description of the deficiencies~~
12 ~~identified. The deficiency notice will be sent by the secretary of state to the~~
13 ~~vendor by the email address listed on the Notary Public Education Vendor~~
14 ~~Application.~~

15 ~~1. A vendor shall have 30 days from the date on which the deficiency notice~~
16 ~~was mailed by the secretary of state to submit documentation to the~~
17 ~~secretary of state curing the deficiencies identified in the deficiency~~
18 ~~notice. If the deficiencies are not cured within 30 days, the curriculum~~
19 ~~shall be deemed rejected by the secretary of state.~~

20 ~~2. If a curriculum is rejected, the affected vendor shall have the right to a~~
21 ~~hearing as provided in article 4 of title 24, C.R.S.~~

22 3.2.2 DEFICIENT APPLICATION. THE SECRETARY OF STATE WILL NOTIFY AN APPLICANT
23 OF ANY APPLICATION OR CURRICULUM DEFICIENCIES. IF THE APPLICANT FAILS TO
24 CURE THE DEFICIENCY WITHIN 30 DAYS AFTER THE MAILING DATE OF THE NOTICE,
25 THE SECRETARY WILL CONSIDER THE APPLICATION REJECTED. A REJECTED
26 APPLICANT MAY REQUEST A HEARING IN ACCORDANCE WITH THE STATE
27 ADMINISTRATIVE PROCEDURE ACT (ARTICLE 4 OF TITLE 24, C.R.S.).

28 *[Current Rule 7.2.4.E is amended and recodified as New Rule 3.3:]*

29 ~~7.2.4.E.3.3 **Seal of Accreditation.** SEAL OF ACCREDITATION FOR VENDORS.~~

30 ~~3.3.1 The secretary of state shall~~ SECRETARY OF STATE WILL provide a seal of
31 ~~accreditation for vendors that meet the curriculum criteria~~ TO A VENDOR
32 ~~APPLICANT within 60 days of receipt of an~~ AFTER RECEIPT OF A SUBSEQUENTLY
33 ~~APPROVED application and curriculum that is subsequently approved by the~~
34 ~~secretary of state.~~

35 ~~7.2.4.E.1.3.3.2 The~~ A VENDOR MUST PROMINENTLY DISPLAY THE seal of
36 ~~accreditation shall be displayed prominently and conspicuously on any~~ ALL
37 ~~VENDOR materials provided by the approved vendor to the new or renewing~~
38 ~~applicant~~ TO A COURSE ATTENDEE. The seal shall contain:

1 ~~7.2.4.E.1.a. Each seal of accreditation shall contain a designation~~
2 ~~number unique to the vendor as assigned by the secretary of state.~~

3 ~~7.2.4.E.1.b. 3.3.3~~ **Seals** A SEAL of accreditation shall ~~expire~~ EXPIRES four years after
4 ~~a Seal of Accreditation is granted~~ ISSUANCE. ~~The expiration date shall appear of~~
5 ~~the seal of accreditation.~~ TO RENEW ACCREDITATION, A VENDOR MUST SUBMIT THE
6 REQUIRED FORM AND FEE.

7 ~~7.2.4.E.2. 3.3.4~~ A seal of accreditation shall ~~not be assigned or~~ VENDOR MAY not be assigned or
8 ~~transferred~~ ASSIGN OR TRANSFER A SEAL OF ACCREDITATION to another vendor or
9 curriculum without the SECRETARY OF STATE'S approval ~~of the secretary of state.~~

10 ~~7.2.4.E.3. 3.3.5~~ The seal of accreditation shall ~~not~~ DOES not imply endorsement of any
11 A VENDOR'S products or services or other courses ~~offered by the provider.~~

12 *[Current Rules 7.2.4.F and 7.2.4.G are amended and recodified as New Rules 3.7 and 3.8.]*

13 *[Current Rule 7.3.C is amended and recodified as New Rule 3.4:]*

14 ~~7.3.C. 3.4~~ **Train the Trainer Instruction Course.** ~~The secretary of state shall provide a~~
15 ~~training seminar for course providers. A course provider~~ TRAINING OF COURSE
16 PROVIDERS. AN APPLICANT must attend the SECRETARY OF STATE'S training ~~seminar~~
17 ~~before becoming an approved course provider.~~

18 *[Current Rules 7.2.4.H and 7.2.4.H.1 are amended and recodified as New Rules 3.5, 3.5.1, and*
19 *3.5.2. Information from Current Rule 7.3.E is integrated into New Rule 3.5.]*

20 ~~7.2.4.H. 3.5~~ **Certificate of Successful Completion of an Approved Course of Instruction.**
21 CERTIFICATE OF COMPLETION

22 3.5.1 ~~Approved vendors shall furnish graduates of their program with a certificate of~~
23 ~~successful completion.~~ WHEN A STUDENT SUCCESSFULLY COMPLETES A COURSE,
24 THE APPROVED VENDOR OR COURSE PROVIDER MUST ISSUE THE GRADUATE A
25 CERTIFICATE OF SUCCESSFUL COMPLETION.

26 ~~7.2.4.H.1. 3.5.2~~ An ~~approved vendor shall~~ APPROVED VENDORS AND COURSE
27 PROVIDERS MUST ensure that only a person who has completed an approved
28 course of instruction receives a certificate of successful completion. ~~If an attendee~~
29 ~~fails to be present during any substantive portion of an approved course of~~
30 ~~instruction, the approved vendor shall not issue a certificate of successful~~
31 ~~completion to the attendee, and the attendee shall not receive credit for the time in~~
32 ~~which he or she was present.~~ VENDORS AND COURSE PROVIDERS MAY NOT ISSUE A
33 CERTIFICATE OF COMPLETION TO AN ATTENDEE WHO IS ABSENT DURING ANY
34 SUBSTANTIVE PART OF THE COURSE.

35 *[Current Rule 7.2.4.H.2 is amended and recodified as New Rule 3.2.1(d).]*

36 *[Current Rule 7.2.4.H.3 is amended and recodified as New Rule 3.5.3:]*

1 ~~7.2.4.H.3.~~ 3.5.3 A certificate of successful completion of an approved course of
2 instruction ~~shall be valid for a period of~~ EXPIRES six (6) months from the date of
3 issuance. ~~If proof of successful completion is submitted to the secretary of state~~
4 ~~more than six (6) months after the proof of successful completion was issued, the~~
5 ~~secretary of state shall notify the notary public applicant that the proof of~~
6 ~~successful completion is not valid and instruct the notary public applicant to~~
7 ~~complete an approved course of instruction and submit a valid, current certificate~~
8 ~~of successful completion of an approved course of instruction to the secretary of~~
9 ~~state.~~

10 *[Current Rule 7.2.4.H.4 is amended and recodified as New Rule 3.5.4]*

11 ~~7.2.4.H.4.~~ 3.5.4 The certificate of proof of successful completion of an approved
12 course of instruction ~~shall~~ MUST contain:

13 ~~a.~~(A) The name of the ~~approved~~ vendor OR COURSE PROVIDER who provided the
14 ~~approved course of instruction;~~

15 ~~b. — The approved vendor's seal of accreditation.~~

16 ~~e.~~(B) The name of the person who completed the ~~instructional~~ course;

17 ~~d.~~(C) The date of completion of the ~~approved course of instruction;~~

18 ~~e.~~(D) The statement, "This certificate of proof of completion ~~shall be~~ IS valid for
19 a period of six months from the date of issuance."; AND

20 (E) FOR VENDORS, THE SEAL OF ACCREDITATION.

21 *[Current Rule 7.2.4.I is amended and recodified as New Rule 3.6]*

22 ~~7.2.4.I.~~ 3.6 **List of Attendees.** VENDOR'S LIST OF ATTENDEES. An approved vendor ~~shall~~ MUST
23 maintain and, UPON REQUEST, PROVIDE A LIST OF ATTENDEES AND THE FOLLOWING
24 INFORMATION TO THE SECRETARY OF STATE: ~~provide the secretary of state with a~~
25 ~~list of persons who attend each session of an approved course of instruction and~~
26 ~~provide such list to the secretary of state within ten days after completion of the~~
27 ~~approved course of instruction on a form provided by the secretary of state. the~~
28 ~~approved vendor shall not request, collect, or keep the social security number of~~
29 ~~any attendee. The form shall include the following:~~

30 ~~1. — The name of the approved vendor;~~

31 ~~2. — The approved vendor identification number issued by the secretary of state;~~

32 ~~3.~~ 3.6.1 The name of the instructor or instructors who taught the approved course
33 of instruction;

34 ~~4.~~ 3.6.2 The date, time, and location of the approved course of instruction;

1 5. 3.6.3 ~~The names of all the attendees in alphabetical order by the last name of the~~
2 ~~attendee and whether or not~~ WHETHER proof of completion was issued to each
3 attendee;

4 6. 3.6.4 The type of ~~photograph~~ PHOTO identification, identification number,
5 expiration date, and state or country of issuance of the documentation establishing
6 the COURSE ATTENDEES' identity ~~of the notary public applicant or notary public~~
7 ~~who attended and completed the approved course of instruction~~; and

8 7. 3.6.5 The COURSE ATTENDEES' FULL NAME AND date of birth ~~of the applicant~~.

9 *[Current Rules 7.2.4.F and 7.2.3.D are amended and recodified as New Rules 3.7 and 3.7.1]*

10 ~~7.2.4.F. 3.7 Notification of Changes to Approved Course of Instruction. Within 30 days of~~
11 ~~substantial changes of the information contained in the approved course of instruction, an~~
12 ~~approved vendor shall submit to the secretary of state on vendor letterhead a description~~
13 ~~of the changes made to the curriculum's content.~~ NOTIFICATION OF CHANGES. APPROVED
14 VENDORS AND COURSE PROVIDERS MUST NOTIFY THE SECRETARY OF STATE USING
15 LETTERHEAD WITHIN 30 DAYS OF:

16 ~~7.2.3.D. 3.7.1 Duty of Approved Vendor to Keep Address Current. Every approved~~
17 ~~vendor shall send or have delivered notice to the secretary of state within 30 days~~
18 ~~after such approved vendor changes the~~ A CHANGE IN physical address or email
19 address on the Notary Public Education Vendor Application.

20 3.7.2 SUBSTANTIAL CHANGES TO AN APPROVED CURRICULUM AND PROVIDE COPIES OF
21 THE CHANGES.

22 *[Current Rule 7.2.4.G is amended and recodified as New Rule 3.8:]*

23 ~~7.2.4.G.3.8 Duty of Vendor to Revise Training. DUTY TO REVISE TRAINING. An approved~~
24 ~~vendor~~ APPROVED VENDORS AND COURSE PROVIDERS ~~shall~~ MUST revise its approved
25 course COURSES of instruction as necessary to ensure that the information provided in an
26 approved course of instruction THE COURSES ACCURATELY reflects REFLECT current
27 Colorado law concerning the duties and functions of a notary public.

28 *[New Rule 3.9]*

29 3.9 ENFORCEMENT

30 *[Current Rule 7.2.3.C. is amended and recodified as New Rule 3.9.1:]*

31 ~~7.2.3.C. 3.9.1 Duty of Approved Vendor to Respond to a Written Request from~~
32 ~~Secretary of State. It shall be the duty of a vendor to~~ DUTY TO RESPOND TO THE
33 SECRETARY OF STATE'S WRITTEN REQUEST. VENDORS AND COURSE PROVIDERS
34 MUST respond in writing within 20 BUSINESS days of receiving a written request
35 from the secretary of state SECRETARY OF STATE for any information relating to a
36 complaint or approved course of instruction ~~offered by the vendor~~. The secretary

1 of state shall SECRETARY OF STATE WILL send a written request to the address or
2 email address listed on the most current ~~Notary Public Education Vendor~~
3 ~~Application~~ APPLICATION.

4 *[Current Rule 7.2.4.J is amended and recodified as New Rule 3.9.2:]*

5 ~~7.2.4.J.~~ 3.9.2 ~~Onsite Inspections.~~ ONSITE INSPECTIONS. An approved vendor shall
6 APPROVED VENDORS AND COURSE PROVIDERS MUST permit the secretary of state
7 SECRETARY OF STATE or his THE SECRETARY'S designee to attend any approved
8 course of instruction without prior notice at no charge for the purpose of
9 ~~observation, monitoring, auditing, or investigating~~ TO OBSERVE, MONITOR, AUDIT,
10 AND INVESTIGATE.

11 *[Current Rule 7.2.3.B.1 is amended and recodified as New Rule 3.9.3:]*

12 ~~7.2.3.B.~~ 3.9.3 ~~Complaints against an Approved Vendor~~ COMPLAINTS.

13 1. —A person may file a complaint against an approved vendor OR COURSE PROVIDER
14 with the secretary of state SECRETARY OF STATE alleging a violation of these rules.
15 ~~A~~ THE PERSON MUST SUBMIT A SIGNED AND DATED complaint shall be submitted
16 on a THE SECRETARY OF STATE'S standard form provided by the secretary of state,
17 signed and dated by the person filing the complaint.

18 *[Current Rule 7.2.4.K is amended and recodified as New Rule 3.9.4. New Rule 3.9.4 (e) contains*
19 *amended and recodified information from Current Rule 7.2.3.B.3.]*

20 ~~7.2.4.K.~~ 3.9.4 ~~Grounds for Termination of Accreditation.~~ GROUNDS FOR
21 TERMINATION OF ACCREDITATION OR APPROVAL. The secretary of state
22 SECRETARY OF STATE may terminate a AN APPROVED vendor's accreditation OR
23 APPROVAL OF A COURSE PROVIDER for any of the following reasons:

- 24 1-(A) Violation of any provision of these rules.
- 25 2-(B) Misrepresentation of A NOTARY PUBLIC'S DUTIES AND AUTHORITY UNDER
26 the laws of Colorado LAW concerning the duties and functions of a notary
27 public.
- 28 3-(C) Deviation from the lesson plan for an approved course of instruction.
- 29 4-(D) ~~Representations made by the vendor that any product, goods, or services~~
30 ~~provided by the vendor are endorsed, recommended, or required by the~~
31 ~~secretary of state.~~ MAKING REPRESENTATIONS THAT THE SECRETARY OF
32 STATE ENDORSES, RECOMMENDS, OR MANDATES USE OF ANY OF THE
33 VENDOR'S PRODUCTS, GOODS, OR SERVICES.
- 34 5-(E) Failure to timely respond to a request for communication from the
35 secretary of state THE SECRETARY OF STATE'S REQUEST FOR
36 COMMUNICATION OR OTHERWISE COOPERATE WITH AN INVESTIGATION.

1 *[Current Rule 7.2.4.L is amended and recodified as New Rule 3.9.5.]*

2 ~~7.2.4.L. 3.9.5 **Right to Appeal Termination of Accreditation.**~~ RIGHT TO APPEAL
3 TERMINATION OF ACCREDITATION OR APPROVAL. If the ~~secretary of state~~
4 SECRETARY OF STATE proposes to terminate AN APPROVED VENDOR'S ~~the~~
5 accreditation status ~~of~~ OR APPROVAL OF A COURSE PROVIDER ~~an approved vendor,~~
6 THEN THE VENDER OR COURSE PROVIDER HAS THE RIGHT TO REQUEST ~~an~~
7 ~~opportunity for~~ A hearing ~~shall be accorded~~ as provided in THE STATE
8 ADMINISTRATIVE PROCEDURE ACT, (~~article~~ ARTICLE 4 of ~~title~~ TITLE 24, C.R.S.)

9 1.(A) If the approved vendor OR THE COURSE PROVIDER does not request a
10 hearing, termination ~~shall~~ WILL be effective 30 days after the termination
11 ~~notice~~ MAILING DATE OF THE NOTICE.

12 2.(B) ~~The termination of the approved vendor's accreditation~~ TERMINATION
13 does not bar the ~~secretary of state~~ SECRETARY OF STATE from ~~instituting~~
14 BEGINNING or continuing an investigation ~~against~~ CONCERNING the vendor
15 OR COURSE PROVIDER.

16 ~~7.3. COURSE PROVIDERS~~

17 *[The information provided in Current Rule 7.3.A is amended and recodified as part of New Rule*
18 *3.1.]*

19 ~~7.3.A. **Course Provider.** A course provider must be approved by the secretary of state before~~
20 ~~offering a course of instruction for which the secretary of state will give credit for~~
21 ~~successful completion.~~

22 *[The information provided in Current Rule 7.3.B is amended and recodified as part of New Rule*
23 *3.2.]*

24 ~~7.3.B. **Trainer Application.** A course provider shall submit to the secretary of state for~~
25 ~~approval, a completed Trainer Application. The application submitted to the secretary of~~
26 ~~state shall include:~~

- 27 1. ~~— The name and address of the course provider.~~
- 28 2. ~~— Procedures to establish the identity of a person attending a course and to ensure~~
29 ~~that the person is present for the required time.~~
- 30 3. ~~— Procedures to ensure that the person to whom a certificate of completion is issued~~
31 ~~for completing the course of instruction is the same person who took the course.~~
- 32 4. ~~— Copies of any handout materials, workbooks, or tests used during the course of~~
33 ~~instruction in addition to the curriculum provided by the secretary of state.~~

34 *[Current Rule 7.3.C is amended and recodified as part of New Rule 3.4.]*

1 *[Current Rule 7.3.D is amended and recodified as part of New Rule 1.3.]*

2 ~~7.3.D. **Curriculum.** an approved course provider shall use a curriculum provided by the~~
3 ~~secretary of state. An approved course provider may add additional information to the~~
4 ~~curriculum as necessary to train its employees as to the guidelines and best practices~~
5 ~~utilized by their corporation, company, commercial enterprise, association, or educational~~
6 ~~institution.~~

7 *[Current Rule 7.3.E is amended in part and recodified as part of New Rule 3.5.]*

8 ~~7.3.E. **Certificate of Completion.** Course providers will comply with section 7.2.4.H.4 of these~~
9 ~~rules except that a course provider is not required to provide a seal of accreditation when~~
10 ~~providing a certificate of successful completion.~~

11 *[Current Rule 7.4 is amended and recodified as New Rule 2.1.4]*