

Preliminary Draft of Proposed Rules

Colorado Department of State Notary Program Rules 8 CCR 1505-11

November 15, 2023

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Colorado Department 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 **December 19, 2023**, 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 **December 14, 2023**.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 amended as follows:*

2 *New Rule 2.4 requires a notary public to inform their customer, prior to performing a notarial act, of any*
3 *service that is an additional charge to the notarial act and to provide an itemized invoice of each specific*
4 *charge and informs of the consequences of failing to abide by the new requirements:*

5 2.4 ITEMIZATION OF CHARGES

6 2.4.1 IF A NOTARY PUBLIC CHARGES FOR ANY SERVICE IN ADDITION TO THE NOTARIAL ACT, THE
7 NOTARY PUBLIC MUST:

8 (A) INFORM THE CUSTOMER OF THE CHARGES BEFORE PERFORMING THE NOTARIAL
9 ACT; AND

10 (B) PROVIDE AN ITEMIZED INVOICE THAT LISTS EACH SPECIFIC CHARGE.

11 2.4.2 IF A NOTARY PUBLIC FAILS TO ITEMIZE SPECIFIC CHARGES, THE AMOUNT CHARGED IS PRESUMED
12 TO SOLELY COVER THE NOTARIAL ACT. IF THAT AMOUNT EXCEEDS THE STATUTORY FEE LIMIT IN
13 SECTION 24-21-529, C.R.S., THE INVOICE IS PRESUMPTIVE EVIDENCE OF A VIOLATION OF THE
14 REVISED UNIFORM LAW ON NOTARIAL ACTS.

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2023). 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. (2023). “[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.”