



Notice of Temporary Adoption

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

July 1, 2022

I. Adopted Rule Amendments

As authorized by the Colorado Notaries Public Act¹ and the State Administrative Procedure Act², the Colorado Department of State gives notice that the following amendments to the Notary Program Rules³ are adopted on a temporary basis and effective immediately. (SMALL CAPS indicate proposed additions to the current rules. Stricken type indicates proposed deletions from current rules. *Annotations* may be included):

Current 8 CCR 1505-11 is amended as follows:

Amendments to Rule 2.3 regarding interpreters for deaf, hard of hearing, or deafblind individuals:

2.3 Communication

- 2.3.1 A notary public must be able to communicate directly with, be understood by, and understand the individual for whom the notary public is performing a notarial act.
- 2.3.2 WITH THE EXCEPTION OF USE OF AN INTERPRETER FOR DEAF, HARD OF HEARING, OR DEAFBLIND INDIVIDUALS, A A notary public may not use AN INTERPRETER, a translator, or ~~translator~~ RELATED services to communicate with the individual for whom the notary public is performing a notarial act. This prohibition applies to all methods of notarization, including electronic and remote notarization, authorized by The Revised Uniform Law on Notarial Acts (Title 24, Article 24, Part 5, C.R.S.).
- 2.3.3 IN ACCORDANCE WITH SECTION 6-1-707(1)(E)(I), C.R.S., AN INTERPRETER FOR DEAF, HARD OF HEARING, OR DEAFBLIND INDIVIDUALS MUST HOLD EITHER:
- (A) A VALID CERTIFICATION ISSUED BY THE REGISTRY OF INTERPRETERS FOR THE DEAF, INC. OR A SUCCESSOR ENTITY; OR
 - (B) A VALID CERTIFICATION FOR SIGN LANGUAGE INTERPRETATION APPROVED BY THE COLORADO COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND.
- 2.3.4 THE INTERPRETER MUST NOT HAVE A DISQUALIFYING INTEREST. FOR THE PURPOSES OF THIS RULE 2.3.4, AN INTERPRETER HAS A DISQUALIFYING INTEREST IN A RECORD IF:

¹ Article 21, Title 24 of the Colorado Revised Statutes.

² Section 24-4-103(3)(a), C.R.S. (2021).

³ 8 CCR 1505-11.

- (A) THE INTERPRETER OR THE INTERPRETER'S SPOUSE, PARTNER IN A CIVIL UNION, ANCESTOR, DESCENDENT, OR SIBLING IS A PARTY TO OR IS NAMED IN THE RECORD THAT IS TO BE NOTARIZED; OR
- (B) THE INTERPRETER OR THE INTERPRETER'S SPOUSE OR PARTNER IN A CIVIL UNION MAY RECEIVE DIRECTLY, AND AS A PROXIMATE RESULT OF THE NOTARIZATION, ANY ADVANTAGE, RIGHT, TITLE, INTEREST, CASH, OR PROPERTY EXCEEDING IN VALUE THE SUM OF ANY FEE FOR INTERPRETER SERVICES.

II. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

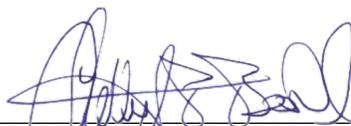
III. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Colorado Department of State's findings to justify the immediate adoption of this new rule on a temporary basis follows this notice and is incorporated by reference.⁴

IV. Effective Date of Adopted Rules

These rule amendments are effective immediately.

Dated this 1st of July 2022,



Christopher F. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State

⁴ Section 24-4-103(6), C.R.S. (2021).



Statement of Basis, Purpose, and Specific Statutory Authority

Department of State Notary Program Rules 8 CCR 1505-11

July 1, 2022

I. Basis and Purpose

This statement explains amendments to the Colorado Department of State Notary Program Rules. The purpose of the changes is to ensure the uniform and proper administration, implementation, and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)¹. Specifically, the changes include:

- Amendments to Rule 2.3 to clarify the exception that authorizes the use of an interpreter for deaf, hard of hearing, and deafblind individuals during notarial acts.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-21-527(1), C.R.S., (2021), which authorizes the Secretary of State to “adopt rules to implement this part 5 [the Revised Uniform Law on Notarial Acts] in accordance with article 4 of this title 24 [the State Administrative Procedure Act].”
- Section 24-21-527(1)(a), C.R.S., (2021), which authorizes the Secretary of State to “[p]rescribe the manner of performing notarial acts regarding tangible and electronic records[.]”
- Section 24-21-527(1)(e), C.R.S., (2021), which authorizes the Secretary of State to “[i]nclude provisions [in rules] to prevent fraud or mistake in the performance of notarial acts[.]”
- Section 24-21-527(1)(g), C.R.S., (2021), which authorizes the Secretary of State to “[p]rescribe the manner of performing notarial acts using audio-video communication technology, including provisions to ensure the security, integrity, and accessibility of records relating to those acts[.]”

¹ Article 21, Title 24 of the Colorado Revised Statutes.

- Section 24-21-509(2), C.R.S., (2021), which permits a notary public to “use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any individual in the presence of the notary public when it appears that the individual is unable to communicate verbally or in writing.”



Statement of Justification and Reasons for Adoption of Temporary Rules

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Amended Rule(s): 2.3.2

New Rule(s): 2.3.3 and 2.3.4

The Department of State finds that certain amendments to the existing notary program rules must be adopted and effective immediately to ensure the uniform and proper administration, implementation, and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)¹.

Adoption of these rules on a temporary basis is necessary to immediately authorize and establish minimum standards for the use of interpreters for the deaf, hard of hearing, and deafblind individuals during notarial acts. The rules are immediately effective as is necessary to provide clear guidance to interested parties, including, but not limited to: notaries, interpreters, and the general public.

For these reasons, and in accordance with the State Administrative Procedure Act, the Department of State finds that temporary adoption of the amendments to existing notary program rules is imperatively necessary to comply with state and federal law and to promote public interests.²

¹ Article 24, Title 21 of the Colorado Revised Statutes.

² Section 24-4-103(3) (6), C.R.S. (2021).