



Notice of Temporary Adoption

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

May 18, 2023

I. Adopted Rule Amendments

As authorized by the Colorado Notaries Public Act¹ and the State Administrative Procedure Act, the Colorado Department of State gives notice that the following amendments to the Notary Program Rules² 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 5.2.7 regarding the fee a remote notary may charge for their electronic signature:

- 5.2.7 In accordance with section 24-21-529(2), C.R.S., a remote notary may charge a fee, not to exceed ~~ten~~ TWENTY-FIVE dollars, for the notary's electronic signature.

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.³

IV. Effective Date of Adopted Rules

These rule amendments are effective immediately.

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

² 8 CCR 1505-11.

³ Section 24-4-103(6), C.R.S. (2022).

Dated this 18th of May 2023,



Christopher P. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

Department of State Notary Program Rules 8 CCR 1505-11

May 18, 2023

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 5.2.7

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-21-527(1), C.R.S., (2022), 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., (2022), 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)(g), C.R.S., (2022), 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.



Statement of Justification and Reasons for Adoption of Temporary Rules

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

May 18, 2023

Amended Rule: 5.2.7

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 update by rule the fee increase established in Senate Bill 23-153, which clarifies that the fee a notary may charge for their electronic signature has increased from ten dollars to twenty-five dollars. The rules are immediately effective as it is necessary to provide clear guidance to interested parties, including, but not limited to: notaries 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) and (6), C.R.S. (2022).