

Comments on Proposed Notary Program Rules
8 CCR 1505-11

Date of notice: October 15, 2020

Date and time of public hearing: November 16, 2020 at 9:00 a.m.

1. **Rule 5.1.1 – Definition of “personal information.”** The definition may conflict with other laws defining similar terms, such as CRS 6-1-713(2)(b). The definition in the proposed regulation is overly broad, whereas CRS 6-1-713(2)(b) provides a bright-line rule of what clearly constitutes personal information. A rule such as CRS 6-1-713(2)(b) creates clear legal rules for Notaries and remote notarization system providers to follow. We suggest modifying the definition to point to CRS 6-1-713(2)(b).
2. **Rule 5.2.1(A) – Proof of Completion.** We suggest making the last sentence regarding submission of the proof of completion of the training and examination a new subsection (B) to make the requirement stand out and then renumbering the remaining subsections.
3. **Rule 5.2.1(B) – Active Status.** We suggest this rule be simplified to read, “A notary public’s commission must be in active status at the time the notary public submits a notice of intent pursuant to subsection (A) of this section.”
4. **Rule 5.2.2(B) – Other Education Providers.** We urge the Secretary of State to allow accredited education providers to offer the required remote notarization course just as it does now for mandatory Notary Public commission education. Allowing multiple vendors for education gives consumers a choice. This process is clearly working for Notary Public commissions.
5. **Rule 5.2.3(A)(2) – Official Signature.** You may want to consider putting a clarifying sentence in Rule 5.2.1 that the Notary must submit the application for remote notarization using the same name and signature as on the Notary’s affirmation form or most recent signature change form. This could help prevent Notaries from using a different name or signature in performing remote notarizations.
6. **Rule 5.2.4(C) – Journal Backup.** This comment is stylistic. We suggest putting this rule in the active voice, e.g., the Notary or the Notary’s remote notarization system must securely back up the journal.
7. **Rule 5.2.5 – Stopping and Restarting.** This comment is stylistic. We suggest modifying the lead-in sentence of this rule to read as follows: “A remote notary public must stop ~~the remote notarization process~~ and restart the remote notarization process from the beginning if...”
8. **Rule 5.2.6 – Active Status.** We suggest modifying the rule to read: “A remote Notary must verify that the remote notarization system is in active status with the secretary of state’s office prior to performing a remote notarial act with that system.”
9. **Rule 5.2.8 – Notification.** This comment is stylistic. We suggest modifying the rule to read: “... after changing a remote notarization system ~~provider or remote notarization~~ storage provider.”
10. **Rule 5.2.9 – Expiration of Approval.** This comment is stylistic. We suggest the lead-in sentence of the rule to read as follows: “(A) A notary public’s approval to perform remote notarizations automatically expires:”. We suggest subsection (B) of the rule be modified to read: “~~If approval expires,~~ Upon expiration of a notary public’s approval to perform remote notarizations, ...”