

**Summary of Changes** Effective date: July 1, 2018

**Colorado Revised Uniform Law on Notarial Acts (RULONA)**

[http://leg.colorado.gov/sites/default/files/documents/2017A/bills/2017a\\_132\\_signed.pdf](http://leg.colorado.gov/sites/default/files/documents/2017A/bills/2017a_132_signed.pdf) Statute (PDF)

**24-21-521(3)(c) Eligibility for a commission**

In addition to other RULONA requirements, including being lawfully present in the U.S., an applicant must either be a Colorado resident or have a place of employment in Colorado.

**24-21-502(16) Oaths and Affirmations**

RULONA distinguishes between an oral oath or affirmation, and one made in a written record.

In a written record, this notarial act is called a “verification on oath or affirmation,” or “verification of a statement on oath or affirmation.”

The requirements for performing them are the same.

**24-21-519(1) Notary must now record all oaths and affirmations, even those only given orally, in the notary journal.**

**24-21-502(1), 24-21-502(6) Acknowledgments and Signature Witnessing**

RULONA distinguishes between: (1) taking an acknowledgement — where a person has already signed the record and is acknowledging their signature to the notary — and (2) witnessing a signature.

However, the functional requirements (i.e., identifying the signer, ensuring that the signer is the same person named in the record, and verifying the signature is the signer’s) remain the same for both acts.

**24-21-516(1)(d) RULONA provides a separate short-form notarial certificate for signature witnessing.**

**24-21-505(4) Copy Certifications**

Notary no longer has to receive written request for copy certification.

**24-21-505(4)(b) and (c) RULONA clarifies which documents cannot be copy certified by a notary:**

A record that can be obtained from any of the following offices in Colorado:

A clerk and recorder of public documents

The Colorado Secretary of State

The State Archives

An office of vital records

A record that states on its face that it is illegal to copy.

**24-21-502(6), 24-21-519(1) Notaries must now record copy certifications in their notary journals.**

**24-21-505(5) Protests of Negotiable Instruments**

Negotiable instruments are special documents governed by the Uniform Commercial Code (UCC).

RULONA clarifies that a notary who makes or notes a protest must determine the matters set forth in the UCC.

The only type of notary authorized by RULONA to make or note a protest are notaries who are employed by a financial institution acting in the course and scope of that employment.

**24-21-508(2) Right To Refuse**

RULONA makes explicit a notary’s right to refuse to perform a notarization, so long as the refusal does not violate other laws.

**24-21-504(2) Disqualifying Interest**

As before, RULONA prohibits a notary from performing any notarial act in a transaction if they have a disqualifying interest.

However, RULONA expands the definition to include family relationships. A notary now has a disqualifying interest if:

The notary or the notary’s spouse, partner in a civil union, ancestor, descendent, or sibling is a party to or is named in the record to be notarized; or

The notary or the notary’s spouse or partner in a civil union may receive directly, and as a proximate result of the notarization, any advantage, right, title, or benefit in excess of the notary’s fee.

**24-21-507(1) Acceptable Identification**

RULONA provides a definition of “personal knowledge”:

A notary has “personal knowledge” of an individual’s identity if “the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.”

**24-21-507(2) RULONA expands and clarifies the types of identification that provide satisfactory evidence of an individual’s identity, and creates different categories:**

Documents that are always satisfactory evidence under RULONA: A passport, driver’s license, or government-issued nondriver identification card that is current or expired not more than one year. This list includes a foreign government-issued passport or driver’s license.

Other forms of government-issued IDs that are current or expired not more than one year may be acceptable if:

They contain either the signature or photograph of the individual; and They are satisfactory to the notary.

This provision gives the notary some discretion to accept forms of identification such as jail ID’s issued by counties and other types of ID issued by foreign governments, but only if the notary is satisfied that the ID is legitimate and properly identifies the individual.

**24-21-507(3) RULONA specifically allows the notary to require additional information or identification credentials, if needed, to assure the notary of an individual’s identity.**

**24-21-507(2)(b) RULONA still allows a notary to identify an individual through the sworn statement of a credible witness, but makes some changes:**

The witness must provide a verification on oath or affirmation as to the person’s identity.

Notary can identify the witness through either personal knowledge or a passport, driver’s license, or government-issued nondriver identification card that is current or expired not more than one year.

**24-21-516 Notarial Certificates**

RULONA provides short form certificates for all notarial acts related to a record.

**24-21-515 RULONA also:**

Clarifies the information that must be included in every certificate.

Requires the notary to sign the certificate at the same time as the notarization is done.

States clearly that when a notary signs the certificate, the notary is certifying that the notary complied with the requirements and made

the determinations required by the law for the type of notarial act the notary is completing.

**24-21-515(6) requires that a notarial certificate on a paper record must be incorporated into the record or “securely attached” to that record.** RULONA prohibits loose notarial certificates.

**24-21-516 RULONA specifies that the notarial certificate must include the “title of office” for the notarial officer, i.e., the individual authorized to perform the notarial act.**

A Colorado commissioned notary public will simply insert “Notary Public.” Other notarial officers will insert their appropriate title, i.e., Judge, Clerk of the Court, etc.

#### **24-21-502(9) Seals**

Seals are now also referred to as the “official stamp.”

**24-21-518(1) Notary has a duty to keep stamping device secure.**

When a notary’s commission expires or notary resigns, notary must deface or disable stamping device to make it unusable. Notary is no longer required to send the stamp to SOS office for disposal.

#### **24-21-519(1) Journals**

A journal entry is required for ALL notarial acts, including those not involving a signature on a record. Notary must record copy certifications, oral oaths and affirmations, and depositions, for example, in the notary’s journal.

**24-21-519(2) A notary may maintain journal in either a tangible medium or an electronic format.**

A journal maintained in a tangible medium must be a permanent, bound register with numbered pages.

**24-21-519(3) The list of what must be included in a journal entry changed slightly to:**

The date and time of the notarization.

A description of the record, if there is one.

The type of notarial act.

The full name and address of each individual for whom the notarial act is performed.

A statement of how the notary identified each individual. If the person was identified based on satisfactory evidence, this must include a brief description of the method used and the type of credential presented, if any.

The fee, if any, charged by the notary.

**24-21-519(4) RULONA imposes a duty on the notary to keep the journal secure, including:**

Keeping the journal in a secure area under the exclusive control of the notary; and

Not allowing any other notary to use the journal.

**24-21-519(5) RULONA clarifies when and how a notary may provide a certified copy of a journal entry to an individual:**

A written request is required.

The request must include the name of the parties to the document, the type of document, and the month and year in which it was notarized.

After receiving a compliant request, the notary may make the certified copy and charge the regular notarial fee for it.

The notary must record the transaction in their notary journal.

**24-21-519(6) and 24-21-519(7) requires a notary to provide their journal to the Secretary of State’s office for inspection or auditing upon request.**

Also allows a law enforcement officer acting in the course of an official investigation to inspect a notary’s journal without restriction.

**24-21-519(9) and (10) RULONA changes the requirements for retention of journals:**

A notary must keep journals for ten years after the date of the last notarization recorded in the journal.

When notary resigns or lets commission expire, they must either:

Retain their journals for 10 years and provide notice to the Secretary of State as to where they are being kept; or

Send their journals to State Archives and advise the Secretary of State that they have done so.

Alternatively, notaries may leave their journal with their employer, and advise the Secretary of State that they have done so.

**24-21-519(11) If a current or former notary dies or is adjudged incompetent, RULONA requires the notary’s personal representative, guardian, or any other person knowingly in possession of the notary’s journal to:**

Send the journal to State Archives.

Notify the Secretary of State of the transmission.

#### **24-21-520(2) Electronic Notarizations**

Notaries performing electronic notarizations must select a tamper-evident technology and notify the Secretary of State of which technology they are using.

**24-21-520(3) RULONA moves from rule to statute the requirement that the notary’s electronic signature include (1) the notary’s name as it appears on their commission and (2) the notary ID number.**

#### **24-21-523(1) Grounds To Deny, Revoke, Or Suspend Commissions**

RULONA also makes some changes to the grounds on which the Secretary of State may deny, revoke, or suspend a notary’s commission. New reasons include:

A finding or admission of liability in a civil lawsuit based on the notary’s fraud, deceit, or dishonesty.

A revocation, denial, or suspension of a notary commission in another state.

#### **24-31-534 Apostilles and Authentications**

RULONA clarifies the ability of the Secretary of State to issue authentications. The Secretary of State office must refuse to authenticate a notarization if:

The notarization does not comply with the requirements of the law.

The document concerns allegiance to a government or jurisdiction; relates to the relinquishment of citizenship, sovereignty, in itinere status or world service authority; or sets forth or implies a claim of immunity from the law of this state or federal law.