

Revised Draft of Proposed Rules

Office of the Colorado Secretary of State Notary Program Rules 8 CCR 1505-11

September 11, 2014

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on August 15, 2014. These revised proposed rules will be considered at the September 16, 2014 rulemaking hearing.

In accordance with the State Administrative Procedure Act, this revised copy of the proposed rules is made available to the public and posted on the Department of State's website.¹

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
Shading	Revisions to the July 15, 2014 preliminary draft.

1 *[Current 8 CCR 1505-11 is stricken in its entirety and re-codified as follows:]*

2 **Rule 1. Definitions**

3 *[Current Rules 7.1 A, B, and D are amended and recodified as New Rules 1.1, 1.2, and 1.3.*
4 *Under Current Rule 1, sub rules 1, 2, and 3 are amended and recodified as New Rules 1.4, 1.5,*
5 *and 1.6. Current Rule 7.1.E is amended and recodified as New Rule 1.7]*

6 ~~7.1.A-1.1~~ **“Approved Course of Instruction”**“APPROVED COURSE OF INSTRUCTION” means
7 a live classroom or webcast course ~~that is approved by the secretary of state~~
8 SECRETARY OF STATE.

9 ~~7.1.B-1.2~~ **“Approved Vendor”**“APPROVED VENDOR” means a vendor approved by
10 the ~~secretary of state~~SECRETARY OF STATE who provides an approved course of
11 instruction to notaries and prospective notaries for a fee.

12 ~~7.1.D-1.3~~ **“Course Provider”**“COURSE PROVIDER” means ~~a corporation, company,~~
13 ~~commercial enterprise, association, or educational institution~~AN ENTITY OTHER
14 THAN AN INDIVIDUAL that ~~provides a course of instruction for its employees or~~
15 ~~members, usually free of charge, by using a curriculum provided by the secretary~~

¹ Section 24-4-103(4)(a), C.R.S. (2013). “[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.”

1 ~~of state~~ USES THE SECRETARY OF STATE'S CURRICULUM, IN ADDITION TO ANY
2 ENTITY-SPECIFIC PRACTICES, TO PROVIDE NOTARY TRAINING TO ITS EMPLOYEES OR
3 MEMBERS FREE OF CHARGE.

4 ~~1- 1.4~~ ~~"Document authentication number"~~ "DAN" means ~~a~~ THE UNIQUE DOCUMENT
5 AUTHENTICATION number issued by the Secretary of State ~~that includes the Secretary of~~
6 ~~State's accounting system validation number issued to each notary upon commissioning~~
7 ~~and a randomly generated number that when used together may constitute the notary's~~
8 ~~electronic signature and identify both the individual notary and the document to which~~
9 ~~the document authentication number has been affixed~~ AND REQUIRED BY SECTIONS 12-55-
10 106.5, 12-55-111(4), AND 12-55-112(4.5), C.R.S., FOR ELECTRONIC NOTARIZATIONS.

11 ~~2- 1.5~~ "Electronic notarization" means ~~the performance of a notarial act that involves~~ A
12 NOTARY'S NOTARIZATION OF electronic records ~~and~~ THAT includes the notary's AND THE
13 DOCUMENT SIGNER'S electronic ~~signature~~ SIGNATURES.

14 ~~3- 1.6~~ "Electronic notarization software" means any software, coding, disk, card, certificate, or
15 program that ~~may be employed to create and affix~~ CREATES AND AFFIXES the notary's
16 electronic signature.

17 ~~4-~~ ~~"Notary's electronic signature"~~ means ~~the document authentication number(s) issued by~~
18 ~~the Secretary of State when accompanied by the information required in 12-55-106.5(1)~~
19 ~~or an electronic signature approved pursuant to Rule 2.~~

20 ~~7.1.E- 1.7~~ **"New Applicant"** "NEW APPLICANT" means a person ~~who has never before been~~
21 ~~a commissioned~~ SEEKING A COMMISSION AS A COLORADO notary ~~in Colorado~~ FOR THE
22 FIRST TIME or a formerly commissioned notary in Colorado whose commission has BEEN
23 expired ~~by 31 days or more~~ FOR MORE THAN 30 DAYS.

24 *[Current Rule 2 is amended and recodified as New Rule 2.2]*

25 *New Rule 2:*

26 **Rule 2. Notary Commissions**

27 2.1 FILING AND TRAINING REQUIREMENTS

28 2.1.1 ALL NOTARY FILINGS MUST BE SUBMITTED VIA THE SECRETARY OF STATE'S ONLINE
29 ELECTRONIC FILING SYSTEM.

30 *[Current Rules 7.2.1.A and 7.2.1.C are amended and recodified as New Rules 2.1.2 and 2.1.3.]*

31 ~~7.2.1 A.~~ **New Applicants.** ~~Every new applicant for a notary commission shall~~
32 ~~complete an approved course of instruction within six (6) months preceding his~~
33 ~~application, and pass an examination administered by the secretary of state prior~~
34 ~~to submitting an application for appointment.~~

1 ~~7.2.1.C. — **Notary Misconduct.** If the secretary of state determines upon a full~~
2 ~~investigation that a notary public has committed misconduct, the secretary of state~~
3 ~~may require the notary public to successfully complete an approved course of~~
4 ~~instruction and pass an examination administered by the secretary of state as~~
5 ~~remediation for the disposition of the case. Misconduct within the meaning of~~
6 ~~these rules shall be considered actions by the notary that require a letter of~~
7 ~~admonition or commission suspension while holding the office of notary public.~~
8 ~~A notary who is admonished and is required to complete an approved course of~~
9 ~~instruction and pass an examination administered by the secretary of state may~~
10 ~~appeal this determination as provided in article 4 of title 24, C.R.S.~~

11 *[The first sentence of Current Rule 7.2.1.C is amended and recodified as part of*
12 *New Rule 2.1.3. The rest of Current Rule 7.2.1.C is repealed.]*

13 2.1.2 ~~DURING THE NO MORE THAN~~ SIX MONTHS BEFORE APPLYING FOR A COMMISSION, A
14 NEW APPLICANT MUST SUCCESSFULLY COMPLETE TRAINING AND PASS THE EXAM
15 ADMINISTERED BY THE SECRETARY OF STATE. THE SECRETARY OF STATE WILL
16 GRANT CREDIT ONLY FOR COMPLETION OF COURSES OFFERED BY AN APPROVED
17 VENDOR, ~~OR AN APPROVED~~ COURSE PROVIDER, ~~OR THE SECRETARY OF STATE.~~

18 2.1.3 THE SECRETARY OF STATE MAY REQUIRE A NOTARY WHO HAS COMMITTED
19 MISCONDUCT MERITING A DISCIPLINARY PROCEEDING TO RETAKE AND
20 SUCCESSFULLY COMPLETE THE TRAINING AND EXAM.

21 *[Current Rule 7.4.A and part of Current Rule 7.4.B are amended and recodified as New Rule*
22 *2.1.4.]*

23 7.4 2.1.4 ~~Examination~~ EXAMINATION. ~~7.4.A. Form.~~ The SECRETARY OF STATE'S
24 OPEN BOOK examination will test the applicant's ~~competency~~ UNDERSTANDING of
25 the Notaries Public Act. ~~The examination shall be comprised of no less than 25~~
26 ~~questions and shall be administered by the secretary of state.~~ NOTARY DUTIES
27 CONTAINED IN THE FOLLOWING:

- 28 (A) TITLE 12, ARTICLE 55 (THE NOTARIES PUBLIC ACT) OF THE COLORADO
29 REVISED STATUTES;
- 30 (B) TITLE 38, ARTICLE 30 (TITLES AND INTERESTS) OF THE COLORADO
31 REVISED STATUTES;
- 32 (C) TITLE 1, ARTICLE 40 (INITIATIVE AND REFERENDUM) OF THE COLORADO
33 REVISED STATUTES; AND
- 34 (D) THE OFFICIAL NOTARY HANDBOOK PUBLISHED BY THE SECRETARY OF
35 STATE.

36 ~~7.4.B. Content.~~ The examination shall be an open book examination of the laws and
37 ~~duties of a notary contained in title 12, article 55 and title 38, article 30 of the~~

1 Colorado Revised Statutes and the official notary handbook published by the
2 secretary of state.

3 *[New Rule 2.2]*

4 **Rule 2. Electronic Signature Registration**

5 2.2 ELECTRONIC NOTARIZATION

6 *[Under Current Rule 2, sub rules 1, 2, and 3 are amended and recodified as New Rule 2.2.1*
7 *below.]*

8 1. ~~Before performing any electronic notarization, an applicant or a notary shall file with the~~
9 ~~Secretary of State a notification of intent to notarize documents electronically. This~~
10 ~~notification may be submitted at the time of application for a notary commission or at any~~
11 ~~subsequent time during the notary’s term of commission.~~

12 2. ~~A submitted notification shall not be deemed filed until it has been approved and an~~
13 ~~approval certificate has been issued by the Secretary of State. A notification submitted at~~
14 ~~the time of application for a commission shall not be deemed filed unless and until the~~
15 ~~application is accepted and the notary is commissioned by the Secretary of State and the~~
16 ~~approval certificate has been issued.~~

17 3. ~~Notification of intent to notarize electronically shall be on forms prescribed by the~~
18 ~~Secretary of State, and shall include a statement whether the applicant or notary will use~~
19 ~~only document authentication numbers as his or her electronic signature. If the applicant~~
20 ~~or notary indicates an intention to use a different electronic signature than document~~
21 ~~authentication numbers, then the notification of intent shall also be accompanied by an~~
22 ~~example of the electronic signature that will be used by the applicant or notary, and shall~~
23 ~~include the following information:~~

24 (a) ~~A description of the technology that will be used for the notary’s electronic~~
25 ~~notarizations, specifically for the creation of the notary’s electronic signature;~~

26 (b) ~~The name, address, telephone number, and web or e-mail address of the supplier~~
27 ~~or vendor of such technology; and~~

28 (c) ~~Such other information as the Secretary of State finds necessary to confirm that~~
29 ~~the technology complies with the requirements of the Colorado Notaries Public~~
30 ~~Act, article 55 of title 12 of the Colorado Revised Statutes.~~

31 2.2.1 A NOTARY MUST SUBMIT A NOTICE OF INTENT ON THE APPROVED FORM AND
32 RECEIVE APPROVAL FROM THE SECRETARY OF STATE BEFORE THE NOTARY MAY
33 ELECTRONICALLY NOTARIZE A DOCUMENT. A NEW APPLICANT MAY FILE THE
34 INTENT AT THE TIME OF APPLICATION BUT MAY ONLY ELECTRONICALLY NOTARIZE A
35 DOCUMENT AFTER HE OR SHE HAS BEEN COMMISSIONED AND APPROVED. IF THE
36 APPLICANT INTENDS TO USE A DIFFERENT ELECTRONIC SIGNATURE THAN A DAN,
37 THE APPLICANT MUST ATTACH AN EXAMPLE OF THE ELECTRONIC SIGNATURE, A

1 DESCRIPTION OF THE ELECTRONIC SIGNATURE TECHNOLOGY, AND CONTACT
2 INFORMATION FOR THE TECHNOLOGY'S SUPPLIER OR VENDOR. A NOTARY MUST
3 NOTIFY THE SECRETARY OF STATE OF ALL ELECTRONIC SIGNATURE CHANGES.

4 *[Current Rule 2, subrule 4(a) is repealed.]*

5 ~~4. If the notary is certified to notarize electronically:~~

6 ~~(a) The Secretary of State will:~~

7 ~~(1) Provide an electronic log to the notary that contains a series of document~~
8 ~~authentication numbers. Such log shall constitute the journal referenced in~~
9 ~~section 12-55-104(2) CRS.~~

10 ~~(2) Maintain a record of the series of numbers issued at the offices of the~~
11 ~~Secretary of State.~~

12 *[Current Rule 2, subrule 4(b) is amended and recodified as New Rule 2.2.2.]*

13 2.4(b)-2.2.2 The notary *may* use the document authentication numbers provided in the
14 electronic log as the notary's electronic signature, provided that the notary's
15 name, the words "NOTARY PUBLIC" and "STATE OF COLORADO", and the
16 words "my commission expires," followed by the expiration of the notary's
17 commission, accompany each authentication number so used. A NOTARY MUST
18 INCLUDE HIS OR HER NOTARY IDENTIFICATION NUMBER IN AN ELECTRONIC
19 NOTARIZATION.

20 *[New Rule 2.2.3.]*

21 2.2.3 FOR PURPOSES OF SECTION 12-55-106.5(1), C.R.S., A NOTARY'S NAME MEANS THE
22 NOTARY'S PRINTED LEGAL NAME.

23 *[Current Rule 2, subrules 4(c) and (d) are amended and recodified as New Rules 2.2.4 (a) and*
24 *(b).]*

25 2.2.4 A NOTARY MUST:

26 2.4(c)-(A) ~~A USE~~ A different document authentication number shall be used
27 DAN for each electronic notarization ~~that the notary performs;~~

28 2.4(d)-(B) ~~A notary shall take~~ TAKE reasonable measures to secure ~~his or her~~
29 ~~journal of authentication numbers~~ ASSIGNED DANs against ANOTHER
30 PERSON'S access or use ~~by other persons;~~ and shall ~~MUST~~ not, ~~under any~~
31 ~~circumstances;~~ permit such access or use ~~by another;~~ AND

32 (C) REQUEST NEW DANs TO REPLACE LOST OR STOLEN DANs AFTER
33 NOTIFYING THE SECRETARY IN THE SAME MANNER AS FOR A JOURNAL OR
34 SEAL.

1 *[Part of Current Rule 5 is amended and recodified as New Rule 2.2.4(c) above.]*

2 *[Current Rule 2, subrule 5 is repealed.]*

3 2.5. — Any form of electronic signature must:

4 (a) — Be discrete to the individual submitting the electronic signature;

5 (b) — Be retrievable from the electronic document in perceivable form.

6 *[Current Rule 4 is amended and recodified as New Rule 2.2.5.]*

7 **Rule 4 Electronic Notarization of Signature**

8 A notary shall electronically notarize a document only if the notary can

9 2.2.5 A NOTARY MUST verify that the document signer is issuing a signature that the
10 signer has adopted AN ELECTRONIC SIGNATURE to function as his or her signature
11 BEFORE ELECTRONICALLY NOTARIZING A DOCUMENT.

12 *[Current Rule 3 is amended and recodified as New Rule 2.2.6:]*

13 **Rule 3 Expiration of Notice to Notarize Electronically**

14 2.2.6 EXPIRATION OF THE SECRETARY OF STATE'S APPROVAL TO NOTARIZE
15 ELECTRONICALLY

16 1. (A) The approval to electronically notarize shall expire when APPROVAL
17 AUTOMATICALLY EXPIRES:

18 (a) (1) The commission for which it was filed expires UPON REVOCATION,
19 EXPIRATION, OR RESIGNATION OF THE NOTARY'S COMMISSION;

20 (b) — The commission for which it was filed is revoked;

21 (c) (2) Thirty 30 days have elapsed after the notary's name changes;
22 unless the notary sooner submits PREVIOUSLY SUBMITTED a change
23 of name CHANGE pursuant to section 12-55-114 CRS, including
24 with the submission, if the notary uses a different signature than
25 the document authentication numbers issued by the Secretary of
26 State, a description and example of the notary's new electronic
27 signature, in accord with section 3 of Rule 2 of these Rules
28 Concerning Electronic Notarization.

29 (d) (3) The notary, during his or her commission term, resigns the
30 commission, is convicted UPON CONVICTION of a felony, ceases to
31 reside in Colorado, or dies;

32 (4) **THE IF THE** NOTARY MOVES OUT OF COLORADO; OR

1 **Rule 6 Effective Date**

2 These Rules Concerning Electronic Notarizations shall take effect November 30, 2004.

3 *[Current Rule 7 is amended and recodified as New Rule 3.]*

4 ~~RULE 7~~ **RULE 3. Notary Training** **TRAINER REQUIREMENTS**

5 **7.1 Definitions**

6 *[Current Rule 7.1.A is amended and recodified as New Rule 1.1.]*

7 *[Current Rule 7.1.B is amended and recodified as New Rule 1.2.]*

8 *[Current Rule 7.1.C is repealed.]*

9 ~~7.1.C. “Best Practices” means notary practices that are not necessarily codified in~~
10 ~~statute or rule that encourage compliance with the notary law and promote proper~~
11 ~~notarization.~~

12 *[Current Rule 7.1.D is amended and recodified as New Rule 1.3]*

13 *[Current Rule 7.1.E, concerning the definition of "New Applicant", is amended and recodified as*
14 *New Rule 1.7.]*

15 *[Current Rule 7.1.F is repealed.]*

16 ~~7.1.F. “Renewing Applicant” means a notary who has submitted an application for a~~
17 ~~notary commission before a previous commission has expired or a notary whose~~
18 ~~commission has expired for no more than 30 days.~~

19 **7.2 Notary Public Training and Examination**

20 ~~7.2.1 Applicant Status~~

21 *[Current Rule 7.2.1.A, concerning new applicants, is recodified as New Rule 2.1.2.]*

22 *[Current Rule 7.2.1.B is repealed.]*

23 ~~B. **Renewing Applicants.** A renewing applicant is not required to successfully~~
24 ~~complete an approved course of instruction or pass an examination administered~~
25 ~~by the secretary of state.~~

26 *[The first sentence of Current Rule 7.2.1.C is amended and recodified as part of New Rule 2.1.3.*
27 *The rest is repealed.]*

28 *[Current Rule 7.2.2 is amended and renumbered as New Rule 3.1. Information from Current*
29 *Rule 7.3.A is integrated into New Rule 3.1.]*

1 ~~7.2.2 3.1~~ **Course of Instruction – Required Elements from the Notaries Public Act.**

2 Content for any approved course of instruction APPROVAL OF VENDOR CURRICULUM. THE
3 SECRETARY OF STATE MUST APPROVE A VENDOR’S PROPOSED CURRICULUM BEFORE A
4 VENDOR MAY OFFER A NOTARY TRAINING COURSE. CURRICULUM must be based upon ON
5 the Colorado Notaries Public Act and draw upon widely accepted best practices. All
6 training curricula shall include but are INCLUDING BUT not limited to: THE physical
7 presence requirement, duty not to notarize a BLANK document that is blank, duty to use a
8 notarial certificate, disqualifying interest, application procedures, resignation
9 requirements, duty to maintain a journal of notarial acts, revocation proceedings, liability,
10 identification of signers, role of the notary, official misconduct, and notarizations for the
11 elderly. It shall be at the discretion of the course provider or approved vendor to
12 determine which best practices shall be included in its curricula.

13 *[Current Rule 7.2.2 is amended and renumbered as 3.2.1. Please see new revision below. Subsequent*
14 *annotations were updated accordingly.]*

15 ~~7.2.3~~ **Vendors**

16 A. ~~Vendors.~~ A vendor shall be approved by the secretary of state before offering a
17 course of instruction for which the secretary of state will give credit for successful
18 completion. The office of the secretary of state shall permit approved vendors to
19 conduct notary training courses so long as they comply with the provisions set
20 forth in these rules.

21 *[The first sentence of Current Rule 7.2.3.A is amended and recodified as part of*
22 *New Rule ~~3.1~~ 3.2. The second sentence of Current Rule 7.2.3.A is repealed.]*

23 *[Current Rule 7.2.3.B.1, concerning complaints against approved vendors, is amended and*
24 *recodified as ~~3.9.3~~ 3.6.3.]*

25 *[Current Rule 7.2.3.B.2 is repealed.]*

26 ~~7.2.3.B.2~~ Whenever the secretary of state or the secretary of state’s designee
27 believes that a violation of these rules has been committed by an approved
28 vendor, the secretary of state or the secretary of state’s designee may
29 investigate any such violation with or without the filing of a complaint.

30 *[The information provided in Current Rule 7.2.3.B.3 is amended and recodified as part of New*
31 *Rule ~~3.9.4(e)~~ 3.6.4(e).]*

32 ~~7.2.3.B.3.~~ Failure of an approved vendor to cooperate with a secretary of
33 state investigation shall result in a termination of the approved vendor’s
34 accreditation status, subject to the provisions of article 4 of title 24, C.R.S.

35 *[Current Rule 7.2.3.C is amended and recodified as New Rule ~~3.9.1~~ 3.6.1.]*

36 *[Current Rule 7.2.3.D is amended and recodified as New Rule ~~3.7.1~~ 3.4.1.]*

1 *[Current Rule 7.2.4.A is repealed.]*

2 **7.2.4 Vendors and Accreditation**

3 A. ~~Requirements for Curriculum Accreditation.~~ All curricula intended to provide
4 an approved course of instruction to new or renewing applicants must conform to
5 the requirements of these rules and shall be approved by the secretary of state
6 prior to use.

7 *[Current Rule 7.2.4.B is amended and recodified as New Rules 3.2 and 3.2.1 3.1, 3.1.1 and 3.1.2.*
8 *Information from Current Rule 7.3.B is integrated into New Rule 3.2 3.1. Current Rule 7.3.C is*
9 *amended and recodified as New Rule 3.1.1(b).]*

10 7.2.4.B. ~~3.2~~ 3.1 **Application.** TRAINER APPLICATION

11 ~~3.2.1~~ 3.1.1 A vendor shall ~~VENDOR AND~~ COURSE PROVIDER ~~APPLICANTS~~ APPLICANT
12 MUST:

13 (A) ~~submit to the secretary of state for approval a completed Notary Public~~
14 ~~Education Vendor Application. The curricula submitted for approval by~~
15 ~~the secretary of state shall include~~ **SUBMIT** AN APPLICATION THAT
16 INCLUDES:

17 *[Current Rule 7.2.4.B.1 is amended and recodified as New Rule 3.2.1(e) 3.1.2(e)]*

18 7.2.4.B.2. (A)(1) Procedures to establish the identity of a person attending a
19 live course and ensure that the person is present for the required time.;

20 7.2.4.B.3. (B) (2) Procedures to ensure that the person to whom a RECEIVING
21 THE certificate of completion is issued for completing the approved course
22 of instruction is the same person who took COMPLETED the course.;

23 7.2.4.B.4. (C) (3) Copies of any COURSE handout materials, workbooks, or
24 AND tests used during the approved course of instruction.;

25 *[Current Rule 7.2.4.H.2 is amended and recodified as New Rule 3.2.1(d)*
26 *3.1.1(a)(4).]*

27 7.2.4.H.2. (D) (4) A DRAFT COPY OF THE certificate of successful completion
28 shall be attached to the paper component of an application when submitted
29 to the secretary of state AS REQUIRED BY RULE 3.5.4 3.3.

30 (B) ATTEND TRAINING PROVIDED BY THE SECRETARY OF STATE.

31 3.1.2 A VENDOR APPLICANT MUST SUBMIT AN APPLICATION THAT INCLUDES:

1 (A) PROCEDURES TO ESTABLISH THE IDENTITY OF A PERSON ATTENDING A LIVE
2 COURSE AND ENSURE THAT THE PERSON IS PRESENT FOR THE REQUIRED
3 TIME;

4 (B) PROCEDURES TO ENSURE THAT THE PERSON RECEIVING THE CERTIFICATE OF
5 COMPLETION IS THE SAME PERSON WHO COMPLETED THE COURSE;

6 (C) COPIES OF ANY COURSE HANDOUT MATERIALS, WORKBOOKS AND TESTS;

7 (D) A DRAFT COPY OF THE CERTIFICATE OF SUCCESSFUL COMPLETION AS
8 REQUIRED BY RULE 3.3;

9 *[Current Rules 7.2.4.B.1 and 7.2.4.C are amended and recodified as New Rule*
10 *3.2.1 3.1.2(e) and (f).]*

11 ~~7.2.4.B.1(E) A description of the curriculum in sufficient detail to enable the~~
12 ~~secretary of state to evaluate whether the curriculum satisfies the~~
13 ~~requirements in Section 7.2.2 of these rules. A DETAILED CURRICULUM;~~
14 ~~AND, IF A VENDOR,~~

15 (F) THE REQUIRED APPLICATION FEE.

16 ~~7.2.4.C **Application Fee.** The secretary of state shall charge a fee to~~
17 ~~review the application not to exceed \$250.~~

18 *[Current Rule 7.2.4.D is amended and recodified as New Rule 3.2.2: 3.1.3.]*

19 ~~**7.2.4.D. Deficient Application or Curriculum.** If the secretary of state determines~~
20 ~~that a Notary Public Education Vendor Application is incomplete or a curriculum~~
21 ~~does not satisfy the requirements set forth in these rules, the secretary of state will~~
22 ~~issue a deficiency notice containing an itemized description of the deficiencies~~
23 ~~identified. The deficiency notice will be sent by the secretary of state to the~~
24 ~~vendor by the email address listed on the Notary Public Education Vendor~~
25 ~~Application.~~

26 ~~1. A vendor shall have 30 days from the date on which the deficiency notice~~
27 ~~was mailed by the secretary of state to submit documentation to the~~
28 ~~secretary of state curing the deficiencies identified in the deficiency~~
29 ~~notice. If the deficiencies are not cured within 30 days, the curriculum~~
30 ~~shall be deemed rejected by the secretary of state.~~

31 ~~2. If a curriculum is rejected, the affected vendor shall have the right to a~~
32 ~~hearing as provided in article 4 of title 24, C.R.S.~~

33 ~~3.2.2 3.1.3~~ DEFICIENT APPLICATION. THE SECRETARY OF STATE WILL NOTIFY AN
34 APPLICANT OF ANY APPLICATION OR CURRICULUM DEFICIENCIES. IF THE APPLICANT
35 FAILS TO CURE THE DEFICIENCY WITHIN 30 DAYS AFTER THE MAILING DATE OF THE
36 NOTICE, THE SECRETARY WILL CONSIDER THE APPLICATION REJECTED. A REJECTED

1 APPLICANT MAY REQUEST A HEARING IN ACCORDANCE WITH THE STATE
2 ADMINISTRATIVE PROCEDURE ACT (ARTICLE 4 OF TITLE 24, C.R.S.).

3 *[Current Rule 7.2.2 is amended and renumbered as New Rule ~~3.1~~ 3.2.1. Information from*
4 *Current Rule 7.3.A is integrated into New Rule ~~3.1~~ 3.2.1]*

5 *[The first sentence of Current Rule 7.2.3.A is amended and recodified as part of New Rule ~~3.1~~*
6 *3.2. The second sentence of Current Rule 7.2.3.A is repealed.]*

7
8 **3.2 VENDOR-SPECIFIC REQUIREMENTS**

9 **~~7.2.2~~ ~~3.1~~ 3.2.1 ~~Course of Instruction – Required Elements from the Notaries Public Act.~~**

10 ~~Content for any approved course of instruction~~ APPROVAL OF VENDOR CURRICULUM. THE
11 SECRETARY OF STATE MUST APPROVE A VENDOR’S PROPOSED CURRICULUM BEFORE A
12 VENDOR MAY OFFER A NOTARY TRAINING COURSE. CURRICULUM must be based upon ON:

13 (A) ~~the~~ THE Colorado Notaries Public Act and draw upon widely accepted best
14 practices. All training curricula shall include but are INCLUDING BUT not limited
15 to: THE physical presence requirement, duty not to notarize a BLANK document
16 that is blank, duty to use a notarial certificate, disqualifying interest, application
17 procedures, resignation requirements, duty to maintain a journal of notarial acts,
18 revocation proceedings, liability, identification of signers, role of the notary, AND
19 official misconduct; and

20 (B) WIDELY ACCEPTED BEST PRACTICES, INCLUDING BUT NOT LIMITED TO THE ROLE OF
21 THE NOTARY AND notarizations for the elderly. It shall be at the discretion of the
22 course provider or approved vendor to determine which best practices shall be
23 included in its curricula.

24 *[Current Rule 7.2.4.E is amended and recodified as New Rule ~~3.3~~ 3.2.2.]*

25 ~~7.2.4.E.~~ ~~3.3~~ 3.2.2 **Seal of Accreditation.** SEAL OF ACCREDITATION ~~FOR VENDORS.~~

26 ~~3.3.1~~ (A) The secretary of state shall SECRETARY OF STATE WILL provide a seal of
27 accreditation for vendors that meet the curriculum criteria TO A VENDOR
28 APPLICANT within 60 days of receipt of an AFTER RECEIPT OF A SUBSEQUENTLY
29 APPROVED application and curriculum that is subsequently approved by the
30 secretary of state.

31 ~~7.2.4.E.1.~~ ~~3.3.2~~ (B) ~~The~~ A VENDOR MUST PROMINENTLY DISPLAY THE seal of
32 accreditation shall be displayed prominently and conspicuously on any ALL
33 VENDOR materials provided by the approved vendor to the new or renewing
34 applicant TO A COURSE ATTENDEE. The seal shall contain:

35 ~~7.2.4.E.1.a.~~ Each seal of accreditation shall contain a designation
36 number unique to the vendor as assigned by the secretary of state.

1 7.2.4.E.1.b. ~~3.3.3~~ (C) ~~Seals~~ A SEAL of accreditation shall ~~expire~~ EXPIRES four years after
2 a Seal of Accreditation is granted ISSUANCE. The expiration date shall appear of
3 the seal of accreditation. TO RENEW ACCREDITATION, A VENDOR MUST SUBMIT THE
4 REQUIRED FORM AND FEE.

5 7.2.4.E.2. ~~3.3.4~~ (D) A seal of accreditation shall ~~not be assigned or~~ VENDOR MAY not be assigned or
6 transferred ASSIGN OR TRANSFER A SEAL OF ACCREDITATION to another vendor or
7 curriculum without the SECRETARY OF STATE'S approval ~~of the secretary of state.~~

8 7.2.4.E.3. ~~3.3.5~~ (E) The seal of accreditation shall DOES not imply endorsement of any
9 A VENDOR'S products or services or other courses offered by the provider.

10 *[Current Rules 7.2.4.F and 7.2.4.G are amended and recodified as New Rules ~~3.7 and 3.8~~ 3.4*
11 *and 3.5.]*

12 *[Current Rule 7.3.C is amended and recodified as New Rule 3.4.]*

13 ~~7.3.C. 3.4 — Train the Trainer Instruction Course.~~ The secretary of state shall provide a
14 training seminar for course providers. A course provider TRAINING OF COURSE
15 PROVIDERS. AN APPLICANT must attend the SECRETARY OF STATE'S training seminar
16 before becoming an approved course provider.

17 *[Current Rule 7.3.C is amended and renumbered as 3.1.1(b). Please see new revision*
18 *above. Subsequent annotations were updated accordingly.]*

19 *[Current Rule 7.2.4.I is amended and recodified as New Rule 3.2.3]*

20 7.2.4.I. ~~3.6~~ 3.2.3 **List of Attendees.** VENDOR'S LIST OF ATTENDEES. An approved vendor
21 shall MUST maintain and, UPON REQUEST, PROVIDE A LIST OF ATTENDEES AND THE
22 FOLLOWING INFORMATION TO THE SECRETARY OF STATE: ~~provide the secretary of~~
23 state with a list of persons who attend each session of an approved course of
24 instruction and provide such list to the secretary of state within ten days after
25 completion of the approved course of instruction on a form provided by the
26 secretary of state. the approved vendor shall not request, collect, or keep the social
27 security number of any attendee. The form shall include the following:

28 1. ~~The name of the approved vendor;~~

29 2. ~~The approved vendor identification number issued by the secretary of state;~~

30 3. ~~3.6.1~~ (A) The name of the instructor or instructors who taught the approved course
31 of instruction;

32 4. ~~3.6.2~~ (B) The date, time, and location of the approved course of instruction;

33 5. ~~3.6.3~~ (C) The names of all the attendees in alphabetical order by the last name of the
34 attendee and whether or not WHETHER proof of completion was issued to each
35 attendee;

1 6. ~~3.6.4(D)~~ The type of ~~photograph~~—PHOTO identification, identification number,
2 expiration date, and state or country of issuance of the documentation establishing
3 the COURSE ATTENDEES’ identity ~~of the notary public applicant or notary public~~
4 ~~who attended and completed the approved course of instruction~~; and

5 7. ~~3.6.5 (E)~~ The COURSE ATTENDEES’ FULL NAME AND date of birth ~~of the applicant~~.

6 *[Current Rules 7.2.4.H and 7.2.4.H.1 are amended and recodified as New Rules ~~3.5, 3.5.1, and~~*
7 *~~3.5.2 3.3 and 3.3.1. Information from Current Rule 7.3.E is integrated into New Rule ~~3.5.3.3.]~~~~*

8 ~~7.2.4.H. 3.5 3.3~~ **Certificate of Successful Completion of an Approved Course of**
9 **Instruction**—~~CERTIFICATE OF COMPLETION. 3.5.1~~ ~~Approved vendors shall furnish~~
10 ~~graduates of their program with a certificate of successful completion. WHEN A STUDENT~~
11 ~~SUCCESSFULLY COMPLETES A COURSE, THE APPROVED VENDOR OR COURSE PROVIDER MUST~~
12 ~~ISSUE THE GRADUATE A CERTIFICATE OF SUCCESSFUL COMPLETION.~~

13 ~~7.2.4.H.1. 3.5.2 3.3.1~~ ~~An approved vendor shall~~—APPROVED VENDORS AND COURSE
14 PROVIDERS MUST ensure that only a person who has completed an approved
15 course of instruction receives a certificate of successful completion. ~~If an attendee~~
16 ~~fails to be present during any substantive portion of an approved course of~~
17 ~~instruction, the approved vendor shall not issue a certificate of successful~~
18 ~~completion to the attendee, and the attendee shall not receive credit for the time in~~
19 ~~which he or she was present. VENDORS AND COURSE PROVIDERS MAY NOT ISSUE A~~
20 ~~CERTIFICATE OF COMPLETION TO AN ATTENDEE WHO IS ABSENT DURING ANY~~
21 ~~SUBSTANTIVE PART OF THE COURSE.~~

22 *[Current Rule 7.2.4.H.2 is amended and recodified as New Rule ~~3.2.1(d) 3.1.1(a)(4).]~~*

23 *[Current Rule 7.2.4.H.3 is amended and recodified as New Rule ~~3.5.3 3.3.2]~~*

24 ~~7.2.4.H.3. 3.5.3 3.3.2~~ A certificate of successful completion of an approved course of
25 instruction shall ~~be valid for a period of~~—EXPIRES six (6) months from the date of
26 issuance. ~~If proof of successful completion is submitted to the secretary of state~~
27 ~~more than six (6) months after the proof of successful completion was issued, the~~
28 ~~secretary of state shall notify the notary public applicant that the proof of~~
29 ~~successful completion is not valid and instruct the notary public applicant to~~
30 ~~complete an approved course of instruction and submit a valid, current certificate~~
31 ~~of successful completion of an approved course of instruction to the secretary of~~
32 ~~state.~~

33 *[Current Rule 7.2.4.H.4 is amended and recodified as New Rule ~~3.5.4.3.3.]~~*

34 ~~7.2.4.H.4. 3.5.4 3.3.3~~ The certificate of proof of successful completion of an approved
35 course of instruction shall—MUST contain:

36 a. (A) The name of the ~~approved vendor OR COURSE PROVIDER~~ who provided the
37 ~~approved course of instruction~~;

1 b. ~~The approved vendor's seal of accreditation.~~

2 e.(B) The name of the person who completed the ~~instructional~~ course.;

3 d.(C) The date of completion of the ~~approved course of instruction~~.;

4 e.(D) The statement, "This certificate of proof of completion ~~shall be~~ IS valid for
5 a period of six months from the date of issuance."; AND

6 (E) FOR VENDORS, THE SEAL OF ACCREDITATION.

7 ~~7.2.4.F. 3.7 3.4~~ **Notification of Changes to Approved Course of Instruction.** Within 30
8 days of substantial changes of the information contained in the approved course of
9 instruction, an approved vendor shall submit to the secretary of state on vendor letterhead
10 a description of the changes made to the curriculum's content. NOTIFICATION OF
11 CHANGES. APPROVED VENDORS AND COURSE PROVIDERS MUST NOTIFY THE SECRETARY OF
12 STATE USING **THEIR** LETTERHEAD WITHIN 30 DAYS OF:

13 ~~7.2.3.D. 3.7.1 3.4.1~~ **Duty of Approved Vendor to Keep Address Current.** Every
14 approved vendor shall send or have delivered notice to the secretary of state
15 within 30 days after such approved vendor changes the A CHANGE in physical
16 address or email address on the Notary Public Education Vendor Application.

17 ~~3.7.2 3.4.2~~ SUBSTANTIAL CHANGES TO AN APPROVED CURRICULUM AND PROVIDE
18 COPIES OF THE CHANGES.

19 *[Current Rule 7.2.4.I is amended and recodified as New Rule 3.6]*

20 ~~7.2.4.I. 3.6~~ **List of Attendees.** ~~VENDOR'S LIST OF ATTENDEES. An approved vendor shall~~ **MUST**
21 **maintain and, UPON REQUEST, PROVIDE A LIST OF ATTENDEES AND THE FOLLOWING**
22 **INFORMATION TO THE SECRETARY OF STATE: provide the secretary of state with a**
23 **list of persons who attend each session of an approved course of instruction and**
24 **provide such list to the secretary of state within ten days after completion of the**
25 **approved course of instruction on a form provided by the secretary of state. the**
26 **approved vendor shall not request, collect, or keep the social security number of**
27 **any attendee. The form shall include the following:**

28 1. ~~The name of the approved vendor;~~

29 2. ~~The approved vendor identification number issued by the secretary of state;~~

30 3. ~~3.6.1~~ ~~The name of the instructor or instructors who taught the approved course~~
31 ~~of instruction;~~

32 4. ~~3.6.2~~ ~~The date, time, and location of the approved course of instruction;~~

1 ~~5. 3.6.3~~ The names of all the attendees in alphabetical order by the last name of the
2 attendee and whether or not WHETHER proof of completion was issued to each
3 attendee;

4 ~~6. 3.6.4~~ The type of photograph PHOTO identification, identification number,
5 expiration date, and state or country of issuance of the documentation establishing
6 the COURSE ATTENDEES' identity of the notary public applicant or notary public
7 who attended and completed the approved course of instruction; and

8 ~~7. 3.6.5~~ The COURSE ATTENDEES' FULL NAME AND date of birth of the applicant.

9 *[Current Rule 7.2.4.I is amended and renumbered as 3.2.3. Please see new revision*
10 *above. Subsequent annotations were updated accordingly.]*

11 *[Current Rules 7.2.4.F and 7.2.3.D are amended and recodified as New Rules 3.7 and 3.7.1]*

12 ~~7.2.4.F. 3.7~~ **Notification of Changes to Approved Course of Instruction.** Within 30 days of
13 substantial changes of the information contained in the approved course of instruction, an
14 approved vendor shall submit to the secretary of state on vendor letterhead a description
15 of the changes made to the curriculum's content. NOTIFICATION OF CHANGES. APPROVED
16 VENDORS AND COURSE PROVIDERS MUST NOTIFY THE SECRETARY OF STATE USING THEIR
17 LETTERHEAD WITHIN 30 DAYS OF:

18 ~~7.2.3.D. 3.7.1~~ **Duty of Approved Vendor to Keep Address Current.** Every approved
19 vendor shall send or have delivered notice to the secretary of state within 30 days
20 after such approved vendor changes the A CHANGE IN physical address or email
21 address on the Notary Public Education Vendor Application.

22 ~~3.7.2~~ SUBSTANTIAL CHANGES TO AN APPROVED CURRICULUM AND PROVIDE COPIES OF
23 THE CHANGES.

24 *Current Rules 7.2.4.F and 7.2.3.D are amended and recodified New Rule 3.4. Please see new*
25 *revision above. Subsequent annotations were updated accordingly*

26 *[Current Rule 7.2.4.G is amended and recodified as New Rule ~~3.8:~~ 3.5]*

27 ~~7.2.4.G 3.8 3.5~~ **Duty of Vendor to Revise Training.** DUTY TO REVISE TRAINING. An
28 approved vendor APPROVED VENDORS AND COURSE PROVIDERS shall MUST revise its
29 approved course COURSES of instruction as necessary to ensure that the information
30 provided in an approved course of instruction THE COURSES ACCURATELY reflects
31 REFLECT current Colorado law concerning the duties and functions of a notary public.

32 *[New Rule ~~3.9~~ 3.6]*

33 ~~3.9~~ 3.6 ENFORCEMENT

34 *[Current Rule 7.2.3.C. is amended and recodified as New Rule ~~3.9.1:~~ 3.6.1]*

1 ~~7.2.3.C. 3.9.1 3.6.1~~ **Duty of Approved Vendor to Respond to a Written Request**
2 ~~from Secretary of State.~~ It shall be the duty of a vendor to DUTY TO RESPOND TO
3 THE SECRETARY OF STATE'S WRITTEN REQUEST. VENDORS AND COURSE PROVIDERS
4 MUST respond in writing within 20 BUSINESS days of receiving a written request
5 from the ~~secretary of state~~ SECRETARY OF STATE for any information relating to a
6 complaint or approved course of instruction ~~offered by the vendor.~~ The ~~secretary~~
7 ~~of state shall~~ SECRETARY OF STATE WILL send a written request to the address or
8 email address listed on the most current ~~Notary Public Education Vendor~~
9 ~~Application~~ APPLICATION.

10 *[Current Rule 7.2.4.J is amended and recodified as New Rule 3.9.2:3.6.2]*

11 ~~7.2.4.J. 3.9.2 3.6.2~~ **Onsite Inspections.** ~~ONSITE INSPECTIONS. An approved vendor~~
12 ~~shall~~ APPROVED VENDORS AND COURSE PROVIDERS MUST permit the ~~secretary of~~
13 ~~state~~ SECRETARY OF STATE or ~~his~~ THE SECRETARY'S designee to attend any
14 approved course of instruction without prior notice at no charge ~~for the purpose of~~
15 ~~observation, monitoring, auditing, or investigating~~ TO OBSERVE, MONITOR, AUDIT,
16 AND INVESTIGATE.

17 *[Current Rule 7.2.3.B.1 is amended and recodified as New Rule 3.9.3:3.6.3]*

18 ~~7.2.3.B. 3.9.3 3.6.3~~ **Complaints against an Approved Vendor** COMPLAINTS.

19 1. ~~—~~A person may file a complaint against an approved vendor OR COURSE PROVIDER
20 with the ~~secretary of state~~ SECRETARY OF STATE alleging a violation of these rules.
21 ~~A~~ THE PERSON MUST SUBMIT A SIGNED AND DATED complaint ~~shall be submitted~~
22 on ~~a~~ THE SECRETARY OF STATE'S standard form ~~provided by the secretary of state,~~
23 ~~signed and dated by the person filing the complaint.~~

24 *[Current Rule 7.2.4.K is amended and recodified as New Rule 3.9.4 3.6.4. New Rule 3.9.4 3.6.4*
25 *(e) contains amended and recodified information from Current Rule 7.2.3.B.3.]*

26 ~~7.2.4.K. 3.9.4 3.6.4~~ **Grounds for Termination of Accreditation.** ~~GROUNDS FOR~~
27 ~~TERMINATION OF ACCREDITATION OR APPROVAL.~~ The ~~secretary of state~~
28 SECRETARY OF STATE may terminate ~~a~~ AN APPROVED vendor's accreditation OR
29 APPROVAL OF A COURSE PROVIDER for any of the following reasons:

- 30 1.(A) Violation of any provision of these rules.
- 31 2.(B) Misrepresentation of A NOTARY PUBLIC'S DUTIES AND AUTHORITY UNDER
32 ~~the laws of Colorado~~ LAW ~~concerning the duties and functions of a notary~~
33 ~~public.~~
- 34 3.(C) Deviation from the lesson plan for an approved course of instruction.
- 35 4.(D) ~~Representations made by the vendor that any product, goods, or services~~
36 ~~provided by the vendor are endorsed, recommended, or required by the~~
37 ~~secretary of state.~~ MAKING REPRESENTATIONS THAT THE SECRETARY OF

1 STATE ENDORSES, RECOMMENDS, OR MANDATES USE OF ANY OF THE
2 VENDOR'S PRODUCTS, GOODS, OR SERVICES.

3 5.(E) Failure to timely respond to a request for communication from the
4 secretary of state THE SECRETARY OF STATE'S REQUEST FOR
5 COMMUNICATION OR OTHERWISE COOPERATE WITH AN INVESTIGATION.

6 *[Current Rule 7.2.4.L is amended and recodified as New Rule 3.9.53.6.5.]*

7 ~~7.2.4.L. 3.9.5 3.6.5~~ **Right to Appeal Termination of Accreditation.** RIGHT TO
8 APPEAL TERMINATION OF ACCREDITATION OR APPROVAL. If the secretary of state
9 SECRETARY OF STATE proposes to terminate AN APPROVED VENDOR'S the
10 accreditation status of OR APPROVAL OF A COURSE PROVIDER an approved vendor,
11 THEN THE VENDER OR COURSE PROVIDER HAS THE RIGHT TO REQUEST an
12 opportunity for A hearing shall be accorded as provided in THE STATE
13 ADMINISTRATIVE PROCEDURE ACT, (article ARTICLE 4 of title TITLE 24, C.R.S.)

14 1.(A) If the approved vendor OR THE COURSE PROVIDER does not request a
15 hearing, termination shall WILL be effective 30 days after the termination
16 notice MAILING DATE OF THE TERMINATION NOTICE.

17 2.(B) The termination of the approved vendor's accreditation TERMINATION
18 does not bar the secretary of state SECRETARY OF STATE from instituting
19 BEGINNING or continuing an investigation against CONCERNING the vendor
20 OR COURSE PROVIDER.

21 **7.3. COURSE PROVIDERS**

22 *[The information provided in Current Rule 7.3.A is amended and recodified as part of New Rule*
23 *3.1 3.2.1.]*

24 ~~7.3.A. Course Provider.~~ A course provider must be approved by the secretary of state before
25 offering a course of instruction for which the secretary of state will give credit for
26 successful completion.

27 *[The information provided in Current Rule 7.3.B is amended and recodified as part of New Rule*
28 *3.23.1.1(a).]*

29 ~~7.3.B. Trainer Application.~~ A course provider shall submit to the secretary of state for
30 approval, a completed Trainer Application. The application submitted to the secretary of
31 state shall include:

32 1. The name and address of the course provider.

33 2. Procedures to establish the identity of a person attending a course and to ensure
34 that the person is present for the required time.

1 3. ~~Procedures to ensure that the person to whom a certificate of completion is issued~~
2 ~~for completing the course of instruction is the same person who took the course.~~

3 4. ~~Copies of any handout materials, workbooks, or tests used during the course of~~
4 ~~instruction in addition to the curriculum provided by the secretary of state.~~

5 *[Current Rule 7.3.C is amended and recodified as part of New Rule 3.4 3.1.1(b).]*

6 *[Current Rule 7.3.D is amended and recodified as part of New Rule 1.3.]*

7 ~~7.3.D. **Curriculum.** an approved course provider shall use a curriculum provided by the~~
8 ~~secretary of state. An approved course provider may add additional information to the~~
9 ~~curriculum as necessary to train its employees as to the guidelines and best practices~~
10 ~~utilized by their corporation, company, commercial enterprise, association, or educational~~
11 ~~institution.~~

12 *[Current Rule 7.3.E is amended in part and recodified as part of New Rule 3.5 3.3.]*

13 ~~7.3.E. **Certificate of Completion.** Course providers will comply with section 7.2.4.H.4 of these~~
14 ~~rules except that a course provider is not required to provide a seal of accreditation when~~
15 ~~providing a certificate of successful completion.~~

16 *[Current Rule 7.4 is amended and recodified as New Rule 2.1.4]*