

Andrea Gyger

From: M Wilkerson [REDACTED]
Sent: Thursday, November 12, 2020 7:56 PM
To: SoS Rulemaking
Subject: [EXTERNAL] Written comments - Notary Rules - 11/16/20 Hearing

Hello,

I won't be able to attend the hearing on Monday but wanted to present my comments regarding the proposed changes to 8 CCR 1505-11. I appreciate that this is being offered as a new, safe, and modern way to perform notarizations. I think most of the state has learned how to adapt to doing business on camera, and this will help with people being able to do business more efficiently, but I have a few comments/requests.

In regards to the requirement that the notarizations be recorded, I am wondering why notaries would be required to record and retain the recordings. We aren't required to create audio or video recordings of in-person notarizations, so why would it be different if done remotely, as long as we adhere to the requirements in the current protocol for verifying identity, etc?

We aren't currently required to take photos or make copies of identification that is presented to us, but recording the process is essentially the same as making a copy of the identification. It puts the provider at risk to have to maintain so many identification documents, which is unnecessary considering we don't do that in the normal notarization process.

The requirement in the protocols to have a plan to maintain the recording "if the provider's storage solution becomes obsolete or if the provider ceases operating as a business" is burdensome to the notary.

Notaries currently have an expectation to follow all the identification verification requirements when performing notarizations in person, and the same should hold true for those being performed electronically. Perhaps another process can be instituted for the notary to attest or certify that the customer is aware and agrees that the process was done electronically, to replace the process of obtaining their signature in the journal (for remote notarizations only).

Last, I think that since this process began due to COVID and current notaries were allowed to perform this type of notarization under the emergency rules, it seems that application fees should be waived for existing notaries (whose commissions started prior to the date the new rules are adopted) until they have to renew their commission. We are still in the midst of the pandemic and being asked to continue to social distance, so we shouldn't incur additional fees to comply with this new way of performing notarizations, if we already did the trainings and paid the fees for the current RULONA.

Thank you for your consideration of these suggestions.

- Monica Wilkerson