



*representing the Colorado title insurance industry*

November 13, 2020

Sent via email to: [sos.rulemaking@sos.state.co.us](mailto:sos.rulemaking@sos.state.co.us)

Jena Griswold  
Colorado Secretary of State  
1700 Broadway #200  
Denver, CO 80290

**Re: Notary Program Rules 8 CCR 1505-11**

Dear Ms. Griswold,

Thank you for the opportunity to submit public comments regarding the Notary Program Rules 8 CCR 1505-11. The Land Title Association of Colorado (LTAC) is thankful for your efforts in providing the proposed draft, with the passage of the Remote Online Notarization (RON) legislation SB-096, which goes into effect January 1, 2021.

We would like to make the following comments.

1. **Section 2.3.2** – *A notary public may not use a translator or translator services to communicate with the individual for whom the notary public is performing a notarial act. This prohibition applies to all methods of notarization, including electronic and remote notarization, authorized by the revised uniform law on notarial acts (Title 24, Article 24, Part 5 CRS)*

LTAC requests that you strike this section from the proposed rule. Translation is currently available with an in-person session and also should be available with a RON session.

Translation services are necessary to communicate with customers who may either speak a different language or have physical communication issues. Most title companies won't have ready access to notaries with a wide range of communication skills, such as fewer common languages and sign language just to mention a few. If the ability for translation is taken away, it deprives many citizens of Colorado from using the services of a RON transaction.

2. **Section 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 dollars, for the notary's electronic signature.*

The language in this section is not clear. Is the fee charged per signature or per transaction? Please clarify. Notaries may have varying expenses based on their own situation and should be able to charge accordingly.

In the case of documents notarized as part of a real estate transaction, this fee cap would be in addition to the oversight conducted by the Colorado Regulation Division of Insurance (DOI). DOI regulates title insurance rates and closing and settlement fees. A justification is required by the DOI for any title entity

amending their rates or fees to include the cost of a RON session. If the Secretary does not want to delete this proposed fee cap, LTAC requests a carve out for those transactions that would be under the purview of the DOI.

3. **Section 5.2.8** - *A remote notary public must notify the secretary of state in writing through the secretary of state's online system within 30 days after changing a remote notarization system provider or a remote notarization storage provider.*

A notary should be able to use multiple RON platforms, once they have been submitted to the Secretary of State as applicable without further notice. One platform may fit a certain situation where another may not, but overall compliance with the rules remains satisfied per an approved platform. In addition, from a real estate perspective, certain lenders may require certain platforms or storage providers. It is possible that a Notary may even use more than one platform in the same day. Therefore, this provision would be burdensome to both the Secretary of State and notaries from an administrative perspective.

LTAC requests that this provision be changed/clarified to include the ability for a Notary to submit multiple providers and storage providers to the Secretary of State at one time. If a notary either adds or deletes a provider from their repertoire then they may notify the Secretary of State within 30 days.

#### 4. **Timing of Implementation**

LTAC, recognizes there will be significant lag time between training, approval and implementation caused by the rule. It could be several months before a notary has completed the class, received certification and signed with a vendor. There could also be a delay in getting vendor approval. Therefore, in addition to the comments above; LTAC requests that the emergency rules regarding remote notarization, as authorized pursuant to Executive Order D2020-019, be extended until such time as these rules become fully operational for the title industry and RON vendors.

Thank you again for the opportunity to comment on the Notary Program Rules 8 CCR 1505-11. The Land Title Association of Colorado appreciates your consideration of this request and are available to answer any questions you or your staff might have.

Respectfully,



Sandy Plaven  
President  
Land Title Association of Colorado