



representing the Colorado title insurance industry

November 20, 2020

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

RE: Notary Program Rules 8CCR 1505-11

Dear Secretary Griswold,

First, we would like to thank you for your leadership as we all face the challenges of the COVID-19 pandemic together. We appreciate your hard work and that of your staff during these very difficult and uncertain times.

As we look to the future and reopening of our economy there will continue to be a need for social distancing, especially for those at most risk from COVID-19. As we highlighted for you in March (see attached LTAC letter dated March 19, 2020), the real estate industry continues to experience record level orders for both sale and refinance transactions and expect this trend to continue well into 2021.

While SB20-096 will provide tremendous efficiencies in real estate transactions, we are concerned that the practical operation of this law will not be available until well after the effective date of January 1, 2021. Our concern is it will take vendors who provide this technology and who are seeking certification several months to apply and implement the technology, or that there will not be enough vendors seeking certification, leaving the law inoperable for use in real estate transactions during a time when a State of Emergency and state and local "Stay at Home" orders are in effect. In addition, it could be several months before a notary has completed the class, received certification and signed with a vendor.

Since the issuance of Executive Order D 2020-019 by Governor Polis, the emergency rules your office created have worked very well for the Colorado real estate industry. Given how vital notarizations are to the Colorado economy and various transactions, over half of the nation's governors have issued orders allowing for remote appearance for notarizations during the COVID-19 pandemic. These measures have been greatly appreciated by our associations and have helped protect both consumers and professionals working in our industries.

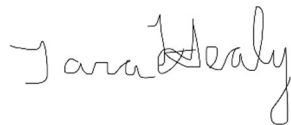
In light of the expected increase in COVID-19 infections and hospitalizations during the winter months, as well as a gap in the effective use of remote online notarizations authorized by SB20-096, we respectfully request you allow notarizations by real-time audio/video communication in the same or similar fashion as the emergency rules until such time that remote online notarization technology is fully operational as described above.

The undersigned associations appreciate the opportunity to comment on the Notary Program Rules 8 CCR 1505-11 and your willingness to consider this request.

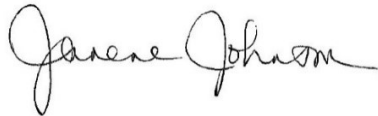
Respectfully,



Sandy Plaven
President
Land Title Association of Colorado



Tara Healy, CMB, CML
President
Colorado Mortgage Lenders Association



Janene Johnson
2020 Chair
Colorado Association of REALTORS®



Ted Leighty
Chief Executive Officer
Colorado Association of Home Builders

cc: The Honorable Jena Griswold, Secretary of State of Colorado
The Honorable Robert Rodriguez, Colorado State Senator
The Honorable Chris Holbert, Colorado State Senator
The Honorable Monica Duran, Colorado State Representative
The Honorable Terri Carver, Colorado State Representative