

COLORADO REVISED STATUTES

**TITLE 12. PROFESSIONS AND OCCUPATIONS
ARTICLE 55. NOTARIES PUBLIC
PART 1. GENERAL PROVISIONS**

12-55-101. Short title.

This part 1 shall be known and may be cited as the “Notaries Public Act”.

Source: L. 81: Entire part R&RE, p. 834, § 1, effective July 1.

12-55-102. Definitions.

As used in this part 1, unless the context otherwise requires:

(1) “Attested” means subscribed, signed, acknowledged, sworn to, affirmed, certified, verified, or attested to and includes other words and phrases that have a substantially similar meaning.

(1.1) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(1.2) “Electronic record” mean a record containing information that is created, generated, sent, communicated, received, or stored by electronic means.

(1.3) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(1.4) “Misdemeanor involving dishonesty” means a violation of, or a conspiracy to violate, a civil or criminal law involving fraud, dishonesty, bribery, perjury, larceny, theft, robbery, extortion, forgery, counterfeiting, embezzlement, misappropriation of property, or any other offense adversely affecting such person’s fitness to serve as a notary public.

(1.5) “Notarial acts” means those acts that a notary public is empowered to perform pursuant to section 12-55-110(1).

(2) “Notarization” means the performance of a notarial act.

(3) “Notary” or “notary public” means any individual appointed and commissioned to perform notarial acts.

Source: L. 81: Entire part R&RE, p. 834, § 1, effective July 1. L. 98: (1) amended and (1.5) added, p. 740, § 1, effective January 1, 1999. L. 2002: (1.1) to (1.3) added, p. 793, § 6, effective August 7.

12-55-102.5. Disposition of fees.

(1) All fees collected by the office of the secretary of state pursuant to this article shall be collected in the manner required by section 24-21-104 (3), C.R.S., and transmitted to the state treasurer, who shall credit the same to the notary administration cash fund, which fund is hereby created in the state treasury.

(2) The general assembly shall make annual appropriations from the notary administration cash fund for expenditures of the secretary of state incurred in the performance of the secretary of state’s duties under this article.

(3) Pursuant to section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the notary administration cash fund shall be credited to the general fund.

Source: L. 98: Entire section added, p. 27, § 4, effective July 1.

12-55-103. Appointment - terms.

Upon application pursuant to this part 1, the secretary of state may appoint and commission individuals as notaries public for a term of four years, unless said

commission is revoked as provided in section 12-55-107. An applicant who has been denied appointment and commission may appeal such decision pursuant to article 4 of title 24, C.R.S. The secretary of state shall promptly notify the applicant in writing of such denial.

Source: L. 81: Entire part R&RE, p. 834, § 1, effective July 1.

12-55-103.5. Training.

(1) The office of the secretary of state may enter into a contract with a private contractor or contractors to conduct notary training programs. The contractor or contractors may charge a fee for any such training program.

(2) The office of the secretary of state may promulgate rules to require notaries public to complete a training program.

Source: L. 98: Entire section added, p. 27, § 6, effective July 1. L. 2009: (4) added, p. 1258, § 8, effective July 1.

12-55-104. Application.

(1) Every applicant for appointment and commission as a notary public shall complete an application form furnished by the secretary of state to be filed with the secretary of state, stating:

(a) That the applicant is a resident of Colorado who is at least eighteen years of age.

(b) That the applicant is able to read and write the English language;

(c) The addresses and telephone numbers of the applicant's business and residence in this state;

(d) That the applicant's commission as a notary public has never been revoked;

(e) That the applicant has not been convicted of a felony or, in the prior five years, a misdemeanor that disqualifies him or her from being a notary public pursuant to section 12-55-107(1)(b).

(2) The application shall include a handwritten sample of the applicant's official signature, the applicant's typed legal name, and the affirmation as provided in section 12-55-105. The application may also contain the applicant's electronic signature if the applicant is issued a journal.

(3) Subject to subsection (2) of this section, the secretary of state shall ensure, at the earliest practicable time, that an applicant pursuant to this article may be delivered electronically. All such applications shall be stored by the secretary of state in a medium that is retrievable by the secretary of state in perceivable form.

(4) On and after July 1, 2009, the secretary of state shall verify the lawful presence in the United States of each applicant through the verification process outlined in section 24-76.5-103(4), C.R.S.

Source: L. 81: Entire part R&RE, p. 835, § 1, effective July 1. L. 92: (2) amended, p. 1999, § 1, effective July 1, L. 2009: (4) added, p. 1258, § 4, effective July 1.

12-55-105. Applicant's affirmation.

Every applicant for appointment and commission as a notary public shall take the following affirmation in the presence of a person qualified to administer an affirmation in this state:

"I, (name of applicant) solemnly affirm, under the penalty of perjury in the second degree, as defined in section 18-8-503, Colorado Revised Statutes, that I have carefully read the notary law of this state, and, if appointed and commissioned as a notary public, I will faithfully perform, to the best of my ability, all notarial acts in conformance with the law.

(signature of applicant)

Subscribed and affirmed before me this ____ day of ____, 20__.

(official signature and seal of person qualified to administer affirmation).”

Source: L. 81: Entire part R&RE, p. 835, § 1, effective July 1.

12-55-106. Bond. (Repealed)

Source: L. 81: Entire part R&RE, p. 835, § 1, effective July 1. L. 92: Entire section repealed, p. 1999, § 2, July 1.

12-55-106. 5. Notary’s electronic signature — secretary of state.

(1) In every instance, the electronic signature of a notary public shall contain or be accompanied by the following elements, all of which shall be immediately perceptible and reproducible in the electronic record to which the notary’s electronic signature is attached: the notary’s name; the words “NOTARY PUBLIC” and “STATE OF COLORADO”; a document authentication number issued by the secretary of state; and the words “”my commission expires” followed by the expiration date of the notary’s commission. A notary’s electronic signature shall conform to any standards promulgated by the secretary of state.

(2) The secretary of state shall promulgate rules necessary to establish standards, procedures, practices, forms, and records relating to a notary’s electronic signature.

(3) To the extent the provisions of this part 1 differ from the requirements of the Federal “Electronic Signatures in Global and National Commerce Act”, 15 U.S.C. Sec. 7001 et seq., the provisions of this part 1 are intended to modify, limit, or supercede the requirements of such act, as provided in section 7002 (a) of such act.

Source: L. 2002: Entire section added, p. 794, § 7, effective August 7.

12-55-106.7. Repealed L. 2009.

12-55-107. Revocation of commission.

(1) The secretary of state or the secretary of state's designee may deny the application of any person for appointment or reappointment, issue a letter of admonition, suspend a commission, or revoke the commission of any notary public during such notary's term of appointment, if the notary public:

(a) Submits an application for commission and appointment that contains substantial and material misstatement or omission of fact;

(b) Is convicted of official misconduct under the provisions of this part 1 or any felony or, in the prior five years, a misdemeanor involving dishonesty.

(c) Fails to exercise the powers or perform the duties of a notary public in accordance with this part 1;

(d) Knowingly uses false or misleading advertising in which such notary represents that such notary has powers, duties, rights, or privileges that such notary does not possess by law;

(e) Is found by a court of this state to have engaged in the unauthorized practice of law;

(f) Ceases to fulfill the requirements applicable to such notary’s most recent appointment;

(g) Notarizes any blank document.

(h) Knowingly uses false or misleading advertising to represent a level of authority not permitted to a notary public by law.

(1.5) Whenever the secretary of state or the secretary of state's designee believes that a violation of this article has occurred, the secretary of state or the secretary of state's designee may investigate any such violation. The secretary of state or the secretary of state's designee may also investigate possible violations of this article upon a signed complaint from any person.

(2) The secretary of state or the secretary of state's designee may revoke a notary's commission under the provisions of this part 1 only if action is taken pursuant to article 4 of title 24, C.R.S.

(3) After a notary public receives notice from the secretary of state or the secretary of state's designee that such notary's commission has been revoked, and unless such revocation has been enjoined, such notary shall immediately send or have delivered to the secretary of state such notary's journal of notarial acts, all other papers and copies relating to such notary's notarial acts, and such notary's official seal.

(4) A person whose notary commission has been revoked pursuant to part 1 may not apply for or receive commission and appointment as a notary.

Source: L. 81: Entire part R&RE, p. 835, § 1, effective July 1. L. 92: (1)(g) and (4) added, p. 1999, §§ 3, 4, effective July 1. L. 98: (1), (2), and (3) amended and (1.5) added, p. 28, § 7, effective July 1. L. 2002: (1)(h) added, p. 44, § 1, effective August 7. L. 2009: (1) amended, p. 1258, § 5, effective July 1.

12-55-108. Reappointment - failure to be reappointed.

Every notary public, before or at the expiration of such notary's commission, may submit an application for reappointment by submitting the same information and documents as required by sections 12-55-104 and 12-55-105 for the initial application. The secretary of state shall then determine whether the person shall be reappointed as a notary public. If the secretary of state determines such notary shall not be reappointed, the applicant may appeal such determination pursuant to article 4 of title 24, C.R.S.

Source: L. 81: Entire part R&RE, p. 836, § 1, effective July 1. L. 92: Entire section amended, p. 2000, § 5, effective July 1.

12-55-109. Certificate of appointment - recording.

(1) The secretary of state is authorized to issue a certificate of authority qualifying said person as a notary public. The certificate shall also state the date of expiration of the commission and any other fact concerning such notary public which is required by the laws of this state.

(2) A notary public may record his certificate of authority in any county of this state and, after such recording, the county clerk and recorder of such county may issue a certificate that such person is a notary public, the date of expiration of his commission, and any other fact concerning such notary public which is required by the laws of this state.

(3) A notary public may exhibit to the judge or clerk of any court of record his certificate of authority, and the said judge or clerk may thereupon issue a certificate that such person is a notary public, the date of expiration of his commission, and any other fact concerning such notary which is required by the laws of this state.

Source: L. 81: Entire part R&RE, p. 836, § 1, effective July 1.

12-55-110. Powers and limitations.

(1) Every notary public is empowered to:

(a) Take acknowledgments and other unsworn statements, proof of execution, and attest documents and electronic records;

(b) Administer oaths and affirmations;

(c) Give certificates or other statements as to a notarial act performed by such notary. Such acts shall include, but are not limited to, the giving of certificates as to, or certified copies of, any record or other document relating to a notarial act performed by such notary and certifying that a copy of a document is a true copy of another document or that a facsimile is a true facsimile of another document in accordance with section 12-55-120.

(d) Take depositions, affidavits, verifications, and other sworn testimony or statements;

(d.5) Perform any other act that is recognized or otherwise given effect under the law, rules, or regulations of another jurisdiction, including the United States, provided such other law, rule, or regulation authorizes a notary in this state to perform such act. However, no notary is empowered to perform an act under this paragraph (d.5) if such performance is prohibited by the law, rules, or regulations of this state.

(e) Perform any other act authorized by law, rules, or regulations;

(f) Present and give notice of dishonor and protest notes and other negotiable instruments as provided in part 5 of article 3 of title 4, C.R.S., or the corresponding laws of another jurisdiction.

(2) A notary public who has a disqualifying interest in a transaction may not legally perform any notarial act in connection with such transaction. For the purposes of this section, a notary public has a disqualifying interest in a transaction in connection with which notarial services are requested if he:

(a) May receive directly, and as a proximate result of the notarization, any advantage, right, title, interest, cash, or property exceeding in value the sum of any fee properly received in accordance with this part 1; or

(b) Is named, individually, as a party to the transaction.

(3) In no case shall a notary public notarize any blank document.

(4) No notary shall sign a certificate or other statements as to a notarial act to the effect that a document or any part thereof was attested by an individual, unless:

(a) Such individual has attested such document or part thereof while in the physical presence of such notary; and

(b) Such individual is personally known to such notary as the person named in the certificate, statement, document, or part thereof, or such notary receives satisfactory evidence that such individual is the person so named. For purposes of this paragraph (b), "satisfactory evidence" includes but is not limited to the sworn statement of a credible witness who personally knows such notary and the individual so named, or a current identification card or document issued by a federal or state governmental entity containing a photograph and signature of the individual who is so named.

Source: L. 81: Entire part R&RE, p. 836, § 1, effective July 1. L. 92: (3) added, p. 2000, § 6, effective July 1. L. 98: (1) amended and (4) added, p. 740, § 2, effective January 1, 1999. L. 2002: (1)(a) amended, p. 794, § 8, effective August 7.

12-55-110.3. Advertisement for services.

(1)(a) A notary public who is not a licensed attorney in the state of Colorado and who advertises, including by signage, his or her services in a language other than English shall include in the advertisement the following notice, both in English and in the language of the advertisement: "I am not an attorney licensed to practice law in the state of Colorado and I may not give legal advice or accept fees for legal advice."

(b) All written advertisements shall include the language exactly as written in paragraph (a) of this subsection (1). Such language shall be clearly visible. Oral advertisements or solicitations, including those on radio or television, shall contain the same message but shall not be required to use the same language.

(2) A notary public who advertises in a language other than English shall post a list of fees permitted by law for notarial services. Such list shall be written in English and the language of the advertisement and shall be posted in a highly visible location at the notary's place of business. Such list shall include the notice included in paragraph (a) or subsection (1) of this section.

(3) (a) A notary public who is not a licensed attorney in the state of Colorado shall not represent or advertise himself or herself as an immigration consultant or an expert in immigration matters.

(b) A notary public who is not an attorney licensed to practice law in Colorado is prohibited from:

(I) Providing any service that constitutes the unauthorized practice of law;

(II) Stating or implying that he or she is an attorney licensed to practice law in this state;

(III) Soliciting or accepting compensation to prepare documents for or otherwise represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States, United States citizenship, or related matters;

(IV) Soliciting or accepting compensation to obtain relief of any kind on behalf of another from any officer, agency, or employee of the state of Colorado or of the United States; or

(V) Using the phrase "Notario" or "Notario Publico" to advertise the services of a notary public, whether by sign, pamphlet, stationery, or other written communication or by radio, television, or other nonwritten communication.

(4) Knowing and willful violation of the provisions of this section shall constitute a deceptive trade practice pursuant to section 6-1-105, C.R.S., and shall also constitute official misconduct pursuant to section 12-55-126.

Source: L. 2002: Entire section added, p. 44, § 2, effective August 7.

12-55-110.5. Accommodation of physical limitations.

(1) A notary public may certify as to the subscription or signature of an individual when it appears that such individual has a physical limitation that restricts such individual's ability to sign by writing or making a mark, pursuant to the following:

(a) The name of an individual may be signed, or attached electronically in the case of an electronic record, by another individual other than the notary public at the direction and in the presence of the individual whose name is to be signed and in the presence of the notary public.

(b) The words "Signature written by" or "Signature attached by" in the case of an electronic record, "(name of individual directed to sign or directed to attach) at the direction and in the presence of (name as signed) on whose behalf the signature was written" or "attached electronically" in the case of an electronic record, or words of substantially similar effect shall appear under or near the signature.

(2) A notary public may use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any individual in the presence of such notary public when it appears that such individual is unable to communicate verbally or in writing.

Source: L. 98: Entire section added, p. 741, § 3, effective January 1, 1999. **L. 2002:** (1)(a) and (1)(b) amended, p. 794, § 9, effective August 7.

12-55-111. Journal.

(1) Every notary public shall keep a journal of every notarial act of the notary and, if required, give a certified copy of or a certificate as to any such journal or any of the notary's acts, upon payment of the notary's fee.

(2) For each notarial act, a notary's journal may contain the following information:

(a) The type and date of the notarial act;

(b) The title or type of document or proceeding that was notarized and the date of such document or proceeding, if different than the date of the notarization;

(c) The name of each person whose oath, affirmation, acknowledgment, affidavit, declaration, deposition, protest, verification, or other statement is taken;

(d) The signature and address of each person whose oath, affirmation, acknowledgment, affidavit, declaration, deposition, protest, verification, or other statement is taken;

(e) The signature, printed name, and address of each witness to the notarization;

(f) Any other information the notary considers appropriate to record that concerns the notarial act.

(3) (a) Subsection (1) of this section shall not apply to any document or electronic record where the original or a copy of such document or electronic record contains the information otherwise required to be entered in the notary's journal and such original or copy or electronic record is retained by the notary's firm or employer in the regular course of business.

(b) Notwithstanding any provision of this subsection (3) to the contrary, no firm, employer, or professionally licensed person shall prohibit an employee who is a notary from maintaining a journal of his or her notarial acts in the regular course of business of such firm, employer, or professionally licensed person.

(c) For purposes of this subsection (3), "firm" includes but is not limited to an office where the business of a real estate broker, lawyer, title insurance company, title insurance agent, or other licensed professional is regularly carried on and the records of such business are regularly maintained.

(4) Except as otherwise exempted by paragraph (a) of subsection (3) of this section or by another law of this state, for each electronic record or document signed by the notary public, the notary public shall record the document authentication number issued by the secretary of state for each document authenticated in the journal pursuant to this section.

Source: L. 81: Entire part R&RE, p. 837, § 1, effective July 1. **L. 98:** Entire section amended, p. 742, § 4, effective January 1, 1999. **L. 2002:** (2)(e.5) added and (3)(a) amended, pp. 794, 795, §§ 10, 11, effective August 7. **L. 2009:** (1) amended, p. 1258, § 6, effective July 1.

12-55-112. Official signature - rubber stamp seal - seal embosser.

(1) At the time of notarization, a notary public shall sign such notary's official signature on every notary certificate or in the case of an electronic record, a notary public shall affix his or her electronic signature.

(2) Under or near such notary's official signature on every notary certificate, a notary public shall rubber stamp or emboss clearly and legibly such notary's official seal. The official notary seal shall contain only the outline of the seal, the name of the notary, exactly as such notary writes his or her official signature, the words "STATE OF COLORADO", and the words "NOTARY PUBLIC".

(3) Under or near such notary's official signature on every notary certificate, a notary public shall write or stamp "my commission expires (commission expiration date)".

(4) Every notary public may provide, keep, and use a seal embosser engraved to show such notary's name and the words "NOTARY PUBLIC" and "STATE OF COLORADO". The indentations made by the seal embosser shall not be applied on the document where the notary certificate appears in a manner that will render illegible or incapable of photographic reproduction any of the printed marks or writing.

(4.5) In the case of notarization of an electronic record, the application of a notary's electronic signature in lieu of a handwritten signature and rubber stamp seal or seal embosser is sufficient. A notary shall not use an electronic signature unless:

(a) The notary used a journal if maintaining such journal is required by section 12-55-111; and

(b) The notary attaches to the document a document authentication number issued by the secretary of state.

(5) The illegibility of any of the information required by this section does not affect the validity of a document or transaction.

(6) For purposes of this section, "notary certificate" means a certificate or other statement of a notary relating to a notarial act performed by such notary.

Source: L. 81: Entire part R&RE, p. 837, § 1, effective July 1. L. 83: (2) amended, p. 576, § 1, effective May 2. L. 84: (3) amended, p. 439, § 1, effective February 23. L. 98: Entire section amended, p. 743, § 5, effective January 1, 1999. L. 2002: (1) amended and (4.5) added, p. 795, § 12, effective August 7.

12-55-113. Lost journal or official seal.

Every notary public shall send or have delivered notice to the secretary of state within thirty days after the notary loses or misplaces such notary's journal of notarial acts or official seal, or the notary becomes aware that any other person has electronic control of his or her electronic signature. The fee payable to the secretary of state for recording notice of a lost journal or seal, or that another person has electronic control of a notary's electronic signature shall be determined and collected pursuant to section 24-21-104 (3), C.R.S.

Source: L. 81: Entire part R&RE, p. 837, § 1, effective July 1. L. 83: Entire section amended, p. 878, § 45, effective July 1. L. 98: Entire section amended, p. 29, § 8, effective July 1. L. 2002: Entire section amended, p. 795, § 13, effective August 7.

12-55-114. Change of name or address.

(1) Every notary public shall send or have delivered notice to the secretary of state within thirty days after such notary changes the address of such notary's business or residence in this state. The fee payable to the secretary of state for recording notice of change of address shall be determined and collected pursuant to section 24-21-104 (3), C.R.S.

(2) Every notary public shall send or have delivered notice to the secretary of state within thirty days after such notary changes such notary's name, including with the notification a sample of such notary's handwritten official signature that contains such notary's surname and at least the initial of such notary's first name. The fee payable to the secretary of state for recording notice of change of notary's name shall be determined and collected pursuant to section 24-21-104 (3), C.R.S.

Source: L. 81: Entire part R&RE, p. 837, § 1, effective July 1. L. 83: Entire section amended, p. 878, § 46, effective July 1. L. 98: Entire section amended, p. 29, § 9, effective July 1.

12-55-115. Death - resignation - removal from state.

(1) If a notary public dies during the term of the notary's appointment, the notary's

heirs or personal representative, as soon as reasonably possible after the notary's death, shall send or have delivered to the secretary of state the deceased notary's journal of notarial acts and the notary's seal, if available.

(2) If a notary public no longer desires to be a notary public or has ceased to have a business or residence address in this state, the notary shall send or have delivered to the secretary of state a letter of resignation, the notary's journal of notarial acts, and all other papers and copies relating to the notary's notarial acts, including the notary's seal. The notary's commission shall thereafter cease to be in effect.

Source: L. 81: Entire part R&RE, p. 838, § 1, effective July 1. L. 98: Entire section amended, p. 29, § 10, effective July 1.

12-55-116. Official misconduct by a notary public - liability of notary or surety.

(1) A notary public who knowingly and willfully violates the duties imposed by this part 1 commits official misconduct and is guilty of a class 2 misdemeanor.

(2) A notary public and the surety or sureties on his bond are liable to the persons involved for all damages proximately caused by the notary's official misconduct.

(3) Nothing in this article shall be construed to deny a notary public the right to obtain a surety bond or insurance on a voluntary basis to provide coverage for liability.

Source: L. 81: Entire part R&RE, p. 838, § 1, effective July 1. L. 92: (3) added, p. 2000, § 7, effective July 1.

12-55-117. Willful impersonation.

Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a class 2 misdemeanor.

Source: L. 81: Entire part R&RE, p. 838, § 1, effective July 1.

12-55-118. Wrongful possession of journal or seal.

Any person who unlawfully possesses and uses a notary's journal, an official seal, a notary's electronic signature, or any papers, copies, or electronic records relating to notarial acts is guilty of a class 3 misdemeanor.

Source: L. 81: Entire part R&RE, p. 838, § 1, effective July 1. L. 2002: Entire section amended, p. 795, § 14, effective August 7.

12-55-119. Affirmation procedures - form.

(1) If an affirmation is to be administered by the notary public in writing, the person taking the affirmation shall sign his name thereto, and the notary public shall write or print under the text of the affirmation the fact that the document has been subscribed and affirmed, or sworn to before me in the county of _____, state of Colorado, this ___ day of ___, 20__.

(official signature, seal, and commission expiration date of notary).

(2) If an affirmation is to be administered by the notary public in an electronic record, the person taking the affirmation shall attach his or her electronic signature thereto. Within the affirmation, the notary shall add the fact that the document has been subscribed and affirmed, or sworn to before me in the county of _____, state of Colorado, this _____ day of _____, 20__.

(notary's electronic signature).

Source: L. 81: Entire part R&RE, p. 838, § 1, effective July 1. L. 83: Entire section amended, p. 576, § 2,

effective May 2. **L. 2002:** Entire section amended, p. 795, § 15, effective August 7.

12-55-120. Certified facsimiles of documents - procedure and form.

(1) A notary public may certify a facsimile of a document if the original of the document is exhibited to him, together with a signed written request stating that:

(a) A certified copy or facsimile of the document cannot be obtained from the office of any clerk and recorder of public documents or custodian of documents in this state; and

(b) The production of a facsimile, preparation of a copy, or certification of a copy of the document does not violate any state or federal law.

(2) The certification of a facsimile shall be substantially in the following form:

“State of _____,
County (or City) of _____,

I, (name of notary), a Notary Public in and for said state, do certify that on (date), I carefully compared with the original the attached facsimile of (type of document) and the facsimile I now hold in my possession. They are complete, full, true, and exact facsimiles of the document they purport to reproduce.

(official signature, official seal, and commission expiration date of notary).”

Source: **L. 81:** Entire part R&RE, p. 838, § 1, effective July 1. **L. 83:** (2) amended, p. 576, § 3, effective May 2.

12-55-121. Fees.

(1) The fees of notaries public may be, but shall not exceed, five dollars for each document attested by a person before a notary, except as otherwise provided by law. The fee for each such document shall include the following incidental services of such notary:

(a) Receiving evidence of such person’s identity as enumerated in section 12-55-110(4);

(b) Administering an oath or affirmation to such person; and

(c) Signing and sealing a certificate or statement of such notary that is included in or attached to such document and evidences that the document was attested before such notary.

(2) In lieu of the fee authorized in subsection (1) of this section, a notary public may charge a fee, not to exceed ten dollars, for the notary’s electronic signature.

Source: **L. 81:** Entire part R&RE, p. 839, § 1, effective July 1. **L. 95:** Entire section amended, p. 1109, § 59, effective May 31. **L. 98:** Entire section amended, p. 744, § 6, effective January 1, 1999.

12-55-122. Applicability.

This part 1 shall apply to all applications, both new and for reappointment, submitted to the office of secretary of state on or after July 1, 1981. Nothing in this part 1 shall be construed to revoke any notary public commission existing on July 1, 1981.

Source: **L. 81:** Entire part R&RE, p. 839, § 1, effective July 1.

12-55-123. Repeal of article.

This article is repealed, effective July 1, 2018. Prior to such repeal, the appointment function of the secretary of state shall be reviewed as provided for in section 24-34-104, C.R.S.

Source: **L. 88:** Entire section added, p. 930, § 13, effective April 28. **L. 91:** Entire section amended, p. 684, § 37, effective April 20. **L. 92:** Entire section amended, p. 2000, § 8, effective July 1. **L. 98:** Entire section amended, p. 26, § 1, effective July 1. **L. 2009:** Entire section amended, p. 1258, § 1.

PART 2. UNIFORM RECOGNITION OF ACKNOWLEDGMENTS

12-55-201. Short title.

This part 2 shall be known and may be cited as the “Uniform Recognition of Acknowledgments Act”.

Source: L. 69: p. 870, § 1. C.R.S. 1963: § 96-2-1.

12-55-202. Definitions.

As used in this part 2, unless the context otherwise requires:

(1) “Notarial acts” means acts which the laws and regulations of this state authorize notaries public of this state to perform, including, but not limited to, the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents.

Source: L. 69: p. 870, § 1. C.R.S. 1963: § 96-2-2.

12-55-203. Recognition of notarial acts performed outside this state.

(1) Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments, in addition to any other person authorized by the laws and regulations of this state:

(a) A notary public authorized to perform notarial acts in the place in which the act is performed;

(b) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;

(c) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States department of state to perform notarial acts in the place in which the act is performed;

(d) A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: A merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or

(e) Any other person authorized to perform notarial acts in the place in which the act is performed.

Source: L. 69: p. 870, § 1. C.R.S. 1963: § 96-2-2.

12-55-204. Authentication of authority of officer.

(1) If the notarial act is performed by any of the persons described in section 12-55-203 (1) (a) to (1) (d), other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

(2) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(a) Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country

resident in the United States certifies that a person holding that office is authorized to perform the act;

(b) Either the official seal of the person performing the notarial act is affixed to the document, or, in the case of an electronic record, such information that is required in lieu of a notary seal by the laws of the place granting notarial authority to the person performing the notarial act is attached or logically associated with the document; or

(c) The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

(3) If the notarial act is performed by a person other than one described in subsections (1) and (2) of this section, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

(4) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

Source: L. 69: p. 871, § 1. C.R.S. 1963: § 96-2-3. L. 2002: (2)(b) amended, p. 796, § 16, effective August 7.

12-55-205. Certificate of person taking acknowledgment.

(1) The person taking an acknowledgment shall certify that:

(a) The person acknowledging appeared before him and acknowledged he executed the instrument; and

(b) The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

Source: L. 69: p. 871, § 1. C.R.S. 1963: § 96-2-4.

12-55-206. Recognition of certificate of acknowledgment.

(1) The form of a certificate of acknowledgment used by a person whose authority is recognized under section 12-55-203 shall be accepted in this state if:

(a) The certificate is in a form prescribed by the laws or regulations of this state; or

(b) The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or

(c) The certificate contains the words “acknowledged before me”, or their substantial equivalent.

Source: L. 69: p. 871, § 1. C.R.S. 1963: § 96-2-5.

12-55-207. Certificate of acknowledgment.

(1) “Acknowledged before me” means:

(a) That the person acknowledging appeared before the person taking the acknowledgment; and

(b) That he acknowledged he executed the instrument; and

(c) That, in the case of:

(I) A natural person, he executed the instrument for the purposes therein stated;

(II) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;

(III) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of

the partnership for the purposes therein stated;

(IV) A person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated;

(V) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

(d) That the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

Source: L. 69: p. 872, § 1. C.R.S. 1963: § 96-2-6.

12-55-208. Short forms of acknowledgment.

(1) The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as “Statutory Short Forms of Acknowledgment” and may be referred to by that name. The authorization of the following forms does not preclude the use of other forms:

(a) For an individual acting in his own right:

“State of _____
County of _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(signature of person taking acknowledgment)
(title or rank)
(serial number, if any)”;

(b) For a corporation:

“State of _____
County of _____

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation, corporation, on behalf of the corporation.

(signature of person taking acknowledgment)
(title or rank)
(serial number, if any)”;

(c) For a partnership:

“State of _____
County of _____

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(signature of person taking acknowledgment)
(title or rank)
(serial number, if any)”;

(d) For an individual acting as principal by an attorney in fact:

“State of _____
County of _____

The foregoing instrument was acknowledged before me this (date) by (name of attorney-in-fact) as attorney in fact on behalf of (name of principal).

(signature of person taking acknowledgment)
(title or rank)
(serial number, if any)”;

(e) By any public officer, trustee, or personal representative:

“State of _____
County of _____

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(signature of person taking acknowledgment)
(title or rank)
(serial number, if any)”.

Source: L. 69: p. 872, § 1. C.R.S. 1963: § 96-2-7.

12-55-209. Acknowledgments not affected by this part 2.

A notarial act performed prior to July 1, 1969, is not affected by this part 2. This part 2 provides an additional method of proving notarial acts. Nothing in this part 2 diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

Source: L. 69: p. 873, § 1. C.R.S. 1963: § 96-2-8.

12-55-210. Uniformity of interpretation.

This part 2 shall be so interpreted as to make uniform the laws of those states which enact it.

Source: L. 69: p. 873, § 1. C.R.S. 1963: § 96-2-9.

12-55-211. Seals.

Whenever any law, rule, or regulation requires the use of a seal, it shall be sufficient that a rubber stamp with a facsimile affixed thereon of the seal required to be used is placed or stamped upon the document requiring the seal with indelible ink or, in the case of an electronic record, attachment of such information that is required in lieu of a notary seal by the laws of the place granting notarial authority to the person performing the notarial act shall be sufficient in lieu of any other form of notary seal.

Source: L. 75: Entire section added, p. 488, § 3, effective July 14. L. 2002: Entire section amended, p.

**TITLE 38. PROPERTY – REAL AND PERSONAL
INTERESTS IN LAND**

ARTICLE 30. TITLES AND INTEREST

8-30-114. Validation of acknowledgments.

Any deed or other conveyance of real property executed pursuant to section 38-30-113, if acknowledged in conformity with the provisions of section 38-35-101, shall be considered for all purposes as having been properly acknowledged. Such acknowledgment shall carry with it the presumption provided for by said section 38-35-101.

Source: L. 47: p. 354, § 2. CSA: C. 40, § 11(1). CRS 53: § 118-1-14. C.R.S. 1963: § 118-1-1

38-30-126. Acknowledgments, before whom taken.

(1) Deeds, bonds, and agreements in writing conveying lands or any interest therein, or affecting title thereto, may be acknowledged or proved before the following officers when executed within this state:

(a) Any judge of any court of record, the clerk of any such court of record, or the deputy of any such clerk, such judge, clerk, or deputy clerk certifying such acknowledgment under the seal of such court;

(b) The clerk and recorder of any county, or his deputy, such clerk or deputy clerk certifying the same under the seal of such county;

(c) Any notary public, certifying the same under his notarial seal; or

(d) Prior to the second Tuesday in January, 1965, any justice of the peace within his county, except that if such deed, bond, or agreement is for the conveyance of lands situated beyond the county of such justice of the peace, there shall be affixed to his certificate of such acknowledgment a certificate of the county clerk and recorder of the proper county, under his hand and the seal of such county, as to the official capacity of such justice of the peace, and that the signature to such certificate of acknowledgment is the true signature of such justice.

(2) When executed out of this state, and within the United States or any territory thereof, before:

(a) The secretary of any such state or territory, certifying such acknowledgment under the seal of such state or territory;

(b) The clerk of any court of record of such state or territory, or of the United States within such state or territory, having a seal, such clerk certifying the acknowledgment under the seal of such court;

(c) Any notary public of such state or territory, certifying the same under his notarial seal;

(d) Any commissioner of deeds for any such foreign state or territory appointed under the laws of this state, certifying such acknowledgment under his hand and official seal;

(e) Any other officer authorized by the laws of any such state or territory to take and certify such acknowledgment if there is affixed to the certificate of such officer, other than those above enumerated, a certificate by the clerk of some court of record of the county, city, or district, wherein such officer resides, under the seal of such court, that the person certifying such acknowledgment is the officer he assumes to be, that he has the authority by the laws of such state or territory to take and certify such acknowledgment, and that the signature of such officer to the certificate of acknowledgment is the true signature of such officer.

(3) When executed or acknowledged out of the United States, before:

(a) Any judge, or clerk, or deputy clerk of any court of record of any foreign kingdom, empire, republic, state, principality, province, colony, island possession, or bailiwick, such judge, clerk, or deputy clerk certifying such acknowledgment under the seal of such court;

(b) The chief magistrate or other chief executive officer of any province, colony, island possession, or bailiwick or the mayor or the chief executive officer of any city, town, borough, county, or municipal corporation having a seal, of such foreign kingdom, empire, republic, state, principality, province, colony, island possession, or bailiwick, such chief magistrate or other chief executive officer or such mayor certifying such acknowledgment under such seal; or

(c) Any ambassador, minister, consul, vice-consul, consular agent, vice-consular agent, charge d'affaires, vice-charge d'affaires, commercial agent, vice-commercial agent, or diplomatic, consular, or commercial agent or representative or duly constituted deputy of any thereof of the United States or of any other government or country appointed to reside in the foreign country or place where the proof of acknowledgment is made, he certifying the same under the seal of his office.

(4) When executed or acknowledged out of the state and within any colony, island possession, or bailiwick belonging to or under the control of the United States, before:

(a) Any judge or clerk or deputy clerk of any court of record of such colony, island possession, or bailiwick, such judge, clerk, or deputy clerk certifying such acknowledgment under the seal of such court;

(b) The chief magistrate or other chief executive officer of any such colony, island possession, or bailiwick, he certifying the same under his official seal, or before the mayor or the chief executive officer of any city, town, borough, county, or municipal corporation having a seal, of such colony, island possession, or bailiwick, such mayor or other chief officer certifying such acknowledgment under his official seal; or

(c) Any notary public within such colony, island possession, or bailiwick, such notary public certifying such acknowledgment under his seal.

Source: R.S. p. 108, § 13. G.L. § 172. G.S. § 210. L. 1887: p. 229, § 1. L. 1889: p. 86, § 1. R.S. 08: § 684. L. 09: p. 326, § 1. C.L. § 4891. CSA: C. 40, § 23. CRS 53: § 118-1-26. C.R.S. 1963: § 118-1-26. L. 64: p. 307, § 269. L. 76: (3) R&RE, p. 314, § 69, effective May 20.

38-30-127. Acknowledgments taken pursuant to other laws.

(1) In addition to the acknowledgment of instruments as provided by articles 30 to 44 of this title, instruments may be acknowledged by:

(a) Members of the armed forces of the United States and certain other persons, as provided by section 24-12-104, C.R.S.;

(b) Any person within or outside of this state, pursuant to part 2 of article 55 of title 12, C.R.S.

(2) Any person otherwise authorized by law to take acknowledgments in this state may take and certify acknowledgments either in accordance with articles 30 to 44 of this title or in the same manner and on the same evidence as provided in part 2 of article 55 of title 12, C.R.S. Any certificate of acknowledgment that is taken pursuant to such part 2 shall be valid and have the benefits set forth in subsection (3) of this section, whether such certificate is given before or after January 1, 1999.

(3) A certificate of acknowledgment taken pursuant to part 2 of article 55 of title 12, C.R.S., or taken pursuant to such part 2 and subsection (2) of this section shall:

(a) Constitute prima facie evidence of proper execution of the instrument acknowledged;

(b) Carry with it the presumptions provided by section 38-35-101; and

(c) Be accorded the same force and effect as any acknowledgment taken and certified in accordance with articles 30 to 44 of this title.

Source: L. 43: p. 217, § 1. L. 47: p. 356, § 4. CSA: C. 40, § 23A. CRS 53: § 118-1-27. C.R.S. 1963: § 118-1-27. L. 98: Entire section amended, p. 744, § 7, effective January 1, 1999.

38-30-136 - Subsequent proof of execution - proof or acknowledgment of copy.

(1) When any deed or instrument of writing has been executed and not acknowledged according to law at the time of the execution thereof, such deed or instrument of writing may at any subsequent time be acknowledged by the makers thereof in the manner provided in this article, or proof may be made of the execution thereof before any officer authorized to take acknowledgments of deeds in the manner provided in this section. Such officer, when the fact is not within his own knowledge, shall ascertain from the testimony of at least one competent, credible witness, to be sworn and examined by him, that the person offering to prove the execution of such deed or writing is a subscribing witness thereto. Thereupon such officer shall examine such subscribing witness upon oath or affirmation, and shall reduce his testimony to writing and require the witness to subscribe the same, endorsed upon or attached to such deed or other writing, and shall thereupon grant a certificate that such witness was personally known or was proved to him by the testimony of at least one witness (who shall be named in such certificate) to be a subscribing witness to the deed or instrument of writing to be proved, that such subscribing witness was lawfully sworn and examined by him, and that the testimony of the said officer was reduced to writing and by said subscribing witness subscribed in his presence.

(2) If by the testimony it appears that such witness saw the person, whose name is subscribed to such instrument of writing, sign, seal, and deliver the same or that such person afterwards acknowledged the same to the said witness to be his free and voluntary act or deed and that such witness subscribed the said deed or instrument of writing in attestation thereof, in the presence and with the consent of the person so executing the same, such proof if attested and the authority of the officer to take the same duly proved in the same manner as required in the case of acknowledgment, shall have the same force and effect as an acknowledgment of said deed or instrument of writing by the person executing the same, and duly certified.

(3) When any such deed or instrument of writing has been executed and recorded without due proof, attestation or acknowledgment as required by law, a certified copy from such record may be proved or acknowledged in the same manner and with like effect as the original thereof. No person shall be permitted to use such certified copy so proved as evidence except upon satisfactory proof that the original thereof has been lost or destroyed or is beyond his power to produce.

Source: R.S. p. 109, § 15. G.L. § 174. G.S. § 213. R.S. 08: § 693. C.L. § 4901. CSA: C. 40, § 32. CRS 53: § 118-1-36. C.R.S. 1963: § 118-1-36.