

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB23-153 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 24-21-502, **add**
3 (5.5) as follows:

4 **24-21-502. Definitions.** In this part 5:

5 (5.5) "INTERPRETER" MEANS AN INDIVIDUAL WHO PROVIDES
6 INTERPRETER SERVICES WHEN A NOTARIAL OFFICER AND AN INDIVIDUAL
7 EXECUTING A RECORD DO NOT COMMUNICATE IN THE SAME LANGUAGE.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 24-21-514.7 as
9 follows:

10 **24-21-514.7. Interpreters - use in facilitation of notarial acts**

11 **- limitations.** (1) IF A NOTARIAL OFFICER AND AN INDIVIDUAL FOR WHOM
12 A NOTARIAL ACT IS TO BE PERFORMED DO NOT COMMUNICATE IN THE SAME
13 LANGUAGE, AN INTERPRETER WHO COMMUNICATES IN A LANGUAGE IN
14 COMMON WITH BOTH THE NOTARIAL OFFICER AND THE INDIVIDUAL MAY BE
15 USED TO FACILITATE THE NOTARIAL ACT. A NOTARIAL OFFICER MAY RELY
16 ON REPRESENTATIONS MADE BY THE INTERPRETER ON BEHALF OF THE
17 INDIVIDUAL FOR WHOM THE NOTARIAL ACT IS PERFORMED AS FACTUAL.
18 ANY ERRORS IN INTERPRETATION ARE NOT ATTRIBUTABLE TO THE
19 NOTARIAL OFFICER, AND THE NOTARIAL OFFICER IS NOT BE LIABLE IN ANY
20 DISPUTES ARISING FROM SUCH ERRORS.

21 (2) AN INTERPRETER SHALL APPEAR PERSONALLY, AS DEFINED IN
22 SECTION 24-21-506(2), BEFORE THE NOTARIAL OFFICER. AN INTERPRETER
23 APPEARING PERSONALLY BEFORE THE NOTARIAL OFFICER SHALL BE
24 IDENTIFIED PURSUANT TO SECTION 24-21-507 OR, IF APPEARING
25 PERSONALLY BY MEANS OF REAL-TIME AUDIO-VIDEO COMMUNICATION,
26 PURSUANT TO SECTION 24-21-514.5.

27 (3) (a) AN INTERPRETER SHALL NOT PROVIDE INTERPRETER
28 SERVICES WHEN THE INTERPRETER HAS A DISQUALIFYING INTEREST IN THE
29 TRANSACTION. FOR THE PURPOSES OF THIS SUBSECTION (3), AN
30 INTERPRETER HAS A DISQUALIFYING INTEREST IN A TRANSACTION IF:

31 (I) THE INTERPRETER OR THE INTERPRETER'S SPOUSE, PARTNER IN
32 A CIVIL UNION, ANCESTOR, DESCENDENT, OR SIBLING IS A PARTY TO OR IS
33 NAMED IN THE RECORD THAT IS TO BE NOTARIZED; OR

34 (II) THE INTERPRETER OR THE INTERPRETER'S SPOUSE OR PARTNER
35 IN A CIVIL UNION MAY RECEIVE DIRECTLY, AND AS A PROXIMATE RESULT
36 OF THE NOTARIZATION ANY ADVANTAGE, RIGHT, TITLE, INTEREST, CASH,
37 OR PROPERTY. THIS SUBSECTION (3)(a)(II) DOES NOT APPLY TO A
38 REASONABLE FEE RECEIVED BY THE INTERPRETER FOR PROVIDING
39 INTERPRETER SERVICES.

1 (b) A NOTARIAL ACT IS VOIDABLE IF INTERPRETER SERVICES ARE
2 PROVIDED IN VIOLATION OF THIS SUBSECTION (3) IN RELATION TO THE
3 NOTARIAL ACT.

4 (4) (a) IF A NOTARIAL OFFICER DOES NOT COMMUNICATE IN THE
5 SAME LANGUAGE AS THE INDIVIDUAL EXECUTING THE RECORD WITH
6 RESPECT TO WHICH THE NOTARIAL OFFICER IS PERFORMING A NOTARIAL
7 ACT, THE NOTARIAL OFFICER IS NOT LIABLE IN ANY LEGAL ACTION
8 REGARDING A DISPUTE THAT DIRECTLY RESULTS FROM AN ERROR IN
9 INTERPRETATION.

10 (b) A PARTY WHO FILES AN ACTION FOR DAMAGES BASED ON A
11 VIOLATION OF THIS PART 5 RELATED TO A NOTARIAL ACT THAT A
12 NOTARIAL OFFICER PERFORMED IN ACCORDANCE WITH THIS SECTION HAS
13 THE BURDEN OF PROOF IN ESTABLISHING THAT THE DISPUTE IS RELATED TO
14 A CAUSE OTHER THAN THE INTERPRETATION.

15 (5) NOTHING IN THIS SECTION LIMITS A NOTARIAL OFFICER'S
16 AUTHORITY TO REFUSE TO PERFORM A NOTARIAL ACT AS SET FORTH IN
17 SECTION 24-21-508.

18 (6) IN ADDITION TO COMPLYING WITH THE REQUIREMENTS OF
19 SECTION 24-21-515, THE CERTIFICATE OF NOTARIAL ACT FOR A REMOTE
20 NOTARIZATION THAT WAS PERFORMED USING AN INTERPRETER MUST
21 INDICATE THAT THE NOTARIAL ACT WAS PERFORMED USING AN
22 INTERPRETER AND INCLUDE THE NAME AND CREDENTIAL OR
23 CERTIFICATION NUMBER, IF ANY, OF THE INTERPRETER."

24 Renumber succeeding sections accordingly.

25 Page 2, line 12, strike "(5)" and substitute "(3) introductory portion,
26 (3)(f), (3)(g), and (5); and **add** (3)(h) and (3)(i)".

27 Page 2, strike line 13 and substitute:

28 **"24-21-519. Journal.** (3) An entry in a journal must be made
29 contemporaneously with performance of ~~the~~ A notarial act and contain the
30 following information:

31 (f) If identity of the individual is based on satisfactory evidence,
32 a brief description of the method of identification and the type of
33 identification credential presented, if any; ~~and~~

34 (g) ~~The fee, if any, charged by the notary public~~ FULL NAME AND
35 ADDRESS OF ANY INTERPRETER WHO PROVIDED INTERPRETER SERVICES TO
36 FACILITATE THE NOTARIAL ACT;

37 (h) THE CERTIFICATION OR CREDENTIAL NUMBER OF ANY
38 INTERPRETER WHO PROVIDED INTERPRETER SERVICES TO FACILITATE THE
39 NOTARIAL ACT; AND

- 1 (i) THE FEE, IF ANY, CHARGED BY THE NOTARY PUBLIC.
- 2 (5) Upon written request of any member of".

3 Page 3, after line 2 insert:

4 "SECTION 5. In Colorado Revised Statutes, 24-21-523, **amend**
5 (2) as follows:
6 **24-21-523. Grounds to deny, refuse to renew, revoke, suspend,**
7 **or condition commission of notary public.** (2) Whenever the secretary
8 of state or the secretary of state's designee believes that a violation of this
9 part 5 has occurred, the secretary of state or the secretary of state's
10 designee may investigate the violation. The secretary of state or the
11 secretary of state's designee may also investigate possible violations of
12 this part 5 upon a signed complaint from any person. HOWEVER, THIS
13 SECTION DOES NOT AUTHORIZE THE SECRETARY OF STATE OR THE
14 SECRETARY OF STATE'S DESIGNEE TO INVESTIGATE A POTENTIAL
15 VIOLATION CONCERNING AN ACTION TAKEN BY AN INTERPRETER DURING
16 A NOTARIAL ACT."

17 Renumber succeeding sections accordingly.

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