



June 22, 2020

The Honorable Jared Polis  
Governor  
State of Colorado  
136 State Capitol  
Denver, CO 80203

Dear Governor Polis:

On behalf of the Land Title Association of Colorado (LTAC), the Colorado Mortgage Lenders Association (CMLA), the Colorado Association of Realtors (CAR), and the Colorado Association of Home Builders (CAHB), we respectfully request that you sign into law SB20-096, Concerning the Authorization for Notaries Public to Perform Notarial Acts Using Audio-Video Communication.

As your Executive Order D 2020 003 declares, Colorado remains in a state of disaster emergency due to the presence of coronavirus disease 2019 (COVID-19). Just as every sector of Colorado's economy is severely impacted by the threat of COVID-19 due to the necessary limitations placed on the public and private sector, the real estate industry has been in a dire position as well. As such, we applauded your issuance of Executive Order D 2020-019 that waives the "personal appearance" requirement for notarized documents as set for the in C.R.S. §24-21-506, and accompanying emergency rules promulgated by the Secretary of State (SOS). This decision has significantly assisted in completing real estate transactions by allowing remote notarizations to satisfy legal requirements for signed documents.

While our collective industries are very appreciative of Executive Order D 2020-019, there will come a time when this Executive Order will be lifted and the law reinstated. It is for this reason that SB20-096 should be signed into law as a necessary replacement for remote notarizations.

SB20-096 permits a notary public to perform a notarial act remotely on electronic documents. A notary public may notarize electronic documents for a remotely located individual so long as the notarial act occurs using an electronic system

employing real-time audio-video communication, and the process conforms to rules adopted by the (SOS). Before performing an initial notarization, the notary public is required to notify the SOS that the notary will be performing notarization using a remote system. The notice must confirm that the notary has read and will comply with the SOS rules, and provide proof that the notary has successfully completed any training and examinations required by rule.

The bill establishes requirements for notaries performing remote notarial acts, including requirements for a remote notarization system that conforms to standards established by rules of the secretary of state, verification technology, validating credentials, assessing identity, and making disclosures to clients. It also requires that notaries create and maintain an audio-video recording of a remote notarization under certain circumstances.

SB20-096 is a bi-partisan bill that unanimously passed the Colorado Senate and House of Representatives. This bill is whole-heartedly supported by all segments of the Colorado real estate industry, including the undersigned.

For these reasons, we urge you to sign SB20-096 into law.

Respectfully,



Geri Combs  
President  
Land Title Association of Colorado



Mathew Schulz, CVLS, 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