



# AMERICAN SOCIETY OF NOTARIES

## COLORADO

### RECORDBOOK—REQUIRED

#### **State-Specific Recordbook Requirements - Revised October 2009**

ASN recommends that ALL notaries use a recordbook of notarial acts. Notaries in several states are required to use a recordbook (also called a register or journal). Please review the following statutes as your state either requires the use of a recordbook OR has specific guidelines you must adhere to if you choose to use a recordbook (if not required by state law). You may print this document for your records.

#### **TITLE 12 - PROFESSIONS AND OCCUPATIONS ARTICLE 55 – NOTARIES PUBLIC**

##### **12-55-107. Revocation of commission.**

(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receives notice from the secretary of state or the secretary of state's designee that such notary's commission has been revoked, and unless such revocation has been enjoined, such notary shall immediately send or have delivered to the secretary of state such notary's journal of notarial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.

##### **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; (e.5) (Deleted by amendment, L. 2004, p. 1371, § 5, effective May 28, 2004.)
- (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.

**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.

**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.

**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.