

CHAPTER 231**(HB 87)**

AN ACT relating to notaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 423.010 is amended to read as follows:

- (1) The Secretary of State may appoint as many notaries public as he *or she* deems necessary, who shall hold office for four (4) years. Any ***resident of the Commonwealth of Kentucky***~~person~~ desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the Circuit Judge, circuit clerk, county judge/executive, county clerk, justice of the peace, or a member of the General Assembly of the county of the residence of the applicant ***or in the county in which the applicant's principal place of employment is located. A person who is not a resident of Kentucky but who is employed in Kentucky may become a notary public by making an application to the Secretary of State which has been approved by an officer specified in this section from the county in which the applicant is principally employed in Kentucky.*** No officer shall charge or accept any fee for approving the application. A notary public shall be eighteen (18) years of age, a resident of the county from which he *or she* makes his application ***or be principally employed in the county from which he or she makes his or her application,*** of good moral character, and capable of discharging the duties imposed upon him *or her* by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his *or her* certificate of appointment to the applicant, shall designate the limits within which the notary is to act. Before a notary acts, he *or she* shall take an oath before any person authorized to administer an oath as set forth in KRS 62.020 that he *or she* will honestly and diligently discharge the duties of his *or her* office. He *or she* shall in the same court give an obligation with good security for the proper discharge of the duties of his *or her* office. Every certificate of a notary public shall state the date of the expiration of his *or her* commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to the notary by the Governor of Kentucky, and receive a fee of ten dollars (\$10) for the certificate.
- (2) A county clerk shall have the powers of a notary public in the exercise of the official functions of the office of clerk within his *or her* county, and the official actions of the county clerk shall not require the witness or signature of a notary appointed pursuant to subsection (1) of this section.

Approved April 8, 2002