

**CHAPTER 156****( SB 123 )**

AN ACT relating to notarial acts.

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

➔Section 1. KRS 423.345 is amended to read as follows:

- (1) (a) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:
  1. A notary public of that state;
  2. A judge, clerk, or deputy clerk of a court of that state; or
  3. Any other individual authorized by the law of that state to perform the notarial act.
- (b) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.
- (c) The signature and title of a notarial officer described in paragraph (a) or (b) of this subsection conclusively establish the authority of the officer to perform the notarial act.
- (2) (a) *A notarial act performed in another state has the same effect under the law of this state if the act performed is:*
  1. *By a notary public of this state; and*
  2. *In a civil action or legal proceeding originating in this state.*
- (b) *The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.*
- (c) *The signature and title of a notarial officer described in paragraph (a) or (b) of this subsection shall conclusively establish the authority of the officer to perform the notarial act.*
- (3) (a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:
  1. A notary public of the tribe;
  2. A judge, clerk, or deputy clerk of a court of the tribe; or
  3. Any other individual authorized by the law of the tribe to perform the notarial act.
- (b) The signature and title of an individual performing a notarial act under the authority and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.
- (c) The signature and title of a notarial officer described in paragraph (a) or (b) of this subsection conclusively establish the authority of the notarial officer to perform the notarial act.
- ~~(4)~~~~(3)~~ (a) A notarial act performed under the authority of federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:
  1. A judge, clerk, or deputy clerk of a court;
  2. An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
  3. An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or
  4. Any other individual authorized by federal law to perform the notarial act.

## ACTS OF THE GENERAL ASSEMBLY

- (b) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.
- (c) The signature and title of an officer described in paragraph (a) or (b) of this subsection conclusively establish the authority of the officer to perform the notarial act.

**Signed by Governor March 31, 2023.**