

### **423.300 Definitions for KRS 423.300 to 423.455.**

As used in KRS 423.300 to 423.455:

- (1) "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record;
- (2) "Acknowledged before me" or "appears before me" means being in:
  - (a) The same physical location as another individual person and close enough to see, hear, communicate with, and exchange credentials with that person; or
  - (b) A different physical location from another person but able to see, hear, and communicate with that person by means of communication technology;
- (3) "Communication technology" means an electronic device or process that:
  - (a) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and
  - (b) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual with a vision, hearing, or speech impairment;
- (4) "Credential" means a non-expired record issued by a government which bears an individual's photo and which evidences an individual's identity;
- (5) "Credential analysis" means a process or service that meets the standards adopted under KRS 423.355(7) and 423.415 by which a third person provides confidence as to the validity of a government-issued identification credential through review of public and proprietary data sources;
- (6) "Dynamic knowledge-based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources for which the signer of an electronic record has not provided a prior answer;
- (7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (8) "Electronic notarization" means a notarial act performed with respect to an electronic record by means of communication technology that meets the standards adopted under KRS 423.355(7) and 423.415;
- (9) "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record;
- (10) "Foreign state" means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe;
- (11) "Identity proofing" means, in the use of communication technology, a process or service that meets standards adopted under KRS 423.355(7) and 423.415 by which a third person provides confidence as to the identity of an individual through review of personal information from public or proprietary data sources;

- (12) "In a representative capacity" means acting as:
  - (a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;
  - (b) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;
  - (c) An agent or attorney-in-fact for a principal; or
  - (d) An authorized representative of another in any other capacity;
- (13) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under KRS 423.310 and any other law of the Commonwealth;
- (14) "Notarial officer" means a notary public or other individual authorized to perform a notarial act;
- (15) "Notary public" means an individual commissioned to perform a notarial act by the Secretary of State. This term does not include other notarial officers who may perform a notarial act in this state;
- (16) "Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record, including an official notary seal;
- (17) "Online notary public" means a notary public who has registered with the Secretary of State, pursuant to any standards and rules adopted under KRS 423.390 and 423.415, to perform electronic notarizations under KRS 423.300 to 423.455;
- (18) "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States;
- (19) "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;
- (20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (21) "Remotely located individual" means an individual who is not in the physical presence of the notary public who performs a notarial act or is appearing remotely before the notary;
- (22) "Remote presentation" means transmission to an online notary public through communication technology of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to identify the individual seeking the online notary public's services and to perform credential analysis;
- (23) "Sign" means, with present intent to authenticate or adopt a record, to:
  - (a) Execute or adopt a tangible symbol; or
  - (b) Attach to or logically associate with the record an electronic symbol, sound, or process;

- (24) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record;
- (25) "Stamping device" means:
- (a) A physical device capable of affixing to or embossing on a tangible record an official stamp; or
  - (b) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp;
- (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and
- (27) "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

**Effective:** January 1, 2020

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