

**423.325 Personal knowledge and satisfactory evidence of identity -- Use of communication technology -- Additional information.**

- (1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.
- (2) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual by means of one (1) of the following credentials:
  - (a) A non-expired passport, driver's license, or government-issued identification card;
  - (b) Another current form of government identification issued to an individual, which contains the signature and a photograph of the individual, and is satisfactory to the notarial officer; or
  - (c) If the means presented in paragraphs (a) and (b) of this subsection are unavailable, verification on oath or affirmation of a credible witness personally appearing before the notarial officer and known to the notarial officer or whom the notarial officer can identify on the basis of a current passport, driver's license, or government-issued identification card.
- (3) Notwithstanding subsection (2) of this section, in performing an electronic notarization, an online notary public has satisfactory evidence of the identity of an individual appearing before the online notary public if the online notary public can identify the individual through the use of communication technology that meets the requirements of this section and the administrative regulations promulgated by the Secretary of State under KRS 423.355(7) and 423.415, and by the following:
  - (a) The online notary public's personal knowledge of the individual; or
  - (b) Each of the following:
    1. Remote presentation by the individual of a government-issued identification credential specified in this section that contains the signature and photograph of the individual;
    2. Credential analysis of the identification credential described by subparagraph 1. of this paragraph; and
    3. Identity proofing of the individual, which may include a dynamic knowledge-based authentication assessment; or
  - (c) A valid public key certificate that complies with the administrative regulations promulgated by the Secretary of State pursuant to KRS 423.415.
- (4) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the identity of the individual.

**Effective:** January 1, 2020

**History:** Created 2019 Ky. Acts ch. 86, sec. 6, effective January 1, 2020.