

423.360 Certificate of notarial act.

- (1) A notarial act shall be evidenced by a certificate. The certificate shall:
 - (a) Be executed contemporaneously with the performance of the notarial act;
 - (b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the Secretary of State;
 - (c) Identify the jurisdiction in which the notarial act is performed;
 - (d) Contain the title of office and name of the notarial officer; and
 - (e) If the notarial officer is a notary public, indicate the commission number and date of expiration, if there is an expiration date, of the officer's commission.
- (2) If a notarial act is performed regarding a tangible record by a notarial officer, including a notary public, the certificate shall contain the information specified in paragraphs (b), (c), and (d) of subsection (1) of this section, along with the additional information in paragraph (e) of subsection (1) of this section, if the certificate is completed by a notary public. An official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer, the certificate shall contain the information specified in paragraphs (b), (c), and (d) of subsection (1) of this section, along with the additional information in paragraph (e) of subsection (1) of this section if the certificate is completed by a notary public. An official stamp may be attached to or logically associated with the certificate.
- (3) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) and (2) of this section and:
 - (a) Is in a short form set forth in KRS 423.365;
 - (b) Is in a form otherwise permitted by the laws of this state;
 - (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
 - (d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in KRS 423.300 to 423.455 or other law of this state other than KRS 423.300 to 423.455.
- (4) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in KRS 423.300 to 423.455.
- (5) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.
- (6) If a notarial act is performed regarding a tangible record, a certificate shall be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record. If the Secretary of State has established standards pursuant to KRS 423.415 for attaching, affixing, or logically associating the certificate, the process shall conform to the standards.

Effective: January 1, 2020

History: Created 2019 Ky. Acts ch. 86, sec. 13, effective January 1, 2020.