

423.380 Journal of online notary public -- Entries -- Audio-visual recording -- Lost or stolen journal -- Retention and transmission -- Custodian.

- (1) An online notary public shall maintain a journal in which the online notary public chronicles all electronic notarizations that the online notary public performs. The online notary public shall retain the journal for ten (10) years after the performance of the last electronic notarization chronicled in the journal.
- (2) The journal shall be created in an electronic format. An online notary public may maintain more than one (1) journal to chronicle electronic notarizations. The journal shall be maintained in an electronic format in a permanent, tamper-evident electronic format complying with administrative regulations promulgated pursuant to KRS 423.415.
- (3) An entry in a journal shall be made contemporaneously with performance of the notarial act and contain the following information:
 - (a) The date and time of the notarial act;
 - (b) A brief description of the record, if any, and type of notarial act as authorized in KRS 423.310;
 - (c) The full name and address of each individual for whom the notarial act is performed;
 - (d) If identity of the individual is based on personal knowledge, a statement to that effect;
 - (e) If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification and the means used as well as the date of issuance and expiration of any identification credential presented; and
 - (f) The fee, if any, charged by the online notary public.
- (4) If a notarial act involves the use of communication technology, the notary public shall retain the audio-visual recording of the performance of the notarial act in compliance with both KRS 423.355(7) and the administrative regulations promulgated pursuant to KRS 423.415.
- (5) If a notary public's journal is lost or stolen, the notary public promptly shall notify the Secretary of State on discovering that the journal is lost or stolen.
- (6) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with subsection (1) of this section.
- (7) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Secretary of State or otherwise as directed in administrative regulations promulgated by the Secretary of State pursuant to KRS 423.415.
- (8) A notary public may designate a custodian to do any of the following:
 - (a) Maintain the journal required under subsection (1) of this section; or
 - (b) Retain an audio or visual recording of a notarial act required under subsection

(4) of this section.

Effective: January 1, 2020

History: Created 2019 Ky. Acts ch. 86, sec. 17, effective January 1, 2020.