

1 AN ACT relating to notaries public.

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

3 ➔Section 1. KRS 423.010 is amended to read as follows:

4 (1) The Secretary of State may appoint as many notaries public as he or she deems
5 necessary, who shall hold office for four (4) years. Any resident of the
6 Commonwealth of Kentucky desiring to be appointed a notary public shall make
7 written application to the Secretary of State. The application shall be approved by
8 the Circuit Judge, circuit clerk, county judge/executive, county clerk, justice of the
9 peace, or a member of the General Assembly of the county of the residence of the
10 applicant or in the county in which the applicant's principal place of employment is
11 located. A person who is not a resident of Kentucky but who is employed in
12 Kentucky may become a notary public by making an application to the Secretary of
13 State which has been approved by an officer specified in this section from the
14 county in which the applicant is principally employed in Kentucky. No officer shall
15 charge or accept any fee for approving the application. A notary public shall be
16 eighteen (18) years of age, a resident of the county from which he or she makes his
17 or her application or be principally employed in the county from which he or she
18 makes his or her application, of good moral character, **free of any felony conviction**
19 **or guilty plea**, and capable of discharging the duties imposed upon him or her by
20 this chapter, and the endorsement of the officer approving the application shall so
21 state. The Secretary of State, in his or her certificate of appointment to the applicant,
22 shall designate the limits within which the notary is to act. Before a notary acts, he
23 or she shall take an oath before any person authorized to administer an oath as set
24 forth in KRS 62.020 that he or she will honestly and diligently discharge the duties
25 of his or her office. He or she shall in the same court give an obligation with good
26 security, which shall be proven by a notarized statement from, and not the personal
27 appearance of, the person providing the security, for the proper discharge of the

1 duties of his or her office. Every certificate of a notary public shall state the date of
2 the expiration of his or her commission. The Secretary of State shall give to each
3 notary appointed a certificate of his or her appointment under the seal of the
4 Commonwealth of Kentucky in lieu of a commission heretofore required to be
5 issued to the notary by the Governor of Kentucky, and receive a fee of ten dollars
6 (\$10) for the certificate.

7 (2) A county clerk shall have the powers of a notary public in the exercise of the
8 official functions of the office of clerk within his or her county, and the official
9 actions of the county clerk shall not require the witness or signature of a notary
10 appointed pursuant to subsection (1) of this section.

11 **(3) All persons applying for appointment as a notary public shall be required to**
12 **undergo a state and national criminal history background check conducted by**
13 **the Department of Kentucky State Police. All applicants shall be required to**
14 **submit to being fingerprinted in accordance with administrative regulations**
15 **promulgated by the Department of Kentucky State Police under KRS Chapter**
16 **13A. Any fee charged by the Department of Kentucky State Police to conduct a**
17 **criminal history background check shall be paid by the applicant and shall not be**
18 **in an amount greater than the actual cost of processing the request and**
19 **conducting the search.**

20 **(4) The results of the state and national criminal history background checks shall be**
21 **sent to the Secretary of State for review within seventy-two (72) hours. If**
22 **circumstances prohibit the results from being sent to the Secretary of State within**
23 **seventy-two (72) hours, the application shall not be processed further until the**
24 **results are made available to the Secretary of State. The Secretary of State shall**
25 **inform the applicant, if based upon the criminal history background check, the**
26 **applicant is either eligible or ineligible to be appointed as a notary public.**