

1 AN ACT relating to notarization of official documents.

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

3 ➔Section 1. KRS 423.300 is amended to read as follows:

4 As used in KRS 423.300 to 423.455:

- 5 (1) "Acknowledgment" means a declaration by an individual before a notarial officer  
6 that the individual has signed a record for the purpose stated in the record and, if the  
7 record is signed in a representative capacity, that the individual signed the record  
8 with proper authority and signed it as the act of the individual or entity identified in  
9 the record;
- 10 (2) "Acknowledged before me" or "appears before me" means being in:
- 11 (a) The same physical location as another individual person and close enough to  
12 see, hear, communicate with, and exchange credentials with that person; or
- 13 (b) A different physical location from another person but able to see, hear, and  
14 communicate with that person by means of communication technology;
- 15 (3) "Communication technology" means an electronic device or process that:
- 16 (a) Allows a notary public and a remotely located individual to communicate with  
17 each other simultaneously by sight and sound; and
- 18 (b) When necessary and consistent with other applicable law, facilitates  
19 communication with a remotely located individual with a vision, hearing, or  
20 speech impairment;
- 21 (4) "Credential" means a non-expired record issued by a government which bears an  
22 individual's photo and which evidences an individual's identity;
- 23 (5) "Credential analysis" means a process or service that meets the standards adopted  
24 under KRS 423.355(7) and 423.415 by which a third person provides confidence as  
25 to the validity of a government-issued identification credential through review of  
26 public and proprietary data sources;
- 27 (6) "Dynamic knowledge-based authentication assessment" means an identity

- 1 assessment that is based on a set of questions formulated from public or private data  
2 sources for which the signer of an electronic record has not provided a prior answer;
- 3 (7) "Electronic" means relating to technology having electrical, digital, magnetic,  
4 wireless, optical, electromagnetic, or similar capabilities;
- 5 (8) ~~["Electronic notarization" means a notarial act performed with respect to an  
6 electronic record by means of communication technology that meets the standards  
7 adopted under KRS 423.355(7) and 423.415;~~
- 8 ~~(9)~~ "Electronic signature" means an electronic symbol, sound, or process attached to or  
9 logically associated with a record and executed or adopted by an individual with the  
10 intent to sign the record;
- 11 ~~(9)~~~~(10)~~ "Foreign state" means a jurisdiction other than the United States, a state, or a  
12 federally recognized Indian tribe;
- 13 ~~(10)~~~~(11)~~ "Identity proofing" means, in the use of communication technology, a process  
14 or service that meets standards adopted under KRS 423.355(7) and 423.415 by  
15 which a third person provides confidence as to the identity of an individual through  
16 review of personal information from public or proprietary data sources;
- 17 ~~(11)~~~~(12)~~ "In a representative capacity" means acting as:
- 18 (a) An authorized officer, agent, partner, trustee, or other representative for a  
19 person other than an individual;
- 20 (b) A public officer, personal representative, guardian, or other representative, in  
21 the capacity stated in a record;
- 22 (c) An agent or attorney-in-fact for a principal; or
- 23 (d) An authorized representative of another in any other capacity;
- 24 **(12) "In-person electronic notarization" means a notarial act performed with respect**  
25 **to an electronic record in which the individual will appear before the notary in**  
26 **the notary's physical presence;**
- 27 (13) "Notarial act" means an act, whether performed with respect to a tangible or

- 1 electronic record, that a notarial officer may perform under KRS 423.310 and any  
2 other law of the Commonwealth;
- 3 (14) "Notarial officer" means a notary public or other individual authorized to perform a  
4 notarial act;
- 5 (15) "Notary public" means an individual commissioned to perform a notarial act by the  
6 Secretary of State. This term does not include other notarial officers who may  
7 perform a notarial act in this state;
- 8 (16) "Official stamp" means a physical image affixed to or embossed on a tangible  
9 record or an electronic image attached to or logically associated with an electronic  
10 record, including an official notary seal;
- 11 (17) "Online notary public" means a notary public who has registered with the Secretary  
12 of State, pursuant to any standards and rules adopted under KRS 423.390 and  
13 423.415, to perform *remote* electronic notarizations under KRS 423.300 to 423.455;
- 14 (18) "Outside the United States" means a location outside the geographic boundaries of  
15 the United States, Puerto Rico, the United States Virgin Islands, and any territory,  
16 insular possession, or other location subject to the jurisdiction of the United States;
- 17 (19) "Person" means an individual, corporation, business trust, statutory trust, estate,  
18 trust, partnership, limited liability company, association, joint venture, public  
19 corporation, government or governmental subdivision, agency, or instrumentality,  
20 or any other legal or commercial entity;
- 21 (20) "Record" means information that is inscribed on a tangible medium or that is stored  
22 in an electronic or other medium and is retrievable in perceivable form;
- 23 (21) **"Remote electronic notarization" means a notarial act performed with respect to**  
24 **an electronic record by means of communication technology that meets the**  
25 **standards adopted under subsection (7) of Section 4 of this Act and Section 8 of**  
26 **this Act;**
- 27 **(22)** "Remotely located individual" means an individual who is not in the physical

1 presence of the notary public who performs a notarial act or is appearing remotely  
2 before the notary;

3 ~~(23)~~~~(22)~~ "Remote presentation" means transmission to an online notary public through  
4 communication technology of an image of a government-issued identification  
5 credential that is of sufficient quality to enable the online notary public to identify  
6 the individual seeking the online notary public's services and to perform credential  
7 analysis;

8 ~~(24)~~~~(23)~~ "Sign" means, with present intent to authenticate or adopt a record, to:

- 9 (a) Execute or adopt a tangible symbol; or  
10 (b) Attach to or logically associate with the record an electronic symbol, sound, or  
11 process;

12 ~~(25)~~~~(24)~~ "Signature" means a tangible symbol or an electronic signature that evidences  
13 the signing of a record;

14 ~~(26)~~~~(25)~~ "Stamping device" means:

- 15 (a) A physical device capable of affixing to or embossing on a tangible record an  
16 official stamp; or  
17 (b) An electronic device or process capable of attaching to or logically associating  
18 with an electronic record an official stamp;

19 ~~(27)~~~~(26)~~ "State" means a state of the United States, the District of Columbia, Puerto  
20 Rico, the United States Virgin Islands, or any territory or insular possession subject  
21 to the jurisdiction of the United States; and

22 ~~(28)~~~~(27)~~ "Verification on oath or affirmation" means a declaration, made by an  
23 individual on oath or affirmation before a notarial officer, that a statement in a  
24 record is true.

25 ➔Section 2. KRS 423.310 is amended to read as follows:

26 (1) A notarial officer may perform the following notarial acts:

- 27 (a) Take acknowledgments;

- 1 (b) Administer oaths and affirmations;
- 2 (c) Take verifications of statements on oath or affirmation;
- 3 (d) Certify that a copy of any document, other than a document that is recorded or  
4 in the custody of any federal, state, or local governmental agency, office, or  
5 court, is a true copy;
- 6 (e) Certify depositions of witnesses;
- 7 (f) Make or note a protest of a negotiable instrument;
- 8 (g) Witness or attest signatures; and
- 9 (h) Perform any notarial act authorized by a law of the Commonwealth other than  
10 KRS 423.300 to 423.455.
- 11 (2) A notary public may perform any of the notarial acts listed in subsection (1) of this  
12 section with respect to tangible records and electronic records.
- 13 (3) Upon registration with the Secretary of State, an online notary may perform any of  
14 the notarial acts listed in subsection (1) of this section as ~~a[an]~~ ***remote*** electronic  
15 notarization.
- 16 (4) A notarial officer shall not perform a notarial act with respect to a record to which  
17 the notarial officer or the notarial officer's spouse or other member of the notarial  
18 officer's immediate family is a party, or in which any of those individuals has a  
19 direct beneficial interest. A notarial act performed in violation of this subsection is  
20 voidable.
- 21 (5) A notarial officer may certify that a tangible copy of an electronic record is an  
22 accurate copy of the electronic record.
- 23 ➔Section 3. KRS 423.325 is amended to read as follows:
- 24 (1) A notarial officer has personal knowledge of the identity of an individual appearing  
25 before the officer if the individual is personally known to the officer through  
26 dealings sufficient to provide reasonable certainty that the individual has the  
27 identity claimed.

- 1 (2) A notarial officer has satisfactory evidence of the identity of an individual appearing  
2 before the officer if the officer can identify the individual by means of one (1) of the  
3 following credentials:
- 4 (a) A non-expired passport, driver's license, or government-issued identification  
5 card;
- 6 (b) Another current form of government identification issued to an individual,  
7 which contains the signature and a photograph of the individual, and is  
8 satisfactory to the notarial officer; or
- 9 (c) If the means presented in paragraphs (a) and (b) of this subsection are  
10 unavailable, verification on oath or affirmation of a credible witness  
11 personally appearing before the notarial officer and known to the notarial  
12 officer or whom the notarial officer can identify on the basis of a current  
13 passport, driver's license, or government-issued identification card.
- 14 (3) Notwithstanding subsection (2) of this section, in performing ~~a[an]~~ remote  
15 electronic notarization, an online notary public has satisfactory evidence of the  
16 identity of an individual appearing before the online notary public if the online  
17 notary public can identify the individual through the use of communication  
18 technology that meets the requirements of this section and the administrative  
19 regulations promulgated by the Secretary of State under KRS 423.355(7) and  
20 423.415, and by the following:
- 21 (a) The online notary public's personal knowledge of the individual; or
- 22 (b) Each of the following:
- 23 1. Remote presentation by the individual of a government-issued  
24 identification credential specified in this section that contains the  
25 signature and photograph of the individual;
- 26 2. Credential analysis of the identification credential described by  
27 subparagraph 1. of this paragraph; and

1           3. Identity proofing of the individual, which may include a dynamic  
2           knowledge-based authentication assessment; or

3           (c) A valid public key certificate that complies with the administrative regulations  
4           promulgated by the Secretary of State pursuant to KRS 423.415.

5           (4) A notarial officer may require an individual to provide additional information or  
6           identification credentials necessary to assure the notarial officer of the identity of  
7           the individual.

8           ➔Section 4. KRS 423.355 is amended to read as follows:

9           (1) An online notary public:

10          (a) Shall be commissioned as a notary public pursuant to KRS 423.300 to  
11          423.455 and has the powers and duties of a traditional notary public as  
12          provided by KRS 423.300 to 423.455;

13          (b) May perform notarial acts as provided by KRS 423.300 to 423.455 in addition  
14          to performing ***remote*** electronic notarizations; and

15          (c) May, upon registration with the Secretary of State as an online notary public  
16          pursuant to KRS 423.390, perform ***remote*** electronic notarizations authorized  
17          under this section.

18          (2) An online notary public may perform ~~a~~***remote*** electronic notarization provided  
19          the online notary public is physically located in this state while performing the  
20          notarial act and if:

21          (a) The online notary public has:

22                  1. Personal knowledge of the identity of the individual pursuant to KRS  
23                  423.325; or

24                  2. Satisfactory evidence of the identity of the individual pursuant to KRS  
25                  423.325(3); and

26          (b) At the time of ***a remote*** electronic notarization:

27                  1. The individual appearing before the online notary public is located

- 1                   within this state, or elsewhere within the geographic boundaries of a  
2                   state of the United States; or
- 3                   2. The individual is located outside the United States and:
- 4                   a. The individual confirms to the online notary public that the record  
5                   is to be filed with or relates to a matter before a court,  
6                   governmental entity, public official, or other entity located in the  
7                   territorial jurisdiction of the United States, or relates to property  
8                   located in the United States, or relates to a transaction substantially  
9                   connected to the United States; and
- 10                  b. To the online notary public's actual knowledge, the act of making  
11                  the statement or signing the record is not prohibited by the  
12                  jurisdiction in which the individual is located.
- 13 (3) In addition to the authority of a notary public to refuse to perform a notarial act  
14 pursuant to KRS 423.330, a notary public may refuse to perform a notarial act under  
15 this section if the notary public is not satisfied that a notarial act performed would  
16 conform with subsection (2)(b)2. of this section.
- 17 (4) If a notarial act involves a statement made in or a signature executed on an  
18 electronic record by an individual by means of communication technology, the  
19 certificate of notarial act required by KRS 423.360 shall indicate that the individual  
20 making the statement or signing the record appeared before the online notary public  
21 by means of communication technology.
- 22 (5) For each *remote* electronic notarization, the online notary public shall:
- 23                  (a) Include, in addition to the journal entries required under KRS 423.380, an  
24                  indication of whether an individual making a statement or executing a  
25                  signature which is the subject of the notarial act appeared before the online  
26                  notary public in the notary's physical presence or by means of communication  
27                  technology;



- 1 (b) Create a complete recording of the conference session containing the audio-  
2 video communication between the online notary public and individual  
3 appearing before the online notary public, in accordance with the standards  
4 adopted under subsection (7) of this section and KRS 423.415; and
- 5 (c) Maintain the recording described by paragraph (b) of this subsection for at  
6 least ten (10) years after the date of the applicable transaction or proceeding or  
7 for the period of retention of a notary public's journal pursuant to KRS  
8 423.380, whichever is longer.
- 9 (6) Before an online notary public performs any remote electronic notarizations under  
10 this section, the online notary public shall register with the Secretary of State  
11 pursuant to KRS 423.390.
- 12 (7) The Secretary of State may promulgate administrative regulations regarding the  
13 performance of remote electronic notarizations. The administrative regulations may:
- 14 (a) Prescribe the means of performing a notarial act involving communication  
15 technology;
- 16 (b) Establish standards for communication technology and the process of  
17 credential analysis and identity proofing;
- 18 (c) Establish procedures for the requirements of providers of communication  
19 technology; and
- 20 (d) Establish standards and requirements for the retention of a video and audio  
21 copy of the performance of a notarial act.
- 22 (8) Regardless of the physical location of the individual at the time of the notarial act,  
23 the validity of ~~a[n]~~ remote electronic notarization performed by an online notary  
24 public commissioned in this state shall be determined by applying the laws of this  
25 state.
- 26 (9) An online notary public shall take reasonable steps to ensure that:
- 27 (a) Any registered device or credential used to create an electronic signature is

1 current and has not been revoked or terminated by the device's or credential's  
2 issuing or registering authority;

3 (b) The audio-video communication used in ~~a[an]~~ **remote** electronic notarization  
4 is secure from unauthorized interception or use;

5 (c) A backup exists for all information pertaining to ~~a[an]~~ **remote** electronic  
6 notarization required to be kept by administrative regulations promulgated  
7 pursuant to subsection (7) of this section and KRS 423.415; and

8 (d) The backup described by paragraph (c) of this subsection is secure from  
9 unauthorized use.

10 ➔Section 5. KRS 423.380 is amended to read as follows:

11 (1) An online notary public shall maintain a journal in which the online notary public  
12 chronicles all **remote** electronic notarizations that the online notary public performs.  
13 The online notary public shall retain the journal for ten (10) years after the  
14 performance of the last **remote** electronic notarization chronicled in the journal.

15 (2) The journal shall be created in an electronic format. An online notary public may  
16 maintain more than one (1) journal to chronicle **remote** electronic notarizations. The  
17 journal shall be maintained in an electronic format in a permanent, tamper-evident  
18 electronic format complying with administrative regulations promulgated pursuant  
19 to KRS 423.415.

20 (3) An entry in a journal shall be made contemporaneously with performance of the  
21 notarial act and contain the following information:

22 (a) The date and time of the notarial act;

23 (b) A brief description of the record, if any, and type of notarial act as authorized  
24 in KRS 423.310;

25 (c) The full name and address of each individual for whom the notarial act is  
26 performed;

27 (d) If identity of the individual is based on personal knowledge, a statement to

1           that effect;

2           (e) If identity of the individual is based on satisfactory evidence, a brief  
3           description of the method of identification and the identification and the  
4           means used as well as the date of issuance and expiration of any identification  
5           credential presented; and

6           (f) The fee, if any, charged by the online notary public.

7           (4) If a notarial act involves the use of communication technology, the notary public  
8           shall retain the audio-visual recording of the performance of the notarial act in  
9           compliance with both KRS 423.355(7) and the administrative regulations  
10          promulgated pursuant to KRS 423.415.

11          (5) If a notary public's journal is lost or stolen, the notary public promptly shall notify  
12          the Secretary of State on discovering that the journal is lost or stolen.

13          (6) On resignation from, or the revocation or suspension of, a notary public's  
14          commission, the notary public shall retain the notary public's journal in accordance  
15          with subsection (1) of this section.

16          (7) On the death or adjudication of incompetency of a current or former notary public,  
17          the notary public's personal representative or guardian or any other person  
18          knowingly in possession of the journal shall transmit it to the Secretary of State or  
19          otherwise as directed in administrative regulations promulgated by the Secretary of  
20          State pursuant to KRS 423.415.

21          (8) A notary public may designate a custodian to do any of the following:

22               (a) Maintain the journal required under subsection (1) of this section; or

23               (b) Retain an audio or visual recording of a notarial act required under subsection  
24               (4) of this section.

25          ➔Section 6. KRS 423.385 is amended to read as follows:

26          (1) A notary public shall register with the Secretary of State pursuant to KRS 423.390 if  
27          the notary public intends to perform notarial acts:

- 1 (a) With respect to electronic records where the individual will appear before the  
2 notary in the notary's physical presence; or
- 3 (b) As an online notary public to perform remote electronic notarizations by  
4 means of communication technology.
- 5 (2) A notary public may select one (1) or more tamper-evident technologies to perform  
6 notarial acts in the physical presence of the individual signer with respect to  
7 electronic records, or to perform remote electronic notarizations. A person may not  
8 require a notary public to perform any notarial act with a technology that the notary  
9 public has not selected.
- 10 (3) If the Secretary of State has established standards respecting technology to perform  
11 notarial acts in the physical presence of the individual signer with respect to  
12 electronic records, or to perform remote electronic notarizations, the technology  
13 chosen by the notary public shall conform to those standards.
- 14 (4) A tangible copy of an electronic record containing a notarial certificate may be  
15 accepted as satisfying any requirement that a record accepted for recording be an  
16 original, if the notarial officer executing the notarial certificate certifies that the  
17 tangible copy is an accurate copy of the electronic record.
- 18 ➔Section 7. KRS 423.390 is amended to read as follows:
- 19 (1) An individual qualified under subsection (2) of this section may apply to the  
20 Secretary of State for a commission as a notary public. The applicant shall comply  
21 with and provide the information required by administrative regulations  
22 promulgated by the Secretary of State and be accompanied by payment of the  
23 specified fee.
- 24 (2) An applicant for a commission as a notary public shall:
- 25 (a) Be at least eighteen (18) years of age;
- 26 (b) Be a citizen or permanent legal resident of the United States;
- 27 (c) Be a resident of or have a place of employment or practice in the county

- 1           within this Commonwealth where the application is made;
- 2           (d) Be able to read and write English;
- 3           (e) Not be disqualified to receive a commission under KRS 423.395;
- 4           (f) Submit to the Secretary of State any application forms, information,  
5           disclosures, and verifications as are required by administrative regulations  
6           promulgated by the Secretary of State;
- 7           (g) Submit to the Secretary of State proof of having obtained the requisite surety  
8           bond required under subsection (4) of this section;
- 9           (h) Take an oath of office as set forth in in subsection (4) of this section; and
- 10          (i) Submit a fee payment, as specified in KRS 423.430, made payable to the State  
11          Treasurer.
- 12       (3) On compliance with this section, the Secretary of State shall issue a commission as  
13          a notary public to an applicant for a term of four (4) years. The Secretary of State  
14          shall assign a unique commission number to each notary public, which same  
15          commission number shall continue to be assigned to the notary public in the event  
16          of the renewal or later issuance of another commission to the same individual notary  
17          public.
- 18       (4) Within thirty (30) days of receiving a notary public commission from the Secretary  
19          of State, the applicant shall appear in person to take an oath of office, submit an  
20          assurance in the form of a surety bond, and file the commission, all of which shall  
21          take place before the county clerk listed in the commission application. The  
22          applicant shall pay fees to the county clerk for filing the assurance and  
23          administering the oath as set forth in KRS 64.012.
- 24       (5) The assurance required by this section shall be in the amount of one thousand  
25          dollars (\$1,000) and shall be issued by a surety or other entity licensed or authorized  
26          to do business in this state. The assurance shall cover acts performed during the  
27          term of the notary public's commission and shall be in the form prescribed by the

1 Secretary of State. If a notary public violates the law with respect to notaries public  
2 in this state, the surety or issuing entity is liable under the assurance. The surety or  
3 issuing entity shall give thirty (30) days' notice to the Secretary of State before  
4 canceling the assurance or of the assurance's expiration if such expiration is prior to  
5 the date of expiration of the notary's commission. A notary public may perform  
6 notarial acts in this state only during the period that a valid assurance is on file with  
7 the county clerk.

8 (6) A notarial officer may perform a notarial act in any county of the Commonwealth  
9 after filing the commission and assurance and taking the oath required by this  
10 section, and for so long as the notary public's commission and surety bond are valid  
11 and in effect.

12 (7) If, at any time during his or her period of commission under this section, or period  
13 of registration under subsection (10) of this section, a notary public changes his or  
14 her mail or electronic mail address, county of residence, name, signature, electronic  
15 signature, or the technology or device used to perform notarial acts or to maintain  
16 his or her journal or to render electronic documents tamper-evident, the notary  
17 public shall, within ten (10) days after making the change, submit to the Secretary  
18 of State the changed information upon the form and containing all information  
19 required by the Secretary of State, along with a fee payment, as specified in KRS  
20 423.430, payable to the State Treasurer.

21 (8) (a) Prior to the expiration of his or her commission period, a notary public may  
22 apply to the Secretary of State to renew his or her commission, and shall  
23 comply with the qualifications, renewal application filings, and other  
24 requirements then applicable to obtaining an original commission from the  
25 Secretary of State. The application for commission renewal shall be  
26 accompanied by a fee payment, as specified in KRS 423.430, made payable to  
27 the State Treasurer.

- 1 (b) If approved, the Secretary of State shall issue a renewed commission to the  
2 notary public for an additional four (4) year term, using the same commission  
3 number as the notary public's original commission and indicating the new  
4 commission expiration date.
- 5 (c) Pursuant to the procedures set forth in subsections (4) and (5) of this section,  
6 the commission along with the required assurance shall be filed with the  
7 county clerk listed in the renewal application, and a new oath of office  
8 administered by the county clerk and new fees paid by the notary public to the  
9 county clerk, as determined by KRS 64.012.
- 10 (d) A renewed commission shall be valid and effective only upon compliance  
11 with this subsection. A notary public shall have no authority to perform  
12 notarial acts during any period between the expiration of his or her current  
13 commission and the effective date of any renewal commission.
- 14 (9) A commission to act as a notary public shall authorize the notary public to perform  
15 notarial acts. The commission shall not provide the notary public with any  
16 immunity or benefit conferred by the law of this state on public officials or  
17 employees.
- 18 (10) Before performing an initial *in-person electronic notarization*~~[notarial act with~~  
19 ~~respect to electronic records]~~, or before performing an initial *remote electronic*  
20 *notarization*~~[online notarial act]~~, a notary public shall first register with the  
21 Secretary of State. The notary public shall:
- 22 (a) At the time of registration, be a commissioned notary public in this  
23 Commonwealth who has complied with the requirements set forth in  
24 subsections (1) to (8) of this section, and who has complied with all applicable  
25 notarial requirements set forth in this chapter;
- 26 (b) Register with the Secretary of State by submitting an electronic registration  
27 pursuant to this subsection;

- 1 (c) Pay to the Secretary of State a registration fee payment, as specified in KRS  
2 423.430, which is in addition to the commission application fee required to be  
3 a notarial officer in this state and any fees required to be paid to the county  
4 clerk to file a commission and assurance and to take an oath pursuant to KRS  
5 62.010;
- 6 (d) Submit to the Secretary of State any registration forms, information,  
7 disclosures, and verifications required by administrative regulations  
8 promulgated by the Secretary of State; and
- 9 (e) Submit to the Secretary of State with the registration proof satisfactory to the  
10 Secretary of State that the registrant has satisfied the requirement to post an  
11 assurance as a notary public, as set forth in subsections (4) and (5) of this  
12 section.
- 13 (11) The Secretary of State shall promulgate administrative regulations to establish  
14 forms and procedures applicable to the registrations governed by subsection (10) of  
15 this section, and shall obtain at least the following information in connection with  
16 each registration:
- 17 (a) The registrant's commission number and full legal name as it appears on the  
18 registrant's commission, and the name to be used for registration, if different;
- 19 (b) The county in this state in which the registrant resides or has his or her place  
20 of employment or practice;
- 21 (c) The electronic mail and resident address of the registrant;
- 22 (d) Whether the registrant is registering to perform one (1) or both of the  
23 following:
- 24 1. *In-person electronic notarization*~~[Notarial acts with respect to~~  
25 ~~electronic records in which the individual will appear before the notary~~  
26 ~~in the notary's physical presence]; or~~
- 27 2. As an online notary public to perform *remote* electronic notarizations;



- 1 (e) A description of the technologies or devices that the registrant intends to use  
2 to perform *in-person electronic notarization*~~[notarial acts with respect to~~  
3 ~~electronic records]~~ or *remote* electronic notarizations, to maintain the journal  
4 required by KRS 423.380, and to render electronic records tamper-evident  
5 after a notarial act is completed, each of which technologies or devices shall  
6 comply with any standards established by the Secretary of State;
- 7 (f) The digital certification of the registrant; and
- 8 (g) Any other information, evidence, disclosures, or declarations required or  
9 deemed beneficial by the Secretary of State pursuant to any administrative  
10 regulations promulgated by the Secretary of State.
- 11 (12) The Secretary of State may reject a registration if the applicant fails to comply with  
12 any provision of KRS 423.300 to 423.455.
- 13 (13) Thirty (30) days after compliance with all registration requirements and payment of  
14 the required registration fee, a notary public will be registered with the Secretary of  
15 State to perform notarial acts in the physical presence of an individual signer with  
16 respect to electronic records, or to perform *remote* electronic notarizations as an  
17 online notary public, or as both.
- 18 (14) The Secretary of State may at any time cancel the registration of a notary public to  
19 perform *in-person electronic notarization*~~[notarial acts with respect to electronic~~  
20 ~~records]~~, or as an online notary public to perform *remote* electronic notarizations, if  
21 the notary public fails to comply with any of the requirements of KRS 423.300 to  
22 423.455 or based upon any of the grounds for revocation or suspension of a notary  
23 public's commission.
- 24 (15) Registration of a notary public under this section is suspended by operation of law  
25 when the notary public is no longer commissioned as a notary public in this state. If  
26 the commission of a notary public has expired or been revoked or suspended, the  
27 Secretary of State shall immediately notify the notary public in writing that his or

1 her registration under this section will be suspended by operation of law until he or  
2 she is appointed as a notary public in this Commonwealth.

3 ➔Section 8. KRS 423.415 is amended to read as follows:

4 The Secretary of State may promulgate administrative regulations to implement KRS  
5 423.300 to 423.455. Promulgated administrative regulations regarding the performance of  
6 *in-person electronic notarizations*~~[notarial acts with respect to electronic records]~~ or  
7 *remote* electronic notarizations shall not require, or accord greater legal status or effect to,  
8 the implementation or application of a specific technology or technical specification. The  
9 administrative regulations may:

- 10 (1) Prescribe the manner of performing notarial acts regarding tangible and electronic  
11 records;
- 12 (2) Establish requirements for notarial training or education as a condition of obtaining  
13 or renewing a commission or before registering to perform *in-person electronic*  
14 *notarizations*~~[notarial acts with respect to electronic records]~~ or to perform *remote*  
15 electronic notarizations;
- 16 (3) Include provisions to ensure that any change to or tampering with a record bearing a  
17 certificate of a notarial act is self-evident;
- 18 (4) Include provisions to ensure integrity in the creation, transmittal, storage, or  
19 authentication of electronic records or signatures;
- 20 (5) Prescribe the process of granting, renewing, conditioning, denying, suspending, or  
21 revoking a notary public commission and assuring the trustworthiness of an  
22 individual holding a commission as notary public;
- 23 (6) Include provisions to prevent fraud or mistake in the performance of notarial acts;  
24 and
- 25 (7) Establish the process for approving and accepting surety bonds and other forms of  
26 assurance under KRS 423.390.

27 ➔Section 9. KRS 423.430 is amended to read as follows:

1 (1) For a notarial act relating to a tangible or electronic record, or for ~~a[n]~~ remote  
2 electronic notarization, a notary public may charge a fee:

- 3 (a) In compliance with KRS 64.300; and
- 4 (b) Which has been clearly disclosed to the person requesting the service in  
5 advance.

6 (2) Compensation for services provided by a notary public which do not constitute  
7 notarial acts is not governed by this section.

8 (3) The Secretary of State may charge the following fees in relation to notaries public:

- 9 (a) Application for a commission or renewal as a notary public.....\$10
- 10 (b) Issuance of a replacement commission upon loss or destruction of the  
11 original.....\$10
- 12 (c) Update to commission or registration information upon a change of name or  
13 address or other specified information.....\$10
- 14 (d) Issuance of an electronic certificate of authority or  
15 apostille.....\$5 per document

16 (4) In accordance with KRS 64.012, county clerks may assess fees for services required  
17 to fulfill obligations set forth in KRS 423.300 to 423.455.

18 ➔Section 10. KRS 423.450 is amended to read as follows:

19 (1) With respect only to notarial acts performed in relation to tangible records, the  
20 county clerk of a county in whose office any notary public has so filed his or her  
21 signature and surety bond shall when requested subjoin to any certificate of proof or  
22 acknowledgment signed by the notary a certificate under his or her hand and seal  
23 stating that such notary public's written signature is on file in the clerk's office, and  
24 was at the time of taking such proof or acknowledgment duly authorized to take the  
25 same, that the clerk is well acquainted with the handwriting of the notary public,  
26 and believes that the signature to the proof or acknowledgment is genuine.

27 (2) For all notarial acts performed in relation to electronic records that are transmitted

1 to another state or nation, electronic evidence of the authenticity of the official  
 2 signature and seal of a notary public of this state, if required, shall be attached to, or  
 3 logically associated with, the record and shall be in the form of an electronic  
 4 certificate of authority signed by the Office of the Secretary of State in conformance  
 5 with any current and pertinent international treaties, agreements, and conventions  
 6 subscribed to by the United States.

7 (3) An electronic certificate of authority evidences the authenticity of the official  
 8 signature and seal of an online notary public of this state and shall contain  
 9 substantially the following:

10 "Certificate of Authority for a Notarial Act

11 I, (name), Secretary of State of the Commonwealth of Kentucky, certify that (name  
 12 of electronic notary), the person named as a Notary Public in the attached or associated  
 13 electronic document, was indeed commissioned as a Notary Public for the  
 14 Commonwealth of Kentucky and authorized to act as such at the time of the document's  
 15 remote electronic notarization.

16 To verify this Certificate of Authority for a Notarial Act, I have included herewith  
 17 my electronic signature this day of , (year).

18 (Electronic signature and seal of the Kentucky Secretary of State)"

19 ➔Section 11. The following KRS sections are repealed:

- 20 423.110 Recognition of notarial acts performed outside this state.
- 21 423.130 Certificate of person taking acknowledgment.
- 22 423.140 Recognition of certificate of acknowledgment.
- 23 423.150 Certificate of acknowledgment.
- 24 423.160 Short forms of acknowledgment.
- 25 423.170 Acknowledgments not affected by KRS 423.110 to 423.190.
- 26 423.180 Uniformity of interpretation.
- 27 423.190 Short title.

- 1 423.200 Admission of documents to the public record.