

1 AN ACT relating to notarial acts.

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

3 ➔Section 1. KRS 423.345 is amended to read as follows:

4 (1) (a) A notarial act performed in another state has the same effect under the law of  
5 this state as if performed by a notarial officer of this state, if the act performed  
6 in that state is performed by:

- 7 1. A notary public of that state;  
8 2. A judge, clerk, or deputy clerk of a court of that state; or  
9 3. Any other individual authorized by the law of that state to perform the  
10 notarial act.

11 (b) The signature and title of an individual performing a notarial act in another  
12 state are prima facie evidence that the signature is genuine and that the  
13 individual holds the designated title.

14 (c) The signature and title of a notarial officer described in paragraph (a) or (b) of  
15 this subsection conclusively establish the authority of the officer to perform  
16 the notarial act.

17 (2) **(a) A notarial act performed in another state has the same effect under the law**  
18 **of this state if the act performed is:**

19 **1. By a notary public of this state; and**

20 **2. In a civil action or legal proceeding originating in this state.**

21 **(b) The signature and title of an individual performing a notarial act in another**  
22 **state are prima facie evidence that the signature is genuine and that the**  
23 **individual holds the designated title.**

24 **(c) The signature and title of a notarial officer described in paragraph (a) or**  
25 **(b) of this subsection shall conclusively establish the authority of the officer**  
26 **to perform the notarial act.**

27 **(3)** (a) A notarial act performed under the authority and in the jurisdiction of a

1           federally recognized Indian tribe has the same effect as if performed by a  
2           notarial officer of this state, if the act performed in the jurisdiction of the tribe  
3           is performed by:

- 4           1.    A notary public of the tribe;
- 5           2.    A judge, clerk, or deputy clerk of a court of the tribe; or
- 6           3.    Any other individual authorized by the law of the tribe to perform the  
7           notarial act.

8           (b) The signature and title of an individual performing a notarial act under the  
9           authority and in the jurisdiction of a federally recognized Indian tribe are  
10          prima facie evidence that the signature is genuine and that the individual holds  
11          the designated title.

12          (c) The signature and title of a notarial officer described in paragraph (a) or (b) of  
13          this subsection conclusively establish the authority of the notarial officer to  
14          perform the notarial act.

15          ~~(4)~~~~(3)~~ (a) A notarial act performed under the authority of federal law has the same  
16          effect under the law of this state as if performed by a notarial officer of this  
17          state, if the act performed under federal law is performed by:

- 18          1.    A judge, clerk, or deputy clerk of a court;
- 19          2.    An individual in military service or performing duties under the  
20          authority of military service who is authorized to perform notarial acts  
21          under federal law;
- 22          3.    An individual designated a notarizing officer by the United States  
23          Department of State for performing notarial acts overseas; or
- 24          4.    Any other individual authorized by federal law to perform the notarial  
25          act.

26          (b) The signature and title of an individual acting under federal authority and  
27          performing a notarial act are prima facie evidence that the signature is genuine

1                   and that the individual holds the designated title.

2           (c) The signature and title of an officer described in paragraph (a) or (b) of this  
3           subsection conclusively establish the authority of the officer to perform the  
4           notarial act.