

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.