

HB 2713 – KLTA Requested Amendments
Changes for the Senate Judiciary Committee

Page 2, Line 9. §2(h) Add: “, including an official notary seal.”

(h) "Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record, including an official notary seal.

Page 4, Line 22. §8(b) – Add: “or by federal law.”

(b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by the law of this state *or by federal law*.

Page 5, Lines 1-25. §11 – Strike the entire section (except effective date) and replace with the original RULONA §11 language (+ the section effective date language).

~~New Sec. 11. (a) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state if:~~

- ~~(1) The act performed in that state is performed by:~~
 - ~~(A) A notary public of that state;~~
 - ~~(B) a judge, clerk or deputy clerk of a court of that state; or~~
 - ~~(C) any other individual authorized by the laws of that state to perform the notarial act;~~
 - ~~(2) the laws of the state that has commissioned the notary public require the notary public to be present in that state while performing the notarial act; and~~
 - ~~(3) in the case of a notarial act where a physical presence requirement between the notary public and the individual is satisfied by the use of audio and video communication technology between the notary public and a remotely located individual, the laws of the state that has commissioned the notary public require the notary public to ascertain the identity of the remotely located individual by:~~
 - ~~(A) Personal knowledge of the identity of the individual; or~~
 - ~~(B) obtaining satisfactory evidence of the identity of the remotely located individual by a review of personal information from two different public or private data sources;~~
 - ~~(b) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.~~
- ~~(a) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:~~
 - ~~(1) a notary public of that state;~~
 - ~~(2) a judge, clerk, or deputy clerk of a court of that state; or~~
 - ~~(3) any other individual authorized by the law of that state to perform the notarial act.~~



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

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the officer to perform the notarial act.

(ed) This section shall take effect on and after January 1, 2022.

Page 9, Line 20. §16(b) – Delete reference to (a)(5) in Line 20. NOTE – we are keeping the reference to (a)(5) in Line 24.

(b) If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsections (a)(2), (a)(3), ~~and (a)(4) and (a)(5)~~, an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsections (a)(2), (a)(3), (a)(4) and (a)(5), an official stamp may be attached to or logically associated with the certificate.

Page 11, Line 3. §20(b) – Edit Journal Requirements

(b) A journal shall be created on a tangible medium or in an electronic format. A notary public shall maintain a *only one journal in a tangible medium or one or more journals in an electronic format* to chronicle all notarial acts performed regarding electronic records. If the journal is maintained on a tangible medium, it shall be a permanent, bound register with numbered pages. If the journal is maintained in an electronic format, it shall be in a permanent, tamper-evident electronic format complying with the rules and regulations of the secretary of state.

Page 17, Line 12. §26(a) – Update/correct cross reference to appropriate section. Strike 4(b) and replace with 25(b)

(a) Except as otherwise provided in section 425(b), and amendments thereto, the failure of a notarial officer to perform a duty or meet a requirement specified in this act does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this act does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on state or federal law. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

Add the RULONA notarial short form into the bill to be placed in statute. (NOTE: this is Sec. 16 in the RULONA for placement purposes). See:
<https://www.uniformlaws.org/viewdocument/final-act-no-comments-86?CommunityKey=8acec8a5-123b-4724-b131-e5ca8cc6323e&tab=librarydocuments>

[NEW SECTION #???] The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsections (a) and (b) of section 16, and amendments thereto:

(a) For an acknowledgment in an individual capacity:

State of _____
(County) of _____
This record was acknowledged before me on ____ (date) ____ by ____ [name(s)] of individual(s)] ____.

(Signature of notarial officer)
(Stamp)

Title of office
[My commission expires: _____]

(b) For an acknowledgment in a representative capacity:

State of _____
(County) of _____
This record was acknowledged before me on ____ (date) ____ by ____ [name(s)] of individual(s)] ____ as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom record was executed).

(Signature of notarial officer)
(Stamp)

Title of office
[My commission expires: _____]

(c) For a verification on oath or affirmation:

State of _____
(County) of _____
Signed and sworn to (or affirmed) before me on ____ (date) ____ by ____ [name(s)] of individual(s) making statement] ____.

(Signature of notarial officer)
(Stamp)

Title of office

_____] *My commission expires:* _____]

(d) *For witnessing or attesting a signature:*

State of _____
(County) of _____

Signed (or attested) before me on _____ (date) _____ by _____ [name(s) of individual(s)] _____.

_____] *(Signature of notarial officer)*

(Stamp)

_____] *Title of office*

_____] *My commission expires:* _____]

(e) *For certifying a copy of a record:*

State of _____

(County) of _____

I certify that this is a true and correct copy of a record in the possession of _____.

Dated: _____

_____] *(Signature of notarial officer)*

(Stamp)

_____] *Title of office*

_____] *My commission expires:* _____]

(f) *For a power of attorney in a representative capacity:*

State of _____

(County) of _____

This record was (acknowledged) (signed and sworn to) (affirmed) (signed) (attested) before me on _____ (date) by _____ [name(s) of designee(s)] _____ as (attorney-in-fact) of (name of party on behalf of whom instrument was executed).

_____] *(Signature of notarial officer)*

(Stamp)

_____] *Title of office*

_____] *My commission expires:* _____]