

Points About the updated Notary Law that go into effect 1/1/2022.

- Secretary of State should update the existing rules and regulations before the effective date.
- Bond increases from \$7500 to \$12,000.
- Separate Notary commissions for Ron and Electronic Notary may require courses, exams, and fees.
- Allows for using communication technology for a remotely located individual (RON)
- Notarial act performed under authority of a federally recognized Indian tribe has the same effect as a notary officer of Kansas.
- Register of Deeds may accept recording a tangible copy of a electronic record that the notary certifies the tangible copy of an electronic record is an accurate copy of the electronic copy. (papering out).
- The law sets out documentation that can be used to verify the identity of the signer of a document to specifically include a driver's license and passport, but also permits a government-issued nondriver identification card or another form of government identification. Identification can be accepted if it is expired, but the expiration is not more than three years prior to the notarial act. We recommend to verify with a second type of photo ID if the driver's license has expired.
- **Journal**
 - Requiring a Journal for all types of notary Acts.
 - Can be created in tangible medium (Bounded Book) or electronic format.
 - A notary must notify the Secretary of State, if the Journal is lost or stolen
 - Only one journal at a time in a tangible medium or one or more in an electronic format.
 - Retain for 10 years.
 - What goes into the Journal.
 - 1) The date and time of the notary act
 - 2) A description of the record, if any, and the type of notarial act.
 - 3) The full name and address of each individual for whom the notarial act is performed.
 - 4) If identity of the individual is based on personal knowledge, a statement to that effect.
 - 5) If the individual is identified based on an identification credential, such as a driver's license, or identified by a credible witness, a brief description of the method of identification and, if an identification credential is used, the date of issuance and expiration date of the credential.
 - 6) The fee, if any, charged by the notary public

- The law establishes criteria for when a notary may refuse to perform a notarial act. A notary may refuse to perform a notarization if the notary is not satisfied that the: Individual executing the record is competent or has the capacity to execute the record, Individual's signature is knowingly and voluntarily made, a notary may refuse to perform a notarial act unless refusal is prohibited by state or federal law.
- Kansas notaries may provide remote online notarizations (RON). RON allows a notary and a remotely located individual with an electronic document to be notarized to communicate using audio-visual technology to satisfy the personal appearance requirement, eliminating the need for the signer to be in the physical presence of the notary at the time the document is notarized. A Kansas notary is not required to provide remote online notarizations. A notary shall not perform a notarization for a remotely located individual if the notary is not physically located in Kansas at the time of the notarization.
- Requirements from the SOS website for RON:

1) Select a RON Provider

A notary will choose a RON technology provider(s) who will provide the RON platform the notary will use to perform remote online notarizations. Platforms are Internet-based and enable the notary and remotely located individual to use audio-video communication to meet the physical presence requirement.

The platform will enable identity verification of the remotely located individual, provide the audio-visual technology for the notary and individual to see and hear each other during the notary session, enable the individual to electronically sign the document and the notary to notarize the document, and enable the notary to record the notarial act in an electronic journal. Many RON platform providers offer training to notaries on how to successfully use their platform.

Notaries are required to obtain a digital certificate that verifies the notary's identity and, once a document is notarized, makes the document tamper evident. RON platform providers may provide a digital certificate or may provide direction about how to obtain one.

A notary is not required to use a specific RON provider. A notary may choose one or more providers that best meet their needs. RON providers will be required to provide assurance to the notary that the technology the provider uses meets the standards established in regulation.

Generally, the only technology a notary and the individual will need to participate in a RON is an internet connection sufficient for the notary and individual to see and hear each other and to connect to the RON platform.

2) Complete notary training and pass a test.

Before performing a RON, a notary is required to complete training and pass a test. Training and testing are provided at no cost by the Secretary of State's office. Training is online and available on the Secretary of State's website. A notary will be able to complete the training and test at their convenience. A certificate will generate upon successful completion of the test that the notary must submit as part of their registration with the Secretary of State to provide RON.

3) Notify the Secretary of State that the notary intends to perform RONs

Prior to performing RON, a notary is required to notify the Secretary of State of the technology the notary intends to use. The form to provide this notice and application is now on the SOS website. Must complete the training and exam before completing the application. A notary's RON registration runs concurrent with the notary's four-year commission.