

2023 Kansas Statutes

53-5a21. Notification regarding performance of notarial act on electronic record; selection of technology; acceptance of tangible copy of electronic record. (a) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records, identify the technology the notary public intends to use and provide evidence of completion of the course of study and passing of the examination required by K.S.A. 2023 Supp. 53-5a23, and amendments thereto. If the secretary of state has established standards in rules and regulations for approval of technology pursuant to K.S.A. 2023 Supp. 53-5a27, and amendments thereto, the technology shall conform to such standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology. A notary public notifying the secretary of state pursuant to this section shall pay an information and services fee in an amount determined by the secretary of state adopted in rules and regulations, not to exceed \$25. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund.

(c) A register of deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

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

History: L. 2021, ch. 64, § 21; July 1.