



**COMMONWEALTH OF KENTUCKY**  
**ALISON LUNDERGAN GRIMES**  
**SECRETARY OF STATE**

# **NOTARY PUBLIC HANDBOOK**

REVISED JUNE 2017

# TABLE OF CONTENTS

Application for the Appointment to the Office of Notary Public-State at Large .....	1
Instructions for Application - Appointment to the Office of Notary Public-State at Large.....	2
Answers to Common Questions about Notary Public-State at Large .....	3
Application for the Appointment to the Office of Notary Public-Special Commission .....	6
Instructions for Application - Appointment to the Office of Notary Public-Special Commission .....	7
Answers to Common Questions about Notary Public-Special Commission .....	8
Kentucky Revised Statutes Chapter 423 Regarding Notaries.....	9
Kentucky Revised Statutes Chapter 62 Regarding Oaths, Bonds and Penalties.....	13

**PLEASE NOTE: As Kentucky laws and procedures are changed, updates will be made in this booklet. You may wish to periodically check with the Office of the Secretary of State to request a copy of any revisions. This booklet is intended as an introductory guide to the Office of Notary Public in Kentucky. It is based on the Kentucky Revised Statutes in effect at the time of publication. This booklet is not a replacement for the statutes or legal advice. No representation or warranty is given or implied as to this booklet's accuracy or completeness.**



**FEE: \$10.00**

**COMMONWEALTH OF KENTUCKY  
ALISON LUNDERGAN GRIMES, SECRETARY OF STATE**

**Division of Corporations  
Notary Commissions**  
PO Box 821  
Frankfort, KY 40602  
(502) 564-3490  
www.sos.ky.gov

**Notary Public State at Large  
Application for Appointment or Reappointment**

Pursuant to the provision of KRS 423.010, the undersigned applies to the Office of the Secretary of State to be appointed by the Governor of Kentucky to the Office of Notary Public-State at Large. For this purpose the undersigned applicant makes the following statements:

1. Name of applicant: \_\_\_\_\_  
(Please print or type name as it is to appear on your commission certificate.)
2. Date of birth: \_\_\_\_\_ 3. Daytime phone number \_\_\_\_\_  
(month-day-year) (Include area code)
4. Home address of applicant where notification will be mailed: \_\_\_\_\_  
\_\_\_\_\_
5. County of Commission (County specified for 5a of 5b must match the county of the official signature below on the "Certificate of Approval")
  - a. Kentucky County of Residence: \_\_\_\_\_  
or
  - b. Kentucky County where the applicant's principal place of employment is located \_\_\_\_\_
6. Application is being made for:  new appointment  
 reappointment (my commission expires on: Month \_\_\_\_ Day \_\_\_\_ Year \_\_\_\_.) (Please do not send your application for reappointment earlier than four (4) weeks before your current commission is to expire.)
7.  Check the box if you wish to have your mailing address published on the notary website.

**CERTIFICATE OF APPROVAL**

(Must be completed by a county official BEFORE mailing to the Secretary of State Notary Commissions)

The undersigned, an official authorized by statute to approve this application, states that the applicant herein is over eighteen (18) years of age, if a Kentucky resident, is a resident of or principally employed in the above-named county, or if not a Kentucky resident, but is employed in Kentucky, is principally employed in the above named county, is of good moral character, and is capable of discharging the duties imposed by law upon the Office of Notary Public of the Commonwealth of Kentucky. NOW, THEREFORE, by virtue of the foregoing statements I have made and the authority granted to me by statute, my approval to the foregoing application is hereby granted.

Name of Official: \_\_\_\_\_

(Please Print or Type)  
Signature of Official: \_\_\_\_\_

Official's Title: \_\_\_\_\_ Official's County \_\_\_\_\_  
(Please Print or Type) (Please Print or Type)

**Please Note: The Certificate of Approval must be signed by one of the following officials: Circuit Judge, Circuit Clerk, County Judge/Executive, County Clerk, Justice of the Peace (Magistrate) or Member of the General Assembly of the county of residence of the applicant or in the county in which the applicant's principal place of employment is located. (Official signature must match county listed on line 5.)**

Email Address (to receive future notary reminders): \_\_\_\_\_

**Signature of Applicant:** \_\_\_\_\_

**NOTARY APPLICATION FOR NEW APPOINTMENT OR REAPPOINTMENT  
INSTRUCTIONS BY LINE**

- Line 1            Print or type name as it is to appear on the Certificate of Appointment, it must match your signature & bond
- Line 2            Date of birth including year
- Line 3            Daytime phone number
- Line 4            Home address where your written notice of appointment will be mailed, check box to add address to the notary website
- Line 5            County of Commission - If a Kentucky resident, this is the county where the applicant resides OR is principally employed. For an applicant who is not a Kentucky resident, but is employed in Kentucky, this is the county in which he or she is principally employed. (The county on this line should match the county of the official signature at the bottom on the "Certificate of Approval".)
- Line 6            Check new appointment or reappointment – if reappointment, list current expiration date. If previously a notary public and your commission has expired, please check new appointment. Please do not send reappointments in earlier than four (4) weeks before your current notary will expire.
- Line 7            Check this box if you would like your address to be published on the notary website.

**Certificate of Approval** must be signed by one of the listed officials BEFORE mailing to Notary Commissions – the county of the official signature should match the county listed on line 5

Print or type email address to receive future notary reminders such as renewal notices & notice to process bond

**Signature of applicant** – the application is not complete until signed and matches name listed on line 1

Mail completed application along with the fee of **\$10** (payable to the **Kentucky State Treasurer**) to:

**Notary Commissions  
PO Box 821  
Frankfort, KY 40602-0821**

After the application has been processed by the Secretary of State, your Certificate of Appointment will be sent to the county clerk in the county of commission as designated in line 5. At the same time the Secretary of State sends the Certificate of Appointment to the county clerk, a written notice will be sent to the applicant stating the Certificate of Appointment can be obtained from the county clerk's office. You will have **thirty (30) days** to go to the county clerk's office to obtain your Certificate of Appointment and

- (1)     **Post Bond;**
- (2)     **Take the Oath of Office;**
- (3)     **File and record your commission in the office of the county clerk.**

For specific information regarding the bonding and oath process, you should make direct contact with your county clerk. Failure to post bond and take the oath within **thirty (30) days** will cause your commission to become void. This will necessitate the submission of a new application and fee to become a commissioned notary.

# ANSWERS TO COMMON QUESTIONS

## NOTARY PUBLIC-STATE AT LARGE

### 1. What are the qualifications for a notary public?

A notary public must be eighteen (18) years of age, a resident of the county from which he/she makes application or be principally employed in the county from which he/she makes the application, of good moral character and capable of discharging the duties imposed upon him/her by law.

### 2. For what period of time is a notary issued?

A notary public's term of office is four years.

### 3. What is the fee for becoming a notary?

The fee is \$10, and all checks should be made payable to the Kentucky State Treasurer. Applicants should send the fee along with their application to:

Office of the Secretary of State  
Notary Division  
PO Box 821  
Frankfort, KY 40601

### 4. What happens after an applicant sends in the application and fee?

If the Office of the Secretary of State approves the application and makes the appointment, the certificate of appointment will be sent to the county clerk of the applicant's residence or the county from which he/she makes application as indicated on the application. Simultaneously, a letter notifying the applicant of appointment will be sent to his/her home address. **Within (30) days of receiving this letter**, the applicant must go the county clerk's office and (1) take the oath of office, (2) post bond, and (3) file and record the appointment.

### 5. What happens if the applicant forgets to take the oath and file the bond within the 30-day period?

If the applicant fails to take the oath of office and post bond within the 30-day filing period or a reasonable time thereafter, the applicant's office becomes vacant. If the applicant still wishes to be appointed a notary, he/she will have to send another completed application and pay another \$10 fee to the Office of the Secretary of State.

### 6. What are the bond requirements?

Bond requirements vary by county. Please contact the county clerk for specific information.

### 7. What is the procedure for cancellation of a notary bond?

This situation is not specifically addressed in the statutes, but suggested courses of action could include:

1. The surety could contact the notary stating that he/she no longer wishes to serve as surety and ask the notary to voluntarily obtain another surety. A subsequent posting and recording of the bond at the county clerk's office would then be required.
2. If the notary does not voluntarily obtain another surety, the surety could petition the district court to issue an order removing the surety from the notary's bond. This order of removal could then be filed with the county clerk.

### 8. If there has been a name change since the issuance of the notary certificate, what name should be used when notarizing documents?

The name as it appears on the notary's certificate should be used. The new name may be put in parenthesis, if desired.

### 9. What is a notary authorized to do?

A notary public can administer oaths and take proof of execution and acknowledgments of instruments.

### 10. What is an acknowledgement?

An acknowledgment is a verification that the person whose signature appears on the document is the person who appears before the notary and whose identity the notary took reasonable steps to verify.

### 11. Can a notary acknowledge a signature that was placed on a document before it was brought to the notary for notarization?

Yes. The notary must verify that the signature on the document matches the signature on the identification which the signer presented to the notary and to the signature of the signer in the notary's journal.

## **12. What is a jurat?**

A jurat is a signature made under oath. In this instance, the notary must watch the signer sign the document.

## **13. What is the difference between a jurat and an acknowledgment?**

A jurat authenticates a signature made under oath or affirmation. A jurat proves that the signer personally appeared before the notary; the signer was positively identified by the notary; the notary placed the signer under oath; and the notary watched the signature being made.

In a jurat, the notary **does** have to see the signer sign the document and the notary must place the signer under oath before the signer signs the document.

An acknowledgment authenticates a signature. An acknowledgment proves that the signer personally appeared before a notary; the notary identified the signer; and the signature on the document matches the signature on the identification which the signer presented to the notary and to the signature in the notary's journal.

For an acknowledgment, the notary only has to verify the signature on the document is that of the signer. The notary **does not** have to watch the signature being made.

## **14. How does a notary acknowledge a document?**

A notary first identifies the signer to be the person whose name is signed to the document. The identification can be made through personal knowledge or through appropriate credentials such as a driver's license. The notary completes the certificate of acknowledgment by writing or typing on the document the appropriate "acknowledged before me" phrase and signing his or her name and commission expiration date underneath. Documents will often have the acknowledgment phrase pre-printed on them, in which case the notary merely fills in the blanks.

## **15. What types of oaths are a Kentucky notary authorized to administer?**

A Kentucky notary public is empowered to administer most types of oath. These fall into two categories: (1) **oaths of office** and (2) **oaths of testimony**.

State law sets forth the form of the oath of office for most public officials. Some oaths of office must be administered by a specific official other than a notary.

The oath of testimony is used to swear a person to the truthfulness of his/her statement (written or oral). The oath is familiar: "Do you solemnly swear to tell (or write) the truth, the whole truth and nothing but the truth, so help you God?" or "Do you swear or affirm to tell (or write) the truth, the whole truth and nothing but the truth?" Depositions, affidavits, hearings and government documents are common occasions for the use of the oath of testimony.

## **16. Can a notary notarize something for himself/herself?**

No. Though self-notarization is not specifically prohibited by statute, the practice would defeat the entire purpose of a certificate of acknowledgment, which is to obtain independent, reliable confirmation of the act of signing a document.

## **17. Can a notary notarize documents for his/her family?**

There is no specific prohibition against notarizing for a family member. A notary should probably avoid the practice, however, to avoid any possible challenges based upon allegation of bias, conflict of interest, or other impropriety.

## **18. Can a notary notarize a document in which he/she has financial interest?**

This is not specifically prohibited, but is definitely a bad practice. By notarizing a document in which a notary has a financial interest, a notary is simply increasing the chances that the document, and the underlying transaction, might be challenged. Therefore, the practice should be avoided.

## **19. Can a Notary Public-State at Large perform notarial acts anywhere in the United States?**

No. Notarial acts must be performed within the state's borders, except when the notary has received a Special Commission.

## **20. Is the use of a seal necessary?**

Kentucky notary statutes, Kentucky Revised Statutes 423.010 - 423.990, do not require the notary to use a seal. Notarizations in Kentucky are regularly performed without a stamp or seal. However, if a notary wishes to obtain a seal of office, it should contain name and a notary public title such as "Notary Public-State at Large" or "Notary Public-Special Commission."

It should be noted that some states require a seal or stamp; therefore, if you are notarizing a deed or other document which is to be recorded or used out of state, there is a possibility a seal or stamp is required.

**21. Is a notary record or journal required?**

Although many states require a journal by law, Kentucky does not. However, it is advisable to keep a record book of official acts because a journal provides documentation of the notary's personal knowledge of performance of the notarization.

**22. What physical characteristics should a journal have?**

The journal should be bound with pre-numbered pages to deter unauthorized removal of pages. There should be entry space to record all pertinent information. The journal should be completed before the notarization.

**23. What information should be recorded in a journal?**

- A. The document signer's signature
- B. Date and time of the notarization
- C. Date of the document
- D. Type of notarization performed and type of document notarized
- E. Document signer's address
- F. Statement on how the notary verified the signer's identity
- G. The fee, if any, charged for the notarial act
- H. Special comments about the transaction

**24. What features of an ID or papers should a notary examine when verifying identification?**

A notary should examine the ID for three features:

- 1. A photo of the bearer; and
- 2. Accurate physical description of the bearer; and
- 3. Signature of the bearer

**25. Can fees be charged for notarizations?**

Yes. Notary Public's may set their own fees per KRS 64.300. Further, the law prohibits notaries from charging for jurats related to benefits for military veterans and their families.

**26. Can a notary be liable for notarial misconduct?**

A notary is liable for all damages sustained as a result of the notary's errors, omissions, neglect, improper performance of duty, or misconduct in performing a duty. The notary not only is liable for civil damages as a result of misconduct, but is also liable to criminal prosecution if he or she signs a false or fraudulent certificate.

**27. Can the date of a notarization be different from the actual date the notarization was made?**

No. The date of the notarization should always be the date the notarization was made, which should be the day the signer actually appeared in person for the notarial act. A notary should not backdate notarizations.

If a notary is signing a certificate of acknowledgment, the document's date of signing does not have to match the certificate date. The document could have been signed several months earlier.

If a notary is signing a jurat, the document's date must always be the same date as the date of the notarization, since the affiant must always sign the document in the notary's presence.



**FEE: \$10.00**

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**Division of Corporations  
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PO Box 821  
Frankfort, KY 40602  
(502) 564-3490  
www.sos.ky.gov

**Notary Public - Special Commission  
Application for Appointment**

Pursuant to the provision of KRS 423.110(6), the undersigned applies to the Office of the Secretary of State to be appointed by the Governor of Kentucky to the Office of Notary Public-Special Commission. For this purpose the undersigned applicant makes the following statements:

- 1. Name of applicant \_\_\_\_\_  
(Please print or type name as it is to appear on your commission certificate.)
- 2. Date of birth: \_\_\_\_\_ 3. Daytime phone number: \_\_\_\_\_  
(month-day-year) (Include area code)
- 4. Home address of applicant where notification will be mailed \_\_\_\_\_
- 5.  Check the box if you wish to have your mailing address published on the notary website.

**CERTIFICATE OF APPROVAL**

(Must be completed by a county official BEFORE mailing to the Secretary of State Notary Commissions)

The undersigned, an official authorized by statute to approve this application, states that the applicant herein is over eighteen (18) years of age, if a Kentucky resident, is a resident of or principally employed in the above-named county, or if not a Kentucky resident, but is employed in Kentucky, is principally employed in the above named county, is of good moral character, and is capable of discharging the duties imposed by law upon the Office of Notary Public of the Commonwealth of Kentucky. NOW, THEREFORE, by virtue of the foregoing statements I have made and the authority granted to me by statute, my approval to the foregoing application is hereby granted.

Name of Official: \_\_\_\_\_  
(Please Print or Type)

Signature of Official: \_\_\_\_\_

Official's Title: \_\_\_\_\_ Official's County \_\_\_\_\_  
(Please Print or Type) (Please Print or Type)

**Please Note: The Certificate of Approval must be signed by one of the following officials: Circuit Judge, Circuit Clerk, County Judge/Executive, County Clerk, Justice of the Peace (Magistrate) or Member of the General Assembly of the county of residence of the applicant or in the county in which the applicant's principal place of employment is located. (Official signature must match county listed on line 5.)**

Email Address (to receive future notary reminders): \_\_\_\_\_

**Signature of Applicant:**

\_\_\_\_\_  
(Signature of Applicant must match the name as it appears on line 1)



**SPECIAL COMMISSION NOTARY PUBLIC APPLICATION FOR APPOINTMENT  
INSTRUCTIONS BY LINE**

- Line 1            Print or type name as it is to appear on the Certificate of Appointment, it must match your signature.
- Line 2            Date of birth including year.
- Line 3            Daytime phone number.
- Line 4            Home address where your Oath of Office & Certificate of Appointment will be mailed.
- Line 5            Check this box if you would like your address to be published on the notary website.

**Certificate of Approval** must be signed by one of the listed officials BEFORE mailing to Notary Commissions – the county of the official signature should match the county listed on line 5.

Print or type email address to receive future notary reminders such as renewal notices.

**Signature of applicant** – the application is not complete until signed and matches name listed on line 1.

Please mail application along with the fee of \$10 to:

Notary Commissions  
PO Box 821  
Frankfort, Kentucky 40602-0821

- You are applying for appointment to the office of Notary Public - Special Commission. A Notary Public - Special Commission is a resident or nonresident of Kentucky, who is appointed by the Governor of Kentucky to perform notarial acts in or outside this state covering writings prepared for recordation in this state. KRS 423.110(6). ***Notaries receiving the appointment to this office are specifically limited to the acts described in this paragraph.***
  
- After the application has been filed and approved by the Secretary of State, you will receive a Notice of Appointment. Attached to the Notice of Appointment will be a printed Oath of Office. Pursuant to KRS 62.010, you must take the Oath of Office within thirty (30) days after you receive your Notice of Appointment. ***After the oath has been administered, the written Oath of Office must be returned to the Secretary of State within thirty (30) days from the date of your Notice of Appointment letter.*** Upon receipt by the Secretary of State of the Oath of Office, the Governor, through the Secretary of State, will issue to the applicant the Commission to Office. Failure to return the Oath of Office will cause your commission to become void. This will necessitate the submission of a new application and fee to become a commissioned notary.

# **ANSWERS TO COMMON QUESTIONS NOTARY PUBLIC-SPECIAL COMMISSION**

## **1. What is a Notary Public-Special Commission?**

A Notary Public - Special Commission is a resident or nonresident of Kentucky who is appointed by the Governor of Kentucky to perform notarial acts inside or outside this state, covering documents to be recorded in this state.

## **2. Is a Notary Public-Special Commission authorized to perform the same acts as a regular notary?**

No. The appointment to the office of Notary Public-Special Commission is separate from the State at Large appointment. Notaries Public-Special Commission are specifically limited to the acts described in Question #1 above.

## **3. What is the process for becoming a Notary Public-Special Commission?**

An application for appointment can be obtained from the Office of the Secretary of State or county clerk. The completed application must be signed by a circuit judge, circuit clerk, county judge/executive, county clerk, justice of the peace (magistrate) or member of the General Assembly of the county of residence of the applicant, if a Kentucky resident. Non-residents may choose the county of application.

After the application has been filed with and approved by the Office of the Secretary of State, the applicant will receive a Notice of Appointment. Attached to the Notice of Appointment will be a printed Oath of Office. Pursuant to KRS 62.010, the applicant must take the Oath of Office within thirty (30) days after he/she receives the Notice of Appointment. After the Oath has been administered, the written Oath of Office must be returned to the Office of the Secretary of State within thirty (30) days from the date of the Notice of Appointment letter. Upon receipt by the Office of the Secretary of State of the Oath of Office, the Governor, through the Secretary of State, will issue the Commission to Office to the applicant.

## **4. Who can administer this Oath of Office?**

The official oath may be administered by any judge, or any county judge/executive, notary public, clerk of court or justice of the peace (magistrate), within your district or county.

## **5. What are the qualifications for a Notary Public-Special Commission?**

A Notary Public-Special Commission must be eighteen (18) years of age; if a Kentucky resident, the applicant must be a resident of the county from which he/she makes application; of good moral character; and capable of discharging duties imposed upon him/her by law.

## **6. For what period of time is a Notary Public-Special Commission issued?**

Notaries Public-Special Commission are appointed to office for a term of four (4) years.

## **7. What is the fee for becoming a Notary Public-Special Commission?**

The fee is \$10, and all checks should be made payable to the Kentucky State Treasurer. Applicants should send the fee along with their application to:

Office of the Secretary of State  
Notary Division  
PO Box 821  
Frankfort, KY 40601

## **8. Is posting of bond necessary for Notary Public-Special Commission?**

The posting of bond is not required for a Notary Public-Special Commission. However, the Oath of Office is required.

## **9. Can a person be both a Notary Public-Special Commission and a Notary Public-State at Large?**

A person may be appointed both a Notary Public-Special Commission and a Notary Public-State at Large. Two different applications must be submitted; two different filing fees are required.

## UNOFFICIAL TEXT OF STATUTES

### CHAPTER 423: NOTARIES PUBLIC AND COMMISSIONERS OF FOREIGN DEEDS

This printing of a portion of the Kentucky Revised Statutes does not constitute an official version of these statutes and is provided for informational purposes only. For the official text of statutes and for current supplementation, the user should consult an official edition of the Kentucky Revised Statutes.

#### **423.010 Appointment, term, and qualifications of notaries -- County clerk has powers of notary when acting in capacity as clerk.**

- (1) The Secretary of State may appoint as many notaries public as he or she deems necessary, who shall hold office for four (4) years. Any resident of the Commonwealth of Kentucky desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the Circuit Judge, circuit clerk, county judge/executive, county clerk, justice of the peace, or a member of the General Assembly of the county of the residence of the applicant or in the county in which the applicant's principal place of employment is located. A person who is not a resident of Kentucky but who is employed in Kentucky may become a notary public by making an application to the Secretary of State which has been approved by an officer specified in this section from the county in which the applicant is principally employed in Kentucky. No officer shall charge or accept any fee for approving the application. A notary public shall be eighteen (18) years of age, a resident of the county from which he or she makes his or her application or be principally employed in the county from which he or she makes his or her application, of good moral character, and capable of discharging the duties imposed upon him or her by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his or her certificate of appointment to the applicant, shall designate the limits within which the notary is to act. Before a notary acts, he or she shall take an oath before any person authorized to administer an oath as set forth in KRS 62.020 that he or she will honestly and diligently discharge the duties of his or her office. He or she shall in the same court give an obligation with good security, which shall be proven by a notarized statement from, and not the personal appearance of, the person providing the security, for the proper discharge of the duties of his or her office. Every certificate of a notary public shall state the date of the expiration of his or her commission. The Secretary of State shall give to each notary appointed a certificate of his or her appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to the notary by the Governor of Kentucky, and receive a fee of ten dollars (\$10) for the certificate.
- (2) A county clerk shall have the powers of a notary public in the exercise of the official functions of the office of clerk within his or her county, and the official actions of the county clerk shall not require the witness or signature of a notary appointed pursuant to subsection (1) of this section.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 186, sec. 1, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 231, sec. 1, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 486, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 204, sec. 12, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 524, effective June 17, 1978. - - Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 235, sec. 1. -- Amended 1968 Ky. Acts ch. 100, sec. 22. -- Amended 1952 Ky. Acts ch. 45, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3721.

#### **423.020 Notary may act in any county -- Certification of notary's authority.**

- (1) A notary public may exercise all the functions of his office in any county of the state, by filing in the county clerk's office in such county his written signature and a certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as a notary public, and paying a fee pursuant to KRS 64.012 to the county clerk.
- (2) The county clerk of a county in whose office any notary public has so filed his signature and certificate shall, when requested, subjoin to any certificate of proof or acknowledgment signed by the notary a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his written signature in his office, and was at the time of taking such proof or acknowledgment duly authorized to take the same; that he is well acquainted with the handwriting of the notary public and believes that the signature to such proof or acknowledgment is genuine.

**Effective:** January 1, 2007

**History:** Amended 2006 Ky. Acts ch. 255, sec. 34, effective January 1, 2007. -- Amended 1990 Ky. Acts ch. 88, secs. 85 and 93, effective July 1, 1992. -- Amended 1946 Ky. Acts ch. 162, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3721a.

**Note:** Amendment of this section by 1990 Ky. Acts ch. 88, secs. 85 and 93 became effective July 1, 1992, in compliance with 1992 Ky. Acts ch. 324, sec. 30.

#### **423.030 Protests to be recorded -- Copies as evidence.**

The notaries public shall record in a well bound and properly indexed book, kept by them for that purpose, all protests made by them for the nonacceptance or nonpayment of all bills of exchange, checks or promissory notes placed on the footing of bills of exchange, and on which a protest is required by law, or of which protest is evidence of dishonor. A copy of such protest certified by the notary public under his notarial seal is prima facie evidence in all the courts of this state.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3723.

#### **423.040 Notice of dishonor -- To whom sent.**

Notaries public shall upon protesting any instrument mentioned in KRS 423.030 give notice of the dishonor to such parties thereto as are required by law to be notified to fix their liability on such paper. When the residence of a party is unknown to the notary public, he shall send the notices to the holders of the paper, shall state in his protest the names of the parties to whom he gave notice, and the time and manner of giving the same and such statement in such protest shall be prima facie evidence that notices were given as therein stated.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3725.

#### **423.050 Records of notary to be delivered to county clerk, when.**

Upon the resignation of a notary public or the expiration of his term of office if he is not reappointed, he shall place his record book in the office of the county clerk in the county in which he was appointed, and if a notary dies, his representative shall deposit the record book with the clerk aforesaid.

**Effective:** July 1, 1992

**History:** Amended 1990 Ky. Acts ch. 88, secs. 86 and 93, effective July 1, 1992. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3724.

**Note:** Amendment of this section by 1990 Ky. Acts ch. 88, secs. 86 and 93 became effective July 1, 1992, in compliance with 1992 Ky. Acts ch. 324, sec. 30.

#### **423.060 Foreign notary -- When protest by is evidence.**

If any commercial paper is protested in any other state of the United States in which it is made payable, and by the laws of that state a notary public or other officer authorized to protest the same is required to give notice of dishonor to the parties or if the certificate of such notary or officer, or a copy thereof, stating that such notice was sent is evidence, in the courts of that state, then such protest, certificate or copy is admissible as evidence and shall have the same effect in the courts of this state as is given to such evidence in the courts of the other state.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3726.

#### **423.070 Commissioners of foreign deeds -- Appointment, term.**

The Governor may appoint and commission one (1) or more commissioners of deeds in each state of the United States for a term of two (2) years. Before entering on the duties of his office, each commissioner shall make and subscribe an affidavit, before an officer authorized to administer an oath, to well and truly execute and perform all the duties of his office. The affidavit must be filed in the office of the Secretary of State of this state.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 389.

#### **423.080 Powers of commissioners.**

Any commissioner of deeds appointed and qualified pursuant to KRS 423.070 may take the acknowledgment of proof of any instrument of writing, except wills, which instrument is required by the laws of this state to be recorded. The examination, acknowledgment or proof of any such instrument taken by a commissioner, and certified under his official seal, in the manner required by the laws of this state, shall authorize the instrument to be recorded in the proper office. A commissioner of deeds may administer any oath or take any affirmation necessary to discharge his official duties, and may take and certify depositions to be read on the trial of any action or proceeding in any of the courts of this state.

**History:** Amended 1974 Ky. Acts ch. 386, sec. 99. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 390, 391.

#### **423.110 Recognition of notarial acts performed outside this state.**

For the purposes of KRS 423.110 to 423.190, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments

of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

- (1) A notary public authorized to perform notarial acts in the place in which the act is performed;
- (2) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;
- (3) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;
- (4) A commissioned officer in active service with the Armed Forces of the United States and any other person authorized by regulation of the Armed Forces to perform notarial acts if the notarial act is performed for one (1) of the following or his dependents: a merchant seaman of the United States, a member of the Armed Forces of the United States, or any other person serving with or accompanying the Armed Forces of the United States;
- (5) Any other person authorized to perform notarial acts in the place in which the act is performed; or
- (6) A person, either a resident or a nonresident of Kentucky, who is appointed by the Governor of Kentucky to perform notarial acts in or outside this state covering writings prepared for recordation in this state.

**Effective:** July 15, 1982

**History:** Amended 1982 Ky. Acts ch. 144, sec. 1, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 65, sec. 1. -- Created 1970 Ky. Acts ch. 131, sec. 1, effective July 1, 1970.

#### **423.130 Certificate of person taking acknowledgment.**

The person taking an acknowledgment shall certify that:

- (1) The person acknowledging appeared before him and acknowledged he executed the instrument; and
- (2) The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

**Effective:** July 1, 1970

**History:** Created 1970 Ky. Acts ch. 131, sec. 3, effective July 1, 1970.

#### **423.140 Recognition of certificate of acknowledgment.**

The form of a certificate of acknowledgment used by a person whose authority is recognized under KRS 423.110 shall be accepted in this state if:

- (1) The certificate is in a form prescribed by the laws or regulations of this state;
- (2) The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or
- (3) The certificate contains the words "acknowledged before me," or their substantial equivalent.

**Effective:** July 1, 1970

**History:** 1970 Ky. Acts ch. 131, sec. 4, effective July 1, 1970.

#### **423.150 Certificate of acknowledgment.**

The words "acknowledged before me" mean:

- (1) That the person acknowledging appeared before the person taking the acknowledgment;
- (2) That he acknowledged he executed the instrument;
- (3) That, in the case of:
  - (a) A natural person, he executed the instrument for the purposes therein stated;
  - (b) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;
  - (c) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purpose therein stated;
  - (d) A person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated;
  - (e) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and
- (4) That the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

**Effective:** July 1, 1970

**History:** Created 1970 Ky. Acts ch. 131, sec. 5, effective July 1, 1970.

**423.160 Short forms of acknowledgment.**

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in his own right:

State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(2) For a corporation:

State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(3) For a partnership:

State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(4) For an individual acting as principal by an attorney-in-fact:

State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of attorney-in-fact) as attorney-in-fact on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(5) By any public officer, trustee, or personal representative:

State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

**Effective:** July 1, 1970

**History:** Created 1970 Ky. Acts ch. 131, sec. 6, effective July 1, 1970.

**423.170 Acknowledgments not affected by KRS 423.110 to 423.190.**

A notarial act performed prior to July 1, 1970, is not affected by KRS 423.110 to 423.190. KRS 423.110 to 423.190 provide an additional method of proving notarial acts. Nothing in KRS 423.110 to 423.190 diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

**Effective:** July 1, 1970

**History:** Created 1970 Ky. Acts ch. 131, sec. 7, effective July 1, 1970.

**423.180 Uniformity of interpretation.**

KRS 423.110 to 423.190 shall be so interpreted as to make uniform the laws of those states which enact it.

**Effective:** July 1, 1970

**History:** Created 1970 Ky. Acts ch. 131, sec. 8, effective July 1, 1970.

**423.190 Short title.**

KRS 423.110 to 423.190 may be cited as the "Uniform Recognition of Acknowledgments Act."

**Effective:** July 1, 1970

**History:** Created 1970 Ky. Acts ch. 131, sec. 9, effective July 1, 1970.

**423.200 Admission of documents to the public record.**

Notwithstanding any other provision of law, any certificate of an acknowledgment given and certified as provided by KRS 423.110 to 423.190 or as provided by those sections and other provisions of law, together with the instrument acknowledged, may be admitted to the public record provided for the type of instrument so acknowledged, and any instrument required to be sworn to or affirmed in order to be recorded may be admitted to record upon a jurat recognized under the provisions of KRS 423.110 to 423.190.

**Effective:** March 25, 1972

**History:** Created 1972 Ky. Acts ch. 170, sec. 1, effective March 25, 1972.

**423.990 Penalties.**

For each failure to record his protest as required by KRS 423.030, a notary public shall forfeit all his fees and shall be fined five dollars (\$5).

**Effective:** January 2, 1978

**History:** Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 427, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3727.

## OATHS, BONDS AND PENALTIES

### 62.010 Oath of office -- When to be taken.

- (1) No officer shall enter upon the duties of his office until he takes the oath required of him by law.
- (2) Each person elected to an office shall take the oath of office on or before the day the term of office to which he has been elected begins, except in years where the first Monday in January falls upon January 1. In years where the first Monday falls upon January 1, no penalty shall be applied to any officer that fails to take the oath of office, so long as the oath of office is taken within thirty (30) days of the first Monday of January.
- (3) Each person appointed to an office shall take the oath of office within thirty (30) days after he receives notice of his appointment.

**Effective:** March 21, 2007

**History:** Amended 2007 Ky. Acts ch. 56, sec. 1, effective March 21, 2007. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755.

**Legislative Research Commission Note** (3/21/2007). 2007 Ky. Acts ch. 56, sec. 4, provides that the amendments to KRS 62.010 in 2007 Ky. Acts ch. 56, sec. 1 "shall apply retroactively to any elected officer required to take the oath of office and execute bond by the first Monday of year 2007."

### 62.050 Bonds, when to be given.

- (1) Except as otherwise provided by statute, no officer required by law to give bond shall enter upon the duties of his office until he gives the bond, except in years where the first Monday in January falls upon January 1. In years where the first Monday falls upon January 1, no penalty shall be applied to any officer that fails to give bond, so long as bond is given within thirty (30) days of the first Monday of January.
- (2) Except as otherwise provided by statute, each person elected to an office who is required to give bond shall give the bond on or before the day the term of office to which he has been elected begins.
- (3) Each person appointed to an office who is required to give bond shall give the bond within thirty (30) days after he receives notice of his appointment.

**Effective:** March 21, 2007

**History:** Amended 2007 Ky. Acts ch. 56, sec. 2, effective March 21, 2007.-- Amended 1996 Ky. Acts ch. 86, sec. 9, effective July 15, 1996. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755.

**Legislative Research Commission Note** (3/21/2007). 2007 Ky. Acts ch. 56, sec. 4, provides that the amendments to KRS 62.050 in 2007 Ky. Acts ch. 56, sec. 2 "shall apply retroactively to any elected officer required to take the oath of office and execute bond by the first Monday of year 2007."

### 62.990 Penalties.

- (1) Any person who violates KRS 62.010(1) or 62.050(1) on or after the date thirty (30) days after January 27, 1995, shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).
- (2)
  - (a) If any person violates KRS 62.010(2) or (3) before January 1, 2010, his or her office shall be considered vacant.
  - (b) If any person violates KRS 62.010(2) or (3) on or after January 1, 2010, his office shall be considered vacant, and he shall not be eligible for the same office for two (2) years.
- (3) Any person convicted or removed from office under subsection (2) of this section prior to January 10, 1995, may apply to the Circuit Court for relief from the disability of being unable to serve in office. The Circuit Court, upon receipt of the application, shall modify the sentence to remove the disability of holding the office. This subsection shall not be construed to require the removal from office of a person who has been appointed to fill the remainder of the term of a person removed from office under KRS 62.050 and 62.990.

**Effective:** March 13, 2009

**History:** Amended 2009 Ky. Acts ch. 7, sec. 1, effective March 13, 2009. -- Amended 1995 (2d Extra. Sess.) Ky. Acts ch. 4, sec. 3, effective January 27, 1995, retroactive to November 1, 1991. -- Amended 1966 Ky. Acts ch. 255, sec. 66. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755. Legislative Research Commission Note (3/13/2009). The Reviser of Statutes has corrected a manifest clerical or typographical error in this statute under the authority of KRS 7.136(1)(h).

**Legislative Research Commission Note** (1/27/95; modified 8/26/97). The change in the fine for KRS 62.050 set out in subsection (1) of this statute is effective January 27, 1995, and the other changes to this statute made by 1995 (2d Extra. Sess.) Ky. Acts ch. 4, sec. 3 are retroactively effective to November 1, 1991, pursuant to 1995 (2d Extra. Sess.) ch. 4, sec. 5. (This note was modified for clarification and to correct the reference to subsection (1) of this statute.)



**64.300 Notaries public.**

No fee or compensation shall be allowed or paid for affixing the jurat of a notary public to any application, affidavit, certificate or other paper necessary to be filed in support of any claim for the benefits of federal legislation for any person or his dependents who has served as a member of the National Guard or a reserve component or as an active member of the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 46, sec. 1, effective July 15, 2016. -- Amended 1982 Ky. Acts ch. 360, sec. 13, effective July 15, 1982. -- Amended 1970 Ky. Acts ch. 89, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1746.