

Kansas Administrative Regulations

Secretary of State

Article 43.—Notaries Public

7-43-21. Notarial acts for a remotely located individual; communication technology standards.

(a) The communication technology standards for notarial acts performed for remotely located individuals shall meet the following requirements, and the provider shall submit evidence of compliance to the secretary under penalty of perjury:

(1) Provide for continuous, synchronous audiovisual feeds of sufficient video resolution and audio clarity to enable the notary public and the remotely located individual to see and speak with each other;

(2) provide a means for the notary public reasonably to confirm that the electronic record before the notary public is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature;

(3) utilize a means of authentication that reasonably ensures that only the proper parties have access to the audiovisual recording;

(4) be capable of securely creating and storing or transmitting securely to be stored the recording of the audiovisual communication;

(5) keep confidential the questions asked as part of any identity proofing quiz and the means and methods used to generate the results of the credential analysis; and

(6) provide reasonable security measures to prevent unauthorized access to the following:

(A) The live transmission of the audiovisual communication;

(B) the recording of the audiovisual communication; and

(C) the electronic records presented for electronic notarization.

(b) A notary public shall not be prohibited from receiving, installing, or using a hardware or software update to the technologies that the notary public identified in a notification form to perform notarial acts for remotely located individuals if the hardware

or software update is not materially different from the technologies that the notary public identified on the notification form to perform notarial acts for remotely located individuals. If the provider of the technology notifies the notary public that the hardware or software update is materially different, the notary public shall notify the secretary of the updated technology.

(c) All communication technology that is verified by the provider of the communication technology under penalty of perjury as meeting the requirements in this regulation shall be approved by the secretary.

(Authorized by K.S.A. 2021 Supp. 53-5a27; implementing K.S.A. 2021 Supp. 53-5a15; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022.)

***** Authenticated Kansas Administrative Regulation *****