

Kansas Administrative Regulations

Secretary of State

Article 43.—Notaries Public

7-43-18. Standards for identity verification of a remotely located individual.

(a) If a notary public does not have personal knowledge of a remotely located individual pursuant to K.S.A. 2022 Supp. 53-5a07(a) or satisfactory evidence of the identity of a remotely located individual pursuant to K.S.A. 2022 Supp. 53-5a07(b)(2) and amendments thereto, the notary public shall obtain satisfactory evidence of the identity of the remotely located individual through a multifactor authentication procedure as follows:

(1) Analyze the identification credential presented by the remotely located individual against trusted third-person data sources using a process that shall, at a minimum, meet the following requirements:

(A) Use public or private data sources to confirm the validity of the identification credential;

(B) use automated software processes to aid the notary public in verifying the identity of each remotely located individual;

(C) require that the identification credential pass an authenticity test, consistent with sound commercial practices that use appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features; confirm that the identification credential is not fraudulent or inappropriately modified; and provide the results of the authenticity test to the notary public; and

(D) use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and

(2) verify the remotely located individual's identity by requiring the individual to answer a quiz consisting of at least five questions related to the individual's personal history or identity and formulated from public or private data sources, as follows:

(A) The quiz shall meet the following requirements:

- (i) Each question shall have at least five possible answer choices;
- (ii) at least 80 percent of the questions shall be answered correctly; and
- (iii) all questions shall be answered within two minutes;

(B) if the remotely located individual fails to answer at least 80 percent of the questions correctly on the first attempt, the individual may retake the quiz one time within 24 hours. During a retake of the quiz, at least 40 percent of the prior questions shall be replaced;

(C) if the remotely located individual fails the second attempt, the individual shall not be allowed to retake the quiz with the same notary public within 24 hours of the second failed attempt; and

(D) the notary public shall not be able to see or record the questions or answers. However, the results indicating passage or failure of the quiz shall be provided to the notary public.

(3) The notary public shall compare for consistency the information and photo on the identification credential presented by the remotely located individual with the remotely located individual when viewed by the notary public in real time through communication technology. The image resolution of the communication technology being used shall be sufficient to enable visual inspection by the notary public, including legible text and the clarity of identification credential features.

(b) Any notary public may obtain satisfactory evidence of the identity of a remotely located individual by oath or affirmation of a credible witness by means of one of the following:

(1) Having personal knowledge of the identity of the credible witness by the notary public;

(2) presenting an identification credential to the notary public, as required by K.S.A. 2022 Supp. 53-5a07(b)(2) and amendments thereto, if the credible witness is in the same location as the notary public; or

(3) utilizing the multifactor authentication procedure required by this regulation for verifying the identity of a remotely located individual and visually inspecting the identification credential presented by the credible witness if the witness is not in the same location as the notary public.

(d) If a remotely located individual must exit the notarization session at any point, the notary public shall reverify the identity of the remotely located individual as required by this regulation.

(Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a15; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

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