

2023 Kansas Statutes

53-5a16. Certificate of notarial act. (a) A notarial act shall be evidenced by a certificate that shall:

- (1) Be executed contemporaneously with the performance of the notarial act;
- (2) be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the secretary of state;
- (3) identify the jurisdiction in which the notarial act is performed;
- (4) contain the title of office of the notarial officer; and
- (5) if the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's commission.

(b) If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsections (a)(2), (a)(3) and (a)(4), an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsections (a)(2), (a)(3), (a)(4) and (a)(5), an official stamp may be attached to or logically associated with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and:

- (1) Is in a short form set forth in K.S.A. 2023 Supp. 53-5a17, and amendments thereto;
- (2) is in a form otherwise permitted by the law of this state;
- (3) is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
- (4) sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in K.S.A. 2023 Supp. 53-5a05, 53-5a06 and 53-5a07, and amendments thereto, or the law of this state.

(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in K.S.A. 2023 Supp. 53-5a04, 53-5a05 and 53-5a06, and amendments thereto.

(e) A notarial officer shall not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) If a notarial act is performed regarding a tangible record, a certificate shall be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record. If the secretary of state has established standards in rules and regulations adopted pursuant to K.S.A. 2023 Supp. 53-5a27, and amendments thereto, for attaching, affixing or logically associating the certificate, the process shall conform to the standards.

(g) If a notary public willfully neglects or refuses to attach to a notarial certificate the date of expiration of the notary public's commission, as provided in subsection (a) (5), then the notary public is guilty of a class C nonperson misdemeanor.

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

History: L. 2021, ch. 64, § 16; July 1.