

2023 Kansas Statutes

53-5a27. Rules and regulations. (a) The secretary of state shall adopt rules and regulations to implement this act. Rules and regulations adopted regarding the performance of notarial acts with respect to electronic records shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules and regulations may include, but are not limited to:

- (1) Prescribing the manner of performing notarial acts regarding tangible and electronic records;
- (2) including provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;
- (3) including provisions to ensure integrity in the creation, transmittal, storage or authentication of electronic records or signatures;
- (4) prescribing the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public;
- (5) including provisions to prevent fraud or mistake in the performance of notarial acts;
- (6) establishing the process for approving and accepting surety bonds and other forms of assurance as allowed by law; and
- (7) providing for the administration of the examination and the course of study required by law.

(b) The secretary of state shall adopt rules and regulations regarding notarial acts using communication technology for a remotely located individual including, but not limited to:

- (1) Prescribing the means of performing a notarial act involving a remotely located individual using communication technology;
- (2) establishing standards for communication technology and identity proofing;
- (3) establishing requirements or procedures to approve providers of communication technology and the process of identity proofing; and
- (4) establishing standards and a period for the retention of an audio-visual recording created when performing a notarial act using communication technology for a remotely located individual.

(c) In adopting rules and regulations about notarial acts with respect to electronic records, the secretary of state shall consider, so far as is consistent with this act:

- (1) The most recent standards regarding electronic records promulgated by national bodies, such as the national association of secretaries of state; and
- (2) standards, practices and customs of other jurisdictions that substantially enact this act.

History: L. 2021, ch. 64, § 27; July 1.