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Commissioner of Education
Department of Education

Doc. No. 051714

State of Kansas

Secretary of State

Permanent Administrative Regulations

Article 43.—NOTARIES PUBLIC

7-43-7. Definitions. For purposes of this article of the secretary's regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Digital certificate" has the meaning specified for "certificate" in K.A.R. 7-41-1.

(b) "Notarial certificate" means the certificate evidencing the performance of a notarial act.

(c) "Secretary" means secretary of state.

(d) "Sole control" means being in the direct physical custody of the notary public or safeguarded by the notary public with a password or other secure means of authentication. (Authorized by and implementing K.S.A. 2022 Supp. 53-5a27; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-8. Notary public authorization with respect to notarial acts for electronic records and for remotely located individuals. (a) Any notary public at any time during the notary public's commission may notify the secretary that the notary public intends to perform notarizations of electronic records or for remotely located individuals. The notification shall be provided on forms prescribed by the secretary along with the fee specified in K.A.R. 7-43-11.

(b) Upon the notification and receipt of the required fee, an authorization reflecting the notification to perform notarial acts on electronic records or for remotely located individuals shall be provided by the secretary.

(c) The authorization to perform notarial acts on electronic records or for remotely located individuals shall be concurrent with, and shall expire on the same date as, the notary public's commission.

(d) Any notary public who is authorized to perform notarial acts on electronic records or for remotely located individuals may terminate the authorization at any time during the notary public's commission by submitting to the secretary a form prescribed by the secretary. (Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a15, 53-5a21, and 53-5a22; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-12. Renewal of notary public commission. (a) Any notary public commission may be renewed in the manner and on the form used to file an initial application for a notary commission, along with payment of the prescribed fees.

(b) Any application for renewal of a notary public commission may be submitted to the secretary no sooner than 90 days before the expiration of the notary public's commission. Upon the receipt of a completed application and approval by the secretary, a notary commission shall be issued to the applicant.

(c) After the secretary approves the notary public commission renewal, if the notary public intends to continue performing notarial acts on electronic records or for remotely located individuals, the notary public shall submit a notification and the fee pursuant to K.A.R. 7-43-11. (Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a22; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-13. Stamping device; official stamp for a tangible record. (a) Each notary public's stamping device shall be retained under the notary public's sole control. Each notary public who obtains a new stamping device for use on a tangible record shall destroy or render unusable any previous stamping device, if the previous stamping device will no longer be used. Nothing in this subsection shall be construed to prohibit a notary public from using multiple stamping devices. When replacing a stamping device that has been lost or stolen, the notary public shall use a different style of official stamp to ensure that the new official stamp looks different from the prior official stamp.

(b) In addition to the requirements of state law, each notary public's official stamp for a tangible record shall provide a space for the notary public to record the notary public's commission expiration date. (Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a18 and 53-5a19; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-14. Official stamp for an electronic record. (a) Any notary public shall affix an official stamp to a notarial certificate that is affixed to or logically associated with the electronic record.

(b) When affixed to an electronic record, the official stamp on a notarial certificate shall be clear, legible, and photographically reproducible. An official stamp shall not be required to be within a minimum or maximum size when photographically reproduced on an electronic record. Each official stamp used shall include the following:

(1) The notary public's name exactly as indicated on the notary public's commission;

(2) the words "State of Kansas" and "Notary Public";

(3) the notary public's commission number; and

(4) the date of expiration of the notary public's commission.

(c) Each notary public's stamping device shall be retained under the notary public's sole control. A notary public shall not disclose any access information used to affix the notary public's electronic signature or official stamp to electronic records, except when required by a court order or subpoena.

(d) Each notary public shall promptly notify the secretary on actual knowledge of the theft, vandalism, or unauthorized use by another person of the notary public's stamping device.

(continued)

(e) When a notary public resigns a commission or a notary public's commission is revoked, the notary public shall request the provider of the notary public's digital certificate to revoke the digital certificate and provide evidence of the revocation to the secretary. (Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a16, 53-5a18, and 53-5a19; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-15. Notary public's journal. (a) Each notary public shall retain that notary public's records of notarial acts in a journal under the notary public's sole control.

(b) Each notary public's records of notarial acts shall be capable of being produced in a tangible medium when requested. (Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a20; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-17. Short form notarial certificates; statement for notarial act for a remotely located individual. (a) The following short form notarial certificates shall be sufficient for the purposes indicated, if completed in conformance with the procedures required for a notarial act:

(1) For an acknowledgment in an individual capacity:

"State of _____
County of _____"

This record was acknowledged before me on _____ by _____
Date Name(s) of person(s)

Signature of notarial officer

[Official Stamp]

Title of office

My commission expires: _____"

(2) For an acknowledgment in a representative capacity:

"State of _____
County of _____"

This record was acknowledged before me on _____ by _____
Date Name(s) of person(s)

as [type of authority, such as officer or trustee] of [name of party on behalf of whom record was executed].

Signature of notarial officer

[Official Stamp]

Title of office

My commission expires: _____"

(3) For a verification on oath or affirmation:

"State of _____
County of _____"

Signed and sworn to (or affirmed) before me on _____ by _____
Date Name(s) of person(s)
making statement

Signature of notarial officer

[Official Stamp]

Title of office

My commission expires: _____"

(4) For witnessing or attesting a signature:

"State of _____
County of _____"

Signed (or attested) before me on _____ by _____
Date Name(s) of person(s)

Signature of notarial officer

[Official Stamp]

Title of office

My commission expires: _____"

(5) For certifying a copy of a record:

"State of _____
County of _____"

I certify that this is a true and correct copy of a record in the possession of _____. Dated _____

Signature of notarial officer

[Official Stamp]

Title of office

My commission expires: _____"

(6) For power of attorney in a representative capacity:

"State of _____
County of _____"

This instrument was signed before me on _____ by _____
Date Name(s) of designee(s)

as power of attorney of _____
name of party on behalf of whom
instrument was executed.

Signature of notarial officer

[Official Stamp]

Title of office

My commission expires: _____"

(b) When a notary public performs a notarial act for a remotely located individual, the notarial certificate shall contain a statement substantially as follows: "This notarial act involved the use of audiovisual communication technology." (Authorized by K.S.A. 2022 Supp. 53-5a17; implementing K.S.A. 2022 Supp. 53-5a15 and 53-5a17; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

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 re-verify 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.)

7-43-19. Security of records bearing a notarial certificate. (a) For each tangible record, the notary public shall affix the notarial certificate directly on the record to be notarized, except as provided in this subsection.

(b) If a notarial certificate cannot be affixed to a record to be notarized because the record lacks adequate space for a notarial certificate, the notary public shall:

(1) provide the notarial certificate on a separate page and attach the notarial certificate to the record by staple or other secure method so that the removal of the record or notarial certificate is discernible; and

(2) include in the notarial certificate a description of the record to which the notarial certificate is attached.

(c) For each electronic record, the notary public shall attach or logically associate the notary public's electronic signature by use of a digital certificate to a notarial certificate that is affixed to or logically associated with the electronic record that is the subject of a notarial act.

(d) The notary public's digital certificate shall have tamper-evident technology meeting the following requirements:

(1) Be attributed or uniquely linked to the notary public;

(2) be capable of independent verification;

(3) be retained under the notary public's sole control; and

(4) be attached to or logically associated with the electronic record to which it relates in such a manner that any subsequent change of the electronic record is detectable.

(e) A notary public shall not perform a notarial act with respect to an electronic record if the digital certificate meets any of the following conditions:

(1) Has expired;

(2) has been revoked or terminated by the issuing or registering authority;

(3) is invalid; or

(continued)

(4) is incapable of authentication. (Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a16, 53-5a18, and 53-5a27; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-20. Notarial acts for remotely located individuals. (a) Any notary public may perform notarial acts for remotely located individuals only after being authorized as a notary public and notifying the secretary that the notary public will be performing notarial acts for remotely located individuals.

(b) A notary public shall not perform a notarial act for a remotely located individual if the notary public is not physically located in Kansas at the time of the notarization.

(c) Upon performing a notarial act for a remotely located individual, the notary public shall electronically attach a notarial certificate to the document being notarized. Each notarial certificate for a notarial act for a remotely located individual shall meet the following requirements:

- (1) State the name of the remotely located individual;
- (2) provide the date the notarial act occurred;
- (3) identify the state and county in which the notarial act was performed;
- (4) include a description of the type of notarial act performed, which shall be sufficient if the description is substantially similar to a short form specified in K.A.R. 7-43-17;

(5) include a statement regarding the use of communication technology as specified in K.A.R. 7-43-17; and

(6) contain the notary public's official stamp that is attached to the record and signed by the notary public with the notary public's digital certificate.

(d) Each notary public who performs a notarial act for a remotely located individual shall maintain an audiovisual recording of all notarial acts in addition to a journal of notarial acts that contains the entries required under K.S.A. 2022 Supp. 53-5a20(c), and amendments thereto. The audiovisual recording shall include the following, at a minimum:

- (1) Confirmation by the notary public that the individual has successfully completed identity proofing and credential analysis;
- (2) visual confirmation of the identity of the individual through visual inspection of the credential used during credential analysis; and
- (3) the actual notarial act performed.

(e) Each notary public shall attach that individual's electronic signature to the notarial certificate on an electronic record in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic record tamper-evident. (Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a15, 53-5a16, and 53-5a21; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

7-43-22. Notarial acts for remotely located individuals; providers of communication technology. (a)(1) Any notary public authorized to perform notarial acts for remotely located individuals may use a provider of communication technology and identity proofing if the pro-

vider has submitted evidence under penalty of perjury to the secretary and to the notary public that the provider meets the requirements in K.A.R. 7-43-18 and 7-43-19(b), in addition to the following:

(A) Allowing the notary public sole control of the journal entry and audiovisual recording of the notarial act using audiovisual communication, subject to the authorized access granted by the notary public; and

(B) providing the notary public with access to the journal entry and audiovisual recording of the notarial act using audiovisual communication technology.

(2) The provider shall make and retain a secure backup of any audiovisual recording that is related to a notarial act for a remotely located individual.

(A) If the provider of communication technology and the provider of the backup are the same entity and the provider ceases business operations, the provider shall notify the notary public in advance of the cessation of business operations and, at the notary public's request, shall release any audiovisual recording related to a notarial act performed for a remotely located individual by the notary public.

(B) If the provider of communication technology and the provider of the backup are separate entities, the provider of communication technology shall sign an agreement with the provider of the backup that includes both of the following requirements:

(i) If the provider of communication technology or the provider of the backup ceases business operations, the entity ceasing business operations shall notify the other entity and the notary public in advance of the cessation of business operations.

(ii) At the notary public's request, the provider of the backup shall release to the notary public any audiovisual recording related to a notarial act for a remotely located individual performed by the notary public.

(b) Each provider of communication technology shall protect from unauthorized access the audiovisual recording of each notarial act and any "personal information," as defined in K.S.A. 50-7a01 and amendments thereto, disclosed during the performance of a notarial act using communication technology. The audiovisual recording shall be created in an industry-standard file format and shall not include images of any electronic record on which the remotely located individual made a statement or on which the remotely located individual executed a signature.

(c) Each notary public shall take reasonable steps to ensure that the communication technology used to perform a notarial act for a remotely located individual is secure from unauthorized interception.

(d) Any provider of communication technology may provide a hardware or software update to the technologies that the notary public identified in the 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. The provider of communication technology shall offer an assurance to the notary public that the update does not represent a material difference from the technology that the notary

public identified on the notification form provided to the secretary. If the provider of the technology notifies the notary public that the hardware or software update is materially different from the hardware or software identified on the notification form to perform notarial acts for remotely located individuals provided to the secretary, the notary public shall update the technology information with the secretary. (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.)

Scott Schwab
Secretary of State

Doc. No. 051721

State of Kansas

Department of Wildlife and Parks

Permanent Administrative Regulation

Article 2.—FEES, REGISTRATIONS
AND OTHER CHARGES

115-2-1. Amount of fees. The following fees and discounts shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

Resident hunting license (valid for one year from date of purchase)	\$25.00
Resident hunting license (valid for five years from date of purchase)	100.00
Resident senior hunting license (valid for one year from date of purchase, 65 years of age through 74 years of age)	12.50
Resident youth hunting license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year).....	40.00
Nonresident hunting license (valid for one year from date of purchase)	125.00
Nonresident junior hunting license (under 16 years of age).....	40.00
Resident big game hunting permit:	
General resident: either-sex elk permit	300.00
General resident: antlerless-only elk permit	150.00
General resident youth (under 16 years of age): either-sex elk permit.....	125.00
General resident youth (under 16 years of age): antlerless-only elk permit	50.00
Landowner/tenant: either-sex elk permit	150.00
Landowner/tenant: antlerless-only elk permit.....	75.00
Hunt-on-your-own-land: either-sex elk permit	150.00
Hunt-on-your-own-land: antlerless-only elk permit	75.00
General resident: deer permit.....	40.00
General resident youth (under 16 years of age): deer permit.....	10.00
General resident: antlerless-only deer permit.....	20.00
General resident youth (under 16 years of age): antlerless-only deer permit.....	7.50

Landowner/tenant: deer permit	20.00
Hunt-on-your-own-land: deer permit.....	20.00
Special hunt-on-your-own-land: deer permit	40.00
General resident: antelope permit.....	50.00
General resident youth (under 16 years of age): antelope permit	10.00
Landowner/tenant: antelope permit.....	25.00
Antelope preference point service charge	10.00
Any-deer preference point service charge.....	10.00
Application fee for elk permit	10.00
Wild turkey permit:	
General resident: turkey permit (1-bird limit)	25.00
General resident youth (under 16 years of age): turkey permit (1-bird limit)	5.00
Resident landowner/tenant: turkey permit (1-bird limit).....	12.50
Nonresident: fall turkey permit (1-bird limit).....	50.00
Nonresident tenant: fall turkey permit (1-bird limit).....	25.00
Nonresident: spring turkey permit (1-bird limit).....	75.00
Nonresident tenant: spring turkey permit (1-bird limit)	30.00
Nonresident youth (under 16 years of age): turkey permit (1-bird limit)	10.00
Resident: turkey preference point service charge.....	5.00
Nonresident: turkey permit application fee	10.00
Wild turkey game tag:	
Resident: turkey game tag (1-bird limit).....	15.00
Resident youth (under 16 years of age): turkey game tag (1-bird limit).....	5.00
Nonresident: turkey game tag (1-bird limit)	30.00
Nonresident youth (under 16 years of age): turkey game tag (1-bird limit).....	10.00
Spring wild turkey permit and game tag combination (2- bird limit, must be purchased before April 1 of year of use):	
General resident: turkey permit and game tag combination (2-bird limit)	35.00
General resident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit).....	10.00
Resident landowner/tenant: turkey permit and game tag combination (2-bird limit)	17.50
Nonresident: turkey permit and game tag combination (2-bird limit)	85.00
Nonresident tenant: turkey permit and game tag combination (2-bird limit).....	42.50
Nonresident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit).....	20.00
Nonresident big game hunting permit:	
Nonresident hunt-on-your-own-land: deer permit.....	85.00
Nonresident tenant: deer permit.....	85.00
Nonresident: deer permit (antlered deer).....	400.00
Nonresident youth (under 16 years of age): deer permit (antlered deer)	75.00
Nonresident: deer permit (antlerless only).....	50.00

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