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KY SB 150 ALLOWS FOR REMOTE EXECUTION OF LEGAL DOCUMENTS

In response to Social Distancing policies to thwart the spread of the coronavirus, Kentucky has enacted a new law with emergency provisions allowing for remote signings, receipt of testimony, and/or remote witnessing, including, but not limited to, the execution, acknowledgement, and notarization of any legal documents. For purposes of these provisions, remote signings, testimonies, and witnessing can take place in the form of real-time video conferencing, whereby individuals or their designated representatives can execute and/or witness legal documents “to the same extent as if they were physically present in the same location.” In addition to the efforts of the Kentucky Bar Association, EMSW Members Darren Embry, Joyce Merritt, and Suzanne Shaffar, and Of Counsel Martha Griffin worked with state legislators, aides, and the Governor’s Office to ensure this important issue was addressed in earnest. The provision was unanimously approved by the Kentucky General Assembly, as part of Senate Bill 150, and was signed by Governor Andy Beshear on March 30, 2020. The relevant portion of the new legislation follows:

(11) For purposes of complying with any law, rule, order, or other requirement relating to the receipt of testimony or signature from any party or witness, or the acknowledgement or notarization of any document, for any legal purpose: (a) Individuals, whether acting for themselves or in a representative capacity, not in the same physical location shall be considered in the presence of one another if the individuals can communicate via a video teleconference in real time to the same extent as if they were physically present in the same location; and 2 (b) Any document resulting from a video teleconference conducted in accordance with paragraph (a) of this subsection may be executed, acknowledged, or notarized in counterparts, which together shall be considered a single document.

EMSW applauds the tireless work of the Kentucky General Assembly and their collaboration with Governor Beshear. In the face of this growing pandemic, the new law will help Kentuckians execute important legal documents while adhering to best practices for Social Distancing and reducing the risk of transmitting this insidious virus between clients and their legal teams.

The EMSW Estate Planning Team will immediately begin servicing clients in accordance with the newly enacted legislation. Email is currently the best way to reach our attorneys.

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