

KRS § 65.032

This document is current through Chapter 5 of the 2024 session.

Michie's™ Kentucky Revised Statutes > TITLE IX Counties, Cities, and Other Local Units (Chs. 65 — 109) > CHAPTER 65 General Provisions Applicable to Counties, Cities, and Other Local Units (§§ 65.003 — 65.956) > Miscellaneous General Provisions (§§ 65.003 — 65.1591)

65.032. Online portal for electronic filing of recorded instruments — Timeline.

(1) As used in this section:

(a) “Recorded instrument” means any document relating to real property, personal property, and any property for which a Kentucky certificate of title has been issued, including but not limited to deeds and mortgages; and

(b) “Portal” means a website or online database that:

1. Is readily accessible by the public to provide remote online access to recorded instruments;
2. Has a network security device that monitors incoming and outgoing network traffic and determines whether to allow or block specific traffic based on a defined set of security rules; and
3. Has a system which provides for backup copies of recorded instruments to be securely stored.

(2) By January 1, 2024 , all county clerks shall provide and maintain the portal that allows a person to electronically file any recorded instrument.

(3)

(a) By June 30, 2024, each county clerk shall provide and maintain a portal that contains the following recorded instruments:

1. Filed on or after June 30, 1994:

- a. Deeds;
- b. Mortgages;
- c. Fixture filings under the Uniform Commercial Code:
 - d. Plats of subdivided property;
 - e. All covenants, conditions, and restrictions that relate to real property;
 - f. Easements;
 - g. Leases or memorandum of leases;

- h.** Powers of attorney;
 - i.** Land contracts;
 - j.** Wills; and
 - k.** Affidavits that affect or clarify the title to property;
 - 2.** Filed on or after June 30, 2004, child support liens;
 - 3.** Filed on or after June 30, 2009:
 - a.** Judgment liens;
 - b.** Recoupment and unemployment liens; and
 - c.** Lis pendens notices;
 - 4.** Filed on or after June 30, 2014:
 - a.** Federal and state tax liens; and
 - b.** Civil penalty liens; and
 - 5.** Filed on or after June 30, 2019:
 - a.** Homeowner's association or condominium liens; and
 - b.** Bail bonds.
- (b)** By June 30, 2026, each county clerk shall provide and maintain a portal that contains the following recorded instruments filed on or after June 30, 1966, but before June 30, 1994:
- 1.** Deeds;
 - 2.** Mortgages;
 - 3.** Fixture filings under the Uniform Commercial Code:
 - 4.** Plats of subdivided property;
 - 5.** All covenants, conditions, and restrictions that relate to real property;
 - 6.** Easements;
 - 7.** Leases or memorandum of leases;
 - 8.** Powers of attorney;
 - 9.** Land contracts;
 - 10.** Wills; and
 - 11.** Affidavits that affect or clarify the title to property.
- (4)**
- (a)** Any fee charged by the county clerk for access to electronic copies of recorded instruments shall not exceed the actual cost of providing and maintaining the portal.
 - (b)** If a county clerk contracts with an outside vendor to provide and maintain a portal required under this section, actual costs may include:
 - 1.** Development and maintenance of a portal that provides access to recorded instruments;

KRS § 65.032

2. Personnel costs for companies that employ staff to support county clerks;
 3. Maintenance of cybersecurity credentials; and
 4. Insurance premiums.
- (5) A county clerk may redact Social Security numbers from electronic copies of recorded instruments and other personal information from recorded instruments upon request from a law enforcement agency or judicial officer.

History

2022 ch. 26, § 1, effective July 14, 2022; 2023 ch. 177, § 2, effective June 29, 2023.

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