

1 AN ACT relating to recorded instruments.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) *As used in this section:*

6 (a) *"Recorded instrument" means any documents relating to real property,*
7 *personal property, and any property for which has been issued a Kentucky*
8 *certificate of title, including but not limited to deeds, titles, and powers of*
9 *attorney; and*

10 (b) *"Portal" means a Web site or online database accessible by the public and*
11 *electronically searchable.*

12 (2) (a) *In all counties, the county clerk shall maintain an office for the purpose of*
13 *physically reviewing and obtaining copies of recorded instruments.*

14 (b) *This office shall be open to the public for the purpose of physically*
15 *reviewing and obtaining copies of recorded instruments at least forty (40)*
16 *hours a week in the absence of a portal that contains recorded instruments.*

17 (c) *If a county clerk maintains a portal that contains recorded instruments,*
18 *then the office shall be open to the public for at least thirty (30) hours a*
19 *week.*

20 (3) *By January 1, 2022, all county clerks shall maintain a portal that allows a person*
21 *to electronically file any recorded instrument.*

22 (4) (a) *By June 30, 2024, each county clerk shall maintain a portal that contains*
23 *recorded instruments filed on or after June 30, 1994.*

24 (b) *By June 30, 2026, each county clerk shall maintain a portal that contains*
25 *recorded instruments filed on or after June 30, 1966.*

26 (c) *There shall be no cost or charge to any person to access or obtain electronic*
27 *copies of recorded instruments from the portal.*

1 ➔Section 2. (1) The Legislative Research Commission shall create a task
2 force on issues regarding the implementation of electronic recording, fees or functions of
3 the county clerk involved in the recording of documents, closure of county clerk offices
4 due to an emergency order, natural disaster, or pandemic, or any further legislation
5 relating to this Act.

6 (2) The task force shall comprehensively investigate the electronic recording
7 process in the Commonwealth to identify policy options to streamline the process of
8 electronic filing of documents, digitization, electronic searching of existing property
9 records, increasing efficiency, reducing costs, and decreasing paperwork and redundancy.

10 (3) The task force shall review studies and legislative action by other states and
11 by the federal government on electronic filing of documents and digital searching of
12 existing records.

13 (4) The task force shall be composed of the following members, with final
14 membership subject to the consideration and approval of the Legislative Research
15 Commission:

16 (a) One member of the House of Representatives appointed by the Speaker of the
17 House of Representatives who shall be designated to serve as co-chair;

18 (b) One member of the Senate appointed by the President of the Senate who shall
19 be designated to serve as co-chair;

20 (c) Three county clerks, one who is the current chair of the recording committee
21 of the Kentucky County Clerks Association, one from a county with a population greater
22 than 90,000, and one from a county with a population less than 90,000 submitted by the
23 President of the County Clerk's Association;

24 (d) Four representatives of the banking industry, two selected from a list of three
25 individuals submitted by the Kentucky Bankers Association, and two selected from a list
26 of three individuals submitted by the Bluegrass Community Bankers Association, one
27 from each group to be appointed by the Speaker of the House of Representatives and one

1 from each group to be appointed by the President of the Senate;

2 (e) Two representatives of the mortgage banking industry from a list of three
3 individuals submitted by the Kentucky Mortgage Bankers Association, one to be
4 appointed by the Speaker of the House of Representatives and one to be appointed by the
5 President of the Senate;

6 (f) Two representatives of the land title industry selected from a list of three
7 individuals submitted by the Kentucky Land Title Association, one to be appointed by the
8 Speaker of the House of Representatives and one to be appointed by the President of the
9 Senate;

10 (g) Two representatives of the real estate industry selected from a list of three
11 individuals submitted by the Kentucky REALTORS Association, one to be appointed by
12 the Speaker of the House of Representatives and one to be appointed by the President of
13 the Senate;

14 (h) Two representatives of the automobile dealer industry selected from a list of
15 three individuals submitted by the Kentucky Automobile Dealers Association, one to be
16 appointed by the Speaker of the House of Representatives and one to be appointed by the
17 President of the Senate;

18 (i) Two representatives of the home building industry selected from a list of three
19 individuals submitted by the Home Builders Association of Kentucky, one to be
20 appointed by the Speaker of the House of Representatives and one to be appointed by the
21 President of the Senate;

22 (j) Two representatives of the credit union industry selected from a list of three
23 individuals submitted by the Kentucky Credit Union League, one to be appointed by the
24 Speaker of the House of Representatives and one to be appointed by the President of the
25 Senate.

26 ➔Section 3. The task force shall meet at least four times during the 2021 Interim
27 and shall submit its findings and recommendations to the Legislative Research

1 Commission no later than December 1, 2021.

2 ➔Section 4. Provisions of this section to the contrary notwithstanding, the
3 Legislative Research Commission shall have the authority to alternatively assign the
4 issues identified herein to an interim joint committee or subcommittee thereof, and to
5 designate a study completion date.

6 ➔Section 5. Sections 2 and 3 of this Act shall have the same legal status as a
7 Senate Concurrent Resolution.