

**CHAPTER 49****( HB 378 )**

AN ACT relating to the filing of documents.

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

➔Section 1. KRS 186A.520 is amended to read as follows:

- (1) Except as provided in KRS 186A.555, a salvage title shall be obtained by the owner of a motor vehicle that meets the following definition of a salvage vehicle:
  - (a) A vehicle which has been wrecked, destroyed, or damaged, to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its preaccident condition and for legal operation on the roads or highways, not including the cost of parts and labor to reinstall a deployed airbag system, exceeds seventy-five percent (75%) of the retail value of the vehicle, as set forth in a current edition of the National Automobile Dealer's Association price guide.
  - (b) The value of repair parts for purposes of this definition shall be determined by using the current published retail cost of the parts equal in kind and quality to the parts to be replaced or the actual retail cost of the repair parts used in repair.
  - (c) The labor costs of repairs for purposes of this section shall be computed by using the hourly labor rate and time allocations which are reasonable and customary in the automobile repair industry in the community where the repairs are performed.
  - (d) Airbag reinstallation costs which are excluded from the seventy-five percent (75%) computation as set forth in paragraph (a) of this subsection shall be included by an insurer in the computation of the total physical damage estimate according to the terms and conditions of individual policies, provided that the total costs payable by an insurer do not exceed the total retail value of the vehicle.
- (2) The owner or an authorized agent of a motor vehicle that meets the definition of a salvage vehicle as set forth in subsection (1) of this section shall, within fifteen (15) days from the receipt of all necessary paperwork required by this chapter, submit an application to the county clerk, on a form prescribed by the Department of Vehicle Regulation, for a salvage title, accompanied by a properly endorsed certificate of title and any lien satisfactions, if any appear, as may be required.
- (3) The county clerk shall retain a copy of each salvage title application received and shall forward the original and its supporting documents to the Department of Vehicle Regulation in a manner similar to that for handling of an application for a title.
- (4) ***The county clerk shall rely on the information provided by the owner or authorized agent, including a county of residence designation, on:***
  - (a) ***Any approved, notarized state form utilized in lien titling or the title transfer process signed by the owner or authorized agent; and***
  - (b) ***Any document submitted during the transfer of a salvage vehicle from an owner to an insurer.***

***Reliance on the foregoing by the county clerk shall relieve the office of the county clerk from liability to any third party claiming failure to comply with this section.***
- (5) The Department of Vehicle Regulation shall process the salvage title application in a manner similar to that used in processing a title application and the salvage title shall be delivered in a like manner of a title. Salvage titles shall be construed as proof of ownership of a vehicle in a state as to be unusable upon the highways of the Commonwealth. A vehicle shall not be issued a registration for highway use as long as a salvage title is in force.
- ~~(6)~~~~(5)~~ The only time a vehicle with a salvage title may be operated upon the highways of the Commonwealth is when it is in route to or from an inspection by the certified inspector prior to obtaining a certificate of title after having been rebuilt as per KRS 186.115.

(7) *Notwithstanding the provisions of KRS 369.103, when a salvage vehicle is transferred from an owner to an insurer, the following shall be exempted from the requirements of notarization, including exemption from the notarization of electronic signature requirements of KRS Chapter 423:*

- (a) *The transfer of ownership on the certificate of title;*
- (b) *Any power of attorney required in connection with the transfer of ownership to the insurer;*
- (c) *Any required odometer disclosure statement;*
- (d) *The application for a salvage certificate of title; and*
- (e) *The transfer of ownership on the salvage certificate of title issued.*

➔Section 2. KRS 64.012 is amended to read as follows:

(1) The county clerk shall receive for the following services the following fees:

- (a) 1. Recording and indexing of a:
  - a. Deed of trust or assignment for the benefit of creditors;
  - b. Deed;
  - c. Deed of assignment;
  - d. File-stamped copy of documents set forth in KRS 14A.2-040(1) or (2) that have been filed first with the Secretary of State;
  - e. Real estate option;
  - f. Power of attorney;
  - g. Revocation of power of attorney;
  - h. Lease which is recordable by law;
  - i. Deed of release of a mortgage or lien under KRS 382.360;
  - j. United States lien;
  - k. Release of a United States lien;
  - l. Release of any recorded encumbrance other than state liens;
  - m. Lis pendens notice concerning proceedings in bankruptcy;
  - n. Lis pendens notice;
  - o. Mechanic's and artisan's lien under KRS Chapter 376;
  - p. Assumed name;
  - q. Notice of lien issued by the Internal Revenue Service;
  - r. Notice of lien discharge issued by the Internal Revenue Service;
  - s. Original, assignment, amendment, or continuation financing statement;
  - t. Making a record for the establishment of a city, recording the plan or plat thereof, and all other service incident;
  - u. Survey of a city, or any part thereof, or any addition to or extensions of the boundary of a city;
  - v. Recording with statutory authority for which no specific fee is set, except a military discharge;
  - w. Will or other probate document pursuant to KRS Chapter 392 or 394;
  - x. Court ordered name change pursuant to KRS Chapter 401;
  - y. Land use restriction according to KRS 100.3681; and
  - z. Filing with statutory authority for which no specific fee is set.

For all items in this subsection if the entire thereof does not exceed  
 five (5) pages .....\$33.00  
 And, for all items in this subsection exceeding five (5) pages,  
 for each additional page .....\$3.00  
 And, for all items in this subsection for each additional reference  
 relating to same instrument .....\$4.00

2. The thirty-three dollar (\$33) fee imposed by this subsection shall be divided as follows:
    - a. Twenty-seven dollars (\$27) shall be retained by the county clerk; and
    - b. Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.
  - (b) For noting a security interest on a certificate of title pursuant to KRS Chapter 186A .....\$12.00
  - (c) For filing the release of collateral under a financing statement and noting same upon the face of the title pursuant to KRS Chapter 186 or 186A \$5.00
  - (d) Filing or recording state tax or other state liens .....\$5.00
  - (e) Filing release of a state tax or other state lien .....\$5.00
  - (f) Acknowledging or notarizing any deed, mortgage, power of attorney, or other written instrument required by law for recording and certifying same .....\$5.00
  - (g) Recording plats, maps, and surveys, not exceeding 24 inches by 36 inches, per page .....\$40.00
  - (h) Recording a bond, for each bond .....\$10.00
  - (i) Each bond required to be taken or prepared by the clerk .....\$4.00
  - (j) Copy of any bond when ordered .....\$3.00
  - (k) Administering an oath and certificate thereof .....\$5.00
  - (l) Issuing a license for which no other fee is fixed by law .....\$8.00
  - (m) Issuing a solicitor's license .....\$15.00
  - (n) Marriage license, indexing, recording, and issuing certificate thereof .....\$26.50
  - (o) Every order concerning the establishment, changing, closing, or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed, or discontinued, and by the applicant when it is not .....\$3.00
  - (p) Registration of licenses for professional persons required to register with the county clerk .....\$10.00
  - (q) Certified copy of any record .....\$5.00
- Plus fifty cents (\$.50) per page after three (3) pages

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- (r) Filing certification required by KRS 65.070(2)(a) .....\$5.00
- (s) Filing notification and declaration and petition of candidates  
for Commonwealth's attorney .....\$200.00
- (t) Filing notification and declaration and petition of candidates for county  
and independent boards of education .....\$20.00
- (u) Filing notification and declaration and petition of candidates for  
boards of soil and water conservation districts .....\$20.00
- (v) Filing notification and declaration and petition of candidates for  
other office .....\$50.00
- (w) Filing declaration of intent to be a write-in candidate for office .....\$50.00
- (x) Filing petitions for elections, other than nominating petitions .....\$50.00
- (y) Notarizing any signature, per signature .....\$2.00
- (z) Filing bond for receiving bodies under KRS 311.310 .....\$10.00
- (aa) Noting the assignment of a certificate of delinquency and recording  
and indexing the encumbrance under KRS 134.126 or 134.127 .....\$27.00
- (ab) Filing a going-out-of-business permit under KRS 365.445 .....\$50.00
- (ac) Filing a renewal of a going-out-of-business permit under KRS 365.445 .....\$50.00
- (ad) Filing and processing a transient merchant permit under KRS 365.680 .....\$25.00
- (ae) Recording and indexing a real estate mortgage:
  - 1. For a mortgage that does not exceed thirty (30) pages .....\$63.00
  - 2. And, for a mortgage that exceeds thirty (30) pages, for each additional page .....\$3.00

**(af) Filing or recording a lien or release of lien by a consolidated local government,  
urban-county government, unified local government, or city  
of any class .....\$20.00**

***(af) Filing or recording a lien or release of lien by a consolidated local government,  
urban-county government, unified local government, or city of any class.....\$20.00***

- (2) The sixty-three dollar (\$63) fee imposed by subsection (1)(ae) of this section shall be divided as follows:
  - (a) Fifty-seven dollars (\$57) shall be retained by the county clerk; and
  - (b) Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.
- (3) For services related to the permanent storage of records listed in paragraphs (a), (g), (n), and (ae) of subsection (1) of this section, the clerk shall be entitled to receive a reimbursement of ten dollars (\$10).

**Signed by Governor March 27, 2020.**