

CHAPTER 189

(SB 52)

AN ACT relating to the collection of fees in a county containing a consolidated local government.

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

➔Section 1. 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

ACTS OF THE GENERAL ASSEMBLY

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
- (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
- (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) (a) 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).
- (b) ***In counties or a county containing an urban-county government, charter county government or unified local government:***
- 1.*** This fee shall:
 - a.***~~{1.}~~ Not be paid annually to the fiscal court under KRS 64.152;
 - b.***~~{2.}~~ Not be paid to the Finance and Administration Cabinet under KRS 64.345;
 - c.***~~{3.}~~ Be accumulated and transferred to the fiscal court or the legislative body of ~~—a consolidated local government or—~~ an urban-county government on a monthly basis within ten (10) days following the end of the month;
 - d.***~~{4.}~~ Be maintained by the fiscal court or the legislative body of ~~—a consolidated local government or—~~ an urban-county government in a separate bank account and accounted for in a separate fund; and

ACTS OF THE GENERAL ASSEMBLY

- ~~e.~~^{5.} Not lapse to the general fund of the county~~[- consolidated local government,]~~ or urban-county government.
- ~~2.~~^(c) The moneys accumulated from this fee shall be held in perpetuity by the fiscal court or the legislative body of~~[- a consolidated local government or]~~ an urban-county government for the county clerk's exclusive use for:
- ~~a.~~^{1.} Equipment related to the permanent storage of and access to records, including deed books, binders, shelves, microfilm equipment, and fireproof equipment;
 - ~~b.~~^{2.} Hardware for the permanent storage of and access to records, including computers, servers, and scanners;
 - ~~c.~~^{3.} Software for the permanent storage of and access to records, including vendor services and consumer subscription fees;
 - ~~d.~~^{4.} Personnel costs for the permanent storage of and access to records, including overtime costs for personnel involved in the digitization of records; and
 - ~~e.~~^{5.} Cloud storage and cybersecurity services for the permanent storage of and access to records.
- ~~3.~~^(d) Notwithstanding KRS 68.275, claims by a county clerk that are for the approved expenditures in *subparagraph 2. of this* paragraph~~[- (e) of this subsection]~~ shall be paid by the county judge/executive or the chief executive officer of~~[- a consolidated local government or]~~ an urban-county government by a warrant drawn on the fund and co-signed by the treasurer of the county~~[- consolidated local government,]~~ or urban-county government.
- ~~4.~~^(e) No later than July 1 of each year, each county fiscal court or legislative body of~~[- a consolidated local government or]~~ an urban-county government shall submit a report to the Legislative Research Commission detailing the receipts, expenditures, and any amounts remaining in the fund.
- (c) ***In a county containing a consolidated local government:***
- 1. The fee shall not:***
 - a. Be paid to the Finance and Administration Cabinet under KRS 64.345; or***
 - b. Lapse to the general fund of the consolidated local government.***
 - 2. The moneys accumulated from this fee shall be held in perpetuity by the county clerk in a separate fund to be used exclusively for:***
 - a. Equipment related to the permanent storage of and access to records, including deed books, binders, shelves, microfilm equipment, and fireproof equipment;***
 - b. Hardware for the permanent storage of and access to records, including computers, servers, and scanners;***
 - c. Software for the permanent storage of and access to records, including vendor services and consumer subscription fees;***
 - d. Personnel costs for the permanent storage of and access to records, including overtime costs for personnel involved in the digitization of records; and***
 - e. Cloud storage and cybersecurity services for the permanent storage of and access to records.***
 - 3. No later than July 1 of each year, the county clerk shall submit a report to the consolidated local government and the Legislative Research Commission detailing the receipts, expenditures, and any amounts remaining in the fund.***

➔Section 2. KRS 137.115 is amended to read as follows:

- (1) The fiscal court of each county is hereby given the authority to impose with respect:
 - (a) To each restaurant serving meals, a license fee not to exceed ten dollars (\$10) per annum;

- (b) To each retail outlet of soft drinks or ice cream, a license fee not to exceed five dollars (\$5) per annum. In cases where ice cream and soft drinks are sold by the same retail outlet, one (1) license tax not to exceed ten dollars (\$10) per annum;
 - (c) To each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, a license fee not to exceed thirty dollars (\$30) per annum for the first table or alley and not to exceed five dollars (\$5) per annum for each additional table or alley;
 - (d) To each place where tobacco products are sold at retail, a license fee not to exceed ten dollars (\$10) per annum.
- (2) (a) All license fees shall be payable to:
- 1. The county clerk; *or*
 - 2. ***In a county containing a consolidated local government, an agency of the consolidated local government as designated by its council.***
- (b) ***The revenues from the license fees shall***~~and~~ be credited to the general fund of the county to be used for county purposes only.
- (3) The fiscal court of any county, ***except a county containing a consolidated local government,*** may allow the county clerk a commission not to exceed five percent (5%) on the license fees collected and accounted for by him under this section in addition to the fee provided in KRS 64.012.

Signed by Governor April 11, 2023.