

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 Web site 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 June 30, 2023, 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;
 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.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 26, sec. 1, effective July 14, 2022.

Legislative Research Commission Note (7/14/2022). This statute was created in 2022 Ky. Acts ch. 26, sec. 1, as a new section of KRS Chapter 67, but has instead been codified in KRS Chapter 65 under the authority of KRS 7.136. The words in the text were not changed.