



Section 21 creates a new section of KRS 423 to provide that county clerks who file notary public assurances and administer oaths must promptly record the fact and date in the Secretary of State's notary public database.

Section 27 creates a new section of KRS Chapter 423 to allow that county clerks may assess fees for services required to fulfill obligations set forth in Sections 1 to 31 of this Act.

Section 28 of creates a new section of KRS Chapter 423 to provide that a record of real property is deemed to comply with all applicable requirements upon acceptance for recording by a county clerk in which the real property is located.

Section 29 creates a new section of KRS Chapter 423 to exempt county clerks from any suit arising from any acts or omissions relating to recording records that have been notarized by electronic means, unless the clerk was grossly negligent or engaged in willful misconduct.

Section 30 creates a new section of KRS Chapter 423 to allow a governmental agency that accepts paper printouts of electronic records the ability to establish rules, procedures, or requirements governing this acceptance.

Section 31 creates a new section of KRS Chapter 423 to provide that with respect only to notarial acts performed in relation to tangible records, a county clerk of a county in whose office any notary public has filed his signature and surety bond shall, when requested, subjoin to any certificate of proof or acknowledgement signed by the notary a certificate under his or her hand and seal stating that such notary public's written signature is on file in the clerk's office, and was at the time of taking such proof or acknowledgement duly authorized to take the same, that the clerk is well acquainted with the handwriting of the notary public, and believes that the signature to the proof or acknowledgement is genuine.

Section 32 provides that in the event of conflict between the provisions of chapter 23 and any other law the provisions of the Chapter are to control.

Section 33 provides that Sections 1 to 31 of this Act are to obtain notwithstanding any other provision of law.

Section 34 changes statutory language from “**shall not**” to “**may**” regarding surety and deletes the provision: “**The limitations on individuals making bonds shall not apply to corporate sureties**”.

Section 35 amends KRS 64.012 that **provides for a \$10 fee for county clerks for filling an updated commission pursuant to Section 19 of this Act.**

Section 37 creates a Task Force on Electronic Recording within the Legislative Research Commission.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

There was no local mandate required or produced for HB 266 and thus, no prior version to compare any changes within a local mandate.

**Data Source(s):** Kentucky Association of County Clerks; Kentucky Notaries Association

**Preparer:** H. Marks **Reviewer:** KHC **Date:** 3/29/18