

that section. **Section 13** would establish Sections 1-13 of the bill as the Uniform Real Property Transfer on Death Act. **Section 14** would establish the fees payable to a county clerk for recording a TOD deed and recording revocation of a TOD deed.

Section 22 of SB 208 would create a new section of KRS Chapter 186A that would allow an owner of a vehicle to provide for the transfer of the vehicle's title on his or her death. The Transportation Cabinet would be responsible for providing a beneficiary designation form to be made available in each county clerk's office and on the cabinet's website. On the owner's death the beneficiary would present the form to the county clerk and request a new title of ownership in the beneficiary's name. The beneficiary would also be required to present proof of the death of the vehicle owner, proof of payment of ad valorem taxes on the vehicle, and the fee for transfer of the certificate of title.

SB 208 would have a minimal positive fiscal impact on county clerks' offices.

Re: Transfer on Death deeds: Recording real property deeds has long been a duty of county clerks. SB 208 would not change that duty, but would have clerks recording a new kind of deed. It is not known how many TOD deeds would be presented to county clerks for recording or revocation, but it is not expected to be a large number. The information required for a valid TOD deed is very similar to that required for a standard real property deed. County clerks would need to be trained on the TOD deed recording requirements. However, county clerks already undergo monthly training so it is not likely that TOD deed training would be unduly burdensome or expensive. Recording TOD deeds would be a source of income to county clerks just as other deeds and recordable instruments are. According to the Kentucky County Clerks Association website (<https://kentuckycountyclerks.com/recording-fees/>) the current Standard Recording Fee for deeds is \$50, plus \$3.00 for each page over 5. The county clerk's office may retain \$27.00 of that amount, plus \$3.00 for postage.

Re: Transfer on Death vehicle ownership: Similarly, recording vehicle transfers and issuing certificates of title is a regular duty of county clerks. Again, county clerks may require some training in what documentation is necessary to transfer and issue a new title pursuant to a beneficiary designation form but such training would not be expensive or overly burdensome. The fee for an application for a certificate of title is \$9.00 of which the county clerk's office retains \$6.00.

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

Part II applies to SB 208 as introduced. There is no earlier version for comparison.

Data Source(s): Kentucky County Clerks Association; Kentucky Revised Statutes; LRC staff

Preparer: Mary Stephens (JB) **Reviewer:** KHC **Date:** 2/24/23