

382.075 Uniform Real Property Electronic Recording Act -- Recording of electronic document -- Electronic signature -- Powers and duties of county clerk.

- (1) If a law requires, as a condition for recording by the county clerk upon the records relating to real property, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement shall be satisfied by an electronic document that complies with the requirements of KRS 423.300 to 423.455 or this section.
- (2) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.
- (3) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.
- (4) As used in this section, "paper document" means a document that is received by the clerk in a form that is not electronic. A clerk:
 - (a) May receive, index, store, archive, and transmit electronic documents;
 - (b) May provide for access to, and search and retrieval of, documents and information by electronic means;
 - (c) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;
 - (d) May convert paper documents accepted for recording into electronic form;
 - (e) May convert into electronic form information recorded before the clerk began to record electronic documents;
 - (f) May accept electronically any fee, levy, or tax that the clerk is authorized to collect; and
 - (g) May agree with other officials of a state or a political subdivision of that state, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees, levies, and taxes that the clerk is authorized to accept.
- (5) This section shall be known and may be cited as the "Uniform Real Property Electronic Recording Act." In applying and construing this section, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

Effective: January 1, 2020

History: Created 2019 Ky. Acts ch. 86, sec. 33, effective January 1, 2020.