

300 KAR 5:010. Museum unclaimed property.

RELATES TO: KRS 171.830 - 171.849

STATUTORY AUTHORITY: KRS 171.849

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.849 requires the Kentucky Historical Society to promulgate administrative regulations relating to property on loan to museums in Kentucky. This administrative regulation establishes procedures for museums to follow to acquire title of unclaimed property in the museums' possession.

Section 1. Definitions.

- (1) "Conservation measures" means stabilization of an object or specimen that is in the possession of the museum according to the conservation and restoration guidelines established by the ICOM Code of Ethics.
- (2) "ICOM" means International Council of Museums.
- (3) "KHS" means Kentucky Historical Society.
- (4) "Publication" or "publicize" means notification to the public in an effort to locate the owner of unclaimed property in either print or electronic online format in accordance with KRS 171.840(2)(c).
- (5) "Unclaimed Property" means a tangible object in the custody of the museum that:
 - (a) Has intrinsic historical, artistic, scientific, or cultural value; and
 - (b) Whose owner is unknown or has failed to claim the object.

Section 2. Notice of Intent to Gain Title to Property. A museum shall attempt to provide the following notice to the owner of property on loan or property otherwise held by the museum if it intends to gain title to the property in accordance with KRS 171.836:

- (1) Notice of Intent to Gain Title to Property, Form #1; or
- (2) A notice developed by the museum which meets the requirements of KRS 171.840.

Section 3. Written Assertion of Title to Property. A person who has received a Notice of Intent to Gain Title to Property form or other written notice compliant with KRS 171.840 shall file the following with the museum to assert title to the property on loan or property otherwise held by the museum in accordance with KRS 171.843:

- (1) Written Assertion of Title to Property, Form #2; or
- (2) A written assertion of title developed by the person which:
 - (a) Describes the property in detail;
 - (b) Describes the person's interest in the property;
 - (c) Attaches copies of documents supporting the person's assertion of an interest in the property; and
 - (d) Includes a sworn statement that the information presented is true and complete to the best of the person's knowledge.

Section 4. Kentucky Historical Society.

- (1) KHS shall maintain and post on the KHS Web site the following public information relating to the handling and conservation of unclaimed museum property:
 - (a) A copy of or electronic link to KRS 171.830 through KRS 171.849;
 - (b) A copy of or electronic link to 300 KAR 5:010; and
 - (c) A copy of or electronic link to ICOM Code of Ethics.
- (2) KHS shall publicize attempts by museums statewide to gain clear title to unclaimed property on the KHS Web site.
- (3) Museums shall mail or email the KHS Registrar a written request to publicize the museum's attempts to gain title to unclaimed property and:
 - (a) A copy of the Notice of Intent to Gain Title to Property form; or
 - (b) A copy of the newspaper notification demonstrating the museum has followed the steps as outlined in KRS 171.840(2)(c).

(4) KHS shall post within ten (10) business days unclaimed property information submitted by a museum for a minimum of two (2) consecutive weeks on the KHS Web site.

Section 5. Conservation. Kentucky museums shall use conservation measures for property on loan to the museum.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "International Council of Museums (ICOM) Code of Ethics", 2006;

(b) "Notice of Intent to Gain Title to Property", Form #1, 2013; and

(c) "Written Assertion of Title to Property", Form #2, 2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Historical Society, 100 West Broadway, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(39 Ky.R. 1821; eff. 5-31-2013; Crt eff. 2-12-2020.)