

808 KAR 1:140. Fees.

RELATES TO: KRS 286.3-010, 286.3-020, 286.3-050, 286.3-095, 286.3-135, 286.3-140, 286.3-145, 286.3-146, 286.3-170, 286.3-172, 286.3-174, 286.3-180, 286.3-185, 286.3-450, 286.3-480, 286.3-530, 286.3-820, 286.3-905, 286.3-920, 286.6-100, 286.8-046, 286.8-090, 286.9-110

STATUTORY AUTHORITY: KRS 286.1-020(1), 286.3-145, 286.3-146, 286.3-480(1)(b), 286.6-100(1)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 286.1-020(1) authorizes the commissioner to promulgate administrative regulations to interpret and carry out the provisions and intent of KRS Chapter 286. KRS 286.3-145 and 286.3-146 authorize the commissioner to prescribe filing fees for trust companies that want to establish or acquire and maintain a trust office or trust representative office. KRS 286.3-480 requires the commissioner to establish fees for certain investigations, applications, examination of assets, and extraordinary services performed for any financial institution. KRS 286.3-480(1)(b) requires each state bank to pay an annual assessment based on the assets of the bank or branch. KRS 286.6-100(1)(d) requires each credit union subject to supervision and examination by the commissioner to pay an annual fee to the commissioner based on the assets of the credit union and any fees for extraordinary services performed by the department for a particular credit union. This administrative regulation establishes examination fees, assessment fee schedules, and fees for related services for banks, credit unions, check casher licensees, and mortgage loan companies and brokers.

Section 1. Definitions.

- (1) "Applicant" means a person or institution submitting a written application, plan, or notice pursuant to KRS Chapter 286.3.
- (2) "Extraordinary services performed" means:
 - (a) Review of a request for approval of a change of control made pursuant to KRS 286.3-095(1), unless the request was made concurrently with an application made pursuant to KRS 286.3-905; or
 - (b) A special examination.
- (3) "Institution" means an institution that is subject to examination pursuant to KRS 286.3-450 or KRS 286.3-530.
- (4) "Special examination" means:
 - (a) An abbreviated on-site review conducted to determine an institution's progress in achieving compliance with laws, administrative regulations, or a formal or informal enforcement action to address unsafe and unsound banking practices;
 - (b) An off-site review of progress reports submitted by an institution to the commissioner in conjunction with a formal or informal enforcement action; or
 - (c) A second examination conducted within the twenty-four (24) month timeframe set forth in KRS 286.3-450(1) that results from an institution failing to comply with laws or administrative regulations relating to banks or trust companies or from an institution engaging in unsafe and unsound banking practices.

Section 2. Hourly Examination Fees.

- (1) The hourly fee for each examiner conducting an examination or investigation of a state chartered bank or trust company shall be fifty-five (55) dollars.
- (2) The hourly fee for each examiner conducting an examination or investigation of all other department licensees shall be forty-two (42) dollars.
- (3) In addition to the hourly fee, reasonable costs may be charged if the examination or investigation involves travel expenses or other incidental out-of-pocket costs.

Section 3. Determination of Bank Assets Subject to Assessment.

- (1) Each state chartered bank shall pay an annual assessment fee to the department based on its assets as reported on the 31st day of December of the previous calendar year.
- (2) The assets subject to the annual assessment shall not include assets held by the bank or branch in a fiduciary capacity.
- (3) The annual assessment shall be paid by April 1, unless the department and bank agree in writing to a later date due to extraordinary circumstances.

Section 4. Bank Assessment Fee Schedule.

BANK ASSESSMENT FEE SCHEDULE

If the amount of total assets is: Assessment shall be:

Over	But Not Over	This Amount Plus	Of Excess Over
\$0	\$2 Million	\$0	\$0
\$2 Million	\$25 Million	\$2,000	\$2 Million
\$25 Million	\$50 Million	\$4,760	\$25 Million
\$50 Million	\$75 Million	\$6,135	\$50 Million
\$75 Million	\$100 Million	\$7,260	\$75 Million
\$100 Million	\$125 Million	\$8,260	\$100 Million
\$125 Million	\$150 Million	\$9,135	\$125 Million
\$150 Million	\$175 Million	\$9,885	\$150 Million
\$175 Million	\$200 Million	\$10,510	\$175 Million
\$200 Million	\$500 Million	\$11,010	\$200 Million
\$500 Million	\$1,000 Million	\$16,710	\$500 Million
\$1,000 Million		\$25,960	\$1,000 Million

Section 5. Bank-related Services. An applicant or institution shall pay the department a fee for the services identified in the following table:

Service	Fee
Review of application submitted pursuant to KRS 286.3-020	\$5,000, plus the hourly fee established in Section 2 of this administrative regulation for each examiner that conducts an investigation of the applicant.
Review of application submitted pursuant to KRS 286.3-135	\$5,000, plus the hourly fee established in Section 2 of this administrative regulation for each examiner that conducts an investigation of the applicant.
Review of plan submitted pursuant to KRS 286.3-172	\$5,000, plus the hourly fee established in Section 2 of this administrative regulation for each examiner that conducts an investigation of the applicant.
Review of amendments submitted pursuant to KRS 286.3-050(4) if at least one (1) amendment is being made pursuant to KRS 286.3-140(1)	\$1,000

Review of amendments submitted pursuant to KRS 286.3-050(4) if none of the amendments are being made pursuant to KRS 286.3-140(1)	\$250	
Review of application required pursuant to KRS 286.3-180 unless the application is being made concurrently with an application required pursuant to KRS 286.3-920(2)	\$500	
Review of application required pursuant to KRS 286.3-820	\$500	
Review of application required pursuant to KRS 286.3-920(2) or 286.3-920(3) unless the application is being made concurrently with an application required pursuant to KRS 286.3-905	\$2,500	
Review of notice required pursuant to KRS 286.3-145(4)	\$500	
Review of notice required pursuant to KRS 286.3-145(5) or 286.3-146(4)	\$1,000	
Review of application required pursuant to KRS 286.3-185	\$500	
Examination conducted pursuant to KRS 286.3-480(1)(c)		The hourly fee established in Section 2 of this administrative regulation for each examiner that conducts the examination.
Extraordinary services performed		The hourly fee established in Section 2 of this administrative regulation for each examiner that conducts the review or special examination.

Section 6. Payment Terms.

- (1) Except for hourly fees, a fee shall be paid by the applicant at the time a written application, plan, or notice is made.
- (2) An hourly fee shall be paid within thirty (30) days of the date a fee invoice is transmitted to the applicant or institution.
- (3) Except for clerical errors, a fee paid pursuant to this administrative regulation shall be nonrefundable.

Section 7. Credit Unions.

- (1) Each state-chartered credit union shall pay an annual assessment fee to the department, based on the assets reported on December 31 of the previous calendar year.
- (2) The annual assessment fee shall be paid by April 1.
- (3) The annual assessment fee schedule shall be as follows:

If the amount of total assets is: Assessment shall be:			
Over	But Not Over	This Amount Plus	Of Excess Over
\$0	\$2 Million	\$1,032.50	\$0.00045 \$1 Million

\$2 Million	\$5 Million	\$1,482.50	\$0.0003	\$2 Million
\$5 Million	\$20 Million	\$2,382.50	\$0.00015	\$5 Million
\$20 Million	\$50 Million	\$4,632.50	\$0.00013	\$20 Million
\$50 Million	\$100 Million	\$8,532.50	\$0.0001	\$50 Million
\$100 Million		\$11,532.50	\$0.00005	\$100 Million

Section 8.

(1) A check casher licensee shall pay the examination fee established in Section 2 of this administrative regulation within thirty (30) days of the date of billing. The date of billing shall be the date the bill was deposited in the mailroom at the department for delivery through the United States Mail.

(2) If the fee is not paid within the thirty (30) day time period, the office shall send the licensee a notice of failure to pay the examination fee and demand for immediate payment.

(3) If the licensee does not pay the examination fee within thirty (30) days from the date of receipt of the notice of failure to pay the examination fee and demand for immediate payment, the licensee shall be:

- (a) Subject to the penalties established in KRS 286.9-110; and
- (b) Remain liable for the payment of all owed examination fees.

Section 9.

(1) A mortgage loan company or mortgage loan broker shall pay the fee established in Section 2 of this administrative regulation within thirty (30) days of the date of the fee bill sent following the examination or investigation.

(2) If the fee is not paid within the thirty (30) day time period, the department shall send the mortgage loan company or mortgage loan broker a notice of failure to pay the fee and a demand for immediate payment.

(3) If the mortgage loan company or mortgage loan broker does not pay the fee within thirty (30) days from the date of demand for immediate payment, the mortgage loan company or mortgage loan broker and its control persons shall:

- (a) Be subject to the penalties established in KRS 286.8-090 and 286.8-046;
- (b) Remain liable for the payment of all owed fees; and
- (c) Be subject to administrative action by the department and on its behalf.

(26 Ky.R. 918; Am. 1160; eff. 12-16-1999; TAm eff. 4-21-2007; 45 Ky.R. 2194, 2904; eff. 5-3-2019.)