

393A.010 Definitions for chapter.

As used in this chapter:

- (1) "Administrator" means the Kentucky State Treasurer;
- (2) "Administrator's agent":
 - (a) Means a person with which the administrator contracts to conduct an examination under KRS 393A.550 to 393A.650 on behalf of the administrator; and
 - (b) Includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor;
- (3) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder;
- (4) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under 15 U.S.C. secs. 80a-1 to 80a-64, as amended, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit;
- (5) "Confidential information" means records, reports, and information that are confidential under KRS 393A.780;
- (6) "Domicile" means:
 - (a) For a corporation, the state of its incorporation;
 - (b) For a business association whose formation requires a filing with a state, other than a corporation, the state of its filing;
 - (c) For a federally chartered entity or an investment company registered under 15 U.S.C. secs. 80a-1 to 80a-64, as amended, the state of its home office; and
 - (d) For any other holder, the state of its principal place of business;
- (7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (8) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved;
- (9) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union;
- (10) "Game-related digital content":
 - (a) Means digital content that exists only in an electronic game or electronic-game platform;
 - (b) Includes:
 1. Game-play currency such as a virtual wallet, even if denominated in United States currency; and
 2. The following if for use or redemption only within the game or platform

or another electronic game or electronic-game platform:

- a. Points sometimes referred to as gems, tokens, gold, and similar names; and
 - b. Digital codes; and
- (c) Does not include an item that the issuer permits to be redeemed for use outside a game or platform:
1. For money;
 2. For goods or services that have more than minimal value; or
 3. That otherwise monetizes for use outside a game or platform;
- (11) "Gift card":
- (a) Means a stored-value card:
 1. The value of which does not expire;
 2. That may be decreased in value only by redemption for merchandise, goods, or services; and
 3. That, unless required by law, may not be redeemed for or converted into money or otherwise monetized by the issuer; and
 - (b) Includes a prepaid commercial mobile radio service, as defined in 47 C.F.R. sec. 20.3, as amended;
- (12) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this chapter;
- (13) "Insurance company" means an association, corporation, or fraternal or mutual-benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit-life, contract-performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage-protection, and worker-compensation insurance;
- (14) "Loyalty card":
- (a) Means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program, which may be used or redeemed only to obtain goods or services or a discount on goods or services; and
 - (b) Does not include a record that may be redeemed for money or otherwise monetized by the issuer;
- (15) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by law of this state other than this chapter;
- (16) "Mineral proceeds":
- (a) Means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after

- abandonment; and
- (b) Includes an amount payable:
 - 1. For the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;
 - 2. For the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and
 - 3. Under an agreement or option, including a joint-operating agreement, unit agreement, pooling agreement, and farm-out agreement;
- (17) "Money order":
- (a) Means a payment order for a specified amount of money; and
 - (b) Includes an express money order and a personal money order on which the remitter is the purchaser;
- (18) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state;
- (19) "Net card value" means the original purchase price or original issued value of a stored-value card, plus amounts added to the original price or value, minus amounts used and any service charge, fee, or dormancy charge permitted by law;
- (20) "Non-freely transferable security":
- (a) Means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer; and
 - (b) Includes a worthless security;
- (21) "Owner":
- (a) Means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner; and
 - (b) Includes:
 - 1. A depositor, for a deposit;
 - 2. A beneficiary, for a trust other than a deposit in trust;
 - 3. A creditor, claimant, or payee, for other property; and
 - 4. The lawful bearer of a record that may be used to obtain money, a reward, or a thing of value;
- (22) "Payroll card" means a record that evidences a payroll card account as defined in 12 C.F.R. pt. 1005, as amended;
- (23) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality or other legal entity;
- (24) "Property":

- (a) Means tangible property described in KRS 393A.080 or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government, governmental subdivision, agency, or instrumentality;
 - (b) Includes all income from or increments to the property;
 - (c) Includes property referred to as or evidenced by:
 - 1. Money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;
 - 2. A credit balance, customer's overpayment, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;
 - 3. A security, except for:
 - a. A worthless security; or
 - b. A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;
 - 4. A bond, debenture, note, or other evidence of indebtedness;
 - 5. Money deposited to redeem a security, make a distribution, or pay a dividend;
 - 6. An amount due and payable under an annuity contract or insurance policy; and
 - 7. An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee-savings, supplemental-unemployment insurance, or a similar benefit; and
 - (d) Does not include:
 - 1. Property held in a plan described in 26 U.S.C. sec. 529A, as amended;
 - 2. Game-related digital content;
 - 3. A loyalty card;
 - 4. An in-store credit for returned merchandise; or
 - 5. A gift card;
- (25) "Putative holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to this chapter or the administrator or a court makes a final determination that the person is or is not a holder;
- (26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (27) "Security" means:

- (a) A security as defined in KRS 355.8-102;
 - (b) A security entitlement as defined in KRS 355.8-102, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:
 - 1. Registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;
 - 2. Payable to the order of the person; or
 - 3. Specifically indorsed to the person; and
 - (c) An equity interest in a business association not included in paragraph (a) or (b) of this subsection;
- (28) "Sign" means, with present intent to authenticate or adopt a record:
- (a) To execute or adopt a tangible symbol; or
 - (b) To attach to or logically associate with the record an electronic symbol, sound, or process;
- (29) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;
- (30) "Stored-value card":
- (a) Means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services, or money will be provided to the owner of the record to the value or amount shown in the record;
 - (b) Includes a:
 - 1. Record that contains or consists of a microprocessor chip, magnetic strip, or other means for the storage of information, which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration;
 - 2. Gift card; and
 - 3. Payroll card; and
 - (c) Does not include a loyalty card or game-related digital content;
- (31) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:
- (a) Transmission of communications or information;
 - (b) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; or
 - (c) Provision of sewage or septic services, or trash, garbage, or recycling disposal;
- (32) "Virtual currency":
- (a) Means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States; and
 - (b) Does not include:

1. The software or protocols governing the transfer of the digital representation of value;
 2. Game-related digital content; or
 3. Loyalty card; and
- (33) "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this chapter.

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