

**393A.050 When tax-deferred retirement account presumed abandoned.**

- (1) Subject to KRS 393A.120, property held in a pension account or retirement account that qualifies for tax deferral under the income-tax laws of the United States shall be presumed abandoned if it is unclaimed by the apparent owner three (3) years after the later of:
  - (a) The following dates:
    1. Except as provided in subparagraph 2. of this paragraph, the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or
    2. If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service; or
  - (b) The earlier of the following dates:
    1. The date the apparent owner becomes seventy and one-half (70 ½) years of age, if determinable by the holder; or
    2. If 26 U.S.C. secs. 1 et seq., as amended, requires distribution to avoid a tax penalty, two (2) years after the date the holder:
      - a. Receives confirmation of the death of the apparent owner in the ordinary course of its business; or
      - b. Confirms the death of the apparent owner under subsection (2) of this section.
- (2) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner and subsection (1)(b) of this section applies, the holder shall attempt not later than ninety (90) days after receipt of the notice or indication to confirm whether the apparent owner is deceased.
- (3) If the holder does not send communications to the apparent owner of an account described in subsection (1) of this section by first-class United States mail, the holder shall attempt to confirm the apparent owner's interest in the property by sending the apparent owner an electronic-mail communication not later than two (2) years after the apparent owner's last indication of interest in the property. However, the holder promptly shall attempt to contact the apparent owner by first-class United States mail if:
  - (a) The holder does not have information needed to send the apparent owner an electronic-mail communication or the holder believes that the apparent owner's electronic-mail address in the holder's records is not valid;
  - (b) The holder receives notification that the electronic-mail communication was not received; or
  - (c) The apparent owner does not respond to the electronic-mail communication within thirty (30) days after the communication was sent.
- (4) If first-class United States mail sent under subsection (3) of this section is returned

to the holder undelivered by the United States Postal Service, the property shall be presumed abandoned three (3) years after the later of:

- (a) Except as provided in paragraph (b) of this subsection, the date a second consecutive communication to contact the apparent owner sent by first-class United States mail is returned to the holder undelivered;
- (b) If the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or
- (c) The date established by subsection (1)(b) of this section.

**Effective:** July 14, 2018

**History:** Created 2018 Ky. Acts ch. 163, sec. 5, effective July 14, 2018.