

161.480 Statement of member -- Designation of beneficiaries.

- (1) (a) Each person, upon becoming a member of the retirement system, shall file a detailed statement as required by the board of trustees and shall designate a primary beneficiary or two (2) or more cobeneficiaries to receive any benefits accruing from the death of the member.
(b) A contingent beneficiary may be designated in addition to the primary beneficiary or cobeneficiaries. The member may name more than one (1) contingent beneficiary.
(c) Any beneficiary designation made by the member, including the estate should the estate become the beneficiary by default, shall remain in effect until changed by the member on forms prescribed by the Teachers' Retirement System, except in the event of subsequent marriage or divorce. Subsequent marriage by the member shall void the primary beneficiary and any cobeneficiary designation, even that of a trust, and the spouse of the member at death shall be considered as the primary beneficiary, unless the member subsequent to marriage designates another beneficiary. An individual who is married prior to becoming a member of the retirement system and remains married at the time of becoming a member shall have his or her spouse considered the primary beneficiary, unless the member designates another beneficiary. A final divorce decree shall terminate an ex-spouse's status as either primary beneficiary, cobeneficiary, or contingent beneficiary, unless subsequent to divorce the member redesignates the former spouse as primary beneficiary, cobeneficiary, or contingent beneficiary.
(d) To the extent permitted by the Internal Revenue Code, a trust may be designated as beneficiary for receipt of a member's accumulated account balance in the retirement system as provided under KRS 161.470(7). A final divorce decree shall not terminate the designation of a trust as beneficiary regardless of who is designated as beneficiary of the trust.
(e) In the event that a member fails to designate a beneficiary, or all designated beneficiaries predecease the member, the member's estate shall be deemed to be the beneficiary, unless the member is married at the time of his or her death, in which case the spouse shall be deemed the beneficiary.
(f) Members may designate as beneficiaries only presently identifiable and existing individuals, or trusts where otherwise permitted, without contingency instructions, on forms prescribed by the retirement system.
- (2) The provisions of this section shall be retroactive as they relate to election of beneficiaries by members still in active status on the effective date of this section. The provisions of this section shall not apply to any account from which a member is drawing a retirement allowance or to the life insurance benefit available under KRS 161.655.

Effective: January 1, 2022

History: Repealed and reenacted 2021 Ky. Acts ch. 157, sec. 15, effective January 1, 2022; and amended ch. 192, sec. 7, effective June 29, 2021. -- Amended 2018 Ky. Acts ch. 107, sec. 50, effective July 14, 2018. -- Amended 2010 Ky. Acts ch. 164,

sec. 5, effective July 1, 2010. -- Amended 2008 Ky. Acts ch. 78, sec. 5, effective July 1, 2008. -- Amended 2004 Ky. Acts ch. 121, sec. 6, effective July 1, 2004. -- Amended 2002 Ky. Acts ch. 275, sec. 12, effective July 1, 2002. -- Amended 1994 Ky. Acts ch. 369, sec. 6, effective July 1, 1994. -- Amended 1992 Ky. Acts ch. 192, sec. 5, effective July 1, 1992. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 504, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 363, sec. 6, effective July 1, 1988. -- Amended 1978 Ky. Acts ch. 152, sec. 6, effective March 28, 1978. -- Amended 1976 Ky. Acts ch. 351, sec. 6, effective July 1, 1976. -- Amended 1966 Ky. Acts ch. 16, sec. 3. -- Amended 1964 Ky. Acts ch. 43, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4506b-29.

Legislative Research Commission Note. (1/1/2022). This statute was amended by 2021 Ky. Acts. chs. 157 and 192, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (12/13/2018). On December 13, 2018, the Kentucky Supreme Court ruled that the passage of 2018 SB 151 (2018 Ky. Acts ch. 107), did not comply with the three-readings rule of Kentucky Constitution Section 46 and that the legislation is, therefore, constitutionally invalid and declared void. That ruling applies to changes made to this statute in that Act.