

**286.8-160 Records to be kept by company -- Filing of financial report and correcting amendment -- Requirements if business discontinued -- Location of records -- Request for destruction of records.**

- (1) Every mortgage loan company and mortgage loan broker shall make and keep such accounts, correspondence, memoranda, papers, books, data, and other records used in the mortgage lending process:
  - (a) As the commissioner prescribes; or
  - (b) That are required by federal law.
- (2)
  - (a) Except as provided in paragraph (b) of this subsection, the records governed under this subtitle shall be preserved for such time as the commissioner may by regulation or order require, not to exceed a period of five (5) years after a mortgage loan application is completed, whether approved or rejected, or on mortgage loans paid in full, whichever is longer.
  - (b) Records shall be held for longer than five (5) years where federal law prescribes or supersedes this section.
- (3) Records required to be preserved under this subtitle:
  - (a) May be kept in an electronic retrievable format, or other similar form of medium, that is readily accessible to examination, investigation, and inspection by the commissioner; and
  - (b) Shall not be maintained at any alternate work location.
- (4) Every mortgage loan company and mortgage loan broker shall file financial reports as the commissioner prescribes.
- (5) If the information contained in any document filed with the commissioner is or becomes inaccurate or incomplete in any material respect, the person who filed the document shall promptly file a correcting amendment.
- (6) Any person who ceases operating as a mortgage loan company or mortgage loan broker under the provisions of this subtitle shall, prior to the discontinuance of business in the residential mortgage lending process, notify the commissioner of the physical location where the records required to be kept under this subtitle will be preserved. The records shall be made accessible to the commissioner upon five (5) business days' written notice.
- (7)
  - (a) Any person who ceases operating as a mortgage loan company or mortgage loan broker under the provisions of this subtitle shall designate a custodian of records and notify the commissioner of the name, physical address, electronic mail address, and telephone number of the custodian of records.
  - (b) The custodian of records shall preserve all records required under this subtitle and allow the commissioner access to the records for examination and investigation upon demand.
- (8) Records may be maintained by a mortgage loan company or mortgage loan broker at a location other than within this Commonwealth, so long as they are made accessible to the commissioner upon five (5) business days' written notice.
- (9) The commissioner may approve a written request for the destruction of records

required to be preserved under this subtitle prior to the minimum retention period described in subsection (2) of this section.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 125, sec. 5, effective July 14, 2022. -- Amended 2010 Ky. Acts ch. 24, sec. 781, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 175, sec. 13, effective April 24, 2008. -- Amended 1998 Ky. Acts ch. 197, sec. 13, effective July 15, 1998. -- Amended 1986 Ky. Acts ch. 461, sec. 17, effective July 15, 1986. -- Created 1980 Ky. Acts ch. 365, sec. 17, effective July 15, 1980.

**Formerly codified as** KRS 294.160.

**Legislative Research Commission Note** (7/12/2006). In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286.