

286.3-060 Oath required of each director before transacting business and upon any election or reelection -- Oath to be filed with commissioner and subject to review -- Duty of officer or director.

- (1) A newly chartered state bank or trust company shall not transact any banking or trust business until each director of the institution executes, in writing, an oath of office which shall:
 - (a) State in substance:
 1. That he or she is a citizen of the United States, and the State of Kentucky, or, if not, the place of his or her residence;
 2. That he or she will faithfully discharge the duties of the office and administer the affairs of the institution, so far as the duties of the office require; and
 3. That he or she will uphold the laws of Kentucky, and particularly the banking and trust laws;
 - (b) Be executed and acknowledged before any officer authorized to administer oaths; and
 - (c) Be forwarded to the commissioner for filing.
- (2)
 - (a) The oath of office required under subsection (1) of this section shall be executed or reexecuted, as applicable, upon the election of any subsequent director or reelection of any director.
 - (b) Any oath of office executed by a subsequent or reelected director shall be:
 1. Maintained by the state bank or trust company; and
 2. Subject to review at examination.
- (3)
 - (a) Each officer and director of a state bank or trust company shall discharge the duties and responsibilities of his or her respective office or position in good faith and with the ordinary care and diligence as necessary and reasonable to administer the affairs of the state bank or trust company in a safe and sound manner.
 - (b) The provisions of this subsection and KRS 271B.8-300 apply to directors.
 - (c) The provisions of this subsection and KRS 271B.8-420 apply to officers.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 152, sec. 15, effective July 15, 2024. -- Amended 2010 Ky. Acts ch. 24, sec. 618, effective July 15, 2010; and ch. 28, sec. 7, effective July 15, 2010. -- Amended 1998 Ky. Acts . 196, sec. 6, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 212, effective July 15, 1996. -- Amended 1984 Ky. Acts ch. 324, sec. 8, effective July 13, 1984. -- Amended 1976 Ky. Acts ch. 324, sec. 2. -- Amended 1970 Ky. Acts ch. 209, sec. 2, effective June 18, 1970. -- Amended 1946 Ky. Acts ch. 175, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 165a-20.

Formerly codified as KRS 287.060.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts chs. 24 and 28, which are in conflict. Under KRS 446.250, Acts ch. 28, which was last enacted by the General Assembly, prevails.

Legislative Research Commission Note (7/15/2010). A reference to the "executive

director" of financial institutions in subsection (2) of this section, as amended by 2010 Ky. Acts ch. 28, sec. 7, has been changed in codification to the "commissioner" of financial institutions to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Orders 2009-535 and 2009-1086 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. This change was made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

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, and KRS references within this statute have been adjusted to conform with the 2006 renumbering of that code.