

286.3-145 Trust company -- Scope of activities -- Acquisition of office within or outside of this state by trust company -- Rights, privileges, obligations, and liabilities of selling trust company.

- (1) A trust company:
 - (a) May, at its trust office or offices in Kentucky or any other state or foreign country, act as a fiduciary and engage in other trust business as permitted by Kentucky law or the applicable law of the state or foreign country; and
 - (b) Shall not, at its trust representative office or offices in Kentucky or any other state or foreign country, act as a fiduciary, but it may engage in other trust business at the office or offices as permitted by Kentucky law or the applicable law of the state or foreign country, including but not limited to marketing, soliciting, and operations.
- (2) A trust company may conduct trust business in a state other than Kentucky or a foreign country, to the extent the activities are:
 - (a) Permissible for an out-of-state or a foreign trust company organized under the laws of the host state or foreign country; and
 - (b) Not expressly prohibited by the laws of this state.
- (3) (a) A trust company shall have and continuously maintain a principal office in this state.
 - (b) A trust company may establish, or acquire and maintain, additional trust offices or trust representative offices in this state, a state other than Kentucky, or a foreign country.
- (4) (a) A trust company desiring to establish, or acquire and maintain, an office or offices, in addition to its principal office, shall:
 1. File a written application on a form prescribed by the commissioner, which shall include:
 - a. The name of the trust company;
 - b. The location of the proposed office or offices;
 - c. The designation of the additional office or offices as trust offices or trust representative offices; and
 - d. For any office or offices proposed to be located in a jurisdiction other than this state, an affirmation that the laws of the jurisdiction permit the office or offices proposed by the trust company;
 2. Furnish the commissioner with a copy of the resolution adopted by the board of directors authorizing the additional office or offices; and
 3. Pay the filing fee, if any, prescribed by the commissioner.
- (b) (a) An application made under paragraph (a) of this subsection shall be deemed approved on the thirty-first day after the date the commissioner receives the application, unless the commissioner:
 - a. Specifies an earlier or later date; or
 - b. Extends the review period under subparagraph 2. of this paragraph.

2. The commissioner may extend the thirty (30) day review period provided under this paragraph if he or she determines that additional information or time for analysis is required.
 3. If the review period is extended, the trust company shall not be authorized to commence business at the proposed office or offices until the trust company receives written approval from the commissioner.
- (c) The commissioner may deny an application for an additional office or offices if the commissioner finds that:
1. The trust company lacks sufficient financial resources to undertake the proposed expansion without adversely affecting its safety or soundness;
 2. The proposed office or offices would be contrary to the public interest;
or
 3. The proposed expansion is not authorized by applicable law.
- (5) (a) A trust company acquiring an office in this state, any other state, or a foreign country shall provide evidence to the commissioner that all fiduciary obligations and liabilities of the trust company being acquired have been properly discharged or assumed.
- (b) An acquiring trust company shall succeed by operation of law to all of the rights, privileges, and obligations of the selling trust company.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 152, sec. 21, effective July 15, 2024. -- Created 2011 Ky. Acts ch. 67, sec. 3, effective June 8, 2011.